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public the private business of the railroad companies. But I respond that a railroad company has no private business; it is the mere agent of the public's business connected with the railroad. The evils that publicity will remedy, while they are in part at least conjectural, must be almost incalculable in their baleful effects. At present the railroad directors and managers seem to be accountable to no one. The stockholders, and by the way the stock is largely held by the public, have no means of knowing how much of the revenue of the road is given in rebates, how much is subscribed for campaign purposes, how much used in influencing legislation.

Under the present régime it is altogether possible for the management of a railroad to make its stock comparatively worthless one year and of great value the next, while its business remains nearly uniform. For example, one of the great anthracite coal-carrying roads, a majority of whose stock is owned by the owners of the great coal mines, a little over a year ago was selling at 45 cents which to-day is quoted at $1.61. The freight on coal was as high then as now. It was approximately doing the same amount of business. It would appear that some one has noticed the handwriting on the wall and concluded that the time was approaching when those who would receive the earnings of that great road must own its stock. Publicity would injure no honest interest. It would go far indeed to restrain that species of robbery which is affected by deception and cunning.

While I have the profoundest respect for all the constitutional safeguards surrounding private property and protecting vested interests, I favor with all my heart this legislation that will give to the Interstate Commerce Commission the power to substitute a reasonable rate wherever an unfair rate has been found to exist, and to substitute a proper rate for one that is discriminatory.

Much has been said and printed upon this subject. All the powers of human ingenuity have been taxed to the uttermost to find objections to this plain, conservative remedy. It has been said that it will unsettle and confuse the existing system of rates. There is no authority in this bill to interfere in the slightest degree with any existing railroad that is doing its duty. The only railroad that can possibly be affected thereby is one that is willfully disregarding its legal obligations by taking advantage of its official position to despoil the interstate commerce of our country by taking extortionate tolls or that has offended by unjust discrimination.

To wholly escape interference the railroad company has but to do its duty—observe its contract obligation which it took upon itself when it first accepted its charter and it can in no manner be affected.

I have been surprised how many dispute the plain proposition that the railroads are public property and the railroad companies public servants. They seem to be afflicted with an intellectual perversity that compels them to combat this doctrine, although every railroad company in America has asserted it again and again. They have obtained judgments in all the courts of record from Maine to California that were predicated upon nothing else. They repeat and re-repeat the vicious, wicked legal heresy that the railroads are private property, as though they expect by so doing, after a time, to give it the force and effect of law and thereby to confiscate the public's rights in the nation's highways.

Can it be that public officials free from all improper influences, sworn to perform their duty, all of whose transactions are to be public, keeping a record open to all the public, are less capable of doing impartial justice than railroad officials, whose pockets are filled with gift stock in the principal shipping corporations along the line, who are accountable to no one except a board of directors elected by a majority of the stock gathered together, perhaps, at the expense of millions?

Recurring again to the speech of my colleague from Ohio, delivered in the last Congress, we find the statement "that in Ohio there is a constitutional provision that absolutely prohibits the State legislature, in its own behalf or in the behalf of individuals, to contribute one dollar of money to the building of a railway, and there is not within the geographical limits of Ohio one foot of railway built by public money, unless it was before the constitution of 1851." That is true, Mr. Chairman, and the gentleman seemed to regard it as a conclusive argument combating the proposition for which I contend. There is, however, in every charter granted in the State of Ohio full and complete specifications of the public improvement which the corporation must construct and build for the public, and the corporation covenants and agrees to build exactly the road specified by the State when it accepts the charter. It takes in lieu of its money expended in construction and in operation a franchise to collect reasonable tolls, to remain in the possession of the railway forever maintaining and operating it. It is true that the legal title—the mere naked legal title to the land occupied—stands in the name of the railroad corporation. But it is a mere naked legal title, without one particle of beneficial use whatever. The use is vested forever in the public. Not one of the stockholders, nor all combined, have a right to use that highway for their own private purposes because they are stockholders, but only because they, like you and I, are members of the public. Why, this is elementary in the law. Every tyro knows it.

And what is ownership but the right to use and enjoy, secured to one by the operation of law? Such ownership every member of the American public has to every railroad in America. My distinguished colleague from Ohio, evidently in a desire to invoke and throw around this legislation something of difficulty, begged of us to remember, in his very eloquent speech, that the railroad corporations got privileges and rights from the State governments; begged us to remember that the right of eminent domain came from the State governments. Well, what of it? The right of eminent domain comes from the people, from the public. The public domain inheres in the American public. There are not forty-five public domains nor is there one great public domain, a fragment of which belongs to the people of each State and a tattered remnant of which belongs to the National Government. But there is one great public domain that belongs entire to the American people and over this, within its limitations under the Constitution, the National Government may divest any part of that public domain from private ownership and devote it to the public weal. So the various State governments, which within certain limitations are also the agents of the American public, may, within their constitutional limitations, exercise this power.

The citizen living in Maine has secured to him by the law and the Constitution the right to use and enjoy the railroads in California and Texas. To paraphrase the language of the distinguished Justice Black in the speech to which I have referred:

> The American railroad corporations, wherever located, are charged with the duty of seeing that every needed facility for the use of the thoroughfare under its care shall be furnished to all American citizens upon equal terms, like the justice promised in Magna Charta, without sale, denial, or delay.

In this connection I can not refrain from again recurring to the speech of my colleague from Ohio in the last Congress, where we have a legal opinion impliedly expressed which I might characterize as something good, something new, something which nobody knew before. It is set forth in this language:

> If the General Government can fix the price of railroad transportations, why not the price of the labor which is a necessary incident of railroad transportation? If it is just and right and intelligent to fix the price upon which a train load of freight can be carried from New York to San Francisco, why, as an incident of that power, is it not just to fix the price of the hired men who are necessarily required to handle that freight?

Here in these rhetorical questions we have the expression of a legal opinion that there is no distinction between the Government control of railroad rates and Government control of strictly private property secured by all the guaranties of the Constitution, such as coal mines or one's own personal labor. To this opinion we must accord the merit, if it be a merit, of entire originality. It might be said to be a legal opinion "after the order of Melchizedek," for it is absolutely without antecedent in all the literature of the law, and yet my distinguished colleague, believing that the right to control transportation was a strictly private right like the ownership in a coal mine or a blast furnace, voted for the Esch-Townsend bill in the last session in obedience to what he stigmatizes as "a mere public clamor." This opinion and this act makes perfectly consistent what the gentleman said about our being well on the way to socialism, to Government control of corporations, etc. I deny, in the first place, that the widespread demand for this legislation that has found voice from one end of this land to the other is "a mere public clamor." It is, upon the other hand, a great, persistent, determined appeal of an earnest people calling for justice, calling, too, strictly within their constitutional rights, calling for legislation not new in its principle, revolutionary in its operation, but for legislation that will restore the ancient landmarks; that will be a getting away back to first principles.

It would have been competent for the Legislature to have fixed a complete schedule of rates in the charter of every railroad corporation; but it would have been unwise, as rates should change or vary with changing or varying conditions. The courts have universally held, wherever the question has come up, that the making of a railroad rate is a legislative act.

For fifty years railroad corporations have exercised this legislative function, which was conferred upon them by mere implication. If the Legislature could delegate this power by implication alone to the railroad corporations, what possible reason can gentlemen conjure up in their minds why the Legislature may not, by expressed terms, by a carefully considered enactment, empower a public commission to supervise their actions? In every one of their charters when they took them was written the existing law as it then was, and it was understood to be a part of their contract with the public that their rates should always be reasonable.

Members of the public in dealing with the roads as a rule do not stand upon an equality from the very nature of the business transacted between the railroad and the individual. He in ordinary cases is not able to protect himself. He is absolutely at the mercy of the railroad corporation, and it is a very mockery of a remedy to suggest that if he is not treated squarely and fairly upon the highway built for him he can have a remedy in the courts. In a multitude of cases the entire value of the shipment which the citizen desires and has a right to make would not be sufficient to pay a good lawyer for his opinion as to what remedy he could get in the courts.

As to how the unfair treatment of the shipper by the railroad would be corrected by the plan of procedure in the courts we may illustrate it fairly by what one of its advocates urges in its favor. Recurring again to the speech of my colleague from Ohio, I quote his exact language:

> Why, Mr. Chairman, in the State of Ohio very recently a great north and south railroad line refused to attach the switch of a coal producer to its main track and claimed that it had coal enough contracted for all its carrying possibilities. This coal was interstate-commerce coal, mined for interstate-commerce purposes, sold for interstate-commerce purposes, coming clearly within the scope and purview of the Addyston Pipe case. A suit was brought in the State court to oust that railroad company of its charter and put it in the hands of a receiver because it did not do its duty by its patrons and because it discriminated in favor of the few. There was no statute on that topic in Ohio. There was the common-law remedy. The suit was brought, and it was hotly contested, until the railroad company, upon the hearing of motions and demurrers preliminary to the great struggle that was to come upon the question of fact, saw the handwriting on the wall and yielded and took on the switch.

Now, let us assume that this controversy had arisen over a typical case. Let us assume that a farmer had asked for a car to carry his hogs to market. The railroad company refused him and claimed that it had hogs enough contracted for all its carrying possibilities. These hogs were interstate-commerce hogs, raised for interstate-commerce purposes, sold for interstate-commerce purposes. A suit was brought in the State court to oust that railroad company of its charter and put it into the hands of a receiver, because it did not do its duty by its patrons and because it discriminated in favor of the few. There was no statute on that topic in Ohio. There was the common-law remedy. The suit was brought, and it was hotly contested until the railroad company, upon hearing of motions and demurrers preliminary to the great struggle that was to come upon the question of fact, saw the handwriting on the wall and yielded and took on the hogs. Why, the farmer, anticipating unfair treatment upon the part of a carrier in a case like this, would have to ask for a car before he commenced to fatten his hogs.

When the children cry for bread, would you give them a stone? So it is that the American people, fretted and oppressed and annoyed by petty grievances against the management of their own great highways, have been led to look upon that bill which seeks to remedy these things by granting new courts and new procedure in courts as a very mockery. They regard it as a legislative gold brick.

And while the bill which we present may have in it errors and shortcomings, it is a long step in the right direction. It is in accord with the great public wish and will. It recognizes the true character of the railroad. It is not in the direction of Government possession and control of railroads. Upon the other hand, that threadbare heresy that railroads are private property stands right down the broad highway leading to Government possession. If the railroads are private property, there is no legal, no constitutional barrier to prevent their being taken by the Government for public use. If, upon the other hand, their status is as I contend—if they are now the property of the people, placed by solemn covenant and contract in the possession and control of railroad corporations—that principle stands barring forever the approach to Government possession, and we can have Government possession only by anarchy or revolution.

Tell me, ye students of the Constitution, where is there vested anywhere in our Government power to terminate this contract or to violate this solemn covenant? The several States in granting railroad charters were acting clearly within their power as agents for the American people. And the contract thereby made binds the American public, where those charters are perpetual, forever. It will scarcely be contended that there is any power either in the legislature or in the courts to annul or advoid a contract thus duly made and ratified.

It has been suggested here that there is an undefined zone between a fair rate under this bill and a confiscatory rate. I do not think so. A fair rate, a fairly compensatory rate, whatever that may be, the railroad has an absolute right to have. The word "compensatory" fixes the manner in which that rate shall be determined. It puts a quietus to the nonsense about railroad rates being determined by what the traffic will stand. It is to be a fairly compensatory rate. Now, whatever that is, if the rate fixed by the Commission be the fraction of one poor cent lower than a fair compensatory rate, it becomes confiscatory to that extent, because that rate is fixed by contract. Ninety-nine per cent of the railroad charters in America were issued and taken when the law was clearly defined in the decisions of this country that the right of the railroad was to have a fairly compensatory rate.

Something has been suggested here about whether or not the Legislature of the United States has power to delegate to a commission what this bill provides it shall do. It seems there can be no question in this regard. I shall not cite authorities, but I wish to call the attention of this House to the fact that there is no distinction between what we ask this Commission to do and what county commissioners all over the country do now.

Mr. HENRY of Texas. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. KENNEDY of Ohio. Certainly.

Mr. HENRY of Texas. The gentleman is a member of the committee, as I understand it?

Mr. KENNEDY of Ohio. Yes, sir.

Mr. HENRY of Texas. I desire to ask the gentleman a question for information. On page 10 of this bill I find this language:

> That the Commission is authorized to determine and prescribe what will in its judgment be the just and reasonable and fairly remunerative rate of charges.

Then I find on page 11 where you authorize an appeal that the rate shall be kept in effect until it be suspended or set aside by a court of competent jurisdiction. Now, suppose that the Commission fix a rate that is not just and reasonable and fairly remunerative and at the same time is not confiscatory. Now, is it the intention of this bill to authorize an appeal to the court so that they may set it aside, not on the ground of confiscation, but on the ground that it is not a just and reasonable and fairly remunerative rate, and to give them a better jurisdiction to determine that question?

Mr. KENNEDY of Ohio. Why, if I understand the gentleman's question, a rate that is less than a fairly remunerative rate must to the extent it is less be a confiscatory rate.

Mr. HENRY of Texas. One that is less than a fairly remunerative rate would be confiscatory?

Mr. KENNEDY of Ohio. If it be less than a fairly remunerative rate it must of necessity be confiscatory, because the right to charge a fair rate is not for the first time granted in this bill. It has been an absolute right to the railroad ever since it was built.

Mr. HENRY of Texas. Now, you construe "fairly remunerative" to mean "confiscatory."

Mr. KENNEDY of Ohio. No; a fairly remunerative rate is not confiscatory.

Mr. HENRY of Texas. Why not strike out the language "fairly remunerative?" I would just like to know the meaning of that term.

Mr. KENNEDY of Ohio. It is a direction to the Commission as to how they shall determine a rate. Under this language in the bill I take it that the rule of fixing rates which the railroad companies have said that they follow—to charge what the traffic will bear—is condemned by this phrase. Railroads being public highways, I contend that a city having but one railroad, and not needing two—there being no reason why the public should be taxed for the building of two roads—the people living in that city on a single road should have as fair rates as though there were dozens of railroads there. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HEPBURN. Mr. Chairman, I yield to the gentleman ten minutes more to conclude his remarks.

Mr. KENNEDY of Ohio. Mr. Chairman, no vested right of or contract obligation to the railroad companies will be disturbed in the least. Their right to the possessions of the railroads themselves must not be interfered with; their enjoyment

of every franchise which was granted them is to be held sacred. The publicity which we seek will immensely benefit the stockholders and employees of the railroads, for then railroad earnings which are legally collected for the benefit of stockholders and to pay operating expenses can no longer be stolen from the public funds and devoted to illegal uses. Railroad stocks should immediately be enhanced in value by Government inspection. This should be welcomed by all stockholders in railroads, as the security and protection from imposition and fraud thereby accruing to them would be as great as the security given to the owner of bank stock by the official inspection of United States banks.

In their crusade against this legislation the railroad companies took occasion to excite the fear of their employees that this legislation would affect the ability of the roads to pay good wages. I wish to illustrate the groundlessness of this fear by a simple illustration. Certain lines of railroad carrying coke from the Connellsville district to South Chicago during the year 1903 gave to a little terminal railroad in its division of a two-dollar rate from Connellsville to South Chicago 70 cents on every ton. This amounted to one and a quarter million dollars during that year, which was $1,000,000 at least more than the terminal road had any decent claim to. The two-dollar rate was a fair rate, and the roads doing the work gave up because of lack of proper Government supervision and control a round million that ought to have been kept in their treasuries to pay workmen and to pay dividends on their stock. This money would have given to each conductor who gave an order with reference to these coke trains a salary of $5,000; to every engineer who pulled a throttle to move one of these trains $5,000 a year, and to each brakeman that adjusted a coupling pin upon one of those cars $1,000 more than he got and still have money left in the treasury of the company to have paid something at least in addition to what was paid to the stockholders.

I congratulate the country in this latter-day awakening, this revival of political integrity, this widespread national movement to have everywhere a square deal. We have in the Presidential chair a great leader; a leader whose training and development for the work of this generation must have commenced ages before he was born. Without such a leader our cause would be well-nigh hopeless. In a crusade like this the efforts of the people have seemed to be paralyzed because they have not known whom they could trust. His splendid courage, his devotion to high ideals, his prejudices in favor of old-fashioned, common honesty, justice, and truth have assured us that not all the seductive songs of all the sirens to tempt him from the good old ship's helm would cause him to steer a crooked course. Behind him and us in this matter stands a great, united people, strong and consistent in their love for constitutional law and respect for private property. I repudiate indignantly every imputation that attributes to the great public—when it asserts this, its rights—any ungenerous purpose to disregard the rights of private property.

I am not of that number who believe that justice and generosity will perish from the earth when this generation passes away; and I do know that no man has an honest fear for which he can give a reason that when the American people, now pressing their demand for simple justice, now claiming the exercise of that power which belongs to them and to which they have a clear right, shall come into the possession of their own will exercise that power in any other than a generous spirit. We are not on the road to socialism or anarchy or Government possession. The American people do not favor any of these things. They can be more safely trusted than any single man. It has been said that the voice of the people is the voice of God. It certainly can be asserted that the long-suffering patience of the American people has been like the patience of God, and it requires no prophet to assert that the generosity of the American people toward everything of merit will continue to be magnanimous and fair, even after we have passed away.

The people want simply a square deal—

And shall we not give them justice? Great God! For justice all times are opportune and every place a temple.

[Loud applause.]

Mr. MANN. Mr. Chairman, I yield the gentleman from Illinois, my colleague [Mr. STERLING], such time as he may desire.

Mr. STERLING. Mr. Chairman, the great importance of this bill is not found in its provisions, although its practical operation, if it becomes a law, will do much, I hope, to remedy existing evils, and more to prevent the further encroachment by transportation methods upon the natural law of commerce.

If this bill becomes a law, as important as it is, the most important feature of it will be the fact of its passage. It will indicate that Congress is facing in the right direction and that it will not hesitate to exercise its power under the Constitution to regulate great public utilities when conditions demand it in the interests of the people.

The present-day centralization of great wealth and consequent great power about public utilities creates a condition which will eventually result in one of two alternatives, either Government regulation or Government ownership of these vast properties.

The first is the supremely preferable alternative. Indeed, it seems to me to be the only alternative that can be accepted by fair and enlightened minds, and the only one that conserves the interest of the public or the individual.

The presentation of this bill in this House, the unanimous report of this committee, without regard to party, recommending its passage, and the fair prospect of it becoming a law are all benignant signs that the Congress of the United States has set out upon a consistent and conservative course to regulate by law these ever-increasing forces, which, although they have wrought much good, are susceptible of working much harm.

I believe this measure to be conservative. It does not involve a subject that requires radical or extreme action, nor is it a theme that will justify intemperate speech. It calls for a cool and fair discussion of the legal and practical aspects of railroad-rate legislation as proposed by its provisions.

Public agitation has brought forth a flood of light. Much has been said and written on either side of the question since the discussion began. One year ago the public mind on both sides of the question was groping in the dark. One side believed that the merger of vast railroad interests had no other design and could necessarily have no other result than the oppression of the people. The other side feared that the strong public sentiment which prevailed would bring about legislation that would result in the practical confiscation of the properties of the railroad companies. The happening of either of these things would have been highly injurious both to the people and to the railroads. In this day when transportation enters into the commercial life of the people so largely the welfare of the railroads and the welfare of the people are interwoven and necessarily inseparable. When the needs of every community demand the products of every other community transportation becomes an important factor in the prosperity of every citizen. Transportation is the most important element in all commerce because it touches every individual, and hence the necessity of a just and fair regulation of it.

Much has been said through the press on the legal aspect of the right of Congress to legislate on this question. If Congress has the express power under the Constitution to pass such legislation as this, it is contained in the clause which gives Congress the right to regulate commerce between the States. It has been contended that this clause does not confer the power to regulate railroad-rate charges because the framers of the Constitution did not and could not have had such regulation in mind when they framed that instrument. It is probably true that the Convention had only in mind some plan whereby the Central Government could prevent and avoid the restrictions and limitations which the several States under the Articles of the Confederation could and sometimes did impose on commerce coming from the other States. It was certainly the main purpose of that Convention to place the General Government in a position to make trade between the States as free as possible; and to take away from the State that power to levy duty against a sister State, which had done so much to engender rancor and local prejudices under the confederation.

It may be conceded, too, that no member of that Convention ever thought that the power delegated by that clause would be appealed to to regulate the charges of a common carrier. Certainly it was not thought that railroad companies would be affected by it, for they did not exist for more than forty years after its adoption. The framers, in all their wisdom, never dreamed of present conditions. They never knew the extent of the country and its resources and the immense possibilities of development. They supposed that rivers and canals would continue forever to be the great highways of travel and transportation. How could they have had in mind present conditions or the application of that clause in the Constitution to present conditions? There is no possibility of a quarrel as to the facts.

But, Mr. Chairman, I submit it is a most narrow rule that construes the Constitution literally by what the framers had in mind at the time of its adoption. If John Marshall and the great expounders of that instrument had always interpreted it strictly by what the Convention had in mind when framing it, we would have long since outgrown it. But it seems as well suited to the needs of this generation as any former generation. This is due largely to the fact that courts and judges

have been large enough to construe it in the light of conditions existing at the time the interpretation was made rather than in view of what the makers of the Constitution had in mind when the instrument was made. The framers of the Constitution were wise enough to make use of the most general, rather than specific terms, and our courts have been wise enough to give to those terms their broader rather than their narrower meaning. It is literally true to say that our organic law has grown great to meet the needs of a great nation. The Constitution is our Constitution, and the courts ought and will interpret it in the light of our needs and conditions, so far as it is reasonably open to interpretation; and thus it becomes an aid instead of a hindrance to the progress of civilization.

I submit, Mr. Chairman, that the framers of the Constitution never had in mind the great railway mail system of the present day—a system put into direct operation by Congress through that power delegated to it to "establish post-offices and post-roads"—yet is it not as reasonable to say that Congress transgressed the Constitution then because it exercised that power in a way never thought of as to say Congress now transgresses the Constitution because it proposes to regulate interstate commerce by the exercise of its constitutional power in a way not thought of in the beginning?

I am certainly of the opinion that when the courts come to pass on the constitutionality of a great public law like this they will apply those two rules of construction, which authorize them to consider the conditions to which the law relates and which require them to give to the terms of the Constitution their broadest significance.

Let me suggest in this connection, Mr. Chairman, that it is not impossible, and may be probable, that now, when the conditions of the life insurance business presents such strong reasons for Federal supervision, the courts would hold that life insurance transactions are commerce. The aspect of the thing involved has much to do with judicial determination. When a new departure is proposed, we are often prone to ask ourselves the question, Can it be done? We sometimes reach a negative conclusion at first thought simply because it never has been done.

Recurring to the bill before the House, there is another class of logicians who admit that Congress has the power, under the interstate-commerce clause of the Constitution, to fix rates for interstate transportation, but deny it the power to delegate the authority. Of course no legislative body can delegate the authority to legislate. Congress can not give to the Interstate Commerce Commission, or to any other tribunal, the right to make laws. These are purely first principles. The legality of the main provision of the law, then, hinges on the proposition as to whether the authority which Congress proposes to confer on the Commission is legislative in its character.

Section 15 of the bill, stripped of all collateral verbiage, provides as follows:

> The Commission is empowered, and it shall be its duty, whenever, after full hearing upon complaint made, it is of the opinion that any of the rates or charges are unjust or unreasonable, to determine and prescribe what, in its judgment, is a just and reasonable and fairly remunerative rate, to be thereafter observed in such cases as the maximum rate.

Section 1 requires all common carriers to establish "just and reasonable rates" for the transportation of passengers and property.

When Congress has said that a rate shall be "just and reasonable," it has prescribed a rule of conduct, and that is a fair and ancient definition of law. It has defined the character of the rate to be fixed. It would seem that when the legislature has done that it has exhausted the legislative function. The act of ascertaining whether a certain rate comes within the rule laid down by the law or, in other words, whether a certain rate is "just and reasonable" is merely the finding of a fact, and hence an act purely administrative of the law.

If in the performance of this administrative act the Commission discovers that the rate complained of is unjust and unreasonable, then there necessarily flows from the same act the finding of another fact, and that is the fact that a certain other rate is just and reasonable. The act of the Commission is simply the act of a master in chancery or a referee. It finds the fact. It notifies the parties in interest. If they are content, they abide by it. If not, they can have the finding reviewed by the court.

So far as my observation goes, those who contend that such a law is unconstitutional, on the ground that it delegates legislative power to the Commission, start with the assumption that to find a fact like that of ascertaining a "just and reasonable" rate is a legislative function. With this assertion as a starting point, they very readily and logically reach the conclusion which they desire, viz, that this provision violates the Constitution.

I can conceive that it is entirely proper for the legislature itself to find the fact, to ascertain the rate, and insert it in lieu of the description "just and reasonable," but such an act is by no means necessarily a legislative act, and in this case would be so impracticable as to amount to an impossibility. Nor is the finding of a fact necessarily a judicial function. It may be and often is a judicial duty. A purely judicial function consists of the application of the law to the fact.

I well remember when I was a boy there was a strong public sentiment in the State where I lived for a law limiting rate charges for passengers and freight. This agitation was the basis of the granger movement. Legislatures were elected on that issue. It was contended that such a law was in violation of the rights of ownership of property. It said that it took away from the person his inherent authority over his own property, and that if the government could dictate to common carriers the price they should charge for the use of their property the same rule must extend to all persons under the law, and that it meant merely the power to confiscate at the will of the legislature. Of course all such argument is disposed of by the one fact that common carriers are charged with a public use. A railroad is a quasi-public utility.

Since then many, if not all, of the States have placed limitations on rate charges by legislative action. These laws have been sustained by the courts. Not only have the State legislatures prescribed maximum rates in specific terms, but they also have prescribed what rates should be reasonable, and imposed upon some other tribunal the duty of ascertaining what rate is reasonable. The courts have also sustained these enactments.

Let us reason, then, by analogy. The States, having general dominion over commerce within their boundaries, can regulate railroad rates, so also the Federal Government, having general dominion over commerce between the States, can regulate railroad rates. The conclusion is irresistible.

There is still another ground, and to my mind a very safe one, on which Congress can justify this measure. That is the broad ground of public policy. If the Constitution were silent we would be not wholly at sea on this question. Legislatures and courts have made countless laws for the sake of public policy. As a general legal proposition that which is in contravention of public policy is void. The first true consideration of every public body is the public good. Every man must mold his rights to fit into and not transgress the public welfare.

If we go back to first principles we will be reminded that in England not very long ago the price and charge of almost every tradesman was fixed by law. It was justified on the ground of public policy and rendered necessary by existing conditions. The blacksmith and the innkeeper had their charges prescribed by statute. The size and price of every loaf of bread was fixed by ordinance. The condition was that each community had but one tradesman of a kind, and thus there could be no competition. There were no means of transportation by which a manufacturer could invade the territory of another engaged in the same line. Hence it was that each producer had a veritable monopoly in his community. For the public good, Government assumed the right to fix the rates. Then monopoly was made possible for the want of transportation; now it is made possible by reason of transportation. The facilities for carrying commerce are so great and so universal that one shipper, if he is powerful enough to control these instrumentalities of trade, can invade all regions and destroy all competitors. If Government in those days could justify its strong arm in regulating rates for the purpose of defeating monopoly, so can it in these days; nor will it be answered by the cry of confiscation.

The States prescribe the rate of interest which the money lender shall receive. How can Government justify that? On no other ground than that of public policy. If it can say what remuneration shall be received by the man who has money invested in notes and mortgages, it can with equal wisdom prescribe the remuneration to the man who owns stocks and bonds.

It seems unfortunate to me that this bill does not provide that the common carrier shall own its own equipment, or at least that it shall not operate other equipment than its own or the equipment of some other bona fide common carrier. Transportation in certain lines might be greatly simplified by such a requirement, and opportunity for unfair charges, rebates, and discriminations greatly lessened.

It is true that private and refrigerator car lines have done much to develop and make possible very important industries. In this regard they have been of wonderful benefit to the people. Much of the fruit-growing lands have been made available for use by reason of the refrigerator-car service. All of the fruit-growing West has found a market in the more densely

populated East, and the East has found a supply in the fruit-growing regions of the West by means of this advanced and modern kind of transportation. It has made it possible to distribute fresh meats throughout the country, and thus this method of transportation has made itself useful and necessary to the people.

I am well aware that there are serious, but by no means insurmountable, objections to this proposition. It is urged that such a law would find the railroads of the country wholly unprepared to meet the demands in certain lines of shipment and that, as a consequence, the shippers and the public would suffer. It is also urged that it would amount to a confiscation of the cars and carrying equipment of private-car lines and of individual shippers who own their own cars. The present practice of railroad companies hauling the cars of shippers and of private-car lines has grown up under the law, and it would be a harsh provision to require the one to equip itself, or to prohibit the other from using its property, without ample opportunity to prepare for the change. The change could be required to be made gradually, and the more gradual the better for the public. When the law requiring all common carriers engaged in interstate commerce to adopt and use the automatic couplers and other safety appliances was passed, it was feared that transportation and the business of the country would be greatly interfered with during the change. There was not a ripple.

Mr. Chairman, I submit that if Congress should provide a law making it unlawful for a common carrier to haul a car, carrying freight, when the car does not belong to it, or to some other bona fide common carrier, and then provide that the Interstate Commerce Commission shall regulate the transition, that the common carriers would have ample time to equip themselves and the private-car owner or line ample time to dispose of its carrying equipment, even to consuming such equipment by use, the change could be made without loss to the parties and without injury or inconvenience to the public.

I think there has been much effort put forth through numerous publications to mislead the public as to the purpose of the Administration in recommending this legislation. The writers of these articles have sought to make it appear that it was the design of the President and the House to give into the hands of the Commission the power to arbitrarily fix all rates and adjust all schedules and classifications. No one in authority, so far as I know, certainly not the President, has ever suggested such legislation or even entertained such a purpose. The most ardent champions of rate legislation in Congress have never intended such a stupendous and unnecessary task.

With this assumption as a basis, these opponents have sounded the alarm. They have charged that such a course meant dire and dismal disaster to the transportation interests of the country. It has been asserted that it would result in confusion, then panic, then ruin.

They have shown, too, with much force, that transportation is so closely related to every other interest and industry of the country that when it falls it must drag down with it in one mass of ruins the business of the manufacturer, the farmer, the mechanic on the heads of a suffering people. The trouble with this argument is that it is aimed at a proposition that was never before the country. It is sufficient to say that the railroad interests of the country need have no fear that a President or a Congress who have the interests of the people at heart will ever do anything that will bring ruin to transportation interests. They observe the relation of these interests to the prosperity of the country. The railroads ought to observe the relation of the people to their own prosperity.

It is safe to say that this legislation will have absolutely no effect on the general trend of the business of the country. The railroads will observe and obey its provisions. There will not be nearly so many prosecutions under it as there are now complaints of the evils which it proposes to remedy. A thousand acts committed each day are perfectly moral and innocent in themselves. To-morrow a new law goes into effect which renders all such acts unlawful. It does not follow that there will be a thousand prosecutions each day against these acts, because the instant they became unlawful they cease. It is the law itself, rather than the prosecutions under the law that deters the offense. And so it will be with this law. It will be in the main observed. Discriminations and rebates will cease by virtue of the law. Violations will be few and consequently prosecutions will be few, enough perhaps to keep before the eye of corporate greed the fact that the people are all powerful, and that their will is the supreme and living law, and that this—the people's Government—will not brook the insolence of aggregate wealth.

The course of trade will not be checked or turned aside by this legislation. Not one wheel of transportation will cease to turn. The current will flow on without a ripple, and the people will come into possession of their own—the right to control, regulate, and direct the destiny of their own creatures.

In conclusion, Mr. Chairman, there is one danger ahead. These great aggregations of capital, which are so rapidly forming in our midst, may be a blessing or a curse. If the power which flows therefrom be turned into right channels it will lift up and save free institutions, if into wrong channels it may destroy them. It is at all times the duty of the Government to be stronger than this power, that it may control and direct the course it shall take. If it is a just Government it will see that every citizen has a free and equal chance with every other. [Loud applause.]

Mr. MANN. Mr. Chairman, I yield the gentleman from Indiana [Mr. CRUMPACKER] forty-five minutes.

The CHAIRMAN. The gentleman from Indiana is recognized for forty-five minutes.

Mr. CRUMPACKER. Mr. Chairman, the pending bill is one of unusual importance. The subject with which it deals is one that has engaged the interest of the people throughout the length and breadth of the land for a number of years. It proposes legislation in a domain never before entered by the Federal Congress—that of fixing rates, in a limited way, for interstate transportation. The most conspicuous, if not the most important, feature of the bill is that which confers upon the Interstate Comerce Commission the power to investigate a given rate upon complaint and, if the rate is found to be unjust and unreasonable, to establish a reasonable maximum rate in its stead.

I do not propose to enter at length into a discussion of the constitutional authority of Congress to confer this power upon any inferior tribunal or commission. The Federal Constitution expressly declares that all legislative power is vested in the Congress. That important provision was embodied in the Constitution as an essential part of an harmonious and scientific plan of government. The courts have frequently decided that where legislative authority is expressly bestowed upon a legislative body that body has no power to delegate such authority to any other organism of the Government. It has been held by the courts, with practical unanimity, that the function of investigating an existing transportation rate with a view of determining whether it is just and reasonable is a judicial function, but that the power to fix a rate to be operative in the future is a legislative power; but the Supreme Court of the United States has never decided whether Congress is authorized to confer the rate-making power upon a subordinate commission.

I have in mind the opinion of the Attorney-General of the United States, expressed in a letter he addressed to a Senate committee about a year ago, in which he took the position that when Congress enacted that all rates for transportation should be just and reasonable it exercised all of the legislative power that was involved in rate making, and when it authorized the Interstate Commerce Commission to inquire into rates and, if found to be unjust and unreasonable, to substitute what it conceived to be just and reasonable rates in the place of those existing, the Commission did not exercise legislative power, but simply ascertained the facts and applied them to the law. As a lawyer I am not altogether prepared to accept this rather refined doctrine, but I am willing to support the bill and leave this somewhat uncertain law question for the courts to decide.

There is no doubt that Congress has the power to fix rates of transportation upon interstate traffic, but its constitution, organization, and temper are such as to render it practically impossible for that branch of government to deal intelligently with so grave and delicate a problem, and it will be a great disappointment to the country if the courts shall ultimately hold that that power can not be delegated to the Intersate Commerce Commission or some other like tribunal.

The gentleman from Ohio [Mr. KENNEDY], who just preceded me in this debate, took a rather extreme view of the relations of railroad companies to the public. He insisted that railroads are public highways and that railroad property is public property, and that railroad companies in operating their respective roads are in the execution of a public trust. Railroads, as a rule, are built by private capital and private enterprise. They are operated and controlled by private management, and in all of the decisions of the courts and all the literature, both political and legal, bearing upon the question, they are classified as private property. It is true railroad companies exercise one of the important powers of government, that of eminent domain, and they are charged by the law with the performance of certain duties that are of a public character, and for these reasons the Government has always insisted on

a larger measure of control of the affairs of those companies than of any other kind of private enterprise. When a railroad company constructs a line of road, in the absence of any express statute it impliedly undertakes to serve the public upon equal terms and at just and reasonable rates. So it is not necessary to take the extreme position that railroads are already public property in order that the Government may have adequate authority to enforce reasonable control over them to carry out the purpose of their creation.

My friend from Ohio [Mr. BURTON] yesterday, in a very able and excellent speech, expressed a fear of the consequences of the concentration of wealth in the hands of private corporations, and he delivered some very wholesome criticisms upon the decadence of popular ideals. The subject of his remarks is certainly a fruitful field for study and investigation on the part of moralists and students of political science. In my opinion, the danger is more in the manner of its accumulation and use than in the wealth itself. While there is vastly more per capita wealth in the country to-day than there ever was before, there is not so great a disparity in the conditions of the people as there was a half century ago. Ever since the dawn of civilization those who were ill to do complained, and in many instances justly, against the thrifty. The difference in conditions is largely in the capacity of the individuals themselves. This is not altogether the case. I would be glad if the great volume of aggregate wealth of the United States were more evenly distributed among the citizens, provided such distribution were the result of economic law and closer equality of capacity. Conditions can be improved by promoting policies that will secure as far as possible equal privileges and opportunities for all the people.

During the last ten years there has been a greater increase in the aggregate wealth of this country than in any other decade of its history, and if this wealth is concentrated in the hands of but few of our citizens, while the great multitude are struggling along in poverty and destitution, it would signify nothing toward the permanent advancement of our civilzation. On the other hand, it would be a serious menace to the public welfare. Unless there has been a corresponding growth in the moral and intellectual lives of the people and a corresponding elevation of the standard of living, this stupendous increase of wealth would surely be of no advantage. But we need only to consult statistics to learn that the increase of the value of farm property has been most gratifying and fairly in proportion to the importance of that first and most important of all industries, agriculture. The savings institutions of the country inform us that the toilers of the land have had a fairly equitable share in this splendid era of prosperity. I do not pretend to say that every citizen has received all he desired or all he deserved, nor, on the other hand, do I claim that some citizens have not accumulated much more than their just deserts, but I do contend that there has been as equitable a distribution of the increase of wealth as has been possible under existing social conditions.

We must bear in mind that when conditions are such that the average man of the country can provide himself and those dependent upon him with the comforts and blessings of life, men of great genius and capacity for the creation and accumulation of wealth will take advantage of those same conditions and amass enormous fortunes. We have no right to complain of wealth honestly and justly accumulated, but there have been altogether too many fortunes made by dishonest and indefensible methods.

It is possible that the mere accumulation of wealth occupies too great a place in the thoughts and purposes of our people. The very end and object of civilization is the elevation of the standard of manhood and womanhood, and wealth, honor, culture, and government itself are only important to the extent that they promote this end. It should be no credit to a man who accumulates money by questionable methods. The pulpit, the school, and the forum should emphasize the doctrine that virtue and honor are above all else and a good character above riches.

There is a general demand throughout the country for the more effective regulation of transportation companies, and this demand is not the offspring of any deep-seated or implacable prejudice against corporate enterprises. The people of the United States have a just appreciation of the importance of transportation companies in economic progress. They are indispensable agencies in our civilization, and there is no sentiment that would in any degree impair their usefulness or impose upon them onerous conditions or unfair burdens, but they must deal justly with the people.

The gentleman from Massachusetts [Mr. MCCALL], in his scholarly and philosophical speech on yesterday, denounced the pending bill as communistic in spirit and socialistic in tendency. I can not accept the gentleman's construction of the measure or admit the soundness of his judgment respecting its effect upon the country. The bill is conservative in its provisions and entirely just and fair in its spirit. Corporations are creatures of government; there is no natural or inalienable right in individuals to organize into corporate entities. They are authorized by the Government for the purpose of promoting the welfare of society, and whenever the public welfare demands a limitation of their powers or a regulation of their methods of doing business it is the duty of the Government to impose such limitations and regulations as will protect society against corporate abuse. This is not communism, but it is simply the assertion of the fundamental principle that the welfare of the people is and always must be the paramount consideration in the enactment and enforcement of laws. Industrial socialism I understand to be the ownership by the State of all means of the production of wealth. The proposition to regulate corporations engaged in interstate commerce has no principle analogous to industrial socialism. It means simply that the creatures of the Government shall be made to serve the purposes for which they were created. It means simply the assertion of the superiority of the creator over its creatures.

There is at this time an abiding belief throughout the country that many rates and practices of transportation companies are unjust and unfair. The practice of granting rebates and other advantages to favorite shippers has been, and is, beyond question a common one on the part of all interstate railroad companies. It has done more to suppress honest competition and to promote unlawful trusts and monopolies than any other one factor. There are drastic laws against the practice, but ingenious devices have been invented that successfully evade the laws. Private cars and private terminals have been made use of to grant rebates under the guise of a division of rates for transportation. In many instances railroad companies have agreed with favorite shippers to certain rebates upon shipments, but have charged regular rates on all shipments and entered them regularly upon their books, and at stated periods the shipper would bill a consignment of goods to some point without actually delivering them to the carrier, send the bill of lading to the consignee, and in a short time would, of course, receive notice that the goods had not arrived. He would report the alleged loss to the railroad company and an investigation would be made and no trace of the goods could be found. The company would then request him to make an estimate of the value of the supposed lost goods and he would fix the value at the amount of rebate that would be due him under the agreement, and his claim, after going through the regular process of auditing, would be allowed and a draft drawn in his favor for the amount. The whole business would be fictitious from beginning to end, but the records of the company would be straight and would disclose nothing of the subterfuge resorted to by the parties to evade the antirebate law. When such ingenious schemes are made use of to cheat the law, it is exceedingly difficult to enforce its penalties. Nobody, of course, would know anything about the transaction except the railroad company and the shipper, and the books of neither would disclose anything showing the fictitious and fraudulent character of the transaction.

But, sir, notwithstanding the cunning of the lawbreakers, the present Administration has done more toward enforcing the antirebate and the antitrust laws and bringing conspicuous offenders to justice than any other two Administrations in the history of the Government. One only need run over the last annual report of the Attorney-General to learn of the enormous amount of efficient work that has been done in the last two years to make the laws of the country effective and respected.

While the most prominent feature of the pending bill is that which authorizes the Interstate Commerce Commission to fix rates for transportation where existing rates upon investigation have been found unjust and unreasonable, a rate so fixed will not protect the public against the abuse of the rebate system. It is just as easy to grant rebates by subterfuge and dishonesty against a Government rate as it is against one fixed by a carrier. It seems that we now have all the laws necessary to break up the rebate system, but we must find some more effective means for their enforcement.

The rate problem is one of the most intricate and delicate that the human mind has to deal with. Existing rates in many respects are apparently unequal and unjust, but a careful investigation of conditions upon which they are based will convince any fair mind that many practices which seem indefensible are not only just but are necessary to the proper development of the commerce and industries of the country. This is not true in all cases, because some rates can not be defended on any ground of policy or justice. In most instances rates are not

arbitrary, but are fixed in accordance with natural economic law. They are not capricious, but are the result of numerous subtle and intangible forces that are characteristic of economic law. It may be set down as a general proposition that men who construct and operate railroads are prompted by the same selfish motives that prompt men in all other lines of business. Even the practice of granting rebates and concessions to large patrons is a natural one in all lines of private business. Better terms are extended to large customers than to small ones. The great mercantile establishments offer better prices to regular customers who buy large amounts than to intermittent traders who buy small amounts, and no one complains, but the rebate practice in respect to the transportation business is so vitally connected with all lines of trade and commerce that the people feel it more deeply than they do in any other enterprise. If two men are engaged in buying and shipping the same line of products at a given point and the transportation company gives rebates or substantial favors to one, the inevitable result is the other must retire and leave the favored buyer in absolute control of the field, with a complete monopoly of the business. This enables him to impose his own conditions and terms upon the sellers, and they are unable to protect themselves. The viciousness of the rebate system is felt more keenly in the transportation business, and therefore the law has taken notice of it and undertaken to eradicate it.

Section 4 of the original interstate-commerce act provides that it shall be unlawful for a transportation company to charge a greater price for hauling a commodity over a short distance than it charges for hauling the same commodity over a longer distance, the short distance being included in the long, where the circumstances are substantially the same. It was a common practice at the time of the enactment of that law for railroads to charge higher rates for what is known as the "short haul" than the long haul, and it was the aim of section 4 of that statute to prevent that practice. To the ordinary mind the charging of more for hauling a commodity a short distance than for hauling the same commodity a longer distance is unjust and absolutely indefensible; but the Supreme Court of the United States has practically taken all of the virtue out of that section of the law, if it ever had any virtue. The rate of transportation from points on the Great Northern Railroad in Minnesota to Spokane and Seattle illustrates that principle. Spokane is nearly 500 miles nearer St. Paul than is Seattle, but the rate from St. Paul to Spokane is the rate to Seattle and the local rate back to Spokane, although the road runs through Spokane to get to Seattle. The short haul is included in the long, and the property does not go to Seattle and back, but is unloaded at Spokane. The Supreme Court has upheld the Spokane rate, on the ground that it is not unreasonable considered by itself, and the rate to Seattle is abnormally low. Seattle is a competitive point. Several lines of railroad reach it, and there is likewise water competition. If the Spokane rate was applied to commodities shipped to and from Seattle, the result would be that the railroad would not receive any part of that traffic and would receive none of the revenues resulting from it, because it would go by some other route, and the consequence would be that the Spokane rates would have to be still higher.

It may be set down as a general proposition that the expenses of operating and maintaining a railroad, including a reasonable dividend upon the capital invested, must be paid by the receipts, passenger and freight, as a whole, and any freight or passenger traffic that contributes something toward the payment of the expenses of operating and maintaining the road relieves the other traffic of that much of a burden it would otherwise be compelled to carry. Unless the business of a railroad is sufficient to pay its operating expenses and expenses of maintenance and some profit upon the capital the road will cease to be operated. Men do not engage in such great undertakings without the expectation of some profit.

Several years ago the railroad running from the Mississippi River to the Atlantic seaboard fixed a rate upon grain raised west of the Mississippi River at 85 per cent of the Chicago rate from the river to the seaboard, although the distance from the river to the seaboard was 116 per cent of the distance from Chicago to the seaboard. Complaint was made of this practice by the Chicago Board of Trade, but it was justified on the ground that there was competition for the grain west of the river. The railroads running to Gulf ports were competing with railroads running to the Atlantic ports and it was necessary for the roads running to the East to lower the rates to 85 per cent of the Chicago rate in order to secure any portion of the competitive traffic. If the Chicago rate had been lowered correspondingly the roads would have been deprived of any profit upon their capital, and if the roads had been compelled to charge the Chicago rate for grain west of the river they would have lost much of that traffic to the Gulf roads, and while it did not pay its relative share of the cost of running the roads it paid some portion of the fixed and continuous expenses which would otherwise have been charged against Chicago traffic and other traffic at intermediate points. The roads charged this low rate for Mississippi River traffic because they could not get any more for it. It was all the traffic would bear.

Several years ago a case arose where commodities brought from foreign countries were shipped from New Orleans to San Francisco by way of the Texas and Pacific Railroad and its western connections at $1.07 per hundred, when commodities of the same kind exactly, shipped from New Orleans over the same road and, perhaps, on the same train to the same destination, were charged $3.70 per hundred. Complaint was made of this practice as an unjust discrimination against commodities produced in the United States. The Supreme Court of the United States, however, justified the discrimination because there was water competition between European ports and San Francisco. The railroad company showed that unless it were permitted to haul the foreign goods from New Orleans to San Francisco at $1.07 a hundred they would be sent by an all-water route by way of Cape Horn or by way of the Isthmus of Panama and the company would be deprived of all revenue resulting from their shipment. It was shown that the rate charged domestic goods from New Orleans to San Francisco considered by itself was a reasonable rate, and that the rate charged foreign goods between those points was abnormally low, yet it contributed somewhat toward paying the fixed charges and expenses of operating and maintaining the railroad. If this freight were not hauled other freight on that line would have had to bear the entire burden of that expense.

Then the question of back loading is one that enters vitally into the equation of railroad rates. When the Great Northern road was completed from St. Paul and Duluth to the Pacific seaboard large quantities of grain and other commodities were shipped to the West to be taken to the Orient. There was comparatively little paying freight that could be brought from the Pacific seaboard to St. Paul and Duluth, but the managers of that road fixed a rate upon lumber so low that it induced men to go into the lumber business and enabled them to ship large quantities of lumber from Washington and Oregon to the Mississippi Valley profitably. The rates upon the lumber were excessively low, and if the same rates had been fixed for transportation to the West upon that road it would have gone into bankruptcy inside of six months. If that road had not hauled lumber from the Pacific coast to the East at such extremely low rates, its cars would have gone back empty. That traffic did not pay its relative share of the cost of operation and maintenance of the road, but it contributed something toward the payment of that cost and thereby relieved other freights of that much of the burden. It was remunerative to that extent and in that sense. Whatever was received from it was almost entire profit, because the cars had to be taken back anyway.

Railroads running from the North Atlantic seaboard to Memphis fixed a rate upon cotton from Memphis to New York and Boston below the rate from Memphis to the Carolinas, although the distance to the latter was much less. The roads running to the Carolinas complained to the Interstate Commerce Commission of the low rates fixed by the North Atlantic railroads, and an investigation showed that large quantities of merchandise were shipped from New York and Boston to Memphis and vicinity, and there was comparatively little freight to be hauled back, but by fixing exceptionally low rates on cotton the roads were able to run their cars back laden; and while the cotton thus shipped did not pay its relative share of the expenses of operating and maintaining the road, it contributed something toward that end and thereby relieved the other freight shipped by the road of that much of the burden, and the practice was upheld.

Much has been said in the discussion of the rate problem about basing rates upon the principle of cost of service—a thing that all students of the question must agree to be impracticable. It is sometimes difficult to know when a railroad rate is remunerative and when it is not. It must be borne in mind that the great bulk of the expenses of operating and maintaining railroads is a fixed burden. Locomotives and cars must be bought, equipped, manned, and operated. The roadbed must be kept in repair, buildings must be kept in shape, taxes must be paid. All of these expenses must be incurred before the road is in shape to earn any money at all, and the entire receipts of the road from all of its business must pay all of this expense and in addition a fair profit upon the capital invested. At least 75 per cent of all the freights hauled in this country does not pay its relative share of the cost of operation and maintenance and dividend upon capital, but this large portion of the freights pay a substantial part of the expense of

operation and maintenance. If a railroad was not allowed to carry freight that paid only a portion of its relative share of the expense of operating and maintaining the road, it would be impossible to conduct many of the great lines of railroad in this country that are fairly profitable to-day. A rate is remunerative if it pays anything above what may be termed "the out-of-pocket cost" of carrying a commodity; that is, the additional cost of service on account of hauling that particular freight. If it contributes anything above that particular cost toward the paying of the expense of operation and maintenance, it is remunerative, and it may be put down as a proposition that can not be gainsaid that where railroad companies haul freight that does not pay its relative share of the cost of operation and maintenance it is because they can not get more for the transportation of that class of freights.

The whole system of freight classification is based upon that identical principle. Originally railroads were crude and transportation over them was expensive and only property of high value and small bulk was able to pay the freight charges. Gradually, as railroading developed and it became known that the fixed charges for operation and maintenance had to be borne continuously, it was discovered that goods of larger bulk and less value could be profitably hauled if they contributed even a small amount over and above the additional cost of the service on account of hauling the particular goods. That transportation would be profitable if it contributed even a small amount toward paying the fixed expenses of the railroad. Therefore the second-class freight was hauled at low but remunerative rates. It was necessary to make very low rates in order that this class of freights could be transported over the railroads at all. As railroads still further extended and increased in efficiency and the cost of transportation relatively lessened, still more bulky and less valued freights were handled at still lower rates, contributing something toward the payment of the annual expenses of operating and maintaining the roads, and in this way, by a process of evolution as natural as it was beneficial, the classification of freights came about. Freights of the fourth, fifth, and sixth class to-day pay much less than their relative share of the expenses of transportation, but they contribute something and thereby relieve freights of the first, second, and third class of that burden. If an attempt were made to equalize freight rates and base them upon the cost of service, a great deal of the lower-class freights would be shut out altogether and the expense of the high-class freights would be greatly increased; and the efficiency of railroads would be materially lowered. It costs as much to haul a car of fifth-class freight a thousand miles as it does a car of first-class freight, but the rate is much less because the traffic will not bear more.

I have made these observations upon the theory and philosophy of rate making, with a view of explaining many of the anomalous things that appear in existing rates throughout the country. Things that seem to be arbitrary and indefensible are easily understood when the philosophy of rate making and classification is considered. Every pound of freight hauled by a railroad that contributes something toward the payment of the cost of operation and maintnance of the road relieves other freights of that much of the burden and is, therefore, beneficial to them, provided always that these freights could not be hauled at a higher and more equitable rate. The country is protected against inordinately low rates by the selfish interests of railroad owners. As I said a moment ago, it may be set down as a fundamental and a trustworthy proposition that railroad companies carry freights at rates below their relative cost only when they are unable to get higher rates for that class of freights. They charge all the traffic will bear.

Much is said in the discussion of this important question respecting what is known as differentials—port differentials and sectional differentials. A differential is a concession made in rates to one port or locality above others, for the purpose of either equalizing port differences or equalizing differences in facilities for transportation, thus putting the two places upon terms of equality. A number of years ago New York City was the great trading center of the Atlantic seaboard. It had transportation advantages and port facilities enjoyed by no other city in America, and it practically monopolized all of the export and import trade of the country. Its merchants and jobbers levied tolls upon everything that came into and went out of the country. When the Pennsylvania Railroad, running from Philadelphia, and the Baltimore and Ohio Railroad, running from Baltimore, arranged connections to Chicago, a rate war was opened up between those two roads on the one side and the New York Central and its western connections on the other. The Pennsylvania road insisted upon reducing freights in order that a portion of the business of the great Northwest should be transacted by Philadelphia merchants and jobbers. The Baltimore and Ohio road insisted that a portion of that business should be transacted by the Baltimore merchants and jobbers, and the rate war was continued for several years until finally terms were reached by which the New York Central and its western connections conceded differentials in favor of Philadelphia and Baltimore. These differentials were in the form of lower rates on freight from Chicago to Philadelphia and Baltimore than were given to New York, and they were sufficient to overcome the transportation and port advantages New York had over the other ports. New York merchants complained bitterly about the arrangement and denounced it as unfair; that the metropolis was deprived of the natural advantages that belonged to it on account of its superior location. But the result was to put the merchants of New York, Philadelphia, and Baltimore upon an absolute equality in so far as rates and facilities for transportation were concerned, and the contest for commercial supremacy among them was a battle of genius and enterprise. The competition became so sharp in those centers of commerce that every penny of extra cost in the handling and transportation of grain and produce from the West was eliminated, and to-day the difference between the farm price of grains and the Liverpool price is less than one-half what it was thirty years ago.

There has been a general decline in the price of food products throughout the world during the last thirty years; but our western farmers have suffered comparatively little from that decline because of the increasing advantages that they have had in the cost of transporting their crops to the European markets. It does not cost half as much to-day to ship a bushel of wheat from the Dakotas to Liverpool as it did thirty years ago, and this result was brought about very largely through the port differentials that were arranged in the rate war between New York, Philadelphia, and Baltimore. The American farmer in the West has prospered beyond parallel, largely because of the great advantages he has in transportation. Freight rates in this country, taken as a whole, by the ton-mile are less than half the average rates in Europe. It is true that the hauls average longer in the United States than in Europe, and the efficiency of American railroads is far superior to that of the European railroads; therefore the rates ought to be lower.

As illustrating the principle of differentials, the Pacific coast, the Gulf coast, and the Atlantic coast are now competitors for farm products grown in a large area in the Middle West. In this competitive area exceptionally low prices of transportation are afforded, and as a result of rate contests differentials have been granted to the Atlantic seaboard, and in some instances to the Pacific seaboard, in their contest with the Gulf ports. There can be no question that these differentials have been greatly beneficial to the western farmer, and rates in this country between the great centers of population and trade are as low as they can be reasonably expected.

But the modern tendency of railroads is toward consolidation into gigantic systems, and the inevitable result of such consolidation is the elimination of that competition which has done so much toward the promotion of the welfare of the people of the whole country. If competition between the great interstate transportation companies ceases to exist, I deem it to be absolutely necessary for the Federal Government to assert its power to protect producers and shippers against exorbitant charges. If competition is to be eliminated, Government regulation and limited control must take its place. I concede that great advantages come from consolidation of railroad systems in the continuity of shipment and voyage, in the increase of comfort, convenience, and general facilities; but as long as railroads are operated solely for the purpose of making money for their owners the producers of the country must have some protection against extortionate charges and unjust practices.

The chief sufferers under present conditions are not the shippers in the great centers of trade, but producers and shippers in the numerous intermediate points, where there is but one line of railroad—points where there is absolutely no competition—and for these I am concerned particularly. There is a practice, by railroads chiefly in the Southern States, of what is called the "basing-point system." In view of the condition of development of railroad transportation in those States it may be that that practice is not an unjust one. It is this: Railroads at competitive points give exceptionally low rates, lower than they do to intermediate points. Take, for instance, the city of Atlanta, Ga. That city is a basing point, or a competitive point—made so not as a matter of choice by the railroads, but to meet fixed economic conditions. The result is that rates from New York City to Atlanta are considerably lower over the same line of road than rates to intermediate points within a couple of hundred miles of Atlanta. The rate from New York

to a point a hundred miles north of Atlanta is the rate to Atlanta and the local rate back. Serious complaint is made of this system, and it is denounced as unjust and unreasonable, but there is competition in transportation from the city of New York to the city of Atlanta, and by making Atlanta a basing point there is a regular traffic by carload and even by trainload consignments of goods between New York and Atlanta. The railroads can make more money by sending regular shipments in carload lots to Atlanta at lower rates than they could by shipping parts of cars intermittently to intervening points at higher rates.

Mr. GAINES of Tennessee. If the gentleman will permit me, that is a very interesting question, and I would be glad if the gentleman would enlighten me a little bit upon it. He says they have made Atlanta, Ga., a basing point. If they can make Atlanta, Ga., a basing point, can not they unmake it as a basing point and make a basing point at some other place—out in the woods? I should be glad if the gentleman would explain if there is anything in this bill to regulate or prevent that.

Mr. CRUMPACKER. There is nothing in this bill that will prevent a man from committing suicide if he is inclined to do it. The gentleman must keep in mind that it is the object of railroad companies to develop traffic, and "basing points" in a large measure select themselves—that is, industrial and commercial conditions control in their selection.

Mr. GAINES of Tennessee. But the gentleman said that they made Atlanta a basing point. Why didn't they make Nashville or Chattanooga a basing point?

Mr. CRUMPACKER. When I said they had made Atlanta a basing point I meant that its geographical situation, the character of the surrounding country, and the fact of competition pointed it out as a place where traffic could be developed and a natural basing point. Locations so situated as to afford a large amount of traffic may be made successful basing points. A railroad can not secure traffic at a point where there is none and none can be developed.

Mr. GAINES of Tennessee. They arbitrarily made that city a basing point. Does the gentleman believe that any railroad should have the right to "make" or "break" a city, "make" or "break" a firm or individual or corporation?

Mr. CRUMPACKER. I do not care to go into a discussion of that question, because I do not concede the premises upon which the gentleman bases his assumption. Basing points are not the result of arbitrary action by railroad companies, but they come from economic considerations.

Mr. GAINES of Tennessee. One question further: Railroads, unless we have a commission to regulate them, can make or break cities or persons, and isn't that one of the reasons why the gentleman is for this rate-making commission?

Mr. CRUMPACKER. I can not say that is the principal reason for my support of the bill. In regard to many things the public is fully protected by the self-interest of railroad companies. We can depend upon the fact that a railroad company will do nothing to injure its own business.

Mr. GAINES of Tennessee. I think I shall be able to show the gentleman cases where cities have made complaints of that sort.

Mr. MANN. And I think I could show cases where cities have made no such complaint. [Laughter.]

Mr. GAINES of Tennessee. They have practically destroyed one little town or city to build up another.

Mr. MANN. Every city makes that complaint.

Mr. CRUMPACKER. It is claimed that the basing-point system tends toward centralizing trade. The system is justified by railroad-rate experts on the ground that it decentralizes trade. It is claimed that if railroad rates were based on the mileage plan there would be no distributing centers in the interior; that seaboard merchants and jobbers would supply all of the retail establishments throughout the country, but by establishing basing points wholesale and jobbing houses are located at those points to supply the retail trade in territory tributary to them, and as a result such cities as Atlanta, Memphis, Kansas City, Omaha, St. Paul, Minneapolis, and others are pointed to.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman a question.

Mr. CRUMPACKER. I yield to the gentleman for a question.

Mr. SMITH of Kentucky. I would like to have the gentleman's opinion as to the distinction, if any, between the expression "reasonable" and "fairly remunerative."

Mr. CRUMPACKER. Well, I do not think there is any distinction in law between a reasonable rate and a fairly remunerative rate.

Mr. SMITH of Kentucky. The gentleman will observe that section 15, as amended, provides that the rate shall be "reasonable, just, and fairly remunerative."

Mr. CRUMPACKER. Yes.

Mr. SMITH of Kentucky. I want to find out just as nearly as I can the exact meaning of that language. There certainly must have been some difference intended between the expressions or they would not have used both.

Mr. CRUMPACKER. I have not given the bill in detail that critical study which I should have given it, but the terms "reasonable rate" and "fairly remunerative rate" in my opinion are substantially equivalent terms. A railroad company may not charge above a fairly remunerative or reasonable rate, but in determining what that rate is it must be kept in mind that rates as a whole must pay the expenses of the road as a whole, and a rate may be fairly remunerative which pays a small part of its relative share of the general expenses of the road and that rate may be reasonable if it is "all the traffic will bear."

Mr. SMITH of Kentucky. Now, Mr. Chairman, I want to get the opinion of the gentleman from Indiana, because he is a very good lawyer, upon another proposition. Suppose this Commission should substitute for a rate that is found to be unreasonable and unjust another rate that is not confiscatory but not particularly remunerative. Could the court enjoin that order of the Commission from going into effect?

Mr. CRUMPACKER. My judgment is the courts could only enjoin rates that are regarded as confiscatory. Rate making is legislation and the question of the reasonableness of a rate is a legislative and not a judicial question. If the rate is so low as to violate the constitutional safeguards to property, of course the courts may prevent its enforcement.

Mr. PALMER. Then what right has Congress to depute any such power to any commission?

Mr. CRUMPACKER. That is a question for the courts to decide. I think rate making is a legislative function and the discretion involved is generally legislative. The only question for the courts in passing upon the validity of a legislative act is whether the act is within the constitutional power of the legislative body. Rates fixed by law must be remunerative—that is, they must yield some profit on the capital invested—or they will be confiscatory. The profit must be substantial and not merely nominal, but whether a profit of 3 or 4 or 6 per cent on the investment is a reasonable one is for the legislature to determine and not the courts.

Mr. SMITH of Kentucky. Another question. Let me ask the gentleman this: This bill provides a penalty of $5,000 per day for failing to obey this order. I would like to have the gentleman's opinion as to whether that is a valid provision of law under the fifth amendment, I think it is, to the Constitution of the United States?

Mr. CRUMPACKER. I do not see why it is not. I see no reason why Congress can not impose a penalty upon law-breakers, a progressive and continuing penalty, if it sees fit, making each particular violation of law on each day's continuation a separate crime.

Mr. SMITH of Kentucky. I just wanted to get the gentleman's opinion about that.

Mr. CRUMPACKER. But producers and buyers of commodities at small centers on lines of single railroads are at a great disadvantage. They are compelled to accept without question the rates fixed by the railroad companies, and often those rates are extortionate, but under the power conferred upon the Interstate Commerce Commission by this bill relief will be brought to that great class of people who are in much need of it. In addition to the imposition of extortionate rates upon the producers and traders at intermediate stations they are discriminated against in the way of facilities. At those periods of the year when there is a general crop movement throughout the country the railroad companies naturally employ all of their cars in shipping products from competitive points. They are interested in securing all of the grain at those points possible while it can be secured, for they know that at intermediate stations, where there is no competition, the products must be shipped over their respective roads or not be shipped at all, and the result is that the grain buyers of the small communities are compelled to wait for weeks and sometimes months to secure cars for shipment, when the producers and shippers at competitive points are regularly and promptly supplied.

Grain buyers at these intermediate communities are compelled to exact a larger margin of profit from the producers to protect them against possible fluctuations in the market than they would if they could depend upon facilities of transportation in reasonable time to get it into the markets. These people are the chief sufferers under the present system, and they are the people who are entitled to protection. They are the farmers and local grain buyers of the country, who perform their duties to the Government patriotically and uncomplain-

ingly. They are the bone and sinew of the Government. They are the mainstay of society, and under existing conditions their well-being is utterly dependent upon the sense of justice and fairness of railroad companies.

This bill asserts in emphatic terms the doctrine that this is a Government of the people, by the people, and for the people; that whenever it becomes necessary to promote the welfare of the people the Government will unhesitatingly assert its power of control over transportation companies. The moral effect of this measure will be tremendous. Railroad companies will feel it to their interest to conduct their affairs in such a way as to show to the public the entire justice of their methods.

The people ask railroad companies and other corporations simply to obey the law. They are willing that railroads should charge rates sufficiently high to pay them for the expenses of operation and maintenance and allow a reasonable compensation upon their actual capital invested. They do object, however, to being compelled to pay dividends upon large amounts of fictitious stock. The practice of watering stock is one of the most reprehensible in modern industry, and the pending bill provides additional means to compel publicity on the part of railroad companies, so the country may know more about the relation of assets and capitalization. With these safeguards to prevent the overcapitalization of railroad properties, and with the laws we have upon the statute books to prevent rebates and unfair discriminations in favor of favorite shippers, and the power in the Interstate Commerce Commission to protect helpless producers and shippers where there is no competition against burdensome and unjust exactions, it seems that commerce ought to be greatly facilitated. This bill is evolutional in its character, and if experience shall demonstrate that other safeguards should be incorporated into the law no doubt Congress will readily respond to the needs of the country and adopt such additional measures as will fully secure to the public the protection to which it is justly entitled. Whether more legislation along this line will be required in the future depends wholly upon the conduct of railroad corporations themselves. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield twenty minutes to the gentleman from Missouri [Mr. ELLIS].

The CHAIRMAN. The gentleman from Missouri [Mr. ELLIS] is recognized for twenty minutes.

Mr. ELLIS. Mr. Chairman, I desire to speak of waterway development as a means of railway rate regulation. This is a little out of the current of present debate but entirely germane to the subject under consideration. I would, however, first signify my approval of the pending measure by some general observations of its policy and general features. I do not accord my support to the bill because I believe it to be especially revolutionary, but rather because I believe it to be distinctly salutary. I do not believe that this Hepburn bill if enacted into law will, as predicted by the gentleman from Massachusetts [Mr. MCCALL], have the effect to wreck present transportation systems. I do not expect it to unsettle values or overturn the legitimate order in railway enterprise and operations in this country; but I do believe, Mr. Chairman, that if it become a law, this measure will cure many ills, correct real abuses, remedy manifest wrongs, supply deficiencies, restore confidence, and immensely promote the common weal.

This is in its spirit and temper a conservative measure. It is not a radical one. That is what commends the bill to my mind. The enactment of a law on the subject of railway traffic regulation has been imposed as a special duty, a special order, on this Congress. The President, however, in the same utterances which proclaimed the demand for a measure, emphasized by reiteration the desirability that it be a safe, sane, and sober measure. Listen to some of the things the President has said on this subject in his message to this Congress:

> I am well aware of the difficulties of the legislation that I am suggesting and of the need of temperate and cautious action in securing it. I should emphatically protest against improperly radical or hasty action.
>
> I do not believe in the Government interfering with private business more than is necessary. I do not believe in the Government undertaking any work which can with propriety be left in private hands.
>
> Let me most earnestly say that these recommendations are not made in any spirit of hostility to the railroads. On ethical grounds, on grounds of right, such hostility would be intolerable; that such hostility would tell against the welfare not merely of some few rich men, but of a multitude of small investors, a multitude of railway employees, wage-workers; and most severely against the interest of the public as a whole.
>
> I ask this legislation not only in the interest of the public but in the interest of the honest railroad man and the honest shipper alike, for it is they who are chiefly jeoparded by the practices of their dishonest competitors. This legislation should be enacted in a spirit as remote as possible from hysteria and rancor.

This bill meets the requirements, responds to the specifications. These desires of the Chief Executive have manifestly been carried into the deliberation of the Committee on Interstate and Foreign Commerce. The report of that committee denotes that. This is what they say:

> No member of the Committee on Interstate and Foreign Commerce believes that the provisions of this bill will be satisfactory to all persons who may be affected by it, nor that it will be satisfactory even to those who desire legislation upon the lines of the bill. But it must be remembered that the bill involves great questions, involving thousands of millions of property and interests that are measured by hundreds of millions of dollars every year, and all sections of the country, and that complete harmony of sentiment upon any measure involving so much is not to be expected. Such harmony belongs to the realm of the impossible. We can only say that from the divergent views entertained by us, and that have been urged upon us during protracted hearings, we have done the best we could to provide a measure that we think will give at least very considerable relief from evils that are recognized to be many and grievous.

These are good words. They reflect high thinking and denote a plane of action above partisanship, above narrowness, above any prejudice against American enterprises and industrial operations, because they are big, above envy or hatred of power, high above all these things, on an exalted level of true patriotism and real statesmanship. [Applause.] So the bill proceeds from the committee under the momentum of a unanimous report. Here is surely a suggestion of millennial glory. There is assurance enough in this unanimous verdict of these distinguished Members of this House to prompt one to vote for the bill even if time or occasion to study its provisions were not afforded. I am glad to take this occasion to throw these bouquets. I believe this feature of this legislation can not be too highly commended. [Applause.]

I esteem it of the utmost importance, Mr. Chairman, that the policy of this measure be correctly interpreted. I was much instructed by the distinguished gentleman from Pennsylvania [Mr. SIBLEY] in his eloquent speech in opposition to this measure. It was a courageous effort. For myself, I did not concur in many of his conclusions, but I shall be very sorry if his remarks be not widely published and widely read. If the gentleman were but willing to grant the expediency of some measure of governmental intervention in the regulation of the carriage and of the carriers of commerce, then his argument would be most valuable as a plea for a wise, temperate, and conservative exercise of such power. The learned gentleman proceeded from a false premise. He reads into this measure an administrative purpose which does not properly find lodgment there. He will presently learn that the views and aims of the prompters and promoters of this legislation are not so much at variance with his own as he now supposes. I think the gentleman's contentions may properly be interpreted to be these: That the flow of the currents of commerce should be left, in the main, to the control of natural causes; that the community of vital, permanent interests between the carriers of commodities and the producers of commodities may be depended upon to evolve proper conditions of transportation; that the natural laws which inhere in these mutual interests and spring from them are better and safer for all concerned, than would be mere arbitrary directions, conceived and imposed from without the pale of those interests. But in all this, the President who has urged this legislation, the committee who have reported the bill, the Members of the House who will vote for its passage, and those people everywhere who have thought most wisely upon the subject will, I believe, cheerfully accord.

I think I can go even further. I think I can safely say to the gentleman, and to those whose attitude he voices here, that the American people are not now demanding this legislation because they believe that the railroads of the country should be prevented from exercising, within the widest range of reasonable limitations, the rights which are born of the necessities of their business; nor are the shippers demanding this legislation because they are greatly dissatisfied with the general rules, tests, and standards which the railroads of the country have set up—have in a measure formulated into a sort of code—and are now promulgating and contending for as properly determinative of rates between points and localities. In all the agitation of this great question little has been heard from the people—from individual shippers, from aggrieved classes of shippers or communities—in way of special complaint about "the basing-point rule." From interested sources there has arisen comparatively little complaint of the "cost of service" or the "return-haul" principles of computation; little even of that rule, which seems in its statement harsh and confiscatory, that the charge should be "what the traffic will bear." In other words, the quarrel is not with the railroads, as common carriers, because of unfairness of the laws which they themselves have enacted or invoked to govern and control traffic. But the people are complaining, and have long complained bitterly, of railroad management in this country. Twenty years ago these complaints came up to the Congress and were given a hearing. Com-

mittees formulated these grievances and found them to be justified by the facts. Permit me to read a brief summary of one of those committee reports:

The railroad companies do not realize, as they should, the fact that they sustain a different relation to the public from persons engaged in ordinary business enterprises. Railroad companies are not disposed to regard themselves as holding "a public office and bound to the public," as expressed in the ancient law. They do not deal with all citizens alike. They discriminate between persons and places. By secret special rates, rebates, drawbacks, and concessions, they foster monopoly, enrich favored shippers, and prevent free competition in many lines of trade in which the item of transportation is an important factor.

That was a true bill twenty years ago. The bill of particulars is discriminatingly exact, and it is worth while to mention that it emanated from the other end of the Capitol. It is a true bill to-day. Some new devices have appeared and some refinements of the art of false pretense, but no change is visible in the character or methods of the wrongdoing. It will be observed that the offenses complained of consist in this fact: That the railroads do not obey their own laws; do not keep faith with people with respect to them. It is to the departure from these railroad-made rules, to the evasion of them, to the fact that they are not, in practice, interpreted fairly or applied squarely, that the people address their chief complaints. Now, the point I would make is that it is not the policy of this legislation to interfere with the railroads in the exercise of those larger powers, those essential rights of which the two opponents of the bill have spoken. The policy is rather to deal with abuses in the exercise of those powers and rights. It is to impress and enforce the familiar doctrine that before the law—including the law governing the duty of common carriers—all persons must stand on an equality; that the concession to the most favored shipper must be the concession and the law for all shippers who are in substantially the same situation; that the treatment of the most favored community must be the law for all like-situated and like-conditioned communities. [Applause.]

Now, a word as to the delegation of power in this bill. There is such delegation. It is a kind of legislative-administrative power with which neither the people nor the courts are unfamiliar. It is closely akin to the power which is used in the assessment, equalization, and collection of taxes, the States through and the country over. The exercise of this power begins with an abuse and ends with the correction of that abuse. It will be difficult to evade. The scope of application is wide. It will drive through fraud and pretense, whatever the shape it may put on. But it will protect the honest manager of a railroad against managers of the other sort. When an abuse of trust is located and ascertained, then power is reposed in an arm that may reach to the spot and apply the corrective force at the very point of resistance. The railroads ought not to complain of that. To do so is to put themselves in a very bad light before the American people. No upright railroad man will contend that wrongs should not be righted.

In practice this law will be neither radical nor oppressive. The very opposite interpretation is the true one. Lines and limitations are so clearly defined, the authors of the measure have refrained so entirely from crossing doubtful boundaries, that there can be in the measure nothing but assurance that a governmental policy of utmost caution and wisest conservatism is to be pursued in this great matter.

Now, Mr. Chairman, I wish to come straight to the subject which has brought me into this debate. The development of their great waterways is a matter of such paramount importance to the American people, that whenever the state of the Union is the order a discussion of the subject is surely germane. But we are discussing freight-rate regulation. To talk of waterway improvement is but to speak of another way in which the Government may take a hand and does take a hand in rate regulation. This other way is under an entirely different grant or lodgment of power. It is a way wherein absolutely no one has ever questioned the right of the Government to act and no sane man has ever questioned the expediency of governmental action. It is the most effective regulation of all. It is that regulation which, employing natural instrumentalities respecting natural conditions and advantages, really regulates when more artificial methods fail. I wish to refer again to the remarks of the gentleman from Pennsylvania. In his argument he drew freely on the experience of Germany. He recalled that Germany has tried every method of railway rate regulation—has tried the policy of governmental indifference, advocated by the opponents of the pending bill; has tried government supervision, and, finally, has tried and is trying government ownership. None of these methods have been satisfactory, and the wise statesmen of that progressive country have begun the task of rate regulation by a systematic development of national waterways. They are developing a grand waterway system. Two great rivers—the Elbe and the Rhine—constitute the main arteries. Last year Germany voted ten millions to build a canal from Berlin to Stettin, 100 miles apart, although already connected by a railroad with abundant facilities for transportation; and now, that Berlin may reach that point, they are building a canal to cost ten millions more. Germany's experience should be valuable. We are not only very likely to have a struggle with Germany to retain a place in her home markets, but we have already entered upon a race of trade competition with her for the markets of the world. In this competition water transportation must play the leading part. Not alone water transportation to and from our borders, which will call for improvement of our seaports and harbors, but water transportation, as well, from our deep interior sections, which will render the development of our rivers and canals of transcendent importance. Against miles of German rivers and German canals must be counted scores and hundreds of miles of American rivers and American canals. [Applause.]

I want to bring this right home to us. Permit me to refer to the situation in my own district—not that I want to urge a purely local problem at this time. I would only so refer by way of illustration. The situation there is more familiar to me, and it is typical of situations in scores of other districts and other sections in all parts of our common country.

I am from Missouri. Missouri is the Germany for which I stand in this river-improvement business. The Rhine of my Germany is the Missouri River, and the Cologne on my Rhine is Kansas City. [Applause.] Located there, and growing into the industrial and commercial capital of an area big enough and rich enough for an empire, that progressive young city is watching with keenest interest the great isthmian canal project and is facing a transportation problem. Wrapped up in the future of that metropolis, which is my home, is the fate of a magnificent agriculture. The city as a center, describe a circle with a radius of 200 miles, and when the fertile acres so described shall respond to full cultivation there can be no want anywhere at home and no famines abroad, unless the splendid product shall be left to perish where it grows for want of transportation. [Applause.] The fuel supply of that great area—coal, gas, oil—is fairly exhaustless, and the factories in every town would multiply if only upon this one question of freight rates and freight facilities assurance might be given.

For Kansas City, for all that it represents, Congress can not rightly solve this problem of transportation except it make the Missouri River really navigable and keep it so to the sea. Adopt the German policy, use the German foresight, open this waterway for the people of that great country of Kansas, Nebraska, Oklahoma, and Missouri, and railway rates will be regulated and will stay regulated. Then for a farmer to have his products or a manufacturer to have his commodities at Kansas City, is to have them at New Orleans, New York, Liverpool, on the Mediterranean, in the ports of South America, in Hongkong, and the Orient. He will be in the markets of the world. He will hold the key to magnificent trade opportunities. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. ELLIS. Very gladly.

Mr. CAMPBELL of Kansas. I hope the gentleman will pardon the interruption, but I would like to inquire whether he can give any figures on the probable investment which the Government would need to make to open the Missouri to navigation so that it might be used in conjunction with the Mississippi as a waterway to the Gulf of Mexico?

Mr. ELLIS. I am very glad the gentleman asked the question; I would be even more glad if I were better able to answer it. So little, Mr. Chairman, has ever been done to improve the navigable condition of the Missouri, and so nearly nothing in late years, that the estimate asked by the gentleman from Kansas is wanting. The report of the Chief of Engineers last year shows that no project for the improvement of the river as a whole has ever been adopted; that since 1884 there has been spent on the whole stretch of river below Sioux City about seven millions. Everybody who knows anything about the matter knows that a comparatively insignificant part of that sum was really spent for the permanent improvement of the river. There is a grim significance in the fact that large sums were spent in the preservation of railway rights of way along its banks. But the engineers tell us in that report that by these expenditures—even though made without a definite, comprehensive plan—it has been demonstrated that the river may be made a channel of commerce. They say it is practicable. A comparatively small aggregate spent systematically from year to year would do the work.

Mr. CAMPBELL of Kansas. One more question. Should this

work be undertaken and done by the General Government alone or through cooperation with the States most interested?

Mr. ELLIS. By the General Government, unmistakably. These rivers are the highways of the American people. The States can not control them. The benefits flowing from their use can not be circumscribed; they do not stop at State lines. I have tried to make that point; I hope I have succeeded.

But, Mr. Chairman, this consummation would have another effect besides this relation to remote and foreign markets. Recur, for illustration, to the Mississippi Valley. When the rivers of that great valley—the Ohio, the Mississippi, the Missouri, and their tributaries—which are navigable on the maps, by expert tests and standards, shall be navigable in fact; when the canal from Lake Michigan to the Mississippi and the other canals which are even now contemplated shall be completed, as they will be some time, railway rates upon all the lines, in all directions, in that great interior section will have been regulated as no law on any statute book can ever regulate them. Transportation rates for our domestic commerce, much the most important of all, will have been leveled along all lines; and all, moreover, will have been wrought without substantial injury or real injustice to the railroads themselves. I received only this morning a copy of a paper published at Baltimore, the Manufacturers' Record. It contains an able editorial urging the "fullest development" of our river systems concurrently with the construction of the Panama Canal.

Such a development—

Says the article—

would not in any sense militate against the railroads. It is true that it would be a regulator of freight rates, and might be a far better regulator than Congress can ever be, but it would so vastly expand the trade and traffic of this country that our railroads would still continue, as they are at present, to be taxed beyond their ability to handle traffic. We would see throughout the country an expansion somewhat similar to that which has followed the development of the harbors and the Sault Ste. Marie Canal on the Lakes.

To obtain this indirect benefit it is not necessary that the railroads shall be much affected in the volume of their business. It is only necessary that the two systems of transportation may exist together. Waterways can not be monopolized by trusts or combines. The whole tendency of water transportation is to destroy trusts and stimulate competition.

Mr. Chairman, we need the regulation of freight rates which will be secured in this bill; we need the regulation which will come through a development of our waterways. The two methods will work in perfect harmony. We need these waterways in our business. How are we to have them? By pursuing the policy which has obtained heretofore and appropriating on the average less than twenty millions a year? At this rate we can not touch the fringes of the proposition. Projects which bear the stamp of approval now aggregate fully $400,000,000. The present attitude of the Congress toward this most urgent public work practically requires at the hands of the Committee on Rivers and Harbors that they keep the aggregate appropriation so low as to affect with discouragement every project everywhere. This niggardly policy does not emanate, I am happy to be able to say, from the committee of this House; it has been imposed upon that committee. It is not meet that interest here in this important class of public work shall have to be awakened by the clamor of local projects. A new policy should be inaugurated—a national policy—a determined purpose broad enough and strong enough to take up these local projects and carry them into a comprehensive system of waterway improvement. More money should be invested—fifty millions a year—until we catch up with the demands that are now upon us. The occasion of this discussion is a fit time to begin in earnest the consideration of this matter, which will so much affect our national prosperity. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield twenty minutes to the gentleman from Colorado [Mr. HOGG].

Mr HOGG. Mr. Chairman, when I became a Member of this House I promised myself that I would never ask the indulgence of the House to listen to me unless I thought I had something to say and ought to say it. It may be that you will conclude that I have violated my own limitations. If so, I can only say that I have not trespassed perhaps more than others who have gone before me in the discussion of this measure. [Laughter.]

I understand it is claimed by the sponsors of this bill that it is an Administration measure. It was claimed by the gentleman from Texas [Mr. RUSSELL] upon yesterday that it was a Democratic measure; and I trust that there are none here, or in the country at large, who will conclude that the latter statement necessarily results from the former. [Laughter.] However this may be, it is understood that this measure—that has the unusual experience of having the unanimous indorsement of the committee, both Democratic and Republican—has been practically formulated by the Interstate Commerce Commission, and is said to have the favor of the President.

These considerations, together with the many wise provisions contained in the bill, will lead us, no doubt, to give it our earnest support, although many of us may, and no doubt do, question some of its provisions.

There are but few phases of this question that I care to call to the attention of the committee, although the discussion has taken a very wide range indeed, and along lines, I am sure, concerning which our knowledge, to the say the least, is extremely limited. That this is so necessarily arises from the vast and complex problems that are connected with the transportation question. When we stop to consider the tremendous impetus that has been received along every avenue of industrial activity, through the development of the railway, the ease and rapidity of communication between different parts of the country, and the distribution of the products of every portion to every other portion of our great domain, it ought at least to compel thoughtful action upon our part before we attempt to disturb the equilibrium of so vast a structure.

But however vexing the problem may be, it must be met resolutely and with a determination to so legislate as to bring good and not ill to those interests most vitally concerned upon the one side and upon the other. It is hard to conceive that there is any person who is not interested in some degree in this solution.

I have been much interested and instructed in the statements made here and elsewhere as to the evils that have grown up in the management of the railways of the country. That they are many and far-reaching is admitted by all. That the benefits enjoyed from the operation of these vast systems are past calculation ought, I think, also to be admitted, and out of this mass of good and evil it should be our care to evolve some sort of adjustment that will prevent the wrong and secure that fair, just, and reasonable conduct of affairs in connection with the management of the railways as will bring a benefit to the people as well as to the railways. A very considerable agitation has been carried on for the past thirty years concerning the proper and legitimate control of transportation companies. In many of the States legislation has been had, more or less stringent and with varying results, but throughout it all a steady advance until, in most of the States having legislation upon the subject, a comparatively satisfactory conclusion has been arrived at upon the subject. So very general had been the purpose to secure some satisfactory settlement of this question, and the several States being limited in the scope of their action to transportation wholly within the State, and this being upon the whole but a limited portion of the great bulk of the business carried on by the transportation companies, it soon became evident if any lasting good was to be accomplished it would become necessary for the General Government to take up the matter in order that the traffic between the States and foreign countries might be regulated in order to secure the proper treatment of the whole subject.

In 1887 Congress, to meet this condition, passed what is known as the "Interstate Commerce Act," which, with a few amendments, the most important of which is the "Elkins Act," has remained in force ever since, but which under more recent conditions has been found to be inadequate to cope with the rapid developments of railway traffic.

The Interstate Commerce Commission was under that act constituted as an administrative board to consider any complaints that might be preferred against any of the interstate carriers touching their practices, both as to methods and rates. It must be acknowledged that this Commission, although presumably with power to correct the evils complained of, have so far been unable to accomplish much, owing to the lack of power to enforce their orders. This weakness in the original act is now sought to be overcome by the additional legislation now contained in the bill before us for consideration. It will be observed that this bill undertakes, in the first place, to extend the term "railroad" so as to include bridges and ferries, roads operated under contract, switches, tracks, terminal facilities of every kind, as well as depots, yards, and grounds. The term "transportation" has also been enlarged so as to include all instrumentalities and facilities of carriage and all services performed in connection with the handling of property.

We now come to the portion of the bill which seeks to enforce the doing of certain things and the refraining from doing certain things. We find:

First. It shall be the duty of the carrier to furnish transportation upon reasonable request.

Second. That all charges shall be just and reasonable, and every unjust and unreasonable charge is prohibited and declared to be unlawful.

Third. The carrier shall keep open to public inspection schedules, which schedules shall contain the charges between all places where persons or property may be carried, the classification of freight, as well as the terminal charges.

Fourth. A provision against changing the schedule except upon thirty days' notice, and an inhibition against charging any greater or less amount than that fixed in the schedule.

Fifth. The filing of copies of schedules with the Commission, including joint tariffs.

Sixth. Prohibiting changing joint rates except on a like notice, and prohibiting the charging of any different sum than is fixed in such joint schedule.

Seventh. The empowering of the Commission to fix rates, and authorizing it to determine whether any practice of the carrier is in violation of the provisions of the act.

Much of the act is merely administrative and has as its object a mere amplification of the former act, although having the force and effect of law.

The matter, however, which I wish to particularly call to your attention at this time is as to the power lodged with the Commission to determine the question of violation of the various provisions contained in the bill as above specified, and more particularly as to the delegation of power to determine the reasonableness of any given rate.

I think we are all reasonably familiar with the general division of the functions of government. We know that there are the legislative, executive, and judicial branches of government. We know also that it is wise that neither of these coordinate branches of government should encroach upon the other. This distinction is not the mere creature of constitutional provision, but inherently exists in all civilized government, at least of the higher types, and distinguishes them from what are known as despotic forms of government. If the executive were clothed with the power to determine when a law had been violated, or to construe the law as enacted, there could be no security to the subject other than the will of the executive. If the legislative branch could enact and execute the law, it would be compelled to designate some person to enforce its edicts. And so we find that throughout the entire history of constitutional government the liberty of the citizen, the security of life and property, have only been maintained by the strict observance of these distinctions. Mr. Cooley, upon this subject, says:

> The difference between the departments undoubtedly is that the legislative makes, the executive executes, and the judiciary construes the law, and it is said that that which distinguishes a judicial from a legislative act is that the one is a determination of what the existing law is in relation to some existing thing already done or happened, while the other is a predetermination of what the law shall be for the regulation of all future cases falling under its provisions.

In other words, "The law is applied by the one and made by the other." Now, let us test this proposed legislation by these well-known distinctions. It is admitted by the proponents of this measure that the Commission is an administrative body to whom is delegated certain duties in carrying out the will of Congress, and as such is charged with certain legislative duties or functions. In so far as the Commission is administrative it becomes a part of the executive arm of the Government, and as to this can have no legislative authority. But wherein is the Commission administrative? It can not be said that the power to make certain rules and regulations, as given by this bill, is executive, for the reason that these rules and regulations have the force and effect of law, a violation of which is punished by certain prescribed penalties, and hence are the very essence of legislative prerogative. But these powers are attempted to be conferred by this bill. Not only that; the Commission is empowered to determine whether or no there have been any violations of the substantive provisions of the proposed act, but they may also determine whether or no any of their regulations have been violated. It is not only to make the law, but to determine its violation and construe its terms. If we shall say that the Commission shall require reports to be filed and prescribe the form in which they shall be made, or if we shall invest this Commission with power to fix rates which shall be binding upon the railroads in the future, we have most certainly invested it with legislative functions, and when we, in addition thereto, give it the further right to determine when a violation of these provisions has occurred, we have invested it with the very highest judicial functions. Now, the question naturally arises, Can this be done?

We have seen that this Commission under the provisions of this bill may—indeed, it is its duty—prescribe certain regulations for the government of the railroads and fix a maximum rate that may be charged and bring before it persons charged, upon complaint of any person injured, with any violation of the law as well as regulations so adopted. No one can seriously question, I think, the proposition that anyone charged with the violation of the law has the right to be heard in a properly constituted judicial tribunal, whether he be accused of petty larceny or the violation of the law respecting the conduct of the business of a railroad. In either case he is entitled under the Constitution to due process of law.

Mr. TOWNSEND. Mr. Chairman, will the gentleman allow me?

Mr. HOGG. Certainly.

Mr. TOWNSEND. If the gentleman will permit me, I would not assume to instruct the gentleman at all, but inasmuch as he has asked the question I would like to ask him, Does not the law provide that the carrier may go into court at any time during the thirty days and have these rights determined to which you have called attention?

Mr. HOGG. Yes.

Mr. TOWNSEND. That is what the bill provides now, and if he does not pay any attention to it——

Mr. HOGG. His rights are precluded.

Mr. TOWNSEND. Yes; his rights are precluded.

Mr. HOGG. That is the very thing I am objecting to, because, I say, that you can not preclude any right a man may have to property or person unless and until he has had an opportunity of testing those rights by the due and orderly process of law, and by that we understand a trial before a properly constituted court.

Mr. TOWNSEND. Does he not have that?

Mr. HOGG. No; he has no trial before any court. The United States Supreme Court has held that this Commission is in no sense a court or judicial tribunal.

Mr. GAINES of West Virginia. Mr. Chairman, may I interrupt the gentleman? Mr. Chairman, does the gentleman from Colorado yield?

Mr. HOGG. Yes.

Mr. GAINES of West Virginia. Does the gentleman object to permitting a rate to be made for the future where it has been decided that the existing rate is unreasonable?

Mr. HOGG. Decided by whom?

Mr. GAINES of West Virginia. By the Commission.

Mr. HOGG. No; I do not think the Commission has any power to decide the reasonableness of a rate.

Mr. GAINES of West Virginia. I only wanted to remind the gentleman that it has been repeatedly held that the rate-making power is legislative and that courts may not make rates.

Mr. HOGG. There is no question about that——

Mr. GAINES of West Virginia. If we are to lodge rate-making power anywhere, it must be in the Commission and not in a court. The Supreme Court of the United States has decided that a court may not do that.

Mr. HOGG. There is no question about that at all. I agree with the gentleman entirely. The Supreme Court of the United States has also held that this Commission has no judicial power, and it has also held that the determination of the reasonableness of a rate is a judicial and not a legislative function. Let me read some of the authorities on that question. A case was cited by the gentleman from Texas [Mr. RUSSELL] yesterday, but the latter part of that decision was not read as fully as might be. The first case, I think, that directly passes upon this question is to be found in 134 United States, at page 418. This was the case known as the "Minnesota case." I read:

> This being the construction of the statute by which we are bound in considering the present case, we are of opinion that so construed it conflicts with the Constitution of the United States in the particulars complained of by the railroad company. It deprives the company of its right to a judicial investigation, by due process of law, under the forms and with the machinery provided by the wisdom of successive ages for the investigation judicially of the truth of a matter in controversy, and substitutes therefor, as an absolute finality, the action of a railroad commission which, in view of the powers conceded to it by the State courts, can not be regarded as clothed with judicial functions or possessing the machinery of a court of justice.

Nothing, it seems to me, could be plainer than that this Commission, which this bill seeks to clothe with such ample and unusual powers, does not constitute a court within this decision. But let me read further:

> The question of the reasonableness of a rate of charge for transportation by railroad company, involving as it does the element of reasonableness both as regards the company and as regards the public, is eminently a question for judicial investigation, requiring due process of law for its determination.

Now, I desire to ask these gentlemen, under this decision and the decision that was cited yesterday, what powers they are supposed to have conferred upon this Commission to make their findings as to the reasonableness of a rate determinative of that question, even had they determined it? Even had they concluded that a certain rate was a reasonable rate, it would still be open, it seems to me, to be determined by a court reviewing all the facts in the case as to being reasonable or unreasonable.

In another case cited yesterday by the gentleman from Texas [Mr. RUSSELL], to be found in 167 United States at page 499, Interstate Commerce Commission *v.* Railway Company, the following language is used:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely different thing to prescribe the rates which shall be charged in the future—that is a legislative act.

Mr. GAINES of Tennessee. The gentleman says we can not delegate this rate-making power. Will the gentleman say how we can delegate to a railroad corporation the power to make rates?

Mr. HOGG. We do not give it to a railroad corporation. They have it by common law, and generally by charter.

Mr. GAINES of Tennessee. But we create the corporation.

Mr. HOGG. Oh, yes, yes; but sometimes it happens that the thing created imagines it is greater than the creator, and that is one of the cases, I think. [Laughter.]

Many other cases determined by the State courts might be cited sustaining the view we take, that it does not lie in the power of Congress to give to a merely administrative, or, if you please, a deputy legislative body, judicial powers.

But can we devolve upon this Commission legislative functions? It is agreed, on all hands, that the fixing of a future rate is a legislative act. Indeed, among the numerous decisions upon that subject in the States where these commissions have been established, it seems to be the settled doctrine that all the power that can be exercised by these boards must be based fundamentally upon the theory that they are a branch, or rather the agent, of the legislature, and I think it is pretty well agreed that the Commission may fix future rates. But in no case has the Supreme Court of the United States passed upon the power of Congress to invest a commission with this power. It is true that the language used in the Maximum Rate Case might lead us to infer that they would uphold such a power; but in that case they were only passing upon the question as to whether, in the Elkins Act, Congress had in terms conferred such power, and not upon the broader question of the power of Congress to delegate its function of legislation.

But whatever be the outcome of this whole question, I take it for granted that there is power somewhere to correct the evil that we all admit exists. We are not ready to acknowledge that there are wrongs without a remedy. That there may not only be violations of positive law, but also violations of those principles of justice and equity which should guide all men. And while we admit the necessity for action, and know that it is our duty to see that the remedy is had, still we must know that if a remedy is provided which in its terms violates any of the well-known principles of government—principles which can not be ignored even under great stress of circumstances, but must be observed so long as constitutional government shall stand—that the remedy applied must be along the lines most agreeable to these safeguards that have been so wisely provided. We seem to be in a great hurry to reach a result all at once in the administration of this doubtful power. The process of the courts is too slow to satisfy many people. We must have summary proceedings. The President has said so, and the people have authorized him, I suppose, to say so. Well, this probably will be done. Out West once in a while they hang a man and try him afterwards. You get your results in a hurry, but not always satisfactorily. I know of a case where it is said the hanging was a perfect success, but one of the committee, in explaining the transaction, said that while the proceedings were all that could be desired there was just one little drawback—they hung the wrong man. And so, now, while everybody is engaged in the whoop and hurrah business, when you can't even get religion without a brass band, and you are lured to heaven with a fiddle, we are supposed to join in with the cry, "Anything to get there." Well, I am in on this deal, and I hope it is a square one, of which we hear so much and see so little. But I am sure that the people are more interested than anyone in the fact that when done it will stay done. I shall vote for this bill, not that I think it is right as to all its provisions, but it is right as to most of them.

I shall vote for it for other reasons. I am sure my people whose agent I am expect such a vote. That is the great and determinative reason.

We are told that no amendments will meet the approval of the committee, and that all parties are agreed upon this, so far as the committee is concerned; if so, it were futile indeed to suggest that there may be some occasion for amendment. With boot and spur and big stick this bill is to be ridden down hill, with but one saving power—that talk may be had, and that is all. Well, that is a privilege that most of the Members may be able to save out of the situation. Now, as to the outlook for amendments to the bill. I have no doubt but that the lash will be applied, that the order has been given, and that the order comes from high authority—the committee.

It seems to me that an amendment making express and Pullman companies subject to the act would not have been a bad idea; indeed, I fail to see why they were omitted in legislation so drastic and far-reaching.

I had prepared an amendment myself providing for the punishment of those who should ask for or receive preferential rates in the transportation of person or property, but I am well aware that the programme will not allow that these matters be considered.

We are told that the common law is the perfection of wisdom, and that when the world was made it was all very good, but in neither case has the stamp of legislative sanction been placed upon the proposition; but now we have, in general evolution of human knowledge, reached a condition where we can say: "It is finished."

But it isn't finished, and we all know that this vexed question will be before Congress in the years to come, as it has been in years passed, and that any advance must be necessarily slow. And I do not believe it is right that those high in authority should lead the people to believe that this act will end the question. Indeed, I do not imagine, from what has been said by some of the advocates of this measure, that any radical changes will be made. If this is so, then you are gold-bricking the people when you lead them to think that the law is self-acting, self-enforcing. We ought to tell the people that in the very nature of things the operation of the law must be slow; that we can't complain of a fellow to-night and have him hung and quartered before morning.

Mr. Chairman, I do not look for any considerable effect to come from this legislation. The fact that the railroad companies are not here complaining is evidence, to my mind, that they do not greatly fear the operation of the law, even should it be sustained by the courts. Why should we expect any rapid application of this law? Your tribunal can not divide itself up that it may the more readily hear complaints. It must act as an entire body upon these matters, and even if it had nothing else in the world to do but fix rates it could not possibly adjudicate one-tenth of the cases that would be brought before it. Why, it has been determined that in fixing a reasonable rate more than fifty elements enter into it and must be considered; and when you add to that the additional subject of determination that all rates must be remunerative to the carrier, you have practically made it impossible to deal with the question in anything like an intelligent way.

There is one question that I want to ask the people of the West as well as of New England, and that is this: Granting that the Commission is clothed with power to determine when there have been discriminations by the railroads either as to persons or places and there is complaint made by a number of places, say, in the State of Ohio that the roads are giving a preferential rate on certain products, say, from Colorado, whereby the Colorado product is delivered in the market east in competition with the Ohio product, what will the Commission do? Of course no one knows what it will do, but anyone can see what it may do. Should the Commission decide that the place havir ; the natural advantage of location should be entitled to protection in rates from places without this advantage, there is at once presented the whole field of speculation, of guess, of doubt, and maybe disaster. We are all agreed that the cause of the wonderful development of the entire country has been the facilities with which the product of one part has been marketed in another part of the country. If this had not been, the wonderful development of the West could not have been possible, and so through the desire of railroads for gain they have developed a traffic profitable to them and profitable to the people whom they serve.

I do not like government at the discretion of anybody. I would not be willing even to take the discretion of our President in all things, however honest, courageous, and just he may be and is. I prefer positive law—a law so plain that all may understand its provisions, its requirements, and its penalties; a law that reaches all men alike and punishes all men alike; but when you give it to a set of men—I do not care how fair they may be—to say not what the law is, but what it will be, you have gone a long way along the road that in the end will mean a revolution in the very foundation principles of a representative government. I prefer to keep the powers of government as they have been distributed in the fundamental law of the land and as the wisdom of the fathers left it. For this reason I have introduced the bill known as H. R. 10098, believing that in its provisions we departed the least from those well-founded distinctions of the powers of the several branches of government and preserve to the people

the right guaranteed to them that they should not be divested of their property without due process of the law. The bill was drawn along the lines suggested by Judge Grosscup, of Chicago, and to one who will deliberately consider it in connection with the many decisions of the courts, and not under the pressure of present demands, I believe it will meet to the largest degree the demands of the times with the least possible infraction of well-known legal distinctions. It is a measure that has been approved by shippers of the United States from every State and Territory, representing in the aggregate more than five thousand millions of business annually. In providing for a court of transportation it but follows the terms of a bill introduced by the Chairman of the Interstate Commerce Commission last session, and in its provisions I think will be found to give a more speedy remedy in the end than the bill we are expected to support.

I do not wish to be understood that the bill introduced by myself was perfected by me, or even to any considerable extent my effort. I can say only that its provisions in almost every detail meet my hearty approval. I think its provisions are ample, under the broad powers of the court, indeed powers, that the bill we shall pass can in no wise take away or abridge, to give every remedy for the wrongs complained of, and, in the end, will be found more satisfactory to the people.

In this great rush of doing things and considering them afterwards, I take it, there is great danger to the people. Of course those who believe in personal government—the will of the ruler being the supreme law; those who are revolutionary in their ideas and tendencies—will favor any law that reaches its object at once; but, after all, I think we will agree that it is better to tread along the old beaten pathway, the one along which the progress, achievements, and history of the Republic have been accomplished, and along which alone I firmly believe the destiny of the nation can be realized. It is along these lines that my bill has been framed; for the purpose of preserving to the utmost the right of the individual to the protection which the law of the land guarantees, and that when a violation of law is alleged that question shall be determined between the people and the railroads, just as the issues between the people and an alleged horse thief are determined. We will not presume anyone guilty, either high or low, until they have had that question determined by a court of competent jurisdiction.

Nor will we be content to have the grand jury try the case. We will agree that they may due presentment make, but they shall not try the case.

I do not believe that the people nor the courts will stand for the power sought to be conferred upon this Commission to make a regulation on violation of which a court may be asked to stop the transportation of any commodity over a line of road, and thus punish the communities as well as the companies; nor do I think, for one moment, that the courts can be induced to grant so unusual a remedy.

Imagine, if you please, the vast amount of traffic passing over any one of these great interstate lines of road, reaching hundreds of thousands of people dependent, in large measure, upon the service of the road, and then measure if you can the effect that a decree of a court would have in enjoining all traffic because of some violation of this act or a regulation of the Commission.

In the bill H. R. 10098 a judicial tribunal is provided where all these matters may be tried. Its judges are appointed for life, and hence not subject to varying political conditions. The judges may sit in different parts of the country at the same time, and thus facilitate the hearing of complaints, and upon appeal from any one judge the full court may hear and determine the matter. The reasonableness of a rate or practice can thus be determined in court and the equity powers given to courts be invoked to enforce its decrees. Along some such line ultimately must this whole subject, in my judgment, be determined.

I take it that this bill, introduced by myself at this session of Congress, will secure the hearty approval of the chairman of the Committee on Interstate Commerce, because I find that at the last session of Congress he introduced a bill almost identical in its provisions with mine, giving the courts the power to determine this question, and hence when he reports this bill back I shall expect the gentleman from Iowa to give me his most hearty support to the bill which I have introduced. Gentlemen, I thank you. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GAINES of West Virginia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 567. An act authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri;

S. 90. An act providing for the deposit of a model of any vessel of war in the United States Navy bearing the name of a State of the United States in the capitol building of said State;

S. 2871. An act granting an increase of pension to Joseph Brunnell;

S. 136. An act granting an increase of pension to Sebastian Laudner;

S. 139. An act granting an increase of pension to Frederick Le Hundra;

S. 2526. An act granting an increase of pension to Thomas Welch;

S. 2869. An act granting an increase of pension to Rachael A. Foulk;

S. 476. An act granting an increase of pension to Emily Peterson;

S. 2459. An act granting an increase of pension to Alexander M. Scott;

S. 1463. An act granting an increase of pension to Anna Z. Potter;

S. 213. An act granting an increase of pension to John M. Doersch;

S. 208. An act granting an increase of pension to Daniel J. Smith;

S. 2098. An act authorizing the extension of Second street NW. north to Trumbull street and W street westward to Second street NW.;

S. 1736. An act granting a pension to Lena S. Fenn;

S. 3286. An act granting an increase of pension to Mary J. McGehee;

S. 1217. An act granting an increase of pension to John Cook;

S. 3184. An act granting an increase of pension to Alfred T. Hawk;

S. 506. An act granting an increase of pension to James Wilson;

S. 127. An act granting an increase of pension to Anthony H. Crawford;

S. 587. An act granting a pension to Mary J. Chenoweth;

S. 3307. An act granting an increase of pension to Phillip W. Cornman;

S. 1518. An act granting an increase of pension to Phineas F. Lull;

S. 3311. An act granting a pension to Bernhard Schoffner;

S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel;

S. 970. An act granting an increase of pension to William Crome;

S. 2557. An act granting an increase of pension to Charles F. Longfellow;

S. 1268. An act granting an increase of pension to William Lownsberry;

S. 994. An act granting a pension to Henry Weston;

S. 2556. An act granting an increase of pension to George B. Hunter;

H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;

S. 2778. An act granting an increase of pension to John W. Langford;

S. 56. An act authorizing the extension of Rhode Island avenue NE.;

S. 566. An act granting an increase of pension to George Wiley;

S. 3285. An act granting an increase of pension to Mary M. Hull;

S. 2089. An act granting an increase of pension to John P. Campbell;

S. 1821. An act granting an increase of pension to Samuel L. Andrews;

S. 1037. An act granting an increase of pension to Adolphus L. Oxton;

S. 1840. An act granting an increase of pension to James Prettyman;

S. 624. An act granting an increase of pension to Abbie C. Moore;

S. 639. An act granting an increase of pension to George M. Bradley;

S. 619. An act granting an increase of pension to James F. Prater;

S. 2183. An act granting an increase of pension to George P. Trobridge;

S. 724. An act granting an increase of pension to George A. Parker;
S. 1017. An act granting an increase of pension to Mary Ryan;
S. 2421. An act granting an increase of pension to Herrick Hodges;
S. 2411. An act granting an increase of pension to Carrie B. Findley;
S. 3508. An act granting a pension to Mary J. Visscher;
S. 1417. An act granting an increase of pension to Henry A. Tilton;
S. 1010. An act granting an increase of pension to Joel M. Sawyer;
S. 788. An act granting an increase of pension to Edward P. Metcalf;
S. 703. An act granting an increase of pension to Edward T. Connolly, alias John Marks;
S. 181. An act granting an increase of pension to Francis E. Stevens;
S. 77. An act granting an increase of pension to Granville P. Mason;
S. 79. An act granting an increase of pension to James F. Tilton;
S. 75. An act granting an increase of pension to Urial J. Streeter;
S. 78. An act granting an increase of pension to Mary R. Blethen;
S. 702. An act granting an increase of pension to Richard Dearborn;
S. 909. An act granting an increase of pension to Harvey M. D. Hopkins;
S. 573. An act granting an increase of pension to Henry T. Braman;
S. 1536. An act granting an increase of pension to William H. Brown;
S. 2996. An act to authorize the Secretary of the Interior to purchase 80 acres of land, more or less, from Karl A. Torgerson and Charles E. Heyn for the benefit of certain allottees of the Grande Ronde Indian Reservation;
S. 1026. An act for the relief of Gen. C. C. Andrews;
S. 584. An act for the relief of David H. Moffat;
S. 2172. An act to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;"
S. 2626. An act to correct the military record of Isaac Thompson;
S. 1690. An act for the relief of Theodore F. Northrop;
S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia;
S. 2582. An act to authorize the American National Bank, of Graham, Va., to change its location and name;
S. 2452. An act creating an additional land office in the State of North Dakota;
S. 1942. An act to correct the military record of George A. Winslow;
S. 733. An act granting an honorable discharge to Jacob Niebels;
S. 1862. An act for the relief of Joshua T. Reynolds;
S. 2325. An act for the relief of James D. Vernay;
S. 832. An act to correct the military record of Asa Niles;
S. 1951. An act to correct the military record of Talton T. Davis;
S. 497. An act to authorize the President to revoke the order dismissing William T. Goodwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Goodwin on the retired list with the rank of first lieutenant;
S. 3338. An act for the relief of John L. O'Meara;
S. 134. An act establishing an additional recording district in Indian Territory; and
S. 2273. An act to establish at Cape Mendocino, California, quarters for the light keeper.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 10225. An act granting an increase of pension to Nathan B. Richardson.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield ten minutes to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for ten minutes.

Mr. SIMS. Mr. Chairman, I propose to relieve the committee by saying I am not going to talk about the bill. I think I am justified in using this time, from the fact of having introduced a resolution a few days ago to have a report from the Director of the Census of the amount of cotton to be ginned after January 16, 1906. That report was made in the usual way here yesterday, and I find this statement in the Washington Post of to-day, to which I wish to refer:

HOUSE HEARS FIGURES ON COTTON CROP CENSUS.

The effort to make public the statistics connected with the cotton crop through the agency of the House of Representatives proved a failure. The figures, announced beforehand by the Director of the Census to be inaccurate and incomplete, were sent to the House in accordance with its mandatory resolution, and when made public were denounced alike by Members representing the growers of the South and the cotton manufacturers of New England.

I failed to hear that report denounced by anybody from either side of the House, either from the cotton growers or the manufacturers. In the same article, further on, it says:

According to the census report from data supplied by the ginners, the amount of the cotton crop of 1905 unginned on January 16 aggregated 250,884 bales. It is conceded that this report is incomplete and inaccurate.

Who concedes it, Mr. Chairman? I suppose the author of the article. I do not know who else said it. Then further on it says:

Of the 29,918 ginners of which the Bureau has knowledge only 14,344 made any report. Of these, 1,643 made no estimate, and the 250,884 bales reported come from 12,941 ginners. The remainder made no report whatsoever.

That reads in positive terms as though it were taken from the report itself, and yet there is hardly a figure in that statement that is true. It is amazing to me that a paper published in Washington City, where it can call over the telephone and know the facts, would publish any such statement and give it credit.

Mr. CLAYTON. Mr. Chairman, may I ask the gentleman to publish in connection with his remarks the report made by the Director of the Census?

Mr. SIMS. I am going to do that. The report, of which the above is said to be a part, gives the facts, which are as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, February 2, 1906.

SIR: In compliance with your instructions, I have the honor to inclose herewith, for transmission to the Speaker of the House of Representatives, a tabular statement of information furnished by ginners in regard to the condition of cotton ginning as of January 16, 1906, from the growth of 1905. This information is required by the following resolution, No. 199, adopted by the House of Representatives, February 1, 1906:

"*Resolved*, That the Secretary of Commerce and Labor be requested, if not incompatible with the public interest, to direct the Director of the Census to compile and transmit to the House of Representatives the ginners' estimates of cotton remaining to be ginned, which were collected in connection with its semimonthly canvass of January 16 last."

Very respectfully, S. N. D. NORTH, *Director.*

The SECRETARY OF COMMERCE AND LABOR.

The following table shows by States (1) the total number of cotton ginneries that have ginned or report that it is their intention to gin any cotton from the growth of 1905; (2) the number of ginneries reporting that all cotton had been ginned prior to January 16, 1906; (3) the number of ginneries that made no estimate or failed to answer the inquiry concerning the estimated quantity of cotton remaining to be ginned; (4) the number of ginneries that gave an estimate of the quantity of cotton remaining to be ginned on January 16, 1906; (5) the number of bales of cotton estimated by ginners as remaining to be ginned on January 16, 1906:

States and Territories.	Total number of active ginneries.	Number of ginners reporting that all cotton had been ginned prior to Jan. 16.	Number of ginners making no estimate or failing to answer inquiries concerning estimated quantity of cotton remaining to be ginned on Jan. 16.	Estimates of cotton remaining to be ginned on Jan. 16.	
				Number of ginners making estimates.	Running bales, excluding linters and counting round as half bales.
United States.	28,918	12,941	1,643	14,334	250,884
Alabama	3,725	2,208	183	1,334	11,346
Arkansas	2,297	386	145	1,766	28,533
Florida	201	203	12	76	3,059
Georgia	4,771	2,772	274	1,725	17,373
Indian Territory	527	86	31	410	14,113
Louisiana	2,065	904	81	1,080	15,399
Mississippi	3,849	1,092	246	2,511	43,281
Missouri[a]	82	17	10	55	1,785
North Carolina	2,818	1,561	116	1,141	9,083
Oklahoma	324	71	36	217	12,068
South Carolina	3,162	1,777	364	1,021	9,709
Tennessee	727	199	10	518	11,954
Texas	4,156	1,604	134	2,418	72,734
Virginia	124	61	1	62	306

[a] Includes 3 ginneries for Kentucky and 1 for Kansas.

Now, of course it is not absolutely accurate; that is an estimate, and the Director of the Census could not say it is accurate. Neither can anybody say that the estimate is absolutely accurate. But when you consider the value to be given to an estimate of any kind you must have regard to the opportunities of those who make the estimate to know the facts, and in this case it must come from the ginners themselves, as they only can know. There seems to be a systematic effort to make these figures valueless by saying the Director himself discredits them. The New York Commercial of to-day, in speaking of this report, says in part:

Speaker CANNON declared that accuracy could not be claimed for the report. "It is," said he, "a demand for this information for stock-jobbing purposes, and I wash my hands of it."

Why, of course, nobody believes the Speaker of this House said any such thing, and we do not hold him responsible for it at all. This demand came from honest ginners of the South, who gave the information upon the official request of the Director of the Census himself. I read these instructions. A card of instructions was sent out to the agent, which says this:

[Department of Commerce and Labor, Bureau of the Census: Manufactures; cotton ginning.]

COTTON CROP GROWN IN 1905.

This report must include all cotton ginned this season, from crop of 1905 up to January 16, 1906, and the estimated quantity to be ginned on and after that date.

File No. ———. ——— ———, *1906.*
State ——— ———. County ——— ———.
Location of ginnery ——— ———.
Owner (name) ——— ———. Post-office address ——— ———.
Operator (name) ——— ———. Post-office address ——— ———.

	Number of bales ginned to date from growth of 1905.	Average weight per bale, including bagging and ties.	Estimated number of bales yet to be ginned from growth of 1905 by your establishment.
Square			
Round			

Remarks ——— ——— ———.

(See instructions other side.) (Signature) ——— ———.

INSTRUCTIONS.

Every blank on the reverse side of this card must be filled out. If the establishment has ginned no cotton during the season to the date of the canvass, the word "idle" should be written in the "bale" blank of the card; if the ginnery has been destroyed or abandoned without ginning any cotton this season, the word "dismantled" should be written. No establishment should be marked "idle" or "dismantled" if it has ginned any cotton from the growth of 1905. To illustrate: If only one bale has been ginned, and that at the beginning of the season, this bale should be reported at each canvass throughout the season, and under the head of "remarks" on the card proper explanation should be made, namely, that the ginnery has been burned, dismantled, or idle since ginning the product returned.

The total number of bales ginned to January 16, 1906, by this establishment from the crop grown in 1905 must be reported. This report will, therefore, include the number of bales reported to have been ginned up to January 1, 1906, the date of your eighth report, as well as the number of bales ginned since that date. In cases where there remains cotton to be ginned after the date of your canvass, you will secure from the ginner a carefully prepared estimate of this quantity for the blank provided on the card for this information. If a record of the weight of bales ginned is kept, the actual average weight should be given; but where no record of weights is kept you will not be required to furnish an average weight. Report bales as pressed at ginneries, and do not reduce round bales to the square bale basis.

The card must be signed by the owner or operator of the ginnery, or the failure to secure their signatures explained in accordance with section 4 of "Instructions to local special agents."

If more than one ginnery is owned by one individual, or operated under one management, a separate report must be made for each ginnery.

S. N. D. NORTH, *Director.*

On the other side of the same card, which I have just read, is the blank space to which I have referred, and which says:

Estimated number of bales yet to be ginned from growth of 1905 by your establishment.

That inquiry is addressed to the individual ginner. Now, Mr. Chairman, the people who grow this cotton, who make it by hard toil, and the ginners who give this report, are not stock-jobbers. They are not interested in cotton gambling, but they are giving these facts as required by law passed by their Representatives, and in reply to an inquiry addressed to them by the official who, by law, is authorized to make it. Why all this systematic effort among these newspapers to make the people believe that these reports are inaccurate and worthless? It is true that 1,641 out of more than 28,000 failed to make a report. Look at the details of that report and see where the greatest number of failures come from. In every instance they are from States that show that they have the least cotton to be ginned. Take the State of South Carolina, with 3,162 gins, with 1,777 reporting nothing to be ginned, with only 1,021 showing any to gin, and the total amount remaining to be ginned being only 9,760 bales, about 9 bales to the gin. From that State the largest number failed to report, namely, 364, which shows that the reason of the failure to report was because there was no further cotton to be ginned and they did not think it worth while to make a report.

But the bears seized upon that fact to say that the report was inaccurate. No estimate is accurate, but estimates are valuable nevertheless. When we have estimates made for a public building or a public improvement, we rely upon them, and money is appropriated upon those estimates, and yet those estimates hardly ever turn out to be accurate. Nevertheless they are valuable and worthy of honest and serious consideration. It looks to me, Mr. Chairman, that there is a systematic effort on the part of some people to try to prevent the natural effect that the truth of this report will have upon the price of cotton.

Who introduced the resolution to report the cotton to be ginned? I did. Who drew it? Director North—every word of it. I have the original in my hand, written by him, every word, and he told me that he desired to have it introduced. Before it was introduced I consulted the chairman of the Committee on Census of this House, and he approved it. The Census Committee made a unanimous report, and this House passed it almost unanimously.

Are you parties to stockjobbing operations? Of course you are not. Nobody thinks the Speaker said it, but it is alleged by respectable newspapers, and the market is affected by it.

Mr. GAINES of Tennessee. Who is doing all this?

Mr. SIMS. I do not know. I have read to the House from the newspapers which I had before me. But who has a right to say that it is inaccurate? How will anyone know that it is inaccurate unless he waits until the final report is made at the end of the year? Half of the space in the articles I have read is taken up in trying to discredit the report. As I say, I am amazed that a paper in the capital would publish so much misinformation when having so good an opportunity to know the facts.

Mr. PAYNE rose.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. SIMS] yield to the gentleman from New York [Mr. PAYNE]?

Mr. SIMS. I do.

Mr. PAYNE. Is it not a fact that on the publication of this report yesterday cotton went up and down, fluctuated 22 points, and that the fluctuations were due to this report and what it said about it in the cotton exchange?

Mr. SIMS. Why, Mr. Chairman, I suppose cotton fluctuated yesterday. How much it fluctuated I do not know. But it did the day before the report was made, and does every day.

Mr. PAYNE. Yes; but did it not fluctuate on the strength of this report, not only in the markets in this country, but in Liverpool?

Mr. SIMS. I am informed that cotton was higher before the report came out and then sagged down, and then went up after it came out and then went down again. The exchange in Liverpool was closed before the report came out.

Mr. PAYNE. And then went up again.

Mr. SIMS. Last evening?

Mr. PAYNE. Yes.

Mr. SIMS. I do not know whether that is true or not.

Mr. PAYNE. I think that is what the papers say. The bulls had their inning and the bears had theirs, and then the bulls again, and then the bears.

Mr. SIMS. I think, Mr. Chairman, the falsifiers have had their inning in the statements of the newspapers I have read. "If the light that is in you be darkness, how great is that darkness?" What we read in reputable newspapers we believe to be true, and if not true, how great is our deception?

If the people, especially from the South, do not stop incessantly complaining every time one of these reports is published and believing and repeating every suggestion suspicious of the good faith and honesty of the officials charged with this most valuable work, these reports will be discontinued, and the cotton grower will be turned over to the tender mercy of the great cotton speculators, who are bulls one day and bears the next, and can and will have reports made to order, always to suit the deal on hand by the operator who puts them out. The cotton world has gotten used to these reports of the Government and relies on them. They constitute the balance wheel in the present state of trade and commerce, and untold damage will follow their discontinuance.

Not long since one of the largest cotton exporters in this country told me that after the census report of the cotton ginned of the present crop, published on November 21, 1905, cotton advanced immediately to an amount equal to about $25,000,000 on the approximate amount of the present crop thereafter to come into sight. Before the Government commenced making reports cotton almost always sold at very low prices during the months of heaviest delivery, however short the crop finally proved to be. Often a small crop is marketed with great rapidity during the early fall months. On this account the receipts at ports and interior centers indicate a large crop, and low prices prevail until the cotton is practically all gone out of the hands of the growers. Then after it is too late to benefit the grower. It turns out that the farmers have parted with their cotton at very unremunerative prices while the spinners reap a rich harvest in the low-priced cotton they have in this way been able to procure. Mr. Chairman, I fear it will be a sad day for the cotton farmer when these reports are abolished, and for me, I am opposed to doing or saying anything leading up to such a result.

Mr. ADAMSON. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I desire to make a request for unanimous consent to place in the RECORD two or three, or possibly four, sections of the law of the rate-making commission of the State of Iowa, pertinent to the proposition or to the point of a rehearing of a maximum rate and a rate made by a railroad less than the maximum rate.

The CHAIRMAN. Under the general rule adopted by the House, the gentleman having taken the floor for a minute has the right to extend his remarks.

Mr. GAINES of Tennessee. Does this bill propose to clothe the Commission with the power, and if yea, is it a continuing power to not only fix but unfix at all times any maximum rate it makes, and also unfix and fix any carrier-made reasonable rate less than that maximum rate?

For example, if the railroad declines to charge, say, $100 (the maximum rate fixed by the Commission) and charges a 90-cent rate (less than the maximum), which becomes oppressive—

First. Has the Commission the power to unfix and refix that maximum rate?

Second. Has it the power to unfix and refix this 90-cent rate?

Third. If it has, is this or are these powers continuing?

Fourth. Who can have either or both these rates unfixed and refixed, and by what procedure?

If this bill empowers the Commission to unfix and refix at "all times" its maximum rates, and any rate less than this maximum rate, and also allows "any" person or concern to have a rehearing of the maximum rate in the case in which it was fixed, or allows "any" person or concern to file a complaint and have the Commission to unfix and refix this 90-cent rate less than this maximum of $1, does this bill plainly and unmistakably say so? If not, then, let the bill be amended and made to say so in plain English, thus avoiding suits to construe it and delay and harass litigants.

The legislatures of Iowa, Nebraska, Illinois, and South Dakota in plain English clearly give these rights and powers. Compare the abstruse language of the bill on these subjects with the plain words of the Iowa rate-fixing statute, under which but few suits have arisen.

Read this language (sec. 2138, Iowa rate-fixing commission law):

The board shall from time to time, and as often as circumstances may require, change and revise such schedule, but the rates fixed shall not be higher than established by law.

These words, or those similar and in effect the same, are found in the Illinois, Nebraska, and South Dakota laws. In Illinois the language is as follows:

Said commissioner shall from time to time, and as often as circumstances may require, change and revise such schedule. (77 Ill., 444, 445, 446; C. B. and Q. R. R. *v.* People.)

The South Dakota statute provides:

SEC. 450. Said commissioners shall from time to time, and as often as circumstances may require, change and revise such schedule.

The Iowa Code (sec. 2123) also provides:

All charges made for any service rendered or to be rendered in the transportation, etc., shall be reasonable and just, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

[Iowa Code. Railroad rate commission law.]

SEC. 2134. *Complaint.*—Any person, firm, or corporation or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this chapter in contravention thereof may apply to said board by petition, briefly stating the facts; whereupon a copy of the complaint with the damages, if any are claimed, shall be forwarded by the board to such carrier, who shall be requested to satisfy the complaint, or answer the same in writing within a reasonable time to be fixed by the board. If such carrier within the time specified shall make reparation for the injury alleged to have been done, or shall correct the wrong complained of, it shall be relieved of liability to the complainant for the particular violation complained of. If it shall not satisfy the complaint within the time fixed, or there shall appear to be any reasonable ground for investigating the complaint, the board shall inquire into the matters complained of in such manner and by such means as it shall think proper. Whenever it has sufficient reason to believe that any carrier is violating any provision of this chapter, it shall at once institute an inquiry, as though complaint had been made. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant. (Same, sec. 13.)

These words unmistakably give the Commission the power, and a continuing power, to fix and unfix any and all improper rates. Sections 2138 and 2141, Iowa law, read thus:

SEC. 2138. *Commissioners' schedules of rates—Effect.*—The schedules of reasonable maximum rates of charges for the transportation of freight and cars, together with the classification of such freights now in effect, shall remain in force until changed by the board according to law, which, in all actions brought against railway corporations, wherein there are involved the charges thereof for the transportation of any freight or cars or any unjust discrimination in relation thereto, shall be taken as prima facie evidence in all courts that the rates fixed therein are reasonable and just maximum rates of charge for which said schedules have been prepared.

The board shall from time to time, and as often as circumstances may require, change and revise such schedules, but the rates fixed shall not be higher than established by law. The board shall give notice of its intention to revise or change such schedules by publishing a notice thereof in two weekly newspapers published at the seat of government, for two consecutive weeks, and the last publication of such notice shall be at least ten days before the time fixed for considering the matter, and such notice shall contain, in general terms, a statement of the matters the board proposes to consider, and the date when and the place where the matter will be taken up, and shall be addressed to all persons interested therein.

When any schedule is thus revised the board must cause notice thereof to be published for two successive weeks in some public newspaper printed at the seat of government, which shall state the date of the taking effect thereof, and it shall take effect at the time so stated. A printed copy of such revised schedule shall be conspicuously posted by said common carrier in each freight office and passenger depot upon all lines affected thereby, and when certified by the board that the same is a true copy prepared by it for the railway company or corporation therein named, and that notice thereof had been published as required by law, shall be received in evidence in all actions as prima facie the schedule of such board.

SEC. 2141. *Determination.*—After such hearing and investigation, the board shall fix and determine the maximum charges to be thereafter made by the railroad company or common carrier complained of, which charge shall in no event exceed the one now or hereafter fixed by law; and the board shall render their decision in writing and shall spread the same at length in the record to be kept for that purpose; such decision shall specifically set out the sums or rate which the railroad company or common carrier so complained of may thereafter charge or receive for the service therein named, and including a classification of such freight; and the board shall not be limited in their said decision and the schedule to be contained therein to the specific case or cases complained of, but it shall be extended to all such rates between points in this State, and whatever part of the line of railway or such company or common carrier within this State may have been fairly within the scope of such investigation; and any such decision so made and entered on record of the board, including any such schedules and classifications, shall, when duly authenticated, be received and held in all suits brought against any such railroad corporation or common carrier wherein is in any way involved the charges of any such corporation or carrier mentioned in said decisions, in any of the courts of this State, as prima facie evidence that the rates therein fixed are reasonable maximum rates, the same as the schedule made by the board as provided in section 2138 hereof; and the rates and classifications so established after such hearing and investigation shall, from time to time thereafter, upon complaint duly made, be subject to revision by the board, the same as any other rates and classifications.

But the legislature of Iowa didn't stop with giving its commission the power to unfix and refix its schedule at any time, but went still further and provided for relief against any rate made by the carrier of the commission, giving "any person" or concern the right to attack the same and plainly say so.

I now read sections 2139, 2140, 2141, and 2142, Iowa law, covering the proceedings in such cases:

VIOLATION OF SCHEDULE.

SEC. 2139. *Complaint of violation of schedule.*—When any person in his own behalf, or in behalf of a class of persons similarly situated, or a firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, shall make complaint to the board of railway commissioners that the rate charged or published by any railway company, or the maximum rates fixed by the board in the schedule of rates made by it, or the maximum rate fixed by law, is unreasonably high or discriminating, the board shall investigate the matter, and, if the charge appears to be well founded, fix a day for hearing the same, giving the railway company notice of the time and place thereof by mail, directed to any division superintendent, general or assistant superintendent, general manager, president, or secretary of such company, which notice shall contain the substance of the complaint, also the person or persons complaining. (Same, sec. 18.)

SEC. 2140. *Hearing evidence.*—Upon the hearing the board shall receive any evidence and listen to any arguments offered or presented by either party relevant to the matter under investigation, and the burden of proof shall not be upon the person or persons making the complaint; but it shall add to the showing made at such hearing whatever information it may then have, or can obtain from any source, including schedules of rates actually charged by any railway company for substantially the same kind of service, in this or any other State.

The lowest rates published or charged by any railway company for substantially the same kind of service, whether in this or another State, shall, at the instance of the person or persons complaining, be ac-

cepted as prima facie evidence of a reasonable rate for the services under investigation; and if the railway company complained of is operating a line of railroad beyond the State, or has a traffic arrangement with any such railway company, the same shall be taken into consideration in determining what is a reasonable rate; if it be operating a line of railway beyond the State, the rate charged or established for substantially a similar or greater service by it in another State shall also be considered. (Same, sec. 19.)

SEC. 2141. *Determination.*—After such hearing and investigation, the board shall fix and determine the maximum charges to be thereafter made by the railroad company or common carrier complained of, which charge shall in no event exceed the one now or hereafter fixed by law; and the board shall render their decision in writing, and shall spread the same at length in the record to be kept for that purpose; such decision shall specifically set out the sums or rate which the railroad company or common carrier so complained of may thereafter charge or receive for the service therein named, and including a classification of such freight; and the board shall not be limited in their said decisions and the schedule to be contained therein to the specific case or cases complained of, but it shall be extended to all such rates between points in this State, and whatever part of the line of railway of such company or common carrier within this State may have been fairly within the scope of such investigation; and such decisions so made and entered on record of the board, including any such schedules and classifications, shall, when duly authenticated, be received and held in all suits brought against any such railroad corporation or common carrier, wherein is in any way involved the charges of any such corporation or carrier mentioned in said decisions, in any of the courts of this State, as prima facie evidence that the rates therein fixed are reasonable maximum rates, the same as the schedule made by the board as provided in section 2138 hereof; and the rates and classifications so established, after such hearing and investigation, shall, from time to time thereafter, upon complaint duly made, be subject to provision by the board, the same as any other rates and classifications. (Same, sec. 20.)

SEC. 2142. *Proceedings of commissioners.*—The board may in all cases conduct its proceedings, when not otherwise prescribed by law, in such manner as will best conduce to the proper dispatch of business and the attainment of justice. A majority of the board shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. It may from time to time make or amend such general rules or orders as may be necessary for the preservation of order and the regulation of proceedings before it, including forms of notice and the service thereof, which shall conform as nearly as may be to those in use in the courts of the State. Any party may appear before it and be heard in person or by attorney. Every vote and official action thereof shall be entered of record, and, upon the request of either party or person interested, its proceedings shall be public. It shall have a seal, of which courts shall take judicial notice. (Same, sec. 21.)

In addition to this language, we are referred for these refixing rights and powers to words of the bill, as follows (p. 14):

The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

"Its" orders are not the rates fixed by the carrier.

The 90-cent rate is the carrier's order or rate. It is not the order of the Commission.

We are also referred to language of the bill on page 18:

That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same.

"Parties thereto" can, by these words, get a rehearing on the dollar rate in the old suit. Outside parties can not. They are not "parties thereto"—and can not become parties—and do not complain of the $1 or maximum rate, but of the 90-cent rate not fixed in the old case. He must file, it is claimed, a petition de novo, under section 13, above quoted, and section 15 of the act of 1887, as amended by the language, page 10 of the bill, above quoted. Surely the language I have quoted from the bill on the right of "any" person to have any oppressive rate unfixed and refixed and the power of the Commission to refix any and all rates, at any time, is not as plain as we can make it or should make it, and hence I cite the committee to the Iowa law, which clearly and plainly grants all rights to the citizen and all powers necessary to the commission to unfix and refix any and all improper rates at any and all times.

The gentleman from Georgia [Mr. ADAMSON] refers us for these rights and powers to language in the bill, as follows:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged.

This is found on page 10 of this bill amending section 15, act 1887.

Section 13 (act 1887) here referred to and amended is in the same language substantially as section — of the Iowa law above quoted, and reads thus:

That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the Commission.

APPENDIX.

March 2, 1873, the State of Illinois enacted a railroad rate-making commission law, section 8 of which, as stated by the supreme court In re C., B. & Q. R. R. Co. *v.* People (77 Ill., 444, 445, and 446) is as follows:

Section 8 directs the railroad and warehouse commissioners—

to make for each of the railroad corporations doing business in this State, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of passengers and freight and cars on each of said railroads; and said schedule shall, in all suits brought against any such railroad corporations wherein is in any way involved the charges of any such corporation for the transportation of any passenger or freight or cars, or unjust discrimination in relation thereto, be deemed and taken in all courts of this State as prima facie evidence that the rates therein fixed are reasonable maximum rates of charges for the transportation of passengers and freights and cars upon the railroads for which said schedules may have been respectively prepared.

Said commissioners shall, from time to time, and as often as circumstances may require, change and revise said schedules. When any schedules shall have been made or revised as aforesaid, it shall be the duty of said commissioners to cause publication thereof to be made for three successive weeks in some public newspaper published in the city of Springfield, in this State: *Provided*, That the schedules thus prepared shall not be taken as prima facie evidence, as herein provided, until schedules shall have been prepared and published as aforesaid for all the railroad companies now organized under the laws of this State, and until the 15th day of January, A. D. 1874, or until ten days after the meeting of the next session of this general assembly, provided a session of the general assembly shall be held previous to the 15th day of January, aforesaid, etc.

See also same section, quoted In re Chicago, etc., Railroad Co. *v.* Jones (149 Ill., 361; s. c. American State Rep., vol. 41, p. 281), wherein the law of Illinois is upheld in an able opinion.

Mr. ADAMSON. I yield to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Chairman, I rise for the purpose of speaking in support of the pending bill. It is a maxim of the law that where there is a wrong there is a remedy. It is a little remarkable that in a broad and comprehensive system of jurisprudence like that of the United States this maxim is found to be mere fiction when applied to interstate railroads. Here we have wrongs and abuses for which the law has provided no ample remedy. The laws now upon our statute books intended to correct such abuses have proven powerless, and I consider the enactment of additional legislation which will guarantee a more effectual control and regulation of the rates of interstate railroads as the most important subject of legislation before the American Congress to-day. Unlike the question of Federal control of insurance, so eloquently and ably discussed at the beginning of this session, and concerning which there was expressed such wide difference of opinion, in this case there is and can be no doubt as to our constitutional authority to act; there is and can be no doubt as to our jurisdiction over the subject-matter. In Article I, section 8, of the Federal Constitution it is declared, among other things, that "Congress shall have power to regulate commerce with foreign nations and among the several States." By this provision of the organic law the States, by express terms, have delegated to Congress the power to regulate commerce between the several States, and thus and thereby lodged in Congress the power to supervise, control, and regulate the rates of railroads and other common carriers engaged in interstate commerce.

The legislatures of the States have no power to legislate upon the subject. The courts of the States or of the United States have no legislative powers or legislative functions. The responsibility for such legislation rests upon Congress, and upon Congress alone. We are here as the Representatives of the American people, and from every quarter, whether we be Democrats or Republicans, our constituents—the American producer, the American shipper, and the American public generally—are demanding such legislation at our hands.

The people are aggrieved. They feel that an injustice has been done them and is being done them by the railroads, and they are demanding relief. It is hardly fair for us on this side of the Chamber to claim that this sentiment is wholly Democratic, because, forsooth, this proposed legislation has been demanded in three of our national Democratic platforms. It is hardly fair for you, on the other side of the aisle, to claim that it is wholly Republican because it has been twice submitted to Congress by a Republican President. It is more accurate to state that this sentiment knows no party lines and is circumscribed by no party bounds, but that it is a truly American sentiment. [Applause.] It stands for justice; it stands for fair play. There seems to be a widespread misapprehension on the part of the railroad people and their repre-

sentatives as to what the American public is demanding and as to what the American Congress is seeking to do. It is not the purpose of anybody, so far as I am advised, to clothe the Interstate Commerce Commission or any other administrative body with authority to initiate rates or revise general schedules of railroad companies. That is a matter that is to be left primarily to the railroads, as now, and so long as they refrain from violating existing law by charging extortionate, unreasonable, and discriminatory rates, or giving preferential rates or giving rebates, it is not proposed that the Interstate Commerce Commission or any other body should interfere with their established rates and schedules. The sole purpose of this legislation, so far as it relates to the fixing of rates, as I understand it, is to enlarge the powers of the Interstate Commerce Commission so as to authorize such Commission, upon complaint made by any shipper or other person aggrieved, to inquire into the alleged violation of law, and if after a full and fair investigation of all the facts it is ascertained that the law has been violated, then to set aside the unlawful rate and to substitute in lieu thereof a reasonable rate, which shall take effect immediately upon notice and shall remain in force until annulled by a court of competent jurisdiction. Is there anything harsh, revolutionary, or unreasonable in that proposition? Why should it not be done? In this country of ours, founded upon principles of equality and justice, why should one person or one corporation be permitted, in plain violation of law, to deal unfairly and unjustly with another person or corporation or with a community and yet the injured party have no redress and no remedy under the law? Concede that the railroads intend absolute fairness. Is it not possible for the traffic managers or rate-making agencies of the railroads to make mistakes? Do they not err? Is it not possible for them by accident or inadvertence to impose an unjust rate upon some shipper? If so, then is it not right, in case of disagreement between the railroad companies and the injured shipper, that there should be some public, disinterested tribunal, some agency established by the Government, wherein and whereby the injured shipper may have a remedy, may redress the wrong and be relieved of the hardship and injustice done him? To my mind the proposition is self-evident. But when we are confronted with the real situation, namely, that the managers of railroads, like other men, are possessed of selfishness and greed, except perhaps in a more marked degree—when we review the history of the railroads and contemplate the numerous instances of injustice and oppression that they have imposed upon their patrons and customers—then the demand for such legislation rests not alone upon expediency, but upon the high ground of imperative public necessity. [Loud applause.]

But we were told the other day by the distinguished gentleman from Pennsylvania [Mr. SIBLEY] that he was opposed to this bill because he believed this bill was a step in favor of Government ownership and had a socialistic tendency about it. The distinguished gentleman made a magnificent argument based upon that premise, but I submit that his premise is false.

I submit the very contrary of this premise is true. This legislation, instead of furthering socialism and being a step toward Government ownership, will result as a check upon that growing sentiment. It is not the advocacy of this legislation that has created in the public mind in America these socialistic tendencies; and, by way of digression, permit me to suggest the real cause. I want to say here that I have no prejudice against railroads nor against corporations, but I can not say as much concerning the corrupt management of these great and useful corporations by men who are using them as instrumentalities of oppression, as a means of exploiting the public and the stockholders.

The McCalls, the McCurdys, the Rogerses, the Rockefellers, and the Morgans are the men that are sowing in this fair land the seeds of anarchy and revolution. [Applause.] Henry H. Rogers may defy for a time the courts of the great State of Missouri. He may twit Attorney-General Hadley as a young man seeking notoriety. Attorney-General Hadley will easily attain his purpose, if such it be, and that may not disturb Mr. Rogers in the least. But these masters of finance should remember that, while the exposures made by Folk and by Hughes and by Hadley have brought not only notoriety but substantial renown to these heroic advocates of civic virtue, behind it all is an intelligent, outraged, independent people, who believe in law and order, who have imposed upon themselves the burdens of taxation to maintain courts and uphold the law, who will not long tolerate the defiance of law and courts by the greatly rich in this country. [Applause.]

We have, Mr. Chairman, in America a feudalism not of landed estates, but of trusts. There has been permitted to grow up under our system a class of unrestricted monopolies that have amassed great wealth. By secret understandings, by pools, by consolidations, and by combinations, commonly known as "trusts," they have unified these moneyed interests and have concentrated into the hands of a few men the power to dominate vast aggregations of wealth. These few men constitute the lords of the manor in American finance. The people are the vassals, and in lieu of military service, which none of us would render in their unholy cause, we are compelled to pay a money tribute to these financial brigands, these marauding chiefs of high finance, who with the stride of a colossus stalk up and down the continent, unrestrained by law, and with the iron heel of tyranny trample under foot the rights of the people. [Applause.]

I submit to the distinguished gentleman from Pennsylvania [Mr. SIBLEY] that it is this condition of affairs that is creating in the public mind these socialistic and anarchistic tendencies, if you please, and not the advocacy of wholesome measures of legislation such as the one now under consideration.

I have no prejudice, as I have already said, against the railroads. They have been great and mighty factors in building up our country. Nobody wants to destroy them. Without them we could never have attained the one-hundredth part of the prosperity we now enjoy. They have been the means of building up our large cities, of developing and settling up our great States, and of rendering the American Republic the brightest jewel in the civilization of the world. We owe much to the railroads; but while it is true that the public owes much to the railroads, the railroads owe everything to the public. No association of men or of corporations could afford to own any great line of railroad for their own private use, however great their fortunes or their industries. The railroad lives, thrives, and derives its profits from the public. It owes to that public a duty, and that is to deal fairly with it, not to impose an unjust burden upon its patrons as a whole and not to resort to discriminations between individuals and between communities. Those engaged in this line of business have amassed colossal fortunes. I hope I will not offend the pride of any of the railroad dignitaries—these fortunate possessors of predatory wealth, some of whose daughters have intermarried with the nobility of Europe—but I propose to deal in some plain facts. I propose to define the true status of the railroad and the railroad people in the body politic. The railroad is a corporation. It is a common carrier, and its duties and functions and obligations are the same as those of common carriers of two hundred years ago. These managers and high officials of railroads are sometimes called "captains of industry." The railroad derives its power to act from the charter granted to it by the State. It is a creature of law and has no inalienable rights. There is nothing sacred about it; it is not divine in origin; its owners are not descended from kings or princes. Their work is menial in the strictest sense of the term. They work for hire. Notwithstanding the bright lights, the gilded finishings and the velvet furnishings of its palace cars and the awe-inspiring swiftness of its powerful locomotives, the railroad in its functions and purposes is a common carrier and in its mission it is merely the successor of the dray cart, the pack mule, the road wagon, and the old stagecoach. And these captains of industry that we hear so much about are the lineal descendants, as it were, of the draymen, the mule driver, the teamster, and the grandiloquent stage driver of the olden times. Then on what meat does this our Cæsar feed that he is grown so great, that he should demand that he above all other men and that his interests above all other interests in this country should be held in complete immunity and exemption from the provisions of the law?

But we are told that while Congress has the constitutional authority to legislate upon this subject, we can not enact a law empowering a commission or administrative board with authority to fix a rate without violating the Constitution. This I deny. I contend that when the people of the States delegated to Congress the power to regulate interstate commerce, reserving to themselves no limitation whatever, that that carried with it the full power and authority to enact whatever legislation might be necessary in order to carry into force and effect these delegated powers.

I claim that in legislating upon this subject Congress has all the powers that the British Parliament, which is unrestricted by constitutional limitations, has in legislating upon any subject before that body. I claim that Congress has all the power to legislate upon this subject that the people of the several States have in establishing or modifying their State constitutions over matters and things not inhibited by the Federal Constitution.

I have not time to quote the decisions in support of this proposition, but will cite the cases of McCulloch *v.* Maryland, 4 Wheaton, 315; Stone et al. *v.* Farmers' Loan and Trust Com-

pany, 116 United States, 307; Reagan *v.* Farmers' Loan and Trust Company, 154 United States, 362.

But to all of this the railroads are opposed. They tell us that the rate making is an exceedingly complicated subject. This is admitted on all sides. I am not going to take the position that it is not, but I am going to take the position that it is not an incomprehensible subject. I believe that other men and other agents save and except those engaged in railroading can comprehend, can understand, this subject as well as the railroad people.

I believe the railroads have exaggerated the difficulties of this complex subject with a view to covering up from the public a clear insight into their inequitable system of rate making.

Even Judge Grosscup, of the United States circuit court of appeals, for whose opinions I have the highest respect and whose proposed plan of regulating rates I have carefully considered, seems to have been led into a serious error on this subject. He has taken the position that the United States courts as now constituted are incompetent tribunals to try these railroad cases, partly on account of being engrossed with other business and partly on account of the complicated nature of rate schedules. He is led into the further error of advocating the establishment of a separate court, to be known as the "transportation court." He further recommends the selection of the judges of this court, or at least that some of them be selected, from the railroad people—from the traffic men of the railroads, I suppose, for they know most about rate schedules.

This is the very point we desire to avoid. The fixing of rates is now in the hands of the agents and traffic managers of the railroads. I do not say that they always do injustice. I do not believe they always do injustice. They may fix just and reasonable rates in a hundred cases, but if at the same time they fix unjust and unreasonable rates in any smaller number of cases those persons and corporations against whom such unjust and unreasonable rates are imposed are entitled to redress under any just system of government, and we as lawmakers, on account of the complexity of the subject, ought not to be deterred from providing ample means for such relief.

There is much division of opinion on the subject, due largely, I think, to the efforts of the railroads to forestall further legislation. Several months ago they instituted a campaign of literature against this proposed legislation. No candidate for public office, no chairman of a political organization in a heated campaign, was ever more diligent and persistent in sending out literature, circulars, and documents than have been the railroads in their campaign against this proposed measure. During the whole summer and fall, day after day, they poured literature of all kinds in opposition to governmental regulation and governmental rate making in upon my desk, and, I suppose, upon the desk of every other Member of this House—newspaper clippings, magazine articles, books, papers, and periodicals. In one pamphlet are given the names of over 400 shippers who registered their opposition to it, but a close analysis of this publication discloses that most of the organizations protesting are privy to the railroads. In fact, I have come into the possession of an elaborate library upon the subject, and they have not contented themselves with sending out the works and productions of railroad economists published on this side of the Atlantic. I received an English text-book on this subject, written by one William Ackworth, of London. In this book is one whole chapter devoted to the futility of parliamentary interference.

The distinguished gentleman from Massachusetts [Mr. McCALL], who opposes this bill, on yesterday quoted Mr. Ackworth as a leading authority upon railroad economics in England. Now, I desire to pay my respects to this distinguished author. Railroad rate making is generally considered to be complicated, but according to this distinguished writer it is very simple—in fact, as simple as the Spanish doctor's art of the practice of medicine. I read the story in Gil Blas.

There lived in Madrid a physician who had grown very rich in the practice of medicine. He had about his office a young man employed to do his chores—to build the fires and sweep his floors—for whom he had formed a peculiar attachment. So he took the young man aside one day and told him that he desired to make a doctor of him. The young man insisted that he did not have sufficient education; that he knew nothing about anatomy or hygiene or physiology or a hundred other things pertaining to medical science. The old doctor said, "Young man, that matters not; I am now going to give you the whole secret of the art of the practice of medicine in a few words. It consists in copiously bleeding the patient and then giving him great drafts of hot water."

Now, this distinguished railroad economist, Mr. W. M. Ackworth, of London, clears up this whole mystified subject of rate making in a few words. He says it consists in "charging what the traffic will bear"—in other words, like the Spanish doctor's universal remedy, it consists in copiously bleeding the shipper and then giving him great drafts of, not hot water, but hot air [laughter] when he makes a complaint. This distinguished author also says that this system of rate making has been adopted by all the great railroads of Europe and the American railroads. He says that for some reason, not very obvious to him, the expression "charging what the traffic will bear" has fallen into disrepute, and he gives it as his candid opinion that if the railroads at the outset, instead of using that expression, had adopted another and said that "they tempered the wind to the shorn lamb," that they could have proceeded with the identical methods they are now adopting, and it would have been very popular with the people. [Laughter and prolonged applause.]

I can not subscribe to such doctrine. It will deceive nobody. Such silly effort to belittle the intelligence of the masses is unworthy of a great writer, for beneath the plain apparel of the common people beat hearts as brave and true as were ever covered by royal purple or by cloth of gold, and from their humble abodes have sprung the masters of thought in every age and country. You can not deceive them on this freight-rate question by telling them that you "temper the winds to the shorn lamb."

Away with such sophistry. No gentle words will relieve the burden of him who bears upon his neck a cruel yoke; no gentle words will rend the shackles of him who is chained, like Prometheus, to a rock; and no shifting of phrases or juggling with words will lessen the burden of the miner, the miller, the farmer, the fruit grower, the merchant or other producer, or the shipper whose profits are exhausted by extortionate or discriminatory charges, and who is thus ground down under an unjust and unlawful system of railroad rates instituted and enforced against him in defiance of and in plain violation of law.

The only remedy for this last-named form of oppression will be found in additional and more effectual legislation concerning interstate railroad rates. Congress has the power to afford this remedy, and I am in favor of exercising that power to the full extent. I believe that we should pass this bill, which, enacted into law, will give to the Interstate Commerce Commission full power and authority to deal with every question of inequality or injustice growing out of or incidental to our interstate commerce. The provisions of this bill apply not only to interstate railroads, but also to private cars, terminal lines, and express companies engaged in interstate commerce.

I think that the Committee on Interstate Commerce and the country at large are to be congratulated upon the fact that the passage of this measure has been recommended by the unanimous report of this great committee, consisting of eighteen members, including both Democrats and Republicans. I for one, in compliment to said committee, shall vote for the bill as submitted to the House without modification or amendment.

Enact this law and you will have stricken a herculean blow against that sentiment in this country in favor of municipal ownership, so recently manifested in the mayoralty elections of the great cities of Chicago and New York. Do this, and when Congress adjourns and you return to your respective homes, whether you hail from Maine or Texas, Washington or Florida, or from the great States of the Middle West or Mississippi Valley, whether you be Democrat or Republican, I believe you will receive the plaudits of a grateful constituency, who will approve your course and who in emphasis of such approval will grapple you to their hearts with hooks of steel and commend you as devoted, faithful servants of the plain people.

Mr. PAGE. Mr. Chairman, I feel like using half the time assigned me in apologizing to the committee for detaining it past the usual time of adjournment.

Mr. ADAMSON. We were saving the best for the last.

Mr. PAGE. I thank the gentleman for the honor he does me.

Mr. Chairman, the situation in which we find ourselves is, to say the least of it, a peculiar and unusual one. In all the history of legislation in this country public sentiment has been the controlling factor. Very rarely, if ever before, has public sentiment been so strong upon one side of any question as to force from a great committee of this House, composed of eighteen gentlemen of almost every varying shade of public thought, a unanimous report. By searching the record, or even by a slight effort of memory, we find that only one year ago this same body was representative of every shade of thought as touching railroad-rate legislation. The bill presented by the majority at that time and passed this House contained no mention of private car lines or terminals. It was cumbered by a lot of court machinery. Neither did the substitute, offered by this side of the House, contain either of these provisions. Not to recall unpleasant

facts, neither the majority or the minority were agreed. Does this great change in the attitude of the Committee on Interstate and Foreign Commerce and of the House argue a nearer approach to each other of the two parties represented here? Does it argue a demand stronger now than then on the part of the great public as distinguished from the corporate interests of the country? Does it argue stronger pressure from the other end of the avenue? Or all three?

No man will deny the large part played by the railroads in the development of this country. I heartily join in all the praise bestowed upon them by gentlemen who have preceded me. Without them our population would be confined to the seaboard and waterways, numbering possibly twenty million instead of eighty, our trade and wealth insignificant, the mighty empire beyond the Mississippi a wilderness, inhabited largely by savages. Human slavery would most likely be still in existence. Upon their prosperity to-day directly and indirectly the life of the nation depends. Still every person knows that, in spite of the great part they have played and are still playing in the development and prosperity of the country, they are the creatures of the State and should be under its control.

No man questions the right of the Federal Government to control that traffic over them that passes from one State to another or into foreign territory. It is not a question of right—rather one of expediency. Shall the country control the roads or the roads the country? has come to be a familiar question, the presumption being, left uncontrolled, they grow beyond the power of the Government. Indeed, we have among us those so pessimistic as to desire that we have already lost the reins, and the country is being controlled by the roads and their allies, the trusts. How much of truth there is in this each man must judge for himself. But, Mr. Chairman, to that particular feature of the measure under consideration that I desire to discuss.

I find in the report accompanying this bill, on page 3, this language:

> It is proper here to say to those who complain of this legislation that the necessity for it is the result of the misconduct of carriers. Not necessarily of all, but certainly very many of them have indulged in some form of violation of the law. The law to-day would be fairly satisfactory to all shippers if the spirit of fairness required by it had controlled the conduct of the carriers, and the necessity for the proposed legislation is the result of and is made necessary by the misconduct of parties who are now most clamorous against additional restraint. If the carriers had in good faith accepted existing statutes and obeyed them there would have been no necessity for increasing the powers of the Commission or the enactment of new coercive measures.

Is not this an outright admission on the part of the committee having had this matter under consideration that what has been needed, and is needed now, is an enforcement of existing law rather than the enactment of more law? If I accept this report I am forced to accept this view of the situation, and I am free to confess that I had accepted it before the report came into this House, and believe had the great pressure of public sentiment and the equally effective pressure of the executive head of the Government been brought to bear upon those charged with the execution of the law already on the statute books vastly more would have been accomplished than will be by the enactment of this measure into law. [Applause.] In the States and in the nation there has developed a sentiment that, when anything has gone wrong, clamors for "the passing of a law" when the necessity would be removed by a faithful execution of existing law.

I believe the clamor of the great masses of our people for additional legislation upon this subject, because of their slight knowledge of the intricacies of railroad traffic, has been misdirected. With unerring judgment the people of this country know when they are being wronged; because of imperfect information they are very often mistaken both as to the reason of the wrong and the method that should be employed to right the wrong. In almost every community in the United States people saw some individual or corporation receiving from the transportation companies something they were denied. The people of one town saw another prospering beyond theirs without apparent natural reasons. It was discovered that by ownership of cars certain great noncarrying corporations had been able to advance the cost of transportation, and instead of demanding the execution of law in the one instance and the enactment of laws to cover the other, the force of their complaint was directed at that from which they were suffering in a minor degree—the rate charged. There has never been a clearer demonstration of the power of the people under our form of government to effect legislation than in this instance, and its exhibition should silence forever those among us who pessimistically declare that power has departed from the people.

This body and that at the other end of this building constitute the medical staff of the 80,000,000 of the people—to doctor the ills of the body politic and to keep in health the nation. They—the people—complained to us that they were ill of railroad domination. We, in turn, referred the case, as is our custom, to a select few, supposed to have special knowledge of the particular disease complained of. After due deliberation and consultation they have accomplished the very unusual feat for doctors of any school of reaching a unanimous opinion both as to the disease and the necessary remedy. [Laughter.] Reporting back to us, they say, in effect, as before quoted from page 3 of the report, that had the medicine formerly prescribed been administered by the nurse the patient would have had no cause of complaint as to his present condition; but because of the failure of the nurse to perform his duty we prescribe so and so. This additional dose they propose to leave in the hands of the same nurse to administer, and solemnly tell the patient he will soon be well. I am reminded of an old herb doctor in my State who was called to see a patient, suffering greatly from some unknown malady that had baffled the skill of the family physician. The quack carefully thumped the suffering patient, felt his pulse, examined his tongue, and went through all the usual formalities. He then turned to the weeping and distressed wife and children and said solemnly: "He is in a bad fix, I must confess. I do not know what's the matter with him, nor can I, in his present condition, do anything to relieve him, but I'll tell you what I can do. I can throw him into fits, and I'm hell on fits." [Laughter and applause.] Mr. Chairman and gentlemen of the committee, I sincerely hope the patient may survive the fit.

Another clause of this report says: "This bill does not attempt to give power to the Commission to readjust classifications of freight." To have done so would have necessitated the formation of a bureau, the like of which this Government has never seen; still, the failure to do so destroys in great measure the effectiveness of the power bestowed. This is not a new question, but one that has engaged the attention of legislators, as has been shown by the gentleman from Georgia [Mr. BARTLETT], since the sixties. It is one that I fear, in one form or another, will engage their attention during the life of the Republic.

In discussing this question the other day, the gentleman from Michigan [Mr. TOWNSEND] said the charge had been made by the railroad interest of the country, of demagoguery on the part of the Congress in dealing with this question, and intimated that the charge could be hurled back with equal truth. I think the charge in both instances could be sustained. I do not believe that the laboring man, the honest business man, or the roads themselves are going to be injured by the passage of this bill. If I did I should not vote for it. Neither do I believe that the widows and orphans or other investors in railroads stocks are going to be injured, or I should not vote for it. I think all these charges and fears are utterly groundless.

True there is danger to every interest concerned—the people and the railroads—by the investing in any seven men the power that goes to this Commission with the enactment of this bill into law, possibly more dangerous to the people than to the railroads, for the power of the one is hard to concentrate, and effective only when concentrated, while the power of the other is already concentrated and ever ready for effective action.

Not being a lawyer, and therefore having nothing to lose by venturing legal opinions, at least by interrogation; are the lawyers of this body agreed that the legislative branch of the Government has the right to confer this power? From my legal friends I have had varying opinions. If not, what becomes of the power to name a rate in the place of one found unreasonable? I venture the assertion that there has always existed the power under the common law to correct an unreasonable or extortionate charge. However, a layman never knows how to account for the law. In these latter days we have seen some strange things in its name; for instance, a decision that finds a corporation guilty but the officers of that corporation guiltless.

Mr. Chairman, my criticisms, if they may be called such, have not been made in a carping spirit, nor in the spirit of antagonism to the proposed legislation. No Member of this body sees more clearly than myself the necessity of doing something. The bill has in it many necessary and vital features for effective control. The one idea I wanted to emphasize was the necessity of execution, and to bring this about by arousing public sentiment to the point where its pressure will be brought to bear at the necessary place. If the passage of this act, and the discussion here and elsewhere shall focus public sentiment upon those charged with the execution of the law, as it has been focused in the State of Missouri, the State of Ohio, and the city of Philadelphia, there will be other Folks, Pattisons, and Weavers; the rights of the people will be preserved, and no honest man or corporation will be made to suffer. [Applause.]

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad rate bill—and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 8:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made with a view to providing a harbor suitable for the largest boats at a point opposite or near the following-described land: Sections Nos. 33 and 34, township 37, range 8 west, Lake County, Ind.—

To the Committee on Rivers and Harbors.

CHANGES OF REFERENCE.

By unanimous consent, at the request of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bills (H. R. 9325) to acquire certain ground for a Government reservation, (H. R. 6031) to acquire certain grounds in the District of Columbia for a Government reservation, (H. R. 72) to acquire certain ground for a Government reservation, and the same referred to the Committee on Public Buildings and Grounds; and from the bills (H. R. 13098) to light the Potomac public speedway and driveday, (H. R. 12476) to extend the asphalt paving on Pennsylvania avenue, and the same referred to the Committee on Appropriations.

At the request of Mr. SMITH of Illinois, the Committee on Private Land Claims was discharged from the further consideration of the bill (S. 983) to validate certain certificates of soldiers' additional homestead rights, and the same was referred to the Committee on Public Lands.

ADJOURNMENT.

Then, on motion of Mr. HEPBURN (at 5 o'clock and 23 minutes p. m.) the House adjourned until Monday, February 5, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for care and support of insane persons in the Indian Territory—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1905—to the Committee on Expenditures in the Department of Commerce and Labor, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation and various inclosures, a draft of a bill providing a fund for payment of advertising the restoration of lands in forest reserves to the public domain—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally referred from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes, reported the same with amendment, accompanied by a report (No. 924); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10483) granting a pension to James A. Gallt, reported the same with amendment, accompanied by a report (No. 746); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5658) granting an increase of pension to Joseph Nichols, reported the same with amendment, accompanied by a report (No. 747); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6065) granting an increase of pension to Charles Crowe, reported the same with amendment, accompanied by a report (No. 748); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7241) granting an increase of pension to Mary J. Allhands, reported the same with amendment, accompanied by a report (No. 749); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4246) granting an increase of pension to George D. Street, reported the same with amendment, accompanied by a report (No. 750); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6489) granting a pension to Mary E. Scott, reported the same with amendment, accompanied by a report (No. 751); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4962) granting an increase of pension to William J. Sturgis, reported the same with amendment, accompanied by a report (No. 752); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2100) granting an increase of pension to Hiram Wilde, reported the same with amendment, accompanied by a report (No. 753); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3425) granting a pension to Warren A. Blye, reported the same with amendment, accompanied by a report (No. 754); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1585) granting an increase of pension to George N. Dutcher, reported the same with amendment, accompanied by a report (No. 755); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2849) granting an increase of pension to Jesse Harrison, reported the same without amendment, accompanied by a report (No. 756); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1359) granting an increase of pension to Henry M. Robinson, reported the same with amendment, accompanied by a report (No. 757); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2614) granting a pension to General M. Brown, reported the same with amendment, accompanied by a report (No. 758); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1287) granting an increase of pension to John D. Moore, reported the same with amendment, accompanied by a report (No. 759); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1979) granting an increase of pension to Amanda L. Hill, reported the same with amendment, accompanied by a report (No. 760); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2059) granting an increase of pension to Jerome Washburn, reported the

same with amendment, accompanied by a report (No. 761); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2099) granting a pension to Maurice O'Flanigan, reported the same with amendment, accompanied by a report (No. 762); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1200) granting a pension to John G. Parker, reported the same with amendment, accompanied by a report (No. 763); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2048) granting an increase of pension to John J. Cooper, reported the same with amendment, accompanied by a report (No. 764); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 650) granting a pension to Felix G. Stidger, reported the same with amendment, accompanied by a report (No. 765); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 524) granting an increase of pension to Sylvenus A. Fay, reported the same with amendment, accompanied by a report (No. 766); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13348) granting an increase of pension to Nancy Shelton, reported the same with amendment, accompanied by a report (No. 767); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12948) granting an increase of pension to Frederick Bierley, reported the same without amendment, accompanied by a report (No. 768); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12903) granting an increase of pension to Daniel T. Ferrier, reported the same with amendment, accompanied by a report (No. 769); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12720) granting a pension to Sarah Duffield, reported the same with amendment, accompanied by a report (No. 770); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12297) granting a pension to Estelle Kuhn, reported the same with amendment, accompanied by a report (No. 771); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12290) granting an increase of pension to David L. Kretsinger, reported the same with amendment, accompanied by a report (No. 772); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12038) granting an increase of pension to Charles H. Burleigh, reported the same with amendment, accompanied by a report (No. 773); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11777) granting an increase of pension to Manson B. Scott, reported the same with amendment, accompanied by a report (No. 774); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11748) granting an increase of pension to James Wilson, reported the same with amendment, accompanied by a report (No. 775); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11658) granting an increase of pension to Gould E. Utter, reported the same with amendment, accompanied by a report (No. 776); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4258) granting a pension to Georgia A. Richardson, reported the same with amendment, accompanied by a report (No. 777); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11343) granting an increase of pension to Enoch Bolen, reported the same with amendment, accompanied by a report (No. 778); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11205) granting an increase of pension to Jeremiah Spice, reported the same with amendment, accompanied by a report (No. 779); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11132) granting an increase of pension to Horace E. Lydy, reported the same with amendment, accompanied by a report (No. 780); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11101) granting an increase of pension to Andrew J. Baker, reported the same without amendment, accompanied by a report (No. 781); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11051) granting a pension to Henry T. McDowell, reported the same with amendment, accompanied by a report (No. 782); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10925) granting an increase of pension to Isaac C. Dennis, reported the same with amendment, accompanied by a report (No. 783); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11908) granting an increase of pension to Stephen V. Sturtevant, reported the same without amendment, accompanied by a report (No. 784); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10914) granting an increase of pension to John Hamilton, reported the same with amendment, accompanied by a report (No. 785); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10775) granting a pension to Ellen S. Cushman, reported the same with amendment, accompanied by a report (No. 786); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10564) granting an increase of pension to Levi H. Bodley, reported the same with amendment, accompanied by a report (No. 787); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10280) granting an increase of pension to James Spencer, reported the same without amendment, accompanied by a report (No. 788); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9929) granting an increase of pension to Orlean De Witt, reported the same with amendment, accompanied by a report (No. 789); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9122) granting an increase of pension to Philander Bennett, reported the same with amendment, accompanied by a report (No. 790); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8202) granting an increase of pension to Henry Guy, reported the same with amendment, accompanied by a report (No. 791); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8156) granting an increase of pension to Loren H. Howard, reported the same with amendment, accompanied by a report (No. 792); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8048) granting a pension to W. F. Bottoms, reported the same with amendment, accompanied by a report (No. 793); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7982) granting an increase of pension to Francis M. Kellogg, reported the same with amendment, accompanied by a report (No. 794); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid

Pensions, to which was referred the bill of the House (H. R. 7948) granting an increase of pension to James W. Reynolds, reported the same with amendment, accompanied by a report (No. 795); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7770) granting an increase of pension to Burgess Cole, reported the same with amendment, accompanied by a report (No. 796); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7622) granting an increase of pension to Herman Lieb, reported the same with amendment, accompanied by a report (No. 797); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3966) granting an increase of pension to S. D. Jester, reported the same with amendment, accompanied by a report (No. 798); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6340) granting an increase of pension to William D. Hatch, reported the same with amendment, accompanied by a report (No. 799); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6565) granting an increase of pension to Francis Marion Hatter, reported the same with amendment, accompanied by a report No. 800); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4221) granting an increase of pension to William Foat, reported the same without amendment, accompanied by a report (No. 801); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4751) granting an increase of pension to Joseph J. Sparling, reported the same without amendment, accompanied by a report (No. 802); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3983) granting a pension to Blanche Douglass, reported the same with amendment, accompanied by a report (No. 803); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5708) granting an increase of pension to Thomas T. Fallon, reported the same with amendment, accompanied by a report (No. 804); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1978) granting an increase of pension to Harry C. Thorne, reported the same with amendment, accompanied by a report (No. 805); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6117) granting an increase of pension to Elizabeth Dill, reported the same with amendment, accompanied by a report (No. 806); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9) granting an increase of pension to David P. Bolster, reported the same without amendment, accompanied by a report (No. 807); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 11) granting an increase of pension to Ruth B. Gurney, reported the same without amendment, accompanied by a report (No. 808); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 16) granting a pension to Susan H. Cutler, reported the same without amendment, accompanied by a report (No. 809); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 74) granting an increase of pension to Aaron T. Currier, reported the same without amendment, accompanied by a report (No. 810); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 80) granting an increase of pension to Julia A. Stanyan, reported the same without amendment, accompanied by a report (No. 811); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 81) granting an increase of pension to David E. Everett, reported the same without amendment, accompanied by a report (No. 812); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 96) granting an increase of pension to George A. Francis, reported the same without amendment, accompanied by a report (No. 813); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 120) granting an increase of pension to John M. Buckley, reported the same without amendment, accompanied by a report (No. 814); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 122) granting an increase of pension to Michael Stump, reported the same without amendment, accompanied by a report (No. 815); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 126) granting an increase of pension to William J. Street, reported the same without amendment, accompanied by a report (No. 816); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 138) granting an increase of pension to Michael Linehan, reported the same without amendment, accompanied by a report (No. 817); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 140) granting an increase of pension to Maitland J. Freeman, reported the same without amendment, accompanied by a report (No. 818); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 142) granting an increase of pension to William Furlong, reported the same without amendment, accompanied by a report (No. 819); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 143) granting an increase of pension to James W. Calvert, reported the same without amendment, accompanied by a report (No. 820); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 145) granting an increase of pension to Wellington Marlatt, reported the same without amendment, accompanied by a report (No. 821); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 178) granting an increase of pension to Irene A. Cochrane, reported the same without amendment, accompanied by a report (No. 822); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 179) granting an increase of pension to Charles H. Mayhew, reported the same without amendment, accompanied by a report (No. 823); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 183) granting an increase of pension to Henry F. Hunt, reported the same without amendment, accompanied by a report (No. 824); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 185) granting an increase of pension to Lewis H. Cate, reported the same without amendment, accompanied by a report (No. 825); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 193) granting an increase of pension to John C. Eberly, reported the same without amendment, accompanied by a report (No. 826); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 206) granting an increase of pension to Gordon H. Shepard, reported the same without amendment, accompanied by a report (No. 827); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 209) granting an increase of pension to George F. Ross, reported the same without amendment, accompanied by a report (No. 828); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 210) granting an increase of pension to Silas P. Hall, reported the same without amendment, accompanied by a report (No. 829); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 211) granting an increase of pension to Wilson J. Pool, reported the same without amendment, accompanied by a report (No. 830); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 212) granting an increase of pension to John T. Liddle, reported the same without amendment, accompanied by a report (No. 831); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 238) granting an increase of pension to John Savage, reported the same without amendment, accompanied by a report (No. 832); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 279) granting an increase of pension to Horace E. Barker, reported the same without amendment, accompanied by a report (No. 833); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 314) granting a pension to Aletha E. Reynolds, reported the same without amendment, accompanied by a report (No. 834); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 315) granting an increase of pension to George Pike, reported the same without amendment, accompanied by a report (No. 835); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 328) granting an increase of pension to John W. Warner, reported the same without amendment, accompanied by a report (No. 836); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 329) granting an increase of pension to William E. Blewett, reported the same without amendment, accompanied by a report (No. 837); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 330) granting an increase of pension to Kemenskio A. N. L. Collins, alias Lewis Collins, reported the same without amendment, accompanied by a report (No. 838); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 385) granting an increase of pension to George W. Gearey, reported the same without amendment, accompanied by a report (No. 839); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 393) granting an increase of pension to Lucinda Stamper, reported the same without amendment, accompanied by a report (No. 840); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 472) granting an increase of pension to David F. Magee, reported the same without amendment, accompanied by a report (No. 841); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 493) granting an increase of pension to Charles M. Wittig, reported the same without amendment, accompanied by a report (No. 842); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 508) granting an increase of pension to William Kress, reported the same without amendment, accompanied by a report (No. 843); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 509) granting a pension to Annie L. Tredick, reported the same without amendment, accompanied by a report (No. 844); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 515) granting an increase of pension to Dennis Buckley McCready, alias Thomas Buckley, reported the same without amendment, accompanied by a report (No. 845); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 531) granting an increase of pension to William H. Satterthwait, reported the same without amendment, accompanied by a report (No. 846); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 534) granting an increase of pension to Dennis A. Davis, reported the same without amendment, accompanied by a report (No. 847); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 564) granting an increase of pension to Wilson Hyatt, reported the same without amendment, accompanied by a report (No. 848); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 565) granting an increase of pension to Lumbard B. Aldrich, reported the same without amendment, accompanied by a report (No. 849); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 572) granting an increase of pension to Henry G. Salisbury, reported the same without amendment, accompanied by a report (No. 850); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 575) granting an increase of pension to John Flynn, reported the same without amendment, accompanied by a report (No. 851); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 576) granting an increase of pension to Frederick J. Shelley, reported the same without amendment, accompanied by a report (No. 852); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 596) granting an increase of pension to Eliza J. Harding, reported the same without amendment, accompanied by a report (No. 853); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 606) granting an increase of pension to John H. Crowell, reported the same without amendment, accompanied by a report (No. 854); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 622) granting an increase of pension to Hiram Swain, reported the same without amendment, accompanied by a report (No. 855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 625) granting an increase of pension to Phebe J. Bennett, reported the same without amendment, accompanied by a report (No. 856); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 644) granting an increase of pension to William R. Hubbell, reported the same without amendment, accompanied by a report (No. 857); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 647) granting an increase of pension to Leonard Harmony, reported the same without amendment, accompanied by a report (No. 858); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 669) granting an increase of pension to Laurence Mericle, reported the same without amendment, accompanied by a report (No. 859); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 670) granting an increase of pension to Anthony Barrett, reported the same

without amendment, accompanied by a report (No. 860); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 706) granting an increase of pension to Martha E. Saltar, reported the same without amendment, accompanied by a report (No. 861); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 707) granting a pension to Alice E. Gilley, reported the same without amendment, accompanied by a report (No. 862); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 714) granting an increase of pension to Susie Place, reported the same without amendment, accompanied by a report (No. 863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 715) granting a pension to Georgia A. Rollins, reported the same without amendment, accompanied by a report (No. 864); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 727) granting an increase of pension to Jasper H. Keys, reported the same without amendment, accompanied by a report (No. 865); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 785) granting an increase of pension to Franklin C. Pierce, reported the same without amendment, accompanied by a report (No. 866); which said bill and report were referred to the Private Calendar.

By Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 787) granting an increase of pension to Stephen Ernst, reported the same without amendment, accompanied by a report (No. 867); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 837) granting an increase of pension to Elizabeth C. Dunton, reported the same without amendment, accompanied by a report (No. 868); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 845) granting an increase of pension to Sarah A. Page, reported the same without amendment, accompanied by a report (No. 869); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 850) granting an increase of pension to Arthur F. Devereaux, reported the same without amendment, accompanied by a report (No. 870); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 851) granting an increase of pension to Frederick Houser, reported the same without amendment, accompanied by a report (No. 871); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 923) granting an increase of pension to Nathaniel L. Badger, reported the same without amendment, accompanied by a report (No. 872); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 943) granting an increase of pension to Oscar R. Arnold, reported the same with amendment, accompanied by a report (No. 873); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 949) granting an increase of pension to Jacob H. Epler, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 950) granting a pension to Emma M. Rea, reported the same without amendment, accompanied by a report (No. 875); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 986) granting an increase of pension to Caroline M. Doan, reported the same without amendment, accompanied by a report (No. 876); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 991) granting an increase of pension to Jane McMahon, reported the same without amendment, accompanied by a report (No. 877); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1015) granting an increase of pension to Joseph McSwain, reported the same without amendment, accompanied by a report (No. 878); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1038) granting an increase of pension to James Frazier, reported the same without amendment, accompanied by a report (No. 879); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1041) granting an increase of pension to Myron E. Billings, reported the same without amendment, accompanied by a report (No. 880); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1042) granting an increase of pension to Francis Piccard, reported the same without amendment, accompanied by a report (No. 881); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1098) granting an increase of pension to William J. Grow, reported the same without amendment, accompanied by a report (No. 882); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1163) granting an increase of pension to Martha G. Cushing, reported the same without amendment, accompanied by a report (No. 883); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1212) granting an increase of pension to John S. Wilcox, reported the same without amendment, accompanied by a report (No. 884); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1258) granting an increase of pension to Charles W. Paige, alias Jackson Morse, reported the same without amendment, accompanied by a report (No. 885); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1270) granting an increase of pension to John C. Barr, reported the same without amendment, accompanied by a report (No. 886); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1303) granting a pension to Harrison Brott, reported the same without amendment, accompanied by a report (No. 887); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1367) granting an increase of pension to Almon Foster, reported the same without amendment, accompanied by a report (No. 888); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1368) granting an increase of pension to William H. Hicks, reported the same without amendment, accompanied by a report (No. 889); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1432) granting an increase of pension to John W. Foreaker, reported the same without amendment, accompanied by a report (No. 890); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1456) granting a pension to Joann Morris, reported the same without amendment, accompanied by a report (No. 891); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1466) granting an increase of pension to Philena Davis, reported the same without amendment, accompanied by a report (No. 892); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1467) granting an increase of pension to Laura A. Blodgett, reported the same without amendment, accompanied by a report (No. 893); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1509) granting an increase of pension to Thomas T. Hodges, reported the same without amendment, accompanied by a report (No. 894); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1517) granting an increase of pension to John C. Kennedy, reported the same without amendment, accompanied by a report (No. 895); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1524) granting an increase of pension to John M. Berkey, reported the same without amendment, accompanied by a report (No. 896); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1525) granting an increase of pension to Zachariah Bradfield, reported the same without amendment, accompanied by a report (No. 897); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1529) granting an increase of pension to James L. Small, reported the same without amendment, accompanied by a report (No. 898); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1559) granting an increase of pension to Laura Clark, reported the same without amendment, accompanied by a report (No. 899); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1827) granting an increase of pension to George C. Chase, reported the same without amendment, accompanied by a report (No. 900); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1828) granting an increase of pension to Alvin Abbott, reported the same without amendment, accompanied by a report (No. 901); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1841) granting a pension to Robert Catlin, reported the same without amendment, accompanied by a report (No. 902); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1842) granting an increase of pension to Ransom O. Thayer, reported the same without amendment, accompanied by a report (No. 903); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1852) granting an increase of pension to Milton Marsh, reported the same without amendment, accompanied by a report (No. 904); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1987) granting a pension to Ella T. Hapeman, reported the same without amendment, accompanied by a report (No. 905); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2023) granting a pension to Amanda M. Richey, reported the same without amendment, accompanied by a report (No. 906); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2071) granting an increase of pension to Henry T. Anshutz, reported the same without amendment, accompanied by a report (No. 907); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2112) granting an increase of pension to John Heck, reported the same without amendment, accompanied by a report (No. 908); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2113) granting an increase of pension to Agnes Zentz, reported the same without amendment, accompanied by a report (No. 909); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2229) granting an increase of pension to William I. Hilkey, reported the same without amendment, accompanied by a report (No. 910); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2255) granting an increase of pension to James Thompson, reported the same without amendment, accompanied by a report (No. 911); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2256) granting an increase of pension to Alexander F. McConnell, reported the same without amendment, accompanied by a report (No. 912); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2293)) granting an increase of pension to William C. Hitchcock, reported the same without amendment, accompanied by a report (No. 913); which said bill and report were referred to the Private Calendar.

By Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2481) granting an increase of pension to Elijah R. Wilkins, reported the same without amendment, accompanied by a report (No. 914); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2555) granting a pension to Sarah A. Bargar, reported the same without amendment, accompanied by a report (No. 915); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2564) granting an increase of pension to Michael Matheney, reported the same without amendment, accompanied by a report (No. 916); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2730) granting an increase of pension to James P. Ford, reported the same without amendment, accompanied by a report (No. 917); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2779) granting an increase of pension to James J. Egan, reported the same without amendment, accompanied by a report (No. 918); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2825) granting an increase of pension to John M. Scott, reported the same without amendment, accompanied by a report (No. 919); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3180) granting an increase of pension to Jacob A. Geiger, reported the same without amendment, accompanied by a report (No. 920); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3243) granting an increase of pension to Akey C. Johnson, reported the same without amendment, accompanied by a report (No. 921); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3244) granting an increase of pension to Anna F. Keith, reported the same without amendment, accompanied by a report (No. 922); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 13933) to amend the act of June 27, 1884, chapter 126, 23 Statutes at Large, 60, entitled "An act to grant letter carriers at free-delivery offices fifteen days' leave of absence in each year," relative to certain other leave of absence—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: A bill (H. R. 13934) to provide for the completion of the existing project for the improvement and maintenance of the Appoquinimink, Murderkill, and Mispillion rivers, in the State of Delaware—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13935) for the advancement of certain officers of the Navy and Marine Corps who served during the civil war—to the Committee on Naval Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 13936) to create and establish a bureau of geology and mines as a part of the

Department of Commerce and Labor—to the Committee on Mines and Mining.

By Mr. BRANTLEY: A bill (H. R. 13937) granting an increase for the authorization of a light-ship to be placed on the outer bar of Brunswick, Ga., from $90,000 to $130,000—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: A bill (H. R. 13938) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.—to the Committee on Ways and Means.

By Mr. RODENBERG: A bill (H. R. 13939) for the erection of a public building at East St. Louis, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Montana: A bill (H. R. 13940) to facilitate the acquisition of rights of way for reservoir sites for irrigation purposes in the arid and semiarid States and Territories—to the Committee on the Public Lands.

By Mr. BUCKMAN: A bill (H. R. 13941) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, as amended by an act approved June 27, 1902—to the Committee on Indian Affairs.

By Mr. CURRIER (by request): A bill (H. R. 13942) to provide criminal remedies for the willful forgery and utterance of registered trade-marks—to the Committee on Patents.

By Mr. RANDELL of Texas: A bill (H. R. 13943) prohibiting the giving and receiving of free passes or transportation of persons or property, or frank or franking privilege, or money or other thing of value, by any railroad, steamboat, express, telegraph, or telephone company to or by a Senator or Representative in Congress, or any judge or justice of any United States court, and providing penalties therefor, and for other purposes—to the Committee on the Judiciary.

By Mr. LAW: A joint resolution (H. J. Res. 93) to cause an examination and survey to be made of Dead Horse Inlet, Garritsons Creek, and Mill Creek, in and adjacent to Jamaica Bay—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 94) directing the Secretary of War to cause an examination and survey to be made and to submit estimates for work upon the channels in Jamaica and Canarsie bays—to the Comittee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 95) directing the Secretary of War to cause an examination and survey to be made of Jamaica Bay, with the view of dredging a channel with a width of 150 feet and a depth of 12 feet at low water from Canarsie landing to Fresh Creek and thence to Old Mill Creek—to the Committee on Rivers and Harbors.

By Mr. BURTON of Delaware: A concurrent resolution (H. C. Res. 17) directing the Secretary of War to cause a survey to be made and an estimate of cost to be submitted, with a view to connecting Rehoboth and Indian River with Delaware Bay by a canal, etc.—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BANNON: A bill (H. R. 13944) to amend the military record of Capt. Samuel W. Baird—to the Committee on Military Affairs.

By Mr. BEALL of Texas (by request): A bill (H. R. 13945) granting a pension to E. B. Freeman—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 13946) for the relief of Charles L. Allen—to the Committee on Claims.

Also, a bill (H. R. 13947) granting a pension to Charles W. Pinckney—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13984) to reimburse Harry R. Harris, late of Company E, Thirty-seventh United States Volunteer Infantry, for property taken by the United States—to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 13949) granting an increase of pension to Mary A. Duryea—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 13950) for the relief of Louis S. Barrett—to the Committee on Claims.

By Mr. CANDLER: A bill (H. R. 13951) for the relief of Mrs. Jennie Gaston Henderson, sole and only heir of L. B. Gaston, deceased—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 13952) granting a pension to Martha A. Cheyne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13953) granting an increase of pension to John W. Chancellor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13954) granting an increase of pension to Andrew J. Northrup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13955) granting an increase of pension to William Spenny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13956) granting an increase of pension to Alfred Featheringill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13957) granting an increase of pension to Albert A. Richenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13958) granting an increase of pension to George W. Drummond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13959) granting an increase of pension to Thomas B. Mouser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13960) granting an increase of pension to Thomas B. Manning—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 13961) granting an increase of pension to Julius Buxbaum—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 13962) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 13963) granting an increase of pension to William H. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13964) granting an increase of pension to William Farra—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 13965) granting an increase of pension to John T. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13966) granting an increase of pension to John Kringer—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 13967) granting a pension to Sophie M. Staab—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13968) granting an increase of pension to Mary E. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13969) to refund legacy taxes illegally collected from the estate of William H. Wallace—to the Committee on Claims.

Also, a bill (H. R. 13970) for the relief of Hector A. Robichon—to the Committee on Military Affairs.

By Mr. FOSTER of Indiana: A bill (H. R. 13971) granting an increase of pension to Elizabeth F. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13972) granting an increase of pension to Robert F. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13973) granting an increase of pension to Larkin B. Richersan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13974) granting an increase of pension to Biadema Chanmes—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 13975) granting an increase of pension to Thomas H. Primrose—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 13976) granting an increase of pension to John R. Stallcup—to the Committee on Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 13977) granting an increase of pension to John Groosbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13978) granting an increase of pension to James Collins—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13979) granting a pension to Emeline A. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13980) granting an increase of pension to Jacob Sheats—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13981) granting an increase of pension to Beniah Calvin—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 13982) granting an increase of pension to William F. Primley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13983) granting an increase of pension to William M. Coop—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 13984) granting a pension to Sarah Cobb—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13985) granting a pension to Margaret Luce—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 13986) granting an increase of pension to John H. Eisenhard—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 13987) granting a pension to Samuel M. Pitzer—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 13988) granting an increase of pension to Mary McMahon—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 13989) granting an increase of pension to Albert Skellenger—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 13990) granting a pension to William Neithamer—to the Committee on Pensions.

By Mr. OVERSTREET: A bill (H. R. 13991) granting an increase of pension to Wiley H. Dixon—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13992) granting an increase of pension to William Hiser—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 13993) granting an increase of pension to Joseph Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13994) granting an increase of pension to Francis A. Barkis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13995) to remove the charge of desertion from the military record of John Shaw and grant him an honorable discharge—to the Committee on Military Affairs

Also, a bill (H. R. 13996) for the relief of the Baptist Church of Dardanelle, Ark.—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 13997) granting an increase of pension to Janathan Rigglemen—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 13998) granting an increase of pension to J. C. Barnwell—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 13999) granting an increase of pension to Martin Modie—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14000) for the relief of the heirs of E. W. Scott—to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 14001) granting an increase of pension to Nathan S. Ruddock—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 14002) to remove the charge of desertion from the military record of George D. Coburn—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10885) granting a pension to Henrietta R. Young, and it was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of members of Local Union No. 455, of Chicago, Ill., and the Duryea Power Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of the American Humane Society for the Prevention of Cruelty to Animals, against amendment to law governing transit of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Petition of the National Board of Trade, relative to improvement in the consular service—to the Committee on Foreign Affairs.

By Mr. ADAMS of Wisconsin: Petitions of C. G. Starks and J. N. Dahlen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petitions of Mrs. John O. Rice and 39 others, and of Irving E. Vernon and 83 others, for a pure-food law—to the Committee on Agriculture.

By Mr. ALLEN of New Jersey: Petition of citizens of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARTLETT: Petition of Georgia Division, No. 57, Order of Railway Conductors, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. BOWIE: Petition of the Shelby County (Ala.) Medical Society, for a pure-food law—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURLEIGH: Petition of Grange No. 267, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of Grange No. 1269, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CALDER: Paper to accompany bill for relief of Louis S. Barrett—to the Committee on Claims.

By Mr. CAMPBELL of Kansas: Petition of the American Society for the Prevention of Cruelty to Animals, against amendment to law governing transit of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: Paper to accompany bill for relief of Jennie Gaston Henderson—to the Committee on War Claims.

Also, paper to accompany bill for relief of Julius Buxbaum—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of W. B. Harris, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of citizens of Wisconsin, for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CROMER: Petitions of the Indiana Grain Dealers' Association and the Indiana Hardwood Lumbermen's Association, for control of railway rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Philip Hedrick; Garfield Council, No. 6, and Delaware Council, No. 7, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Delaware County Farmers' Institute, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Pennsylvania American Plate Glass Company and the Empire Mirror Beveling Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Indiana Aberdeen Angus Breeders' Association, for bill H. R. 345—to the Committee on Agriculture.

Also, petitions of Dunkirk and Delaware Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. CURRIER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DAVEY of Louisiana: Petition of Theodore Grunewold, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Papers to accompany bill H. R. 12609—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Fleming Ratcliff, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Christian Home of Council Bluffs, Iowa, for bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of the park commissioners of Streator, Ill., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of George E. Briggs, against repeal of tax on alcohol—to the Committee on Ways and Means.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Thomas Dunn—to the Committee on War Claims.

By Mr. GARDNER of Michigan: Petition of National Grange for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GARNER: Paper to accompany bill for relief of Col. Alexander Moore—to the Committee on Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of John I. Stallcup—to the Committee on Pensions.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GILBERT of Indiana: Petitions of John H. Eckles, J. E. McDonald, J. F. Cass, T. C. Little, John D. Alleger, Carl H. Rerick, Rose & Willis, and E. H. Crane, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GILBERT of Kentucky: Petitions of C. E. Woods; the Record, of Richmond, Ky.; the Messenger, of Mayfield, Ky.; George H. Pike, and O. C. Lasher, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of Thomas F.

English, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GOULDEN: Petition of the New York Export and Import Company, for modification of the Chinese-exclusion laws—to the Committee on Foreign Affairs.

By Mr. GRANGER: Petitions of the Free Evangelical Congregational Church of Providence, R. I.; the First Baptist Church of East Greenwich, R. I., and the Ruggles Street Church, of Providence, R. I., for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, for 75 per cent of receipts of customs and internal revenue for twenty years for Territorial improvement—to the Committee on the Territories.

By Mr. HENRY of Connecticut: Petition of Berlin Grange, No. 24, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Washington Camp, Patriotic Order Sons of America, of Trenton, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Cornelia Jenison—to the Committee on Invalid Pensions.

By Mr. HUNT: Petition of the Board of Trade and Merchants' Exchange of St. Louis, for reciprocity and for modification of tariff laws—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. KETCHAM: Petitions of the Round Table, Morgan H. Hoyt, Harry Hally, and A. C. Crandall, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Columbia County Humane Society, protesting against amendment to the live-stock transit law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grange No. 905, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of the House Painters and Decorators' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of Rosanna Wavell—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of Moses Benjamin—to the Committee on Invalid Pensions.

Also, petition of Grange No. 512, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Friendsville Grange, No. 1217, Patrons of Husbandry, for amendment of Grout bill—to the Committee on Agriculture.

By Mr. LOUD: Petitions of the Evening Times, George M. Babcock, W. A. Harringotn, the Otsego County Herald, the Outlook, Will McGillivrey, W. L. Chapelle, and Calvin Goss, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McNARY: Petition of the Massachusetts State Federation of Women's Clubs and the Committee on Forestry, urging passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. MAHON: Petition of Thompsontown Council, No. 350, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARSHALL: Petition of citizens of Sheyenne, N. Dak., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of members of Local Union No. 1040, of Sioux Falls, S. Dak., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of the Federation of Women's Clubs of Tremont, Ohio, against the tariff on works of art—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Seneca Chief Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MEYER: Paper to accompany bill for relief of Matilda M. Fairfax—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of San Francisco, relative to Hawaii—to the Committee on the Territories.

By Mr. OVERSTREET: Paper to accompany bill for relief of Wiley H. Dixon—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of John Nichols—to the Committee on War Claims.

Also, paper to accompany bill for relief of Davis K. Hays—to the Committee on War Claims.

Also, papers to accompany bills for relief of James Gregory, Stanford J. Hastings, John W. McKissick, William O. Armstrong, Martin Fitzgerald, W. H. Beanton, C. H. Nevills, and W. W. Miller—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Petition of Webster Council, Junior Order United American Mechanics, of Schuylkill Haven, Pa.—to the Committee on Immigration and Naturalization.

Also, petition of numerous churches, Christian associations, and citizens, against the reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Petition of the German-American Alliance, relating to abuse of the franking privilege—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of W. H. Wooldridge, heir of Elizabeth Wooldridge—to the Committee on War Claims.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Confederate Southern Memorial Association, of Louisiana, favoring marking graves of Confederate dead—to the Committee on Military Affairs.

Also, petition of George E. Briggs, against repeal of tax on any kind of alcohol—to the Committee on Ways and Means.

Also, petition of the executive committee of the Indian Rights Association, that the pledge to the Five Nations be kept—to the Committee on Indian Affairs.

By Mr. RIVES: Petition of many citizens of New York and vicinity, for relief for the heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SCHNEEBELI: Petition of the American Society for the Prevention of Cruelty to Animals, against amendment to law governing transit of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of the president of Hamilton College, Clinton, N. Y., to investigate affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Norway, N. Y., for bill H. R. 7043—to the Committee on Military Affairs.

By Mr. SULLIVAN of Massachusetts: Petition of the Museum of Fine Arts, Boston, Mass., for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the Massachusetts State Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of the North Carolina Library Association, against amendment of the copyright law—to the Committee on Patents.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also petition of 25 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Anna Peveto—to the Committee on Claims.

By Mr. WADSWORTH: Petition of Grange No. 783, of Elba, Genesee County, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of the Massachusetts State Federation of Women's Clubs and the Commission on Forestry, urging passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Adolphus Yuncker—to the Committee on Military Affairs.

Also, petition of Washington Post Camp, No. 2, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

SENATE.

MONDAY, *February 5, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last; when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill to complete the unfinished work devolving upon the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1906, $75,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $32,845.61; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF WILLIAM H. VAN SYKEL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a record of an award made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, to William H. Van Sykel, $2,400; which was referred to the Committee on Appropriations, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for inclusion in the urgent deficiency appropriation bill, an additional estimate of appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Bringing home criminals" for the fiscal year 1905, $520.75; which was referred to the Committee on Appropriations, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Baltimore and Washington Transit Company of Maryland for the fiscal year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Minna H. Glassie *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James E. Meacham *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James A. Paulk *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, one of its clerks, announced that the House had passed a bill (H. R. 8107) extending the public-land laws to certain lands in Wyoming; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trustees of the Chamber of Commerce of Spokane, Wash., praying that if Congress deems it wise to loan any moneys of the National Government that such moneys be loaned to the Reclamation Service to expedite the completion of the irrigation projects; which was referred to the Committee on Irrigation.

Mr. GALLINGER presented petitions of sundry citizens of Norma, Meridian, Ames, Luther, Goodwin, Maramec, Pondcreek, and Newkirk, all in the Territory of Oklahoma, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Commercial Club of Pawhuska, Okla., praying for the adoption of the clause in the so-called "statehood bill" making the Osage Indian Reservation one county; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia, Pa.; Oyster Bay, N. Y., and Bryn Mawr, Pa., praying for the enactment of legislation granting separate statehood to the Indian and Oklahoma Territories; which were ordered to lie on the table.

He also presented a petition of the committee on schools and libraries of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to increase the salaries of public school teachers; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing a cross-town car line from north to south in the eastern section of that city; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the American Federation of Labor, of Washington, D. C., remonstrating against the repeal of the present eight-hour law relative to the daily service of laborers and mechanics employed upon public works of the United States and in the District of Columbia, as applied to the construction of the isthmian canal; which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the United States Historical Society, praying for the enactment of legislation providing a temporary home in the District of Columbia for soldiers and sailors of the late wars; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the improvement of South Carolina avenue from Thirteenth to Fifteenth streets, and Massachusetts avenue SE. from Twelfth to Fourteenth streets, and remonstrating against the neglect to improve other important avenues and streets in that city; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of sundry citizens of Douglas County, Minn., praying for the enactment of legislation providing for the freer manufacture of crude alcohol for commercial purposes; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented memorials of sundry citizens and merchants of Arco, Minn., remonstrating against the passage of the so-called "Henry parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cedar River Lodge, No. 283, Brotherhood of Railroad Trainmen, of Austin, Minn., praying for the passage of the so-called "anti-injunction bill," and also of the so-called "employers' liability bill;" which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Carver County, Minn., remonstrating against the passage of the so-called "Philippine sugar bill;" which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Shakopee, Chaska, and Carver, all in the State of Minnesota, remonstrating against a reduction of the duty on sugar; which were referred to the Committee on Finance.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the enactment of legislation making subject to settlement and disposal under the land laws of the United States the Blackfeet Indian Reservation, in that State, etc.; which was referred to the Committee on Indian Affairs.

Mr. DRYDEN presented a petition of Central Lodge, No. 372, Brotherhood of Railroad Trainmen, of Elizabeth, N. J., praying for the passage of the so-called "anti-injunction bill" and the "employers' liability bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Club of Glen Ridge, N. J., and petitions of the State Federation of Women's Clubs of New Jersey, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented memorials of M. H. Garrard, of Bellport, N. Y.; of the Friday Evening Club of Morristown, and of the Society for the Prevention of Cruelty to Animals, of Morris-

town, all in the State of New Jersey, remonstrating against the enactment of legislation extending the time for the interstate transportation of live stock from twenty-eight to forty hours; which were referred to the Committee on Interstate Commerce.

He also presented the petition of Charles E. Eaton, of Orange, N. J., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Federated Trades' Council of Orange, N. J., and a petition of Washington Camp, No. 20, Patriotic Order Sons of America, of Trenton, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GAMBLE presented the petition of Chris. Meyer and sundry other citizens of New York City, N. Y., praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the Association of Railway Conductors of Aberdeen, S. Dak., praying for the passage of the so-called "employers' liability bill" and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Retail Merchants and Hardware Dealers' Association of South Dakota, remonstrating against the passage of the so-called "parcels-post bill" and also against the numbering of rural free-delivery mail boxes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Merchants and Hardware Dealers' Association of South Dakota, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Retail Merchants and Hardware Dealers' Association of South Dakota, praying for the passage of the so-called "railway-rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Bar Association of Ardmore, Ind. T., praying for the adoption of certain amendments to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs.

Mr. McENERY presented sundry papers to accompany the bill (S. 412) for the relief of the estate of Isabella Ann Fluker, deceased; which were referred to the Committee on Claims.

Mr. HANSBROUGH presented the petition of E. M. Gallaudet and sundry other citizens of Washington, D. C., praying for the enactment of legislation to extend the lines of the Capital Traction Company; which was referred to the Committee on the District of Columbia.

Mr. KITTREDGE presented a petition of the Commercial Club of Aberdeen S. Dak., praying for the enactment of legislation to secure the opening to settlement of the reservation lands lying west of the Missouri River in that State, etc.; which was referred to the Committee on Indian Affairs.

Mr. PILES presented a petition of Bay City Council, No. 3, Junior Order United American Mechanics, of New Whatcom, Wash., and a petition of Seattle Council, No. 2, Junior Order United American Mechanics, of Seattle, Wash., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of sundry citizens of Meriden, Conn., and a petition of sundry citizens of East Haddam, Conn., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Other Club of Danbury, the Sigma Epsilon Society of Bridgeport, the Travelers' Club of Danbury, the Literata Club of Danbury, and the Women's Civic Club of New Haven, all in the State of Connecticut, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented memorials of Local Union No. 180, Cigar Makers' International Union, of Danbury; of Local Union No. 42, Cigar Makers' International Union, of Hartford; of Local Union No. 26, Cigar Makers' International Union, of South Norwalk, and of the Connecticut Broadleaf Tobacco Company, all in the State of Connecticut, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

Mr. FULTON presented a petition of the Chamber of Commerce of Bandon, Oreg., praying that an appropriation of $55,000 be made for the improvement of the lower channel and mouth of the Coquille River, in that State; which was referred to the Committee on Commerce.

Mr. DEPEW presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York City, N. Y., remonstrating against any change in the present law governing the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Norway, of the Woman's Christian Temperance Union of Yonkers, and of the congregation of the Thirty-seventh Street Methodist Episcopal Church, of New York City, all in the State of New York, remonstrating against the enactment of legislation to restore the sale of fermented malt beverages and light wines to soldiers and sailors of the United States; which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry employees of Dunn & McCarthy, of Auburn, N. Y., remonstrating against the imposition of a duty of 15 per cent ad valorem on imported hides and leather; which was referred to the Committee on Finance.

Mr. PROCTOR presented a petition of Otter Creek Division, No. 347, Brotherhood of Locomotive Engineers, of Rutland, Vt., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. LONG presented the petition of W. D. Greason, of Paola, Kans., praying for the enactment of legislation for the removal of the tariff on linotype and composing machines; which was referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 2618) granting an increase of pension to Howland P. Wolcott; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3737) granting an increase of pension to Samuel E. Frint; which was referred to the Committee on Pensions.

Mr. DANIEL presented the petition of Frank J. Blair, of the United States, praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. PENROSE presented a paper to accompany the bill (S. 3153) for the relief of Louisa Weaver; which was referred to the Committee on Claims.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation for the improvement of the merchant marine; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation providing for the opening of economical routes of transportation by water; which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation for the reorganization of the consular service; which was ordered to lie on the table.

Mr. HOPKINS presented petitions of sundry citizens of Chicago and Evanston, and of the Civic Improvement League of East St. Louis, all in the State of Illinois, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls, on the American side, by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the Milk Producers' Institute of Chicago, Ill., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the G. W. Tilton Division, No. 404, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of Local Division No. 404, Brotherhood of Locomotive Engineers, of Chicago; of Local Lodge No. 424, Brotherhood of Railroad Trainmen, of Chicago; Union Lodge, No. 138, Brotherhood of Locomotive Firemen, of Freeport, and of Local Division No. 74, Order of Railway Conductors, of Decatur, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry cigar manufacturers of Chicago, of the Cigar Makers' Local Union of Alton, and of

Crump Brothers, of Chicago, all in the State of Illinois, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

He also presented memorials of the Alton Branch of the Illinois Humane Society, of Springfield; of the Humane Society of Winnebago County; of the Humane Society of Rockford; of the Humane Society of Quincy; of the Humane Society of Chicago, and of C. L. Harcourt, of Chestnut, all in the State of Illinois, remonstrating against the enactment of legislation extending the time of the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Sabbath Association of Illinois; of the Woman's Christian Temperance unions of Maringo, Polo, Danville, Elgin, Toulon, and Chicago; of the congregations of the First Methodist Episcopal churches of El Paso, Davis Junction, Maywood, and Byron; of the congregations of the Baptist and Congregational churches of Toulon; of the Woman's Presbyterian Society for Home Missions, of Chicago; of Kygar Post, Department of Illinois, Grand Army of the Republic, of Georgetown, and of sundry citizens of Herrick, Eureka, El Paso, Washburn, Wheaton, and Minonk, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Trades Council of Elgin, Ill., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented sundry petitions of citizens of Illinois, praying for the ratification of international reciprocity treaties; which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3402) granting an increase of pension to Jesse W. Elliott;

A bill (H. R. 3216) granting an increase of pension to John W. Seeber; and

A bill (H. R. 3214) granting a pension to Maggie Parker.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 1799) granting an increase of pension to Henry Logan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1798) granting an increase of pension to Robert K. Smith, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 201) granting an increase of pension to Lyman E. Farrand;

A bill (S. 984) granting an increase of pension to William W. Benedict;

A bill (S. 2797) granting an increase of pension to James Buggie;

A bill (S. 2328) granting an increase of pension to Benjamin Franklin Bigelow;

A bill (S. 207) granting an increase of pension to Marion F. Howe; and

A bill (S. 1414) granting an increase of pension to Sidney G. Smith.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 3120) granting an increase of pension to Mary Driscoll, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2975) granting a pension to Mary Z. Miller;

A bill (S. 2329) granting an increase of pension to Knud Targerson;

A bill (S. 2327) granting an increase of pension to Sidney F. Mullen;

A bill (S. 1465) granting an increase of pension to Patrick Fallihee; and

A bill (S. 3123) granting an increase of pension to W. H. Alban.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2337) granting an increase of pension to Ellen S. Larned;

A bill (S. 2257) granting an increase of pension to Mary J. Campbell;

A bill (H. R. 4708) granting an increase of pension to William T. Wiley; and

A bill (S. 3240) granting an increase of pension to John T. Jones.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2405) granting an increase of pension to John P. Winget; and

A bill (S. 1883) granting an increase of pension to Nellie Raymond.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4195) granting an increase of pension to Hamilton Secheverell;

A bill (H. R. 4713) granting an increase of pension to Mary M. C. Manning;

A bill (H. R. 4765) granting an increase of pension to George W. Shepherd;

A bill (H. R. 9352) granting a pension to Mary Van Blarcom;

A bill (H. R. 2394) granting an increase of pension to Frank Buncher; and

A bill (H. R. 1467) granting an increase of pension to Hiram E. Monroe.

Mr. ANKENY, from the Committee on Irrigation, to whom was referred the bill (S. 87) providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 533) granting an increase of pension to Francis M. Munson;

A bill (H. R. 4735) granting an increase of pension to Thomas Adair;

A bill (H. R. 4737) granting an increase of pension to Odilia Logan;

A bill (H. R. 3380) granting an increase of pension to George W. Wilburn;

A bill (H. R. 8618) granting an increase of pension to John G. Rowan;

A bill (H. R. 1797) granting a pension to James H. Cole, alias John V. Cole; and

A bill (S. 2702) granting an increase of pension to George W. Dightman.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3537) granting an increase of pension to Anthony W. Presley; and

A bill (S. 3039) granting an increase of pension to Joseph Smith.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1753) granting an increase of pension to Waldo W. Paine; and

A bill (S. 992) granting a pension to Albert E. Lyon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3630) granting an increase of pension to Martin L. Barber; and

A bill (S. 1670) granting an increase of pension to William McNabb.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 894) granting an increase of pension to Mrs. Sewell; and

A bill (S. 3643) granting an increase of pension to Seth Raymond.

Mr. BURKETT, from the Committee on Indian Depredations, to whom was referred the letter of the Attorney-General of Decembr 4, 1905, transmitting, in compliance with section 8 of the act of March 3, 1891, a list of judgments rendered against the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to

whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1124) granting an increase of pension to John J. Grant;

A bill (H. R. 1125) granting an increase of pension to Frances Ann Batchelor; and

A bill (H. R. 1123) granting an increase of pension to Sarah Emaline Finklea.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 125) granting an increase of pension to John E. Hadsall;

A bill (S. 2377) granting a pension to Clara T. Leathers;

A bill (S. 1433) granting an increase of pension to Joseph W. Willard; and

A bill (S. 124) granting an increase of pension to Curtis B. McIntosh.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4029) granting an increase of pension to Martha G. Archer; and

A bill (S. 2380) granting an increase of pension to David B. McCreary.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4215) granting an increase of pension to John A. Roberts;

A bill (H. R. 4217) granting an increase of pension to Daniel M. Rose;

A bill (H. R. 4218) granting an increase of pension to John M. Williamson;

A bill (H. R. 4738) granting an increase of pension to Henry Roberts;

A bill (H. R. 4739) granting an increase of pension to Lawrence B. Smith;

A bill (H. R. 5238) granting an increase of pension to Lockey Stuard;

A bill (H. R. 1283) granting an increase of pension to Epsy Ann Austin;

A bill (H. R. 2169) granting an increase of pension to Elisha White;

A bill (H. R. 2291) granting an increase of pension to William Elmes;

A bill (H. R. 2289) granting an increase of pension to Algernon Lightcap;

A bill (H. R. 1280) granting a pension to Mary K. Lewis; and

A bill (H. R. 3678) granting an increase of pension to Jonathan C. S. Twitchell.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1835) granting an increase of pension to James G. Doane;

A bill (S. 620) granting an increase of pension to Elizabeth S. Law; and

A bill (S. 640) granting an increase of pension to Hugh P. Buffon.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 3667) granting an increase of pension to Martha J. Brisco, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on Irrigation, to whom was referred the bill (S. 3687) providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes, to report it with an amendment in the nature of a substitute. I will ask leave at a later date to file a written report to accompany the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 3522) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3309) granting an increase of pension to John C. Baber, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2752) granting an increase of pension to Robert S. Moore, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 590) granting a pension to John White, reported it with amendments, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1974) granting an increase of pension to William R. P. Foale;

A bill (H. R. 7418) granting an increase of pension to Fritz Muller;

A bill (H. R. 7420) granting an increase of pension to Michael Wren;

A bill (H. R. 6192) granting an increase of pension to Edward J. Mills;

A bill (H. R. 5016) granting an increase of pension to Francis Carey;

A bill (H. R. 5015) granting an increase of pension to Edwin R. Goodell;

A bill (H. R. 4879) granting an increase of pension to John W. Roache; and

A bill (H. R. 4607) granting a pension to Annie Rohr.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3587) granting an increase of pension to Eliza Orr;

A bill (S. 3507) granting an increase of pension to Isaac Van Valkenburg; and

A bill (S. 3291) granting an increase of pension to Mathew D. Raker.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1298) granting an increase of pension to Francis W. Usher;

A bill (S. 1731) granting an increase of pension to William O. Colson;

A bill (S. 1744) granting an increase of pension to Joseph B. Papy; and

A bill (H. R. 11324) granting an increase of pension to Sarah E. MacGowan.

VACANCY IN SMITHSONIAN BOARD OF REGENTS.

Mr. DRYDEN. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 28) to fill a vacancy in the Board of Regents of the Smithsonian Institution, to report it favorably without amendment. I call the attention of the Senator from Massachusetts [Mr. LODGE] to it.

Mr. LODGE. I ask that the joint resolution may have present consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to fill the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, by the reappointment of Richard Olney, a citizen of Massachusetts.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAND AND PETIT JURIES IN OKLAHOMA.

Mr. CLARK of Wyoming. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 5289) to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma, to report it favorably without amendment. In view of the immediate importance of the legislation requested, I ask unanimous consent for the consideration of the bill at this time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read.

Mr. TELLER. Mr. President, I should like to know what bill it is that has been read. It is impossible to tell what is being read unless we have more order.

Mr. CLARK of Wyoming. I will explain in a moment the object of the bill. The circuit court of appeals has recently declared in effect that the law authorizing the drawing of jurors in Oklahoma is fatally defective; and there will be no meeting of the legislature of that Territory until a year from now. So the defects can not be cured by the Territory at this time, and the terms of the court are about coming on. This is a

House bill providing for the drawing of juries in the Territory of Oklahoma until such time as their legislature shall otherwise provide.

Mr. TELLER. I have no objection to the bill; but some time a bill passed in such confusion as oftentimes prevails in the Senate will be a bill that ought not to be passed. Nobody could tell from the reading of the pending bill what it contained. I suppose it has been reported by the Judiciary Committee.

Mr. CLARK of Wyoming. The Judiciary Committee of the Senate has submitted no written report to accompany the bill, but there was a written report submitted by the committee in the House of Representatives showing the facts of the case.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DEPEW introduced a bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4090) granting an increase of pension to Sydda B. Arnold; and

A bill (S. 4091) granting an increase of pension to Berthald Fernow.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4092) granting an increase of pension to John Smith; and

A bill (S. 4093) granting an increase of pension to Lewis E. Kauffer (with accompanying papers).

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats; and

A bill (S. 4095) to establish a light and fog-signal station at or near Isle au Haut Harbor, Maine.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4096) granting an increase of pension to Norman W. Lombard (with an accompanying paper); and

A bill (S. 4097) granting an increase of pension to Julius T. Williamson.

Mr. GALLINGER introduced a bill (S. 4098) for the relief of the estate of David Heller, deceased, and E. Mary Heller; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4099) to license chimney sweeps in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4100) granting an increase of pension to Carlton A. Wheeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4101) granting an increase of pension to A. P. Middleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 4102) granting an increase of pension to John Broadwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4103) granting an increase of pension to John McGuire; and

A bill (S. 4104) granting an increase of pension to Robert H. John.

Mr. PENROSE introduced a bill (S. 4105) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 4106) granting an increase of pension to Katherine Wills; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4107) for the establishment of an additional recording district in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCUMBER introduced a bill (S. 4108) granting an increase of pension to Martha M. Lambert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 4110) granting an increase of pension to Absalom Wilcox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 4111) to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 4112) granting an increase of pension to H. M. Swigart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4113) granting an increase of pension to Dell E. Pert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4114) for the relief of the estate of Benjamin Downs, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr TALIAFERRO introduced a bill (S. 4115) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district; which was read twice by its title, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4116) for the relief of the heirs of John S. Askin, Arthur Ipock, and John T. Ipock;

A bill (S. 4117) for the relief of the First Baptist Church, of Newbern, N. C.; and

A bill (S. 4118) for the relief of the heirs of D. W. Morton.

Mr. MONEY introduced a bill (S. 4119) granting a pension to Edith A. McCarteney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4120) granting an increase of pension to Daniel Jones;

A bill (S. 4121) granting a pension to William A. Rives;

A bill (S. 4122) granting an increase of pension to Albert H. Jones (with accompanying paper); and

A bill (S. 4123) granting a pension to Henry C. Doll.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4124) granting an increase of pension to Alden Fuller;

A bill (S. 4125) granting an increase of pension to Alphonzo L. Field;

A bill (S. 4126) granting an increase of pension to Willard Farrington; and

A bill (S. 4127) granting an increase of pension to Samuel D. Payne (with an accompanying paper).

Mr. NELSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River, in Red Lake County, Minn.; and

A bill (S. 4129) to regulate enlistments and punishments in the United States Revenue-Cutter Service.

Mr. CARTER introduced a bill (S. 4130) to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 4131) granting an increase of pension to John Connor; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4132) granting a pension to Maria A. Holloway; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 4133) granting an increase of pension to George Brewster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4134) for the relief of the estate of Richard W. Aikin, deceased (with an accompanying paper);

A bill (S. 4135) for the relief of the legal representatives of S. A. Buckner; and

A bill (S. 4136) for the relief of the estate of Arthur F. Clift, deceased (with an accompanying paper).

Mr. BACON introduced a bill (S. 4137) granting a pension to Helen Augusta Mason Boynton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4138) for the relief of Jane Holbrook;

A bill (S. 4139) for the relief of the heirs of Benjamin F. Crowley, deceased;

A bill (S. 4140) for the relief of the heirs of Greenberry Backus, deceased;

A bill (S. 4141) for the relief of the heirs of Seaborn J. Burk, deceased;

A bill (S. 4142) for the relief of the heirs of J. S. Perkerson, deceased; and

A bill (S. 4143) for the relief of the heirs of William Kile, deceased.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4144) granting a pension to Elizabeth Sadler;

A bill (S. 4145) granting an increase of pension to Nimrod T. Stoner; and

A bill (S. 4146) granting a pension to John W. Hall.

Mr. HOPKINS introduced a bill (S. 4147) to relieve Robert Stickles of the charge of desertion and to grant him an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4148) authorizing the War Department to settle the account of Peter Casey, late captain Company H, Nineteenth Regiment Illinois Volunteers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4149) for the relief of occupants and owners of property at Camp Tyler, in Cook County, Ill.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4150) for the relief of La Grange Military Academy; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $5,000 to conduct experiments looking to the protection of orange groves from infection and damage by the insect known as the "white fly," intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage; which was ordered to lie on the table, and be printed.

JOHN W. DAMPMAN—WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John W. Dampman, accompanying Senate bill 2571, Fifty-seventh Congress, first session, and Senate bill 5875, Fifty-sixth Congress, second session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

CARS IN RAILWAY MAIL SERVICE.

Mr. TILLMAN. I send to the desk a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Postmaster-General be instructed to send to the Senate information on the following points:

1. How many accidents involving loss of life or injury to postal clerks have occurred on the railways of the United States during each of the last five years, giving the number killed, seriously injured, and slightly injured.

2. How many postal cars are now in the service built wholly or partly of steel, and what is the percentage of such cars to the whole number in use.

3. Have any such cars built wholly or partly of steel been in wrecks since they have been in use, and what was the result to the occupants in loss of life or injury.

4. How many postal cars now in the service have been running more than ten years.

5. What is the cost of a postal car built according to the most approved type under the specifications of the Railway Mail Service, and how does it compare in price to the old type.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. TILLMAN. Mr. President, the resolution is self-explanatory, and it will only require probably a brief explanation as to why I introduce it.

I have noticed for years as a newspaper reader that whenever there is a wreck if there is anyone on the train injured it is almost invariably a postal clerk. Occasionally you find that the occupants of the postal car are the only ones injured, because the engineer and fireman, seeing the danger, have had the opportunity to jump, whereas the postal clerk, not knowing that anything was ahead, busy possibly, or else tired and sitting down, has his first notice of the trouble by the power which will knock his life out or break his limbs or injure him otherwise.

In reading the report of the Superintendent of the Railway Mail Service my attention was directed to the fact that there are now being substituted cars built partly of steel, which are of such a character as not to be telescoped at all, something along the line of the Pullman car, and it has occurred to me it would be a good thing to have the information, that we might determine whether or not it is not due these important and hard-working servants of the people who handle our mails on the railway post-offices to hurry up the substitution of life-saving cars in place of the rattletrap affairs now being run on the roads.

That is all the object I had in introducing the resolution.

Mr. ALLISON. I suggest to the Senator that he use the word "directed" instead of "instructed."

Mr. TILLMAN. I am perfectly willing. They are words so nearly alike that if one suits the Senator from Iowa better than the other I am perfectly willing.

Mr. ALLISON. We have a form which is usually adopted, although either word would be perfectly proper.

Mr. TILLMAN. Very well; insert the word "directed" instead of "instructed." It is entirely immaterial to me.

The VICE-PRESIDENT. The resolution will be modified as suggested.

Mr. KEAN. Let the resolution be again read.

The Secretary again read the resolution.

Mr. TILLMAN. It has been suggested to me by a brother Senator that it might be well to amend the resolution by inquiring the relative age of all the postal cars. I understand some of them have been running thirty years.

The VICE-PRESIDENT. Does the Senator wish to modify his resolution?

Mr. TILLMAN. I should like to have it amended so as to get that information in addition to the rest. Let us get it all.

The VICE-PRESIDENT. If the Senator will state the modification he desires, it will be read from the desk.

Mr. TILLMAN. The clerks can incorporate it at the proper point. Just simply add, after "running more than ten years," the words "and state the length of service such cars have had."

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

DEMOCRATIC CAUCUS ACTION.

Mr. PATTERSON. Mr. President, I offer a resolution, which I send to the desk.

The VICE-PRESIDENT. The resolution will be read for the information of the Senate.

The resolution was read, as follows:

Whereas the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislatures thereof," and that "each Senator shall have one vote;" and

Whereas each Senator, before assuming the duties of his office, is required to solemnly swear or affirm that he "will support and defend the Constitution of the United States, and that he will faithfully discharge the duties of the office upon which he is about to enter;" and

Whereas, because it was currently reported that one or more Democratic Senators might vote upon certain matters pending before the Senate contrary to the views of a majority of the body of Democratic

Senators, the Democratic Senators were called to caucus upon such matters; and

Whereas it was found at such caucus that said reports were correct, and that certain Democratic Senators might or would vote contrary to the views of said majority; and

Whereas thereupon the following resolutions were presented and adopted by more than two-thirds of the Senators present at said caucus:

"*Resolved*, That the Senate ought not to advise and consent to the treaty between the United States and the Republic of Santo Domingo, now pending before the Senate.

"*Resolved*, That if two-thirds of this caucus shall vote in favor of the foregoing resolution it shall be the duty of every Democratic Senator to vote against the ratification of the said treaty;" and

Whereas the apparent purpose of said resolutions and action was to improperly induce or coerce Democratic Senators who might believe that the best interests of the country required the ratification of said treaty, and because thereof held it to be their duty to vote for its ratification, into disregarding that part of their oaths in which they declared that they would faithfully discharge the duties of the office of Senator: Therefore, be it

Resolved, First. That such action by the said or any other caucus is in plain violation of the spirit and intent of the Constitution of the United States.

Second. That for two-thirds or any other number of the Senators of any party to meet and declare that "it shall be the duty" of any Senator to vote upon any question other than as his own convictions impel him is a plain violation of the manifest intent and spirit of the Constitution all have sworn to uphold and defend.

Third. That the "one vote" the Constitution declares each Senator shall have is his own vote and not the vote of any other or of any number of other Senators, and for a Senator to cast that "one vote" against his convictions of right and duty in the premises is to disfranchise his State in the Senate and to deprive it of the representation in that body the Constitution provides it shall have.

Fourth. That when any number of Senators by combination or otherwise undertake, through any species of coercion, to induce other Senators to vote except as their judgments and consciences tell them, it is an invasion of the rights of a State to equal representation with other States in the Senate, and is subversive of their rights to equal representation and the votes of its Senators in the Senate that the Constitution has provided for.

Fifth. That the Senator who permits any body of other Senators to declare and define for him what his duty is in the matter of his vote in the Senate, and who casts his vote in response to such interference, votes not as a Senator from his own State, but as a Senator from the other States, and he augments the power of the other States beyond that permitted by the Constitution and weakens and degrades the power of his own State in the Senate, in violation of the spirit of the Constitution.

Sixth. That for any Senator to vote except as his judgment and sense of duty under his oath of office requires is to degrade the high office of Senator and to assail the dignity and standing of the Senate of the United States—qualities possessed in such high degree by no other legislative body in the world.

Mr. PATTERSON and Mr. TILLMAN addressed the Chair.

The VICE-PRESIDENT. The Senator from Colorado [Mr. PATTERSON] is recognized. Does he yield to the Senator from South Carolina?

Mr. TILLMAN. I merely want to know what is the parliamentary status. Is it a question of personal privilege?

Mr. PATTERSON. No; it is a resolution.

Mr. TILLMAN. Then I object to its consideration this morning, Mr. President.

The VICE-PRESIDENT. The Senator from South Carolina objects to the present consideration of the resolution.

Mr. PATTERSON. Mr. President, I have had no idea of asking for its consideration this morning. It is a resolution that will not be hurt by standing over, and I ask that it lie over until to-morrow, when, at the close of the morning business, I shall address the Senate upon it.

The VICE-PRESIDENT. The resolution will lie over.

GEOLOGY AND RESOURCES OF SHOSHONE RESERVATION.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate such information relating to the geology and the natural resources of that portion of the Shoshone Reservation which is to be opened for settlement in July, 1906, as may be in the possession of the Geological Survey.

HOUSE BILL REFERRED.

H. R. 8107. An act extending the public-land laws to certain lands in Wyoming was read twice by its title, and referred to the Committee on Public Lands.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had, on the 26th ultimo, approved and signed the act (S. 2159) authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

The message also announced that the President of the United States had, on the 27th ultimo, approved and signed the act (S. 321) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

CONSIDERATION OF THE CALENDAR.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed, and the Calendar, under Rule VIII, is in order.

The bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion was announced as first in order on the Calendar.

Mr. McCUMBER. I ask that that bill may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place.

Mr. WARREN. Mr. President, as we are on the Calendar, I ask that the Senate now proceed to the consideration of Order of Business 16, being the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army, which has been heretofore read.

Mr. LODGE. Why not go through the Calendar regularly? It is very short.

The VICE-PRESIDENT. The bill referred to by the Senator from Wyoming [Mr. WARREN] was passed over under objection the other day without prejudice. Is there objection to its consideration at this time?

Mr. LODGE. Why should we not follow the regular order and go through the Calendar in order?

The VICE-PRESIDENT. There is objection to the request.

Mr. LODGE. I think we had better proceed with the Calendar in regular order.

IMPORTATION OF UNWHOLESOME TEA.

The bill (S. 1548) to amend an act entitled "An act to prevent the importations of impure and unwholesome tea," approved March 2, 1897, was announced as next in order.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. KEAN. The Senator from Missouri [Mr. STONE] is interested in that bill. I do not see him present, and therefore I suggest that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

PURE-FOOD BILL.

The bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over without prejudice, retaining its place.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

GEORGETOWN HEIGHTS PARK.

The bill (S. 54) to provide a public park on Georgetown Heights, in the District of Columbia, was considered as in Committee of the Whole.

Mr. GALLINGER. I have some amendments which I desire to offer to the bill. In section 1, page 1, line 4, after the word "acquire," I move to insert "for a park."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, page 1, line 4, after the word "acquire," it is proposed to insert "for a park;" so as to make the section read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as Montrose, lying immediately north of Road or U street and east of Lovers lane, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding $150,000; and for that purpose the sum of $150,000 is hereby appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. GALLINGER. I now move to strike out section 2 of the bill and to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 2 of the bill, as follows:

SEC. 2. That said tract of land when acquired shall be forever held and used as a park for the recreation and pleasure of the people.

And in lieu thereof to insert:

SEC. 2. That if the Commissioners of the District of Columbia can not purchase said tract of land at the price hereinbefore stated they are hereby authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for said park.

SEC. 3. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the said park as herein provided, such amount thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of land abutting on said park and also on any

or all pieces or parcels of land which will be benefited by the said park as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from said park as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

SEC. 4. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement, in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

SEC. 5. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the acquisition of said park and the condemnation of lands for the purposes of said park and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise, as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the acquisition of said park.

When the hearing is concluded, the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the acquisition of said park under the provisions thereof, and of the pieces or parcels of land benefited by such park and the amount of the assessment for such benefits against the same.

SEC. 6. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the establishment of said park, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 7. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict or award shall be filed within thirty days after the return of such verdict and award.

SEC. 8. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated, one half from the revenues of the District of Columbia and the other half out of any moneys in the United States Treasury not otherwise appropriated.

SEC. 9. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in five equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments, the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits, whenever such amendments will not interfere with the substantial rights of the parties interested.

SEC. 10. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 11. That the sum of $300 is hereby appropriated to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, one half payable from the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated.

SEC. 12. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of awards to others in respect to the property condemned, nor delay or prevent the taking of any of said property, sought to be condemned, nor the opening of such park: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity, the amount found to be due and payable as damages sustained by reason of the acquisition of said park under the provisions hereof shall be paid as hereinbefore provided.

SEC. 13. That said tract of land when acquired shall be forever held and used as a park for the recreation and pleasure of the people.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDICAL DEPARTMENT OF THE ARMY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army.

The VICE-PRESIDENT. This bill was considered as in Committee of the Whole on the 25th of January, and then read in full.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS OF MOROCCO.

The resolution submitted by Mr. BACON January 8, 1906, requesting the President to furnish the Senate with copies of papers relating to the holding of a conference on matters relating to Morocco, etc., was announced as next in order.

Mr. LODGE. Let that go over, Mr. President.

The VICE-PRESIDENT. The resolution will go over, retaining its place on the Calendar.

BILLS PASSED OVER.

The bill (S. 577) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home was announced as next in order.

Mr. ALLISON. I ask that that bill may go over without losing its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without losing its place on the Calendar. The next bill on the Calendar, being the bill S. 608, granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, is of the same character and will go over, retaining its place on the Calendar.

FRENCH TRANSATLANTIC CABLE COMPANY.

The bill (S. 2872) for the relief of the French Trans-Atlantic Cable Company was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the French Trans-Atlantic Cable Company $77,712 for expenses incurred in repairing the company's cables and property damaged by the United States military forces in 1898, during the war between the United States and Spain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS ACCOUNTS.

The bill (S. 311) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as next in order.

Mr. KEAN. That seems to be rather an elaborate bill, Mr. President, and I suggest that it had better go over.

The VICE-PRESIDENT. Under objection, the bill will go over.

Mr. GAMBLE. I ask that it may retain its place on the Calendar.

The VICE-PRESIDENT. The bill will retain its place on the Calendar.

AGREEMENT WITH KLAMATH INDIANS.

The bill (S. 1794) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect, was announced as next in order.

Mr. LODGE. I ask that that bill may go over.

The VICE-PRESIDENT. The bill will go over.

EXPENSES OF TRIAL OF INDIANS.

The bill (S. 2783) to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," was considered as in Committee of the Whole.

Mr. KEAN. What is the act which is referred to?

Mr. LODGE. I ask that the report may be read, Mr. President. That will explain the matter fully, I presume.

The VICE-PRESIDENT. The report will be read at the request of the Senator from Massachusetts.

The Secretary read the report submitted by Mr. CLAPP January 15, 1906, as follows:

The Committee on Indian Affairs, to which was referred the bill S. 2783, having considered the same, recommends its passage without amendment.

In support of the foregoing recommendation the committee transmits the following letter from the Attorney-General, which is made a part hereof:

DEPARTMENT OF JUSTICE,
Washington, December 4, 1905.

SIR: Herewith inclosed is a draft of a proposed bill to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes."

By section 9 of the act "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," Indians committing certain offenses within the Territories or within a State became subject to the laws of the Territory or the State, as the case might be.

Under section 11 of the above-mentioned act, making appropriations for the fiscal year ending June 30, 1890, the expenses incident to the trial of Indians under the provisions of said section 9 became payable by the United States.

An early repeal of said section 11 is strongly recommended. This Department, as well as the accounting officers of the Treasury, have had very unsatisfactory experiences with the accounts of expenses incurred by Territorial or county officers under the provisions of said section. Such officers are in no way under the control of this Department or of the officers of the United States. The accounts rendered have been in very unsatisfactory form, and are frequently rendered years after the expenses were incurred, so that the appropriations from which the expenses would have been paid if the accounts had been promptly rendered have been covered into the Treasury. The expenses charged against the United States in such cases have been unnecessarily large. Furthermore, expenses which should be paid by the Territory may be charged against the United States, or the same expenses may be charged both against the Territory or a county thereof and against the United States. It is insisted, as a general rule, that expenses which can not be controlled by the United States or by its officers should not be paid by the United States.

Respectfully,

WILLIAM H. MOODY,
Attorney-General.

The PRESIDENT OF THE SENATE.

Mr. LODGE. Mr. President, I think the bill is a very proper one and that it ought to pass; but its language ought to be amended. It now reads:

That section 11 of the act above mentioned be, and the same is hereby, repealed.

But the act is only mentioned in the title of the bill. The bill ought to read:

That section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," be, and the same is hereby, repealed.

I move to amend the bill by making it read in that way.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Massachusetts.

The amendment was agreed to.

Mr. ALLISON. If I understood the reading of the report, there seems to be a difference as to date of the act therein named and the act referred to in the bill.

Mr. GAMBLE. If there be any objection to the bill, perhaps it had better be passed over without prejudice, as the chairman of the committee is not at present in the Chamber, and we can return to it later.

Mr. LODGE. I think the bill is all right, Mr. President, as it has been amended.

Mr. CLAPP. As I have just entered the Chamber, may I ask what is the nature of the amendment which has been agreed to?

Mr. LODGE. The language of the bill refers to "the act above mentioned" without stating what the act is. The amendment which has been agreed to simply recites the description in the body of the bill which is contained in the title.

Mr. CLAPP. That is right.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY DIRECTOR E. B. ROGERS.

The bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to E. B. Rogers, pay director, United States Navy, $1,000, to be in full for all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEDALS OF HONOR TO NAVY AND MARINE CORPS.

The bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps was announced as next in order.

Mr. TELLER. Mr. President, I do not know whether I correctly understood the reading of that bill, but, if I understood it, the bill provides for the issuing of medals to those who have served with merit otherwise than in battle. Is that the fact?

Mr. LODGE. Yes.

Mr. TELLER. I should like some one to tell me what the character of the service would be?

The VICE-PRESIDENT. A report accompanies the bill.

Mr. GALLINGER. Let it be read, Mr. President.

Mr. TELLER. I should like to hear the report read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BURROWS January 16, 1906, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

NAVY DEPARTMENT,
Washington, December 5, 1905.

SIR: On January 28, 1905, at the suggestion of the Admiral of the Navy, this Department transmitted the draft of a measure providing for the awarding of medals of honor to officers and men of the Navy and Marine Corps who, by special acts of valor or by conspicuous gallantry or merit, may deserve such recognition. This measure was introduced by you January 31, 1905, as S. 6970, and, it is understood, was passed by the Senate (February 8, 1905), although it was not acted upon by the House.

Under the provisions of the act of July 12, 1862, as amended by the act of March 3, 1863 (12 Stat. L., pp. 623, 624, and 751), medals of honor are awarded to officers, noncommissioned officers, and privates in the Army. By section 1407 of the Revised Statutes and the act of March 3, 1901 (31 Stat. L., p. 1099), it is provided that enlisted men of the Navy may be given medals for gallantry. There is, however, no general statute authorizing the bestowal of medals of honor on officers of the Navy.

Appreciating the appropriateness and the justice of the suggestion made by the Admiral of the Navy that this omission, which does not appear to have been the result of any legislative intent, be corrected, the attention of the committee is again invited to this measure with a view to its favorable consideration at the present session.

Very respectfully,

CHARLES J. BONAPARTE, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

A like bill passed the Senate in the Fifty-eighth Congress.

Mr. TELLER. We are proceeding under the five-minute rule, and as I think the bill is of some importance, I shall object to it.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

EXISTING STATUS IN SANTO DOMINGO.

Senate resolution No. 39, requesting the President to give information to the Senate regarding the existing status in Santo Domingo, etc., was announced as the next business in order on the Calendar.

Mr. LODGE. I ask that the resolution may go over.

The VICE-PRESIDENT. The resolution will go over.

CONTRACTS WITH THE DISTRICT OF COLUMBIA.

The bill (S. 69) regulating the retent on contracts with the District of Columbia was announced as the next business in order on the Calendar.

Mr. GAMBLE. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, retaining its place on the Calendar.

STATEHOOD BILL.

The bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. FORAKER subsequently said: Has Calendar No. 411 been reached? I have been sitting here very patiently listening——

The VICE-PRESIDENT. The statehood bill was reached and passed over under objection.

Mr. FORAKER. It was reached on the Calendar, and I think it is due to all interested in the measure to know what is desired, especially as to the time of taking a vote.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. I merely wish to say one thing. I was sitting here listening for the call of the Clerk, and I did not hear the bill called at all.

Mr. BEVERIDGE. So was I.

Mr. FORAKER. Did the Senator from Indiana hear it?

Mr. BEVERIDGE. I did not, and I was not apprised of it, and that is the reason why I immediately called the Senator's attention to the fact that it——

Mr. FORAKER. Who did hear? I want to know who did hear?

Mr. LODGE. I heard it, and I objected.

Mr. GALLINGER. I heard it, and I shall object now, if necessary.

Mr. BEVERIDGE. I had expected that the bill would be taken up to-day and read, and then I expected to prefer a request that a time be fixed, any reasonable date in the future, for a vote on the bill.

Mr. LODGE. It is out of the question to fix a time now for a vote on that bill.

Mr. GALLINGER. Before we discuss it.

Mr. FORAKER. I only want to say that I have no objection to the Senator from Indiana being allowed a certain date on which to take a vote on this measure.

Mr. BEVERIDGE. That is what I have understood.

Mr. FORAKER. I do not want to be put in the attitude of obstructing the measure. Newspaper articles are being sent to me—I received one yesterday—to the effect that I am going to resort to every kind of obstructive tactics to defeat the measure. I never did resort to obstructive tactics to defeat any measure.

Mr. BEVERIDGE. I am sure——

Mr. FORAKER. All that I have wanted, since this bill is where it might be regularly reached, is that it might be considered to such extent as Senators desire to consider it. I do not know that I will take occasion to say anything at all on the subject. That depends upon what may be said on the other side. I am opposed to the measure as it passed the House. I have presented some amendments which at the proper time I wish to offer. It would be some relief if we knew when the Senate will vote on it, because we could then put it aside until that time. I wish to have it understood that I do not want to delay an hour the vote on the bill at any time.

Mr. BEVERIDGE. As I said, it was my expectation when the bill was reached on the Calendar to-day to ask that it be read for to-day at least. I had understood that no objection could prevail against the mere reading of the bill when it was reached on the Calendar, and that much, then, would have been out of the way.

Mr. FORAKER. Yes.

The VICE-PRESIDENT. The Chair will say to the Senator from Indiana that the bill was reached in the regular order.

Mr. BEVERIDGE. Yes; I understand that.

The VICE-PRESIDENT. It was distinctly reported by the Secretary, and objection was interposed by the Senator from Massachusetts [Mr. LODGE].

The rule permits objection to be made under such circumstances. By Rule VIII, under which the Senate is proceeding, it is provided that—

> At the conclusion of the morning business for each day, unless, upon motion, the Senate at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, upon any question; and the objection may be interposed at any stage of the proceedings.

Mr. BEVERIDGE. I understand how the bill was reached and how it was disposed of. I have no complaint of the rule or of its disposition thereunder. Both the Senator from Ohio and I chanced to be engaged in conversation and did not hear the bill called. I thought there were two or three bills yet remaining before it would come up. I do not understand that the rule which the Chair has read, with which I was more or less familiar, precludes the mere reading of the bill when reached on the Calendar.

I wish to state further that after reading the bill I was then going to ask the Senate if a day in the future, near or remote, could not be agreed upon for the final disposition of the measure; and I had been assured that perhaps there would be no objection to that request. But since there is, the incident for to-day, I suppose, is closed.

Mr. LODGE. I merely wish to say the rule is absolutely clear. Objection can be interposed at any stage, before the reading or after the reading. I interposed the objection before the reading because I was certain that the bill could not be disposed of now, and to take the time necessary to read so long a bill would simply interfere with the passage of other and unobjected bills which could be disposed of in the morning hour.

Mr. BEVERIDGE. That is all right.

Mr. LODGE. I desire to say one word further. As the Senator from Indiana is well aware, I am in favor of his bill as it stands—thoroughly in favor of it—but it is impossible to take up a bill of that kind, which is disputed and will lead to debate, and agree upon a time to vote on it when we have not yet even made it the unfinished business—when it has never even been taken up by the Senate. It seems to me we must dispose of these things in order.

Mr. FORAKER. I am perfectly familiar with the rule, and nobody is quarreling with the rule, but it is the general practice of the Senate that the Senator who is known to have a measure in charge will ask that it go over, if he so desires, and that other Senators will await his pleasure to make that request.

Mr. GALLINGER. Oh, no.

Mr. FORAKER. I mean wait until he has had an opportunity when the case is reached on the call of the Calendar.

The Senator from Indiana says I was engaged in conversation at that time, and so was he; and I am reminded by that of an incident which I do not want to apply to this case, but I can not refrain from telling about it. I have had my pocket picked but once, and after it was done I recalled that somebody engaged me in conversation just at that moment. [Laughter.]

I only want to take advantage of the opportunity to let it be known to Senators and everybody else that I have no disposition either to obstruct this measure or to hurry it. I am perfectly willing that the Senator from Indiana shall have a convenient time in which to bring it before the Senate. If he wants to debate it, well and good. If he does not, and wants a vote, and will ask for it, I shall be willing, so far as I am concerned, to comply with his request to vote to-day, to-morrow, or any other time, as soon as he pleases.

Mr. BEVERIDGE. There was no disposition to prefer an unusual request to the Senate, but there was and is a disposition to ask for the disposition of the measure at as early a date as practicable, and, of course, that was done only after consultation and assurance that no objection would be interposed to fixing a date for a vote upon the bill. Since objection is made to its consideration and it has gone over, of course I will not prefer the request at this time, although I am very anxious to have a vote on the bill at an early day.

PENSIONS TO MILITARY TELEGRAPH EMPLOYEES.

The bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion was announced as the next business in order on the Calendar.

Mr. KEAN. Let the bill go over.

Mr. SCOTT. I had intended to take this opportunity to submit a few remarks on the bill.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

ARMY DENTAL SURGEONS.

The bill (S. 2355) to regulate the corps of dental surgeons attached to the Medical Department of the Army was announced as the next business in order on the Calendar.

Mr. ALLISON. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. PETTUS subsequently said: The senior Senator from Iowa [Mr. ALLISON] has withdrawn his objection to Senate bill 2355.

Mr. ALLISON. I withdraw the objection I made a few moments ago.

Mr. PETTUS. I ask for the present consideration of the bill. Bills on the line of this one have been approved by every Surgeon-General of the Army for the last nine years. The bill has had the unanimous sanction of the Committee on Military Affairs, so far as I have heard. I will say that this is one of the most modest bills that I have seen introduced in the Senate. The whole idea in the bill is to give rank to the men of this learned profession in the Army, and it is very modest rank at that.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. I ask the Senator from Alabama what is the highest rank that a dental surgeon will receive under the bill?

Mr. PETTUS. The highest rank is major.

Mr. KEAN. From lieutenant up to major?

Mr. PETTUS. There is one major to start with, and captains and lieutenants. That is all the rank they receive. It is all subject to the Surgeon-General of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN LANDS IN WISCONSIN.

The bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe, or Bad River, Reservation in the State of Wisconsin" was announced as the next business in order on the Calendar.

Mr. GAMBLE. When this bill was reached on Friday the senior Senator from Wisconsin [Mr. SPOONER] asked that it go over, and I suggest, as he is not present, that it and the next, being the bill (S. 2788) to enable the Indians on the La Pointe, or Bad River, Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes, go over, retaining their places on the Calendar.

The VICE-PRESIDENT. The bills indicated will go over without prejudice, retaining their places on the Calendar.

ADDITIONAL RECORDING DISTRICTS IN INDIAN TERRITORY.

The bill (S. 134) establishing an additional recording district in Indian Territory was considered as in Committee of the Whole. It proposes that in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of the central district is authorized to establish by metes and bounds a recording district for that court.

Mr. KEAN. Let the report in this case be read, because I see right after it comes another bill for an additional recording district.

Mr. LODGE. It is at another place.

Mr. McCUMBER. The bill provides for two recording districts upon the request of the judge of the United States court there. I do not know that there is any lengthy report with the bill this year. A similar bill passed the Senate during the last session. Both of those bills, in fact, passed the Senate.

Mr. KEAN. I have no objection to the bill. I only wanted to know the reason why so many recording districts were being created in the Indian Territory.

The VICE-PRESIDENT. Does the Senator from New Jersey withdraw his request for the reading of the report?

Mr. KEAN. I withdraw the request, as the Senator has made a statement on the subject.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 1669) for the establishment of an additional recording district in the Indian Territory, and for other purposes, was considered as in the Committee of the Whole. It proposes to create in the Cherokee Nation, Indian Territory, an additional recording district to be known as district No. 27.

The bill was ordered to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. HAMMOND.

The bill (S. 290) to amend an act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," was announced as the next business in order on the Calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

ROBERT W. CALDWELL.

The bill (S. 2625) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers, was considered as in Committee of the Whole. It authorizes the Secretary of War to revoke the order dismissing Robert W. Caldwell from the military service of the United States as a major of the First Regiment of Ohio Heavy Artillery Volunteers, and to issue to him an honorable discharge as of the date of that order.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF WARRANTS BY JUSTICES OF THE PEACE.

The bill (H. R. 120) to amend section 9 of the Code of Law for the District of Columbia was announced as the next business in order on the Calendar.

Mr. GAMBLE. Let the bill go over without prejudice, retaining its place on the Calendar.

The VICE-PRESIDENT. At the request of the Senator from South Dakota, the bill will go over without prejudice, retaining its place on the Calendar.

CONDEMNED CANNON FOR UNIVERSITY OF SOUTH DAKOTA.

The joint resolution (S. R. 12) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

Provided, That the donation shall be without expense to the United States.

The amendment was agreed to.

Mr. TELLER. I move to strike out the words, beginning in line 9, "as a memorial to the former students of the university who served in the Army and Navy of the United States during the war with Spain." The cannon is to be left there for all time, and there is certainly no necessity to put those words in the joint resolution.

Mr. GAMBLE. Mr. President, I have no objection to the amendment. I simply followed the form used in other joint resolutions of this character.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution."

LICENSE TAXES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 9757) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, was considered as in Committee of the Whole. It proposes to amend the paragraph by adding thereto the following:

Persons licensed to store or sell kerosene or oils of like grade, or explosives of any kind, shall pay a license tax of $1 per annum for each permit issued; for storing or selling fireworks the license tax shall be 50 cents per annum for each permit issued; for storing or selling gasoline or oils of like grade the license tax shall be $5 per annum for each permit issued: *Provided*, That persons paying a license tax as fuel hucksters shall not be required to pay an additional tax for storing or selling such articles.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF TWENTY-THIRD STREET NW.

The bill (S. 133) authorizing the joining of Twenty-third street NW. and Kalorama avenue was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was to strike out sections 1 and 2 of the bill, in the following words:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to join Twenty-third street NW. to Kalorama avenue (a distance of about 200 feet) through lot 1, block 20, Kalorama Heights subdivision, and lots 9, 10, and 24, L. R. Tuttle's subdivision. Said Commissioners shall, within thirty days from the passage of this act, institute, by petition particularly describing the lands to be taken, proceedings in rem in the supreme court of the District of Columbia, holding a district court for the United States for said District, for the condemnation of said lands necessary for the joining of Twenty-third street NW. and Kalorama avenue.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the joining of Kalorama avenue and Twenty-third street as herein provided, such amount thereof shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said streets as joined, and also on any or all pieces or parcels of land which will be benefited by the joining of said streets as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally re-

ceive from the joining of said streets as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columba may, in their discretion, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

And in lieu thereof to insert:

That within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Twenty-third street NW. from U street to Kalorama road, so as to include so much of lots 9 and 24, L. R. Tuttle's subdivision, and lots 1 and 18, block 20, Kalorama Heights subdivision, as lie between two parallel curved lines 50 feet apart, the easterly of which begins at a point on north line of lot 9, L. R. Tuttle's subdivision, and 50 feet easterly from the northwest corner thereof, and which passes thence in a southeasterly direction on a circular arc with a radius of 512 feet, more or less, to a point on the west line of lot 24 of said subdivision, and 55 feet, more or less, from the southwestern corner of said lot.

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Twenty-third street, as herein provided, shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street, as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid; and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

The amendment was agreed to.

The next amendment was, in section 4, page, 5, line 10, to strike out "joining" and insert "extension;" in line 11, to strike out "streets" and insert "street;" in line 12, to strike out "joining" and insert "extension;" in line 24, to strike out "joining" and insert "extension;" in line 25, to strike out "streets" and insert "street;" on page 6, line 3, to strike out "joining" and insert "extension;" in the same line, to strike out "streets" and insert "street;" and in line 5, to strike out "joining" and insert "extension;" so as to make the section read:

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street, and the condemnation of lands for the purpose of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension, and the amount of the assessment for such benefits against the same.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 10, to strike out "joining" and insert "extension;" and in line 11, to strike out "streets" and insert "street;" so as to make the section read:

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in section 7, page 7, line 7, after the word "land," to strike out the words "by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia," and to insert "by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of the said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated from the revenues of the District of Columbia;" so as to make the section read:

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia, etc.

The amendment was agreed to.

The next amendment was, in section 11, page 9, line 6, to strike out "opening" and insert "extension;" in the same line to strike out "streets" and insert "street;" in line 10 to strike out "joining" and insert "extension;" and in the same line to strike out "streets" and insert "street;" so as to make the section read:

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the extension of such street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the extension of Twenty-third street NW. to Kalorama road."

AGREEMENT WITH KLAMATH INDIANS.

Mr. FULTON. There was a bill passed over the other day, Order of Business 195, under Rule VIII. It was read and passed over without prejudice. I should like unanimous consent to have it taken up at the present time.

The VICE-PRESIDENT. When the bill was reached to-day on the regular call of the Calendar it went over under objection.

Mr. FULTON. Was that Calendar called?

The VICE-PRESIDENT. It was called in regular course.

Mr. FULTON. I did not know that it had been called to-day.

OLNEY P. B. WRIGHT.

The bill (S. 3321) granting an increase of pension to Olney P. B. Wright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olney P. B. Wright, late assistant surgeon Fifty-second Regiment Wisconsin Volunteer Infantry and Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA W. TOLFORD.

The bill (S. 676) granting an increase of pension to Joshua W. Tolford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua W. Tolford, late captain Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM PAINTER.

The bill (H. R. 4226) granting an increase of pension to William Painter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Painter, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK SCHULTZ.

The bill (H. R. 4223) granting an increase of pension to Frederick Schultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Schultz, late of Company K, Second Regiment Wisconsin Volun-

teer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. STONE.

The bill (H. R. 7509) granting an increase of pension to John N. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Stone, late captain Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELSE C. ISACHSEN.

The bill (H. R. 6166) granting a pension to Else C. Isachsen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Else C. Isachsen, dependent mother of Alfred C. Isachsen, late of Company F, First Regiment Wisconsin Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIAM T. SHREVE.

The bill (H. R. 9382) granting a pension to Mariam T. Shreve was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mariam T. Shreve, widow of Caleb Shreve, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD COY.

The bill (H. R. 4742) granting an increase of pension to Edward Coy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Coy, late of Companies C and L, Second Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS O'CONNOR.

The bill (H. R. 4744) granting an increase of pension to Thomas O'Connor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas O'Connor, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BRINKLEY.

The bill (H. R. 9130) granting an increase of pension to John Brinkley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Brinkley, late of Company E, Gilpin's battalion, Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask unanimous consent that the unfinished business may now be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. TELLER. Mr. President, I do not intend to detain the Senate at any length upon this subject. I have no desire to discuss the pending measure for the purpose of delaying it. I stated the other day that I was ready to vote upon it, and I am ready to vote upon it whenever the Senate is ready; and although I made some objection the other day, I shall make no further objection if the Senator from New Hampshire chooses to ask for a time to be fixed for the final vote that will give Senators who desire to speak an opportunity to be heard.

Mr. DUBOIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger	Clark, Wyo.	Hansbrough	Perkins
Allee	Clarke, Ark.	Hopkins	Pettus
Allison	Clay	Kean	Piles
Ankeny	Culberson	Kittredge	Proctor
Bacon	Dick	La Follette	Rayner
Blackburn	Dillingham	Latimer	Scott
Brandegee	Dubois	Long	Simmons
Bulkeley	Flint	McCreary	Smoot
Burnham	Frazier	Martin	Sutherland
Burrows	Frye	Nelson	Teller
Carter	Fulton	Nixon	Warner
Clark, Mont.	Gallinger	Overman	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present. The senior Senator from Colorado will proceed.

Mr. TELLER. Mr. President, when the bill was before the Senate the last time the Senator who has it in charge alleged that the reclamation act was a pure and simple subsidy measure, as I understood him. I have not looked at the RECORD, but that is my recollection of the statement he made.

I wish to say a few words about the reclamation act. I do not mean to say—I have not said and I shall not say—that Congress may not, at the proper time, grant a bounty, a pure and simple bounty, to some enterprise. There have been so many precedents made that it is too late for any man to contest that question. He might question the propriety of it, but the power has been pretty well established by the custom Congress has established.

But the reclamation act has not been in any sense considered as a bounty. The Government of the United States is, I presume, the greatest landholder in the world. At all events, the Government of the United States is the holder of an immense area in the West, west of the Mississippi River at least, that is called the "arid region." Some of it is designated as semiarid. By that, I suppose, it is meant regions in the West that can be cultivated in some way without water, while the arid region is practically that which we have considered a desert unless water could be obtained.

I have not stopped to figure up or to determine exactly what is the area of arid land, but the published statements of the Department having charge of the subject have declared repeatedly that the arid region is two-fifths of the United States. Whether in that they take in some portions of the country that may not be considered entirely arid I do not know, but there are certainly two-fifths of the United States that will be benefited by the use of water for irrigation.

Now, the Government owns in the Western States immense areas that never can be sold or utilized, in my judgment, without some irrigating system. While in some of the States, like Nebraska, Kansas, and eastern Colorado, there is a considerable area of country that may be occupied by farms, and farming may be done with perhaps as much profit as it may be done in some of the New England States, if water could be put upon that very same land you could more than double the productive capacity of the land.

The Government proposes to take this land that belongs to itself, put it under water, sell it when it gets through to the farmers who wish it, charging them the entire amount of money that may be expended on the land, and give the farmer ten years to pay for it. To the extent that no interest is charged, that may be considered a benefaction to the West, and beyond that there is no benefaction in it whatever.

In the first place, the money that is to be expended is money that is paid for land. It is money the settler has paid to the Government for land that, according to my theory of government, belongs to the men who are willing to occupy it.

I do not think the Government made any greater mistake in its history anywhere, or at any time, than it did when the land was held and disposed of for revenue to the Government itself. Had the Government determined when the country was new that no land should be the subject of individual proprietorship except it was accompanied by cultivation and occupation, and then in a limited quantity, as the homestead act of 1862 provided, this country would have been in a very much better condition, although the Government would have been out the dollar and a quarter an acre, or the two dollars and a half an acre, whatever it might have received from it.

There are, perhaps, two excuses why the Government did not do that. In the first place, the Government of the United States was poor and needed the money and the land was considered a source of revenue, as it turned out to be a source of revenue, and a considerable revenue.

Another excuse, perhaps, might be stated to be that the people of the United States had been accustomed to an entirely different system. The land had belonged to the sovereign—to the King of Great Britain, the King of France, or Spain, whoever it might

be—claiming ownership of the western lands in this new continent; and they had been in the habit of picking out favorites and giving them a great amount of land, sometimes upon the theory that the favorite would found a colony and sometimes without any such qualification or restriction.

In 1837 the Government found itslef with a surplus of about $35,000,000—somewhere in that neighborhood, perhaps a little less. That surplus was practically derived from the sale of the public lands in the region of country called "the West;" at least it was then called "the West." We included in the West in those days all lying west of the State of Pennsylvania, along the Lakes, Michigan, Ohio, Wisconsin (not yet a Territory, as I recollect), Illinois, and Indiana. All west of the Mississippi River was then practically unoccupied except the State of Missouri, the State of Arkansas, and the State of Louisiana. I do not know what to-day ought to be called "the West." I do not know whether we ought to include anything east of the Mississippi River or not.

Some day when I have an opportunity I may speak of the new West, by which I mean all that lies west of the Mississippi River, but I do not intend to go into that by detailing its productions or its capacity or anything of that kind to-day. I only want to bring it to the attention of the Senate that we in the West have never asked anything of the Government that I think anybody could declare to be unfair. We have never had any bounties. I think you can hardly call a homestead a bounty which was granted to a settler who went upon the public lands in that region or even in the regions blessed by rain and sunshine which made it productive. I am sure those who have been brought up in the West or those who went there in their early manhood and have seen the West grow will bear testimony that the man who went out and made a home upon the public lands of the United States was entitled to every thing he got, and, Mr. President, entitled to more than he got.

As I was saying, in 1837 there had been practically derived from the public lands in the States east of the Mississippi River a sum more than the Government then needed for its use. Thereupon the Government of the United States passed a law that the money should be distributed, and it was distributed. Every State that took it did so with a certificate that on demand of the United States they would return it without interest. As I said the other day, not a dollar of that amount, a little over $28,000,000, has ever been returned. Of course I ought to say in good faith in describing this occurrence that the Government at no time ever called upon a State to return it.

As I said the other day, nobody ever expects it to be returned. For myself, I have no hesitation in saying that I should not be a party to the calling upon the governments of the several States to return it. About $380,000 of that went to States west of the Mississippi River—to the States of Louisiana, Arkansas, and Missouri, they being all the States we then had lying west of the river. All the remainder went to the Eastern and the Middle States, the States that I might call the "old West," east of the river. The other day I called the attention of the Senate to this subject. I am not complaining of that donation, for that is what it is. It was a loan in theory, but a donation in fact.

The Government of the United States has made an appropriation for reclamation purposes by an act which was passed through this body, and, I think, through the other, with a remarkable degree of unanimity. In this body I believe there was not even a roll call upon its passage, and in the other body it passed with such a degree of unanimity that was at least unusual. We in the West are grateful when we get a small favor from outside the West. We are often surprised, and I think that the people in my section of the country were particularly surprised when the passage of that act was announced to them. I do not know of any other section of the country that has up to this hour received any immediate benefit from that act. I believe last summer the Government did open a ditch in the State of Nevada, and I suppose next year there will be water put upon the arid lands of Nevada; but I predict, Mr. President, that the 110,700 square miles of that State will, under the beneficent influence of that act, ultimately become not a State to be treated as a rotton borough, not as a State to be sneered at, but that it will become a great agricultural State, as it has been one of the great mining States of this country, and will continue to be so in the future.

The Government has an enterprise in Colorado. The Government has commenced the construction of a tunnel two and a quarter miles long through a mountain so high that no water can be carried over it. The tunnel will open into a valley with a sufficient amount of water to reimburse the Government for every dollar that it will put into the tunnel and the ditches to distribute the water. Before the Government began the work, or put a dollar on the tunnel, it had secured from the residents of that valley a sufficient amount of pledges, of bonds, from the men who own the land that it is to be watered to reimburse the Government, even if the Government never sold an acre of this land; and it has thousands and tens of thousands of acres that will eventually be made worth what the work costs, and in addition as much as the price would be if the land was within the rain belt instead of in the arid region.

I can not conceive, Mr. President, that there is any analogy between that act on the part of the Government and the shipping bill. The Government has parted with a great quantity of its land in the West for railroad enterprises. Mr. President, I was in the West before an acre of that land was donated or pledged to railroads, and I must say that, if I had had my way, I would not have voted an acre of public land as a donation to a railroad. It would have been infinitely better if the Government of the United States had taken the money from the Treasury and paid it to the railroads, and saved the land for its own use and disposition to the settlers of the country. But the Government determined not to lose anything in that enterprise. It immediately increased the price of the public land from $1.25 an acre, at which it had been formerly, to $2.50 in the section of country which came within its railroad grants. So we have more than paid, not perhaps for all the railroads, but we have paid so much toward their construction that the Government has not lost anything on its railroad assistance.

I do not think that any Senator can ask me to vote for the pending bill because he or the Senators from any other section voted for the reclamation bill. The reclamation bill, Mr. President, is of no more interest to me, living in the West, than it is to the Senator from New Hampshire [Mr. GALLINGER], who lives in the East. The time has now come when the young men and young women in Massachusetts, in Maine, in New Hampshire, in Vermont, in Connecticut, in New York, and in Pennsylvania, when they become of age, do not find the opportunities there which their fathers found; and the population of the great West has been largely made up of New England's sons and daughters and the sons and daughters of Pennsylvania and New York, who, not finding opportunities as great as they wished in their native States, have gone West to make homes; who took Greeley's advice, "Go west, young man; go west." They have gone west, Mr. President, by the thousands and tens of thousands, until to-day west of the Mississippi there is found more than one-fifth of the entire population of the United States.

Mr. President, all sections of the country are interested in the reclamation service. Its advantages are as open to the children of New England and New York as they are to those of Colorado, of Wyoming, of Idaho, or of Montana. They go there and take the lands upon the same terms that we take them, and, Mr. President, we are anxious to see them come. As I said the other day, we have found them good citizens and useful members of society, and they are as much entitled as are the sons of the West to great credit for the growth, the prosperity, and the moral worth and stamina of those western communities. I remember, however, to have heard that section of the country spoken of by high authority as "the undesirable communities of the United States;" but, Mr. President, if they are undesirable communities, they are the undesirable citizens of the East who have come to us, for they compose the great bulk of our population. I do not mean to say that we have not some foreigners, but we have proportionately a greater American population than have many of the Eastern States. The best class of foreigners which come to this country find their way into the great West. They are not the class that lodge in the cities of the East; they are not the class that are found in the near Atlantic ports. They are those who have the enterprise and the vigor to go west, to go into new communities, and to better their condition in that way.

I am as anxious to see the commerce of the United States carried in American bottoms as is anybody else, provided it can be carried as cheaply in American bottoms as it can in any other way. There is a benefit, perhaps, that might offset something as against the fact that it is not carried quite as cheaply in American bottoms; there is some advantage under this bill which, I think, will be given to us in its first section; that is the provision for the naval reserve. I know that if we want men to man our ships in time of war and if we want our transportation done in time of war it will be some benefit if we can have American ships for that transportation. All the Senator from New Hampshire has to do, in my judgment, to secure the passage of such a bill is to show that the bounty or donation or subsidy—whatever you choose to call it—will bring to the American people benefits of sufficient character to warrant the expenditure of the money. I can not see where the Senator has

made such a case in the report of the committee, and I have not been convinced from any arguments made on the floor that such will be the fact.

I do not know that I adequately appreciate what this bill will cost. I have read the report with care. Since the report was made, however, there has been a decided change in the bill, and the feature of it which it was supposed would bring some revenue to the Government by way of a tax on tonnage—which I think was of doubtful value, but which would have had the merit at least of reducing the total amount that the Government would expend by way of bounties to these ships—has, as I understand, been stricken from the bill.

I thought I heard the Senator from New Hampshire say the other day before the bill was modified that in ten years it was estimated there would be—I think he said—about $40,000,000 all told. I make the amount much larger. Certainly if we do not give to this fund the amount that was supposed to come into the Treasury from the tonnage dues, the sum required will be somewhat larger.

I should like to ask the Senator from New Hampshire if he is prepared to state what the expenditure will be—I do not, of course, expect him to do that accurately—but has he the estimates, or has he, with his knowledge of the subject, information which will justify him to say what the cost will be at the end of the first ten years and then at the end of the second ten years? I will wait for the Senator's reply, if he chooses to reply to that inquiry.

Mr. GALLINGER. I will say to the Senator, in the first place, that I have never believed that the estimate made in the report was at all accurate; and I am going to be entirely frank in my statement about it.

Mr. TELLER. I believe that.

Mr. GALLINGER. I think it is altogether too high, while the Senator thinks it is too low, as I understood him to say a moment ago.

Mr. TELLER. I want to say to the Senator that really I have not sufficient acquaintance with what would happen so as to judge of the matter; but I have always imagined that most of these estimates were too low and that the result would show an increase instead of a decrease from year to year.

Mr. GALLINGER. The Senator is wrong about that. The Commissioner of Navigation made this estimate at my suggestion. I said to him that I wanted him to make it high enough; that I had no disposition to impose—and I certainly should not, if I knew it—upon the Senate in a matter of this kind. The Commissioner of Navigation estimated that we should have 10,000 naval reserves; that we would establish every one of these mail lines under this bill—of which there is no certainty—and that we would give a very large subvention to the so-called cargo-carrying vessels. The suggestion is made that, by the second year, under this bill, it is believed sufficient new mail steamers will have been constructed to put into operation new mail service that will require an expenditure of $1,500,000. I do not believe that by the second year enough of those steamers can be built, for they will all have to be new steamers, to call for that amount—$1,500,000. The estimate, if the Senator will examine it very carefully, presupposes that three things will happen: First, that we will establish every one of these mail lines in ten years; next, that we will have 10,000 naval reserves in that time, and, third, that we will give to cargo vessels a subvention of $29,250,000.

On that point the Senator from Florida [Mr. MALLORY] in his excellent speech took the ground that, in his judgment, we would not succeed in getting any such number of naval volunteers under this bill; and, next, that we would not be able to build many cargo carriers upon the subvention that is allowed in the bill, because it is too small. I believe the Senator did not make any suggestion concerning the mail lines, but I think the Senator will agree with me——

Mr. MALLORY. I did say, Mr. President, that I would favor an increase of the mail subvention so far as the Gulf of Mexico was concerned.

Mr. GALLINGER. What I meant to say was that the Senator did not make any suggestion as to whether or not, in his opinion, the lines would all become established during that period. The Senator will agree with me that that is problematical at best.

Mr. MALLORY. Yes.

Mr. GALLINGER. To be entirely frank about the matter, if this estimate of the Commissioner of Navigation, to which I do not fully assent, proves correct, the cost under this bill for ten years will be as follows: Naval reserves, $4,350,000; cargo vessels, $29,250,000; mail subventions, $23,486,250; increased subvention to Oceanic Line, $2,170,000, or a total of $59,256,250.

Mr. TELLER. In ten years?

Mr. GALLINGER. In ten years. As I said a moment ago, I myself do not agree to this. I think it is altogether too large. On two points I want to add a word, if the Senator will permit me.

Mr. TELLER. Certainly.

Mr. GALLINGER. I do not want to take the Senator's time, of course.

Mr. TELLER. I am only going to speak briefly.

Mr. GALLINGER. I want to call attention to the fact that the present profit of our ocean mail service just about balances the subventions to these new mail lines. Every other government of which I have any knowledge uses those profits, if they have any, in the development of their merchant marine. We do not; we put the profits in the National Treasury. Of course, that does not change the cost——

Mr. TELLER. The profits have not been great, have they?

Mr. GALLINGER. We have had very large profits.

Mr. FRYE. One million eight hundred thousand dollars a year.

Mr. GALLINGER. Nearly $2,000,000 a year.

Mr. TELLER. That heretofore has gone into the Treasury?

Mr. GALLINGER. That goes into the Treasury at the present time. Again, if the provision in the original bill in regard to tonnage taxes should remain, it would produce $15,000,000, or very nearly that.

Mr. TELLER. That provision is out of the bill.

Mr. GALLINGER. It is out of the bill. I am going to explain that. If it should go into the bill again before it becomes a law, it would reduce the estimate of the total amount of the cost of the bill to $44,000,000, just above what was suggested in the first place. But I want to emphasize this point, that I think the Senator himself, if he will sit down uninterruptedly and examine the bill and take these approximate estimates made by the Commissioner of Navigation, will see that they are altogether too high. The Senator, I apprehend, does not believe that every one of these mail lines will be established. I myself hope they will be; but it is hardly to be expected that they will all be established. If they are not, of course that will reduce the amount to be paid under the bill. The amount that is estimated for cargo carriers is so much higher than the Senator from Florida thinks it will be that it is startling, and it is very much higher than I believe it will be.

Mr. TELLER. Will the Senator give us his opinion about it? I should as lief have the Senator's opinion as that of the Commissioner of Navigation, and I think I would a little rather have it.

Mr. GALLINGER. Mr. President, of course the Commissioner's estimate is approximate.

Mr. TELLER. How much would the Senator deduct from the estimate of the Commissioner of Navigation?

Mr. GALLINGER. My judgment is that as the bill stands to-day if during the ten-year period $35,000,000 were expended it would be a fair estimate, but I may be wrong. Perhaps I ought to put it at $40,000,000.

Mr. TELLER. That is an average of about three and a half millions a year?

Mr. GALLINGER. It is.

Mr. TELLER. Well, Mr. President, if this bill is a success, it seems to me from my figures—and I have been trying to figure on it, but I am not very confident so far as my own estimate is concerned—it seems to me that if the bill only requires that amount in ten years it will not be very successful; it will not do very great good to the cargo-carrying trade of this country.

I suppose the purpose of this bill is to secure to American ships the carrying of as many as possible of the products of this country going out and the imports coming in.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Yes.

Mr. FRYE. This estimate is entirely theoretical.

Mr. TELLER. Certainly; I know it.

Mr. FRYE. The more successful the bill, if it becomes a law, the higher the cost.

Mr. TELLER. Certainly.

Mr. FRYE. If the bill fails to succeed at all, then the cost, perhaps, will suit the Senator from Colorado—and it will not be much, if anything. If, on the contrary, it is a perfect success, then the cost will pay for the success and will be adequate to pay for the success. I myself hope it will cost a good deal more than $50,000,000 in ten years.

Mr. TELLER. The Senator from Maine assumes, then, that I do not want to increase the commerce in American ships?

Mr. FRYE. No; I assume that the Senator, from his interrogations, does not wish to vote for this bill because it is going to cost a good deal of money.

Mr. TELLER. That is one feature in it. I think sometimes the outlay of a little money is a waste, while the outlay for the same identical purpose of a sufficient amount is very profitable indeed.

Mr. FRYE. I entirely agree with the Senator about that.

Mr. TELLER. That, I think, is a business principle that every business man understands. You may put only such money in an enterprise as to make a failure of it, and you may put a little more or a good deal more in and make it a great success. I myself do not believe a success can be made of this Naval Reserve. I do not think the amount of money provided in the bill to be paid to these sailors will be sufficient to induce such a class of men as we want for sailors to go into the service.

If the naval reserve were provided for in a separate bill, Mr. President, I should not have any hesitation in saying that I thought it an appropriate and proper bill. I could support it, but I would not support it with any enthusiasm if it provided only for the payments that are proposed in the pending bill. They ought to be larger.

Mr. FRYE. Mr. President, if the Senator will allow me just a word there——

Mr. TELLER. Yes.

Mr. FRYE. My impression is that the pay provided for the Naval Reserves in this bill is the same that Great Britain provides for her naval reserves, and she has found the system a success.

Mr. TELLER. But, Mr. President, the difference in wages and opportunities between this country and Great Britain is so great that, unless you accept a class of men that nobody wants to see in that reserve, I think no comparison can be made. Great Britain might succeed in securing men for her naval reserve by the payment of such a sum. She succeeds in securing men on her ships at very much less than the wages for which we are able to secure men on our ships. Is not that a fact?

Mr. FRYE. Yes; it is.

Mr. TELLER. That has been one of the things, I think, that has been more embarrassing to the effort to build up the carrying of American commerce in American ships than anything else.

There are other methods that we might adopt. I alluded to one the other day, but evidently it does not seem to meet with approbation. I myself believe that if the law provided that every American ship bringing imports into our ports should be given a reduction of the duty on such imports, or, in other words, if it were so arranged that a shipowner bringing in imports should have the benefit of a certain percentage of the customs dues, it would do more to encourage American shipping than this bill. Then a man could take a shipload of goods abroad with a guaranty that he would have no difficulty when he got into the great European ports, or even into South American ports, of finding a return cargo. I understand that is one of the difficulties with which our shipping has to contend. When American vessels go into a port, whether it be Asiatic or European, they find themselves compelled to compete with tramp ships, that can be run much cheaper perhaps, but if they could say to exporters in that country, "If you will send your goods in our ship, we can afford to carry them at the same rate that the foreign ship carries them," very likely they would get their share of the trade. It is possible that they might carry for a little less, if the Government was liberal in that reduction. That plan has always seemed to me to be a proper one. I have heard it discussed here for twenty-five years at least, but yet I have never seen an attempt honestly and vigorously made to secure anything of that kind. I suppose it is because those who are more familiar with the subject doubt whether or not it would succeed. I have never been connected with any branch of the public service that required me to initiate anything of this kind or that would even justify me in initiating it, but I express my opnion that that is one of the ways by which this difficulty could be met.

The other day there was some discussion about the coastwise trade. I have myself never found fault that ships trading from one American port to another should have some preference, but it is not very long since we adopted a new system. We extended the coastwise law to the Philippine Islands. That certainly is not an American trade, whatever the relations of the Philippine Islands may be to us. I think the Supreme Court has established the fact that the ports of the Philippines are not American ports. That can not be questioned. That action gave to American shipping some advantages, but not sufficient, I suppose, to make the slightest difference with the trade. That trade does not amount to anything. We sent over last year about $4,000,000 worth of goods to the Philippine Islands. I suppose half of that amount went there because of the American occupation, and would not have gone if there had not been such occupation. They sent us somewhere between twelve and thirteen million dollars' worth, as I recollect, though I can not speak exactly, because I have not looked up the matter for some time. At any rate, the trade with the Philippines amounts to a sum between seventeen and twenty million dollars—not a very considerable trade—and if the American ships had it all it would not amount to a great deal.

I believe those who have been conversant with affairs over there think that when that act is in full operation it will not benefit the shipowners, because the exports from there will go to other lands and not to ours. The exports that come to us from the Philippine Islands are of a character that can go to any part of the world. They are not specially adapted to our trade and to our demands, and a good deal of the Philippine trade now goes to Europe and comes to us in ships belonging to other nations and not to ours. It goes from the Philippines to Europe in European ships, and in European ships it comes back to us. That will not benefit our shipping interest any.

I do not know but that we might apply the principle of the coastwise trade to some other ports besides the Philippine ports. I suppose it would be difficult to apply it to those of Great Britain. We ship an immense quantity of stuff to Great Britain every year, and I suppose Great Britain would resent it if we provided any method by which her ships could not get into the trade between that country and ours. I do not see that there is any way to do it. I do not know whether there is or not.

Mr. GALLINGER. If the Senator will permit me——

Mr. TELLER. Certainly.

Mr. GALLINGER. I will say that I think under our commercial agreement with Great Britain we could not possibly do that.

Mr. TELLER. My idea is that whenever our necessities require us to modify these commercial relations we can do so, provided we are careful in so doing and do not injure ourselves. When we can get any benefit out of it, we have a right to modify such arrangements or change them at any time.

Mr. GALLINGER. Certainly.

Mr. PERKINS. Mr. President——

Mr. TELLER. I yield to the Senator from California.

Mr. PERKINS. I was going to ask my friend the Senator from Colorado a question, with his permission. His public life has been so identified with the history of our country in matters of legislation during the past forty years that I know of no statesman whose judgment and opinion I hold in higher esteem than I do those of my friend the Senator from Colorado. Therefore I wish to ask him a question.

Until 1855 we had control of the transportation and commerce of the world. Our ships did the business. We would have continued in that business had it not been that Great Britain, Germany, and France have taken it away from us by subventions and subsidies to their shipping. How can we revive that business without a subsidy or subvention similar to those given by foreign nations?

I was much interested in what the Senator said in the beginning of his remarks relative to the reclamation of our arid lands in the West. He says it is not a subsidy. The same rule perhaps applies to our domestic mail matter. We have a deficiency each year of fifteen or twenty million dollars more than we receive in postage. We make it up without a dissenting voice. Is not that a subsidy? Is it not similar to what we are asking in this case—to revive American shipping?

I do not wish to interrupt the Senator; I am asking for information, and I know of no one better equipped with it than is my friend the Senator from Colorado.

Mr. TELLER. The Senator from California does not need any information from me on shipping matters. That I know. I do not think there is any analogy between the payment of money to railroads for carrying the mails and the proposition here, except so far as this provides somewhat for the mail. Beyond that there is no analogy. We do have a deficiency in the Postal Department. We have had it ever since I have been in public life. We would not have had a deficiency in the postal revenues if we had confined ourselves to the old idea of carrying the mail to the communities and putting it in post-offices and letting the people come to the post-office and get the mail. But when we out West saw that some little towns in New England—and I could name some of them, not in New Hampshire perhaps, but in New England—were getting their mail five and six times a day, delivered at their doors, our folks said, "That is not fair; we ought to have something." Somebody devised a scheme. I believe it was first put in operation in the East. It is what is

called the rural mail delivery. I think we at first made an appropriation of a few hundred thousand dollars for it. I objected to that when it was made.

I was brought up in a country district in the State of New York. We had a little post-office. We had post-offices on both sides of us. You could go to a post-office 2 miles from father's farm; you could go to another 4 miles; you could go to another 6 miles; to another 12 miles, and so on. We got the mail once a week—all that the Department in those days thought necessary. We got the New York papers. If a man was a Democrat, he got the old New York Evening Post. If he was a little off color and did not want to be a full Democrat, he could take the New York Herald. If he was a Whig, he took the Times, or Greeley's paper when that came on. Every Saturday you could go down to the post-office, where there was a store and a blacksmith shop, etc., and you could find probably a dozen or fifteen or twenty boys of the neighborhood, all the way from 10 to 20 years old, who had come in for the mail. It was a delight for the boys to go after the mail. It did not cost anything. They got the newspapers. They had a little social conference with each other around the post-office in the afternoon or along toward night while getting the mail. That condition did not call for any relief by this Government.

Now we are expending $20,000,000 a year for this service. We will expend $50,000,000 per annum in a few years, and the people will be no better off. You can not give to every portion of the country the same advantages that other sections may have and are entitled to. If people live in a town it is to the interest of the Government not to have everybody go to the post-office for the mail, because you would have to provide buildings, appointments, clerks, etc., to handle the mail to such an extent that it is probably better in towns to deliver the mail in the way it is now delivered.

When you put your free-delivery service in a country where there is perhaps upon a quarter section of land a house, and then upon the next section, a mile away, there may be another house, you are doing what you are not required to do. That is one of the leakages and one of the methods by which we are prevented from getting the small postage that some of us at least have hoped to see. I can remember very well when we used to pay 5 cents for a letter. Then it got down to 3 cents, and we thought we had done wonders when the mail came to us for 3 cents. It is now 2 cents, and if we would treat the post-office as it ought to be treated, as it would be treated in the hands of good business men, we could give the mail to the whole country at a cent. I know that this matter is not exactly pertinent to the pending bill.

Some people contend that the Government of the United States ought not to furnish mail to the extreme sections of the country at the same rate that it does to near-by places. I can very well remember when the Government carried mail so many miles for a certain sum, and so many more miles for a certain other sum. That was all abolished years ago. Sensible men said: "You can not do that. Let us wipe it all out and give to the people of the country wherever they are, whether in California or New England, mail at one figure. If there is a man in California whose sons and daughters are in New England, let him send mail to them for the regular uniform rate."

I should like to see the time come when we could send mail all over this country for 1 cent. I do not know that I am especially interested in some features of our present system in the Post-Office. I would not myself, if I had the making of the regulations, make the mail a conveyor of merchandise. I would open it to literature—books, etc.—but I would not open it to merchandise; and I do not think we were called upon to do that. However, this is not the subject I got up to discuss. I have been drawn away to it.

The Senate has stricken out the eighth section of the pending bill, which, if it appropriates at all, should come from the House and not from this body. I myself doubt very much whether it would be a valuable addition to the bill, no matter where it originates. I could readily see that if it was a tax upon foreign ships it might do first rate, but I can not see why we can not legally and properly say—and I do not believe any nation has a right to complain if we do say—that every foreign ship which comes into our ports shall pay a certain tonnage duty, and every American ship that comes in may do just as she does now when she comes from one American port to another—not pay anything.

As I have said, these are matters that have not been turned over to me to look after. I am not on the Committee on Naval Affairs; I am not on the Committee on Commerce; I am not on the Committee on Foreign Relations, and I do not have anything to do with those subjects especially.

There is one thing that stares us in the face, and when I shall have referred to it that will be about all I want to say on the subject now. It stares us squarely in the face: Where are you going to get the money to pay, if this is a success, and it runs to five or six or ten million dollars a year? Where is the money coming from? To-day, every month there is a deficit, though not large. Last year it was much larger than it will be this year. Our customs duties this year up to the present time—the year is but little more than half out—are twenty-three or twenty-four million dollars more than they were last year at the same time. That is not an especially inspiring thing to me. I have never been anxious to see the imports to the United States increase very largely.

Our internal-revenue collections this year are in the neighborhood of $10,000,000 more than they were last year for the same length of time. It looks as if the deficiency might be small, but still there is a deficiency, and the deficiency will be increased when the revenues are taken out of the Treasury by the appropriations we are going to make at this session. It is safe to say there will be a deficiency this year, and no matter whether it is small, or more, or large, if it is a dollar, whatever you expend in the shipping business you must provide for. How are you going to provide for it? You can not increase your import duties. To do that would probably lessen the revenues. You may increase the internal-revenue taxes. That nobody would want to do in these days. We have been trying to reduce them. Your land revenues, which used to run from four to ten million dollars, have been devoted by law to a special purpose. Your Government expenses are increasing every year.

The other day we heard a Senator from one of the Western States tell us about the forest reserves which had been created. We began the forest-reserve business as we began the post-office business, by making at first an appropriation of a couple of thousand dollars to look the situation over and see whether the timber in the country was being properly guarded and taken care of; and then a little more and a little more until this year it will be $2,000,000 for forest reserves. It is morally certain that every year you maintain the forest reserves you add to the expense. If it is $2,000,000 this year you may look for $2,500,000 next year, and so on. Your postal revenues will fall behind next year probably more than this year, because you can not very well say to one section of the country, "You shall not have rural delivery," if you do not say it to all sections.

Where can you raise the money? How can you legitimately increase your expenses and not attempt to find a way to increase the revenue? Of course you can sell bonds, and possibly for a time you can get along by using what is called the "reserve fund," established in 1900, which we now have, amounting to $150,000,000. Every time I take up one of the Government publications on the subject I see marked at the top "Reserve fund, gold coin and bullion, $150,000,000." I read them every day. I have never seen the day since 1900 that it has not been a hundred and fifty millions. Why? That is there for the purpose of maintaining the paper money of the country, maintaining the gold reserve. Has it ever been invaded? If any Senator will take the trouble to look, he will see that since that time the entire redemption could have been made for about $17,000,000 each year, which could have been taken and is taken from the current revenues of the country.

We have a provision in that wonderful bill of 1900 that whenever a thousand dollars is taken out of the $150,000,000 fund, immediately, the same day, a thousand dollars must go back; and if you should find a demand upon the Government of the United States for a hundred million dollars immediately and it were taken from this fund a hundred and fifty million dollars would be taken out of the Treasury and shoved into this fund. Will some one tell me—some wise financier, some man who knows all about maintaining the honor of the country and its credit—how much better it is, if any, to have it in this special fund than it would be to have it in the Treasury of the United States?

We might use that for a while, Mr. President, but in the end you must increase your revenues or you must decrease your expenses. You are going to build a canal. We have provided for selling a hundred and thirty million dollars of bonds for this purpose. We will sell them. There is no trouble to sell a 2 per cent United States bond in these days, if you give it all the rights that a national bond has, for use in banking and all of these things. But you will have to sell a hundred and thirty million dollars' worth more undoubtedly. I do not care whether it is a lock canal or a sea-level canal—it does not make any difference—you will not build it for that money.

If the Senator could show me that great benefit would come from this bill, I would not be very much alarmed about running in debt some, because with $140,000,000 in the Treasury,

which is available now, and a hundred and fifty millions in the reserve, there is practically $300,000,000 we can use, and we might tide along for four or five years and not become bankrupt. But every year our expenses increase, and I think any scheme for the restoration of American shipping and American commerce, putting it where we were in 1860, when we were carrying the largest part of our products outward and bringing in the largest part of our imports, ought to be self-supporting, or there ought to be a proposition to secure funds to pay the expenses that will be incurred.

Mr. President, that is all I care to say on this subject. I do not regard this measure as threatening the stability of the Government or even its credit. I have not half the interest in opposing this proposition that I have in some others, and I do not think it will do any great injustice to any part of the country. I do not believe it will do much good to any part of the country. I do not believe it is based upon a system that will restore the commerce of the country in the way the Senator desires.

I wish to say that I made same objections to the Senator having the bill set down for a vote, but so far as I am concerned I am ready to vote on it now. I do not suppose the Senator wishes to have the Senate vote on it at this time, but so far as I am concerned I do not propose to enter an objection to anything the Senator asks for which the Senate is willing to agree to.

Mr. GALLINGER. Mr. President, I have never at any time during the discussion of this measure felt like asking anything unreasonable in connection with it, nor do I feel that way now. I will venture to ask the Senate for unanimous consent that on Tuesday, the 13th of the present month, at 5 o'clock, we vote on the bill and all pending amendments and amendments that may be offered.

Mr. PATTERSON. Let me suggest——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. Let me suggest to the Senator from New Hampshire that he slightly amend the request for unanimous consent, and say that after the morning hour on the 13th, if any Senator desires to discuss any feature of the bill, that right shall exist.

Mr. GALLINGER. I will ask that the bill shall be taken up after the routine morning business on Monday and Tuesday of that week.

Mr. PATTERSON. That is satisfactory, so far as I am concerned, speaking only for myself.

Mr. GALLINGER. And that we shall vote on it at 5 o'clock on Tuesday.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill and all amendments thereto now pending or hereafter to be offered be voted upon at 5 o'clock Tuesday, the 13th instant. Is there objection?

Mr. GALLINGER. And that the bill shall be taken up on Monday, the 12th, and Tuesday, the 13th, immediately after the routine morning business.

The VICE-PRESIDENT. And that the bill shall be taken up Monday and Tuesday, immediately after the routine morning business. Is there objection?

Mr. DANIEL. Permit me to inquire if the Senator would object to making it Wednesday or Thursday of that week?

Mr. GALLINGER. No; not at all. I will make it Wednesday, the 14th. It will be quite agreeable; and that the bill shall be taken up on Tuesday and Wednesday after the routine morning business.

The VICE-PRESIDENT. The Chair will restate the request.

The Senator from New Hampshire asks unanimous consent that the pending bill and all amendments thereto now pending or hereafter to be offered be voted upon at 5 o'clock on Wednesday, the 14th instant, and that the bill be taken up for consideration after the routine morning business on the Tuesday preceding, and on Wednesday the day of the vote. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. LODGE. Mr. President, I wish to correct a mistake of which I was guilty when the bill was last up, and the statement I asserted with an assurance which I ought not to have used. It was in regard to the laws of other countries affecting the coastwise trade. I said that I believed that all other countries had laws confining the coastwise trade to their own vessels. The point was raised in regard to the coastwise trade of Great Britain—that is, the trade on the coasts of the British islands—and I stated that I thought it was reserved to British vessels. I was mistaken.

I ought to have remembered what I did well know—that the famous navigation laws, which were originally passed in the time of Cromwell's protectorate, were repealed in 1849, and the law which confined the coastwise trade to English vessels was repealed at that time or soon after.

What misled me was that I knew, as matter of fact, that the entire coastwise trade of the British Isles was carried in British vessels; and, of course, there are regulations, especially regulations of Lloyds Insurance Company, which make it very difficult for any foreign vessel to enter the British coastwise trade. There may be an occasional Norwegian ship engaged in that trade, but they are very, very few.

I found out, however, when I made my inquiries, that the coastwise trade of England's great colonies, like Canada and Australia, was confined to vessels of Canadian or Australian or British register—that is, of colonial or British register—and that foreign vessels are entirely excluded from that colonial coastwise trade unless the foreign country admits the vessels of the colony to its own coastwise trade. So, in practice, no foreign vessels are admitted to the coastwise trade of the British colonies, and the trade between the mother country and the colonies, owing to the exceptionally generous subsidies provided by England, is wholly in the hands of British shipowners.

France, Spain, Italy, and Russia, which command practically all the coasts of Europe where there is a considerable coastwise trade, have laws similar to our own, confining the coastwise trade to their own vessels.

I merely wished to make this statement, because, having made the error, I desired to correct it as publicly as I made it.

The VICE-PRESIDENT. What is the further pleasure of the Senate?

Mr. KEAN. If the Senator from New Hampshire will yield to me, I will move an executive session.

Mr. GALLINGER. Certainly; I yield.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 28 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, February 6, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1906.

REGISTER OF THE TREASURY.

William T. Vernon, of Kansas, to be Register of the Treasury, to succeed Judson W. Lyons, resigned.

DISTRICT ATTORNEY.

Alfred E. Holton, of North Carolina, to be United States attorney for the western district of North Carolina. A reappointment, his term having expired on January 12, 1906.

MARSHALS.

S. Brown Allen, of Virginia, to be United States marshal for the western district of Virginia. A reappointment, his term expiring March 19, 1906.

John R. Abernathy, of Oklahoma, to be United States marshal for the Territory of Oklahoma, in the place of William D. Fossett, whose term will expire March 31, 1906.

Claudius Dockery, of North Carolina, to be United States marshal for the eastern district of North Carolina, in the place of Henry C. Dockery, whose term expired January 12, 1906.

James M. Millikan, of North Carolina, to be United States marshal for the western district of North Carolina. A reappointment, his term having expired on December 16, 1905.

SURVEYOR OF CUSTOMS.

Leopold G. Rothschild, of Indiana, to be surveyor of customs for the port of Indianapolis, in the State of Indiana, to succeed Archibald A. Young, whose term of office expired by limitation January 22, 1906.

COLLECTOR OF CUSTOMS.

Elwell S. Crosby, of Maine, to be collector of customs for the district of Bath, in the State of Maine, to succeed George Moulton, jr., whose term of office expired by limitation.

PROMOTION IN THE ARMY.

Col. P. Henry Ray, Fourth Infantry, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

POSTMASTERS.

CALIFORNIA.

F. L. Bostwick to be postmaster at Laton, in the county of Fresno and State of California. Office became Presidential January 1, 1906.

COLORADO.

Robert L. Chambers to be postmaster at Colorado Springs, in the County of El Paso and State of Colorado, in place of Lo C. Dana. Incumbent's commission expired January 23, 1906.

CONNECTICUT.

Bennett C. Atwood to be postmaster at Watertown, in the county of Litchfield and State of Connecticut, in place of Bennett C. Atwood. Incumbent's commission expired January 16, 1906.

Seth Pratt to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut, in place of Seth Pratt. Incumbent's commission expired January 29, 1906.

Hubert Williams to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut, in place of Hubert Williams. Incumbent's commission expired January 29, 1906.

DELAWARE.

David O. Moore to be postmaster at Laurel, in the county of Sussex and State of Delaware, in place of George E. Smith. Incumbent's commission expired January 21, 1906.

FLORIDA.

George W. Bean to be postmaster at Tampa, in the county of Hillsboro and State of Florida, in place of Gerald B. Reynolds. Incumbent's commission expired January 21, 1906.

ILLINOIS.

W. E. Puffer to be postmaster at Odell, in the county of Livingston and State of Illinois, in place of Richard R. Puffer, deceased.

INDIANA.

A. J. Kitt to be postmaster at Goodland, in the county of Newton and State of Indiana, in place of Morton Kilgore, resigned.

John Owen to be postmaster at Noblesville, in the county of Hamilton and State of Indiana, in place of William C. Vance. Incumbent's commission expired January 20, 1906.

Edgar A. Simmons to be postmaster at Kokomo, in the county of Howard and State of Indiana, in place of John A. Kautz. Incumbent's commission expired January 9, 1906.

Fred Snyder to be postmaster at Angola, in the county of Steuben and State of Indiana, in place of Elias O. Rose. Incumbent's commission expires February 7, 1906.

IOWA.

Charles W. Gray to be postmaster at Corning, in the county of Adams and State of Iowa, in place of Arthur M. Beymer. Incumbent's commission expired January 31, 1906.

Samuel D. Henry to be postmaster at Coon Rapids, in the county of Carroll and State of Iowa, in place of Samuel D. Henry. Incumbent's commission expired January 20, 1906.

Harry E. Hull to be postmaster at Williamsburg, in the county of Iowa and State of Iowa, in place of Harry E. Hull. Incumbent's commission expired December 16, 1905.

William F. Kopp to be postmaster at Mount Pleasant, in the county of Henry and State of Iowa, in place of John W. Palm. Incumbent's commission expired December 16, 1905.

N. C. Nelson to be postmaster at Essex, in the county of Page and State of Iowa, in place of John J. E. Carlson. Incumbent's commission expired January 28, 1906.

Gerald L. Whinery to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa, in place of Gerald L. Whinery. Incumbent's commission expired January 21, 1906.

KANSAS.

Delmar E. Deputy to be postmaster at Manhattan, in the county of Riley and State of Kansas, in place of Delmar E. Deputy. Incumbent's commission expired January 16, 1906.

Thomas D. Fitzpatrick to be postmaster at Salina, in the county of Saline and State of Kansas, in place of Thomas D. Fitzpatrick. Incumbent's commission expired January 16, 1906.

Frank Fuhr to be postmaster at Meade, in the county of Meade and State of Kansas. Office became Presidential January 1, 1906.

John O. Hanson to be postmaster at Jamestown, in the county of Cloud and State of Kansas. Office became Presidential January 1, 1906.

Frank Harlow to be postmaster at Kingman, in the county of Kingman and State of Kansas, in place of Frank Harlow. Incumbent's commission expired January 16, 1906.

William A. Hopkins to be postmaster at Solomon, in the county of Dickinson and State of Kansas, in place of William A. Hopkins. Incumbent's commission expired January 16, 1906.

Simon Skovgaard to be postmaster at Greenleaf, in the county of Washington and State of Kansas, in place of Simon Skovgaard. Incumbent's commission expired January 16, 1906.

John M. Watson to be postmaster at Frankfort, in the county of Marshall and State of Kansas, in place of John M. Watson. Incumbent's commission expired January 16, 1906.

LOUISIANA.

George J. Hollister to be postmaster at Ponchatoula, in the parish of Tangipahoa and State of Louisiana. Office became Presidential January 1, 1906.

NEBRASKA.

William W. Hopkins to be postmaster at Oakland, in the county of Burt and State of Nebraska, in place of William W. Hopkins. Incumbent's commission expired January 20, 1906.

NEW HAMPSHIRE.

Charles E. Slate to be postmaster at Winchester, in the county of Cheshire and State of New Hampshire, in place of Charles E. Slate. Incumbent's commission expired January 29, 1906.

NEW JERSEY.

Thomas F. Austin to be postmaster at Millville, in the county of Cumberland and State of New Jersey, in place of Thomas F. Austin. Incumbent's commission expires February 28, 1906.

Frank Wanser to be postmaster at Vineland, in the county of Cumberland and State of New Jersey, in place of Frank Wanser. Incumbent's commission expires February 28, 1906.

NEW YORK.

George R. Vail to be postmaster at Chester, in the county of Orange and State of New York, in place of George R. Vail. Incumbent's commission expires February 10, 1906.

NORTH DAKOTA.

James M. Cubbison to be postmaster at Minnewaukon, in the county of Benson and State of North Dakota, in place of James M. Cubbison. Incumbent's commission expired January 21, 1906.

Chester A. Revell to be postmaster at Harvey, in the county of Wells and State of North Dakota, in place of Fred O. Brewster, resigned.

PENNSYLVANIA.

Richard L. Ashhurst to be postmaster at Philadelphia, in the county of Philadelphia and State of Pennsylvania, in place of Clayton McMichael. Incumbent's commission expired December 17, 1906.

Frank N. Donahue to be postmaster at Carrolltown, in the county of Cambria and State of Pennsylvania. Office became Presidential January 1, 1906.

Charles J. McGill to be postmaster at Dawson, in the county of Fayette and State of Pennsylvania, in place of Charles J. McGill. Incumbent's commission expired January 28, 1906.

Joseph S. Paul to be postmaster at South Fork, in the county of Cambria and State of Pennsylvania, in place of Joseph S. Paul. Incumbent's commission expired January 16, 1906.

Jacob R. Zuck to be postmaster at Mount Pleasant, in the county of Westmoreland and State of Pennsylvania, in place of Jacob R. Zuck. Incumbent's commission expired January 30, 1906.

TEXAS.

Ferman Carpenter to be postmaster at Franklin, in the county of Robertson and State of Texas. Office became Presidential January 1, 1906.

VIRGINIA.

Hansford Anderson to be postmaster at Westpoint, in the county of King William and State of Virginia, in place of Hansford Anderson. Incumbent's commission expired January 21, 1906.

Royal E. Cabell to be postmaster at Richmond, in the county of Henrico and State of Virginia, in place of Wray T. Knight. Incumbent's commission expires May 7, 1906.

WASHINGTON.

Frank E. Pells to be postmaster at Ballard, in the county of King and State of Washington, in place of Frank E. Pells. Incumbent's commission expired January 16, 1906.

Charles A. Phillips to be postmaster at Wilbur, in the county of Lincoln and State of Washington, in place of Charles A. Phillips. Incumbent's commission expired January 13, 1906.

Charles C. White to be postmaster at Waterville, in the county of Douglas and State of Washington, in place of Joseph G. Tuttle, resigned.

WEST VIRGINIA.

Harry E. Munday to be postmaster at Shepherdstown, in the county of Jefferson and State of West Virginia, in place of

Harry E. Munday. Incumbent's commission expires February 10, 1906.

WISCONSIN.

Allan Beggs to be postmaster at Hudson, in the county of St. Croix and State of Wisconsin, in place of Allan Beggs. Incumbent's commission expires February 7, 1906.

George Graham to be postmaster at Tomah, in the county of Monroe and State of Wisconsin, in place of George Graham. Incumbent's commission expired January 21, 1906.

Hugh McInnes to be postmaster at Edgerton, in the county of Rock and State of Wisconsin, in place of Lawrence C. Whittet. Incumbent's commission expired January 30, 1906.

Andrew Noll to be postmaster at Chilton, in the county of Calumet and State of Wisconsin, in place of George D. Breed. Incumbent's commission expires February 7, 1906.

Joseph J. Schultz to be postmaster at Kewaunee, in the county of Kewaunee and State of Wisconsin, in place of Joseph J. Schultz. Incumbent's commission expires February 7, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1906.

COLLECTOR OF CUSTOMS.

James B. Stewart, of Virginia, to be collector of customs for the district of Richmond, in the State of Virginia.

POSTMASTERS.

ALABAMA.

William M. McNaron to be postmaster at Albertville, in the county of Marshall and State of Alabama.

Walter T. Stewart to be postmaster at Sylacauga, in the county of Talladega and State of Alabama.

ARKANSAS.

Albert B. Andrews to be postmaster at Harrison, in the county of Boone and State of Arkansas.

John W. Bell to be postmaster at Greenwood, in the county of Sebastian and State of Arkansas.

A. C. Curtis to be postmaster at Lonoke, in the county of Lonoke and State of Arkansas.

Jack Grayson to be postmaster at Prescott, in the county of Nevada and State of Arkansas.

David R. Hammer to be postmaster at Siloam Springs, in the county of Benton and State of Arkansas.

John O. May to be postmaster at Booneville, in the county of Logan and State of Arkansas.

O. D. Sanborn to be postmaster at Blytheville, in the county of Mississippi and State of Arkansas.

John N. Sarber, jr., to be postmaster at Clarksville, in the county of Johnson and State of Arkansas.

Henry M. Sugg to be postmaster at Dardanelle, in the county of Yell and State of Arkansas.

CALIFORNIA.

J. W. Duckworth to be postmaster at Anaheim, in the county of Orange and State of California.

COLORADO.

John Alfred to be postmaster at Leadville, in the county of Lake and State of Colorado.

Olie Thorson to be postmaster at Glenwood Springs, in the county of Garfield and State of Colorado.

CONNECTICUT.

Roswell S. Edgcomb to be postmaster at Groton, in the county of New London and State of Connecticut.

James W. Hague to be postmaster at Torrington, in the county of Litchfield and State of Connecticut.

William H. Marigold to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut.

J. Henry Roraback to be postmaster at Canaan, in the county of Litchfield and State of Connecticut.

GEORGIA.

John Fleming to be postmaster at Sparta, in the county of Hancock and State of Georgia.

ILLINOIS.

Smith D. Atkins to be postmaster at Freeport, in the county of Stephenson and State of Illinois.

Otto W. Balgeman to be postmaster at Elmhurst, in the county of Du Page and State of Illinois.

Henry Brueggemann to be postmaster at Alton, in the county of Madison and State of Illinois.

W. E. Eastman to be postmaster at Moline, in the county of Rock Island and State of Illinois.

Emory Gregg to be postmaster at Fairbury, in the county of Livingston and State of Illinois.

John W. Hancock to be postmaster at Casey, in the county of Clark and State of Illinois.

Thomas G. Lawler to be postmaster at Rockford, in the county of Winnebago and State of Illinois.

Richard F. Lawson to be postmaster at Effingham, in the county of Effingham and State of Illinois.

H. A. J. McDonald to be postmaster at Rock Island, in the county of Rock Island and State of Illinois.

Thomas S. Reynolds to be postmaster at Harrisburg, in the county of Saline and State of Illinois.

C. A. Simington to be postmaster at Sheffield, in the county of Bureau and State of Illinois.

Alice A. Sumner to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

INDIANA.

James F. Crawford to be postmaster at Farmersburg, in the county of Sullivan and State of Indiana.

John W. Cronk to be postmaster at Veedersburg, in the county of Fountain and State of Indiana.

Frank Duffendach to be postmaster at Huntingburg, in the county of Dubois and State of Indiana.

Charles Fricke to be postmaster at Tell City, in the county of Perry and State of Indiana.

Jesse E. Haddon to be postmaster at Dana, in the county of Vermilion and State of Indiana.

John R. Lancaster to be postmaster at Jeffersonville, in the county of Clark and State of Indiana.

Harry C. Martin to be postmaster at Attica, in the county of Fountain and State of Indiana.

Lewis Miller to be postmaster at Thorntown, in the county of Boone and State of Indiana.

John H. Spencer to be postmaster at Rockville, in the county of Parke and State of Indiana.

INDIAN TERRITORY.

Art Asbell to be postmaster at Checotah, in District Ten, Indian Territory.

Nelson L. Eggleston to be postmaster at Minco, in District Nineteen, Indian Territory.

IOWA.

B. E. Allen to be postmaster at Laurens, in the county of Pocahontas and State of Iowa.

Charles L. Early to be postmaster at Sac City, in the county of Sac and State of Iowa.

Francis A. Lewis to be postmaster at Marcus, in the county of Cherokee and State of Iowa.

George H. Loring to be postmaster at Dallas Center, in the county of Dallas and State of Iowa.

Lewis H. Mayne to be postmaster at Emmetsburg, in the county of Palo Alto and State of Iowa.

Fred C. McCall to be postmaster at Nevada, in the county of Story and State of Iowa.

Harold E. Scott to be postmaster at Sibley, in the county of Osceola and State of Iowa.

Kate C. Warner to be postmaster at Dayton, in the county of Webster and State of Iowa.

KANSAS.

Joseph W. A. Cooke to be postmaster at Ellinwood, in the county of Barton and State of Kansas.

KENTUCKY.

Cam B. McPherson to be postmaster at Horse Cave, in the county of Hart and State of Kentucky.

MAINE.

George W. Goulding to be postmaster at Oakland, in the county of Kennebec and State of Maine.

MASSACHUSETTS.

James A. Eldridge to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts.

Merton Z. Woodward to be postmaster at Shelburne Falls, in the county of Franklin and State of Massachusetts.

MICHIGAN.

Melvin A. Bates to be postmaster at Grayling, in the county of Crawford and State of Michigan.

Julius O. Becraft to be postmaster at Dowagiac, in the county of Cass and State of Michigan.

James A. Button to be postmaster at Flint, in the county of Genesee and State of Michigan.

Byron H. Colburn to be postmaster at Lawrence, in the county of Van Buren and State of Michigan.

Henry A. Graves to be postmaster at Quincy, in the county of Branch and State of Michigan.

Milo B. Halliwill to be postmaster at Flushing, in the county of Genesee and State of Michigan.

James G. Hayden to be postmaster at Cassopolis, in the county of Cass and State of Michigan.

John D. Mangum to be postmaster at Marquette, in the county of Marquette and State of Michigan.

MINNESOTA.

Charles C. Eastman to be postmaster at Wadena, in the county of Wadena and State of Minnesota.

Edward F. Joubert to be postmaster at Wheaton, in the county of Traverse and State of Minnesota.

Caspar F. Schonlau to be postmaster at Houston, in the county of Houston and State of Minnesota.

James H. Smullen to be postmaster at Lesueur Center, in the county of Lesueur and State of Minnesota.

George M. Young to be postmaster at Perham, in the county of Otter Tail and State of Minnesota.

MISSOURI.

Samuel A. Chapell to be postmaster at Monett, in the county of Barry and State of Missouri.

William T. Clements to be postmaster at Platte City, in the county of Platte and State of Missouri.

Herschel P. Kinsolving to be postmaster at Malden, in the county of Dunklin and State of Missouri.

Simon P. Loebe to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

Luther McGehee to be postmaster at Joplin, in the county of Jasper and State of Missouri.

Gus A. Page to be postmaster at Grandin, in the county of Carter and State of Missouri.

Samuel A. Shelton to be postmaster at Marshfield, in the county of Webster and State of Missouri.

Henry C. Shubert to be postmaster at Richland, in the county of Pulaski and State of Missouri.

W. R. Sweeney to be postmaster at Salisbury, in the county of Chariton and State of Missouri.

Thomas J. Ulen to be postmaster at Dexter, in the county of Stoddard and State of Missouri.

Vinson T. Williams to be postmaster at Stanberry, in the county of Gentry and State of Missouri.

MONTANA.

James H. Powell to be postmaster at Virginia City, in the county of Madison and State of Montana.

NEBRASKA.

Timothy B. Calnon to be postmaster at Lyons, in the county of Burt and State of Nebraska.

Henry Gletzen to be postmaster at Humphrey, in the county of Platte and State of Nebraska.

Chess Chinn to be postmaster at St. Paul, in the county of Howard and State of Nebraska.

Sanford D. Cole to be postmaster at Wymore, in the county of Gage and State of Nebraska.

Cyrus E. Hunter to be postmaster at Wakefield, in the county of Dixon and State of Nebraska.

Roy A. Richmond to be postmaster at Wausa, in the county of Knox and State of Nebraska.

Lewis M. Short to be postmaster at Ainsworth, in the county of Brown and State of Nebraska.

NEVADA.

Ephriam D. Turner to be postmaster at Delamar, in the county of Lincoln and State of Nevada.

NEW HAMPSHIRE.

Charles E. Marsh to be postmaster at Greenville, in the county of Hillsboro and State of New Hampshire.

NEW JERSEY.

George L. Clarke to be postmaster at Morristown, in the county of Morris and State of New Jersey.

Nathaniel H. Furman to be postmaster at Lawrenceville, in the county of Mercer and State of New Jersey.

Richard F. Goodman to be postmaster at Newton, in the county of Sussex and State of New Jersey.

George M. MacDonald to be postmaster at Springfield, in the county of Union and State of New Jersey.

NEW MEXICO.

Luther M. Shely to be postmaster at Santa Rosa, in the county of Guadalupe and Territory of New Mexico.

NEW YORK.

Henry A. France to be postmaster at Far Rockaway, in the county of Queens and State of New York.

George H. Hubbs to be postmaster at Central Islip, in the county of Suffolk and State of New York.

Ezra Sayre to be postmaster at Corinth, in the county of Saratoga and State of New York.

NORTH DAKOTA.

Percy R. Trubshaw to be postmaster at Cooperstown, in the county of Griggs and State of North Dakota.

Thomas H. Thoralson to be postmaster at Grafton, in the county of Walsh and State of North Dakota.

OHIO.

Thomas E. Frisbee to be postmaster at Prairie Depot, in the county of Wood and State of Ohio.

Isaac N. Medford to be postmaster at Fort Recovery, in the county of Mercer and State of Ohio.

Edwin Morgan to be postmaster at Alliance, in the county of Stark and State of Ohio.

John N. Snoots to be postmaster at Roseville, in the county of Muskingum and State of Ohio.

George L. Stoughton to be postmaster at Westerville, in the county of Franklin and State of Ohio.

George R. Vincent to be postmaster at Hiram, in the county of Portage and State of Ohio.

Chester R. P. Waltz to be postmaster at Delta, in the county of Fulton and State of Ohio.

Fred Yeager to be postmaster at Perrysburg, in the county of Wood and State of Ohio.

OREGON.

O. A. Wolverton to be postmaster at Monmouth, in the county of Polk and State of Oregon.

PENNSYLVANIA.

Charles M. McDanel to be postmaster at New Brighton, in the county of Beaver and State of Pennsylvania.

RHODE ISLAND.

Moise Meunier to be postmaster at Arctic, in the county of Kent and State of Rhode Island.

SOUTH CAROLINA.

Joshua F. Ensor to be postmaster at Columbia, in the county of Richland and State of South Carolina.

William F. Rice to be postmaster at Denmark, in the county of Bamberg and State of South Carolina.

SOUTH DAKOTA.

Frederic J. Brown to be postmaster at Britton, in the county of Marshall and State of South Dakota.

Charles E. Johnson to be postmaster at Bridgewater, in the county of McCook and State of South Dakota.

William C. Mathieson to be postmaster at Fort Pierre, in the county of Stanley and State of South Dakota.

Walter McKay to be postmaster at Lead, in the county of Lawrence and State of South Dakota.

John C. McMillan to be postmaster at Sturgis, in the county of Meade and State of South Dakota.

Addison H. Pease to be postmaster at Wagner, in the county of Charles Mix and State of South Dakota.

Charles J. Porter to be postmaster at Madison, in the county of Lake and State of South Dakota.

John A. Stanley to be postmaster at Hot Springs, in the county of Fall River and State of South Dakota.

TENNESSEE.

Giles Rives to be postmaster at Brownsville, in the county of Haywood and State of Tennessee.

TEXAS.

Frank C. Blaine to be postmaster at Del Rio, in the county of Valverde and State of Texas.

H. E. Kinsloe to be postmaster at Corsicana, in the county of Navarro and State of Texas.

Nathan Leavitt to be postmaster at Stamford, in the county of Jones and State of Texas.

VIRGINIA.

John M. Griffin to be postmaster at Fredericksburg, in the county of Spottsylvania and State of Virginia.

William T. Miller to be postmaster at Shenandoah, in the county of Page and State of Virginia.

Edwin M. C. Quimby to be postmaster at Suffolk, in the county of Nansemond and State of Virginia.

Charles H. Revercomb to be postmaster at Covington, in the county of Alleghany and State of Virginia.

Charles P. Smith to be postmaster at Martinsville, in the county of Henry and State of Virginia.

WISCONSIN.

Henry Curran to be postmaster at Stevens Point, in the county of Portage and State of Wisconsin.

Jorgen C. Jacobson to be postmaster at Elroy, in the county of Juneau and State of Wisconsin.

WYOMING.

George W. Hoyt to be postmaster at Cheyenne, in the county of Laramie and State of Wyoming.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 5, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, February 3, was read and approved.

CERTAIN TOWN SITES ON THE FLATHEAD INDIAN RESERVATION.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8461) to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and diposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment" as amended by section 9 of chapter 1479, Revised Statutes of the United States, be amended by adding the following sections:

"SEC. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 40 acres of said land at or near the present settlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than 80 acres at the present settlement of St. Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

"The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare three copies of each of said town sites, which, when the surveys are approved by the Secretary of the Interior, shall be filed as follows: One in the Office of the Commissioner of Indian Affairs, one with the clerk and recorder of the county in the State of Montana in which such town site may be located, and one in the office of the Indian agent for the Flathead Indian Reservation.

"Whenever any portion of any tracts of land so set aside for town-site purposes shall, at the time of its survey, be occupied by any member of any tribe of Indians living upon said reservation, or any Indian trader, or other person or corporation, or any church organization, or school district, lawfully occupying the same, such occupant shall be allowed to purchase any lot or lots upon which he then has improvements, other than fences, tillage, and temporary improvements, at $10 per lot, not exceeding ten lots to any one person, corporation, church organization, or school district. All remaining lots shall be disposed of by the Secretary of the Interior from time to time at public auction to the highest cash bidder under such rules and regulations as the Secretary of the Interior shall prescribe: *Provided, however*, That no lot shall be sold for less than $10: *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

"SEC. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside 160 acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

"That said hot springs and the said 160 acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section 13 of this act.

"SEC. 19. That nothing in this act shall be construed to deprive any of said Indians or said persons or corporations to whom the use of land is granted by this act of the use of any water appropriated or used by them for the irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed or used by them in the appropriation or use of said water."

With the following amendment:

Page 2, line 7, after the word "Arlee," insert the word "Dayton."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman two or three questions about this bill. It is so long that I could not understand it very well. What is it all about? I reserve the right to object.

Mr. DIXON of Montana. Mr. Speaker, I will say to the gentleman from Missouri that two years ago Congress passed an act opening the reservation to settlement. At that time in the preparation of the bill we forgot to put in a provision regarding the town sites. There are six or eight little nucleus settlements throughout the reservation where there are little towns now, probably twenty or thirty or forty houses, and this provides for the platting of these 40 acres into town sites and the sale of the lots at public auction to the highest bidder, the money to go to the Indians. That is the first provision.

Mr. CLARK of Missouri. This is the Indians' land?

Mr. DIXON of Montana. Yes.

Mr. CLARK of Missouri. They get the benefit of it?

Mr. DIXON of Montana. Yes.

Mr. CLARK of Missouri. Is it the unanimous report of the committee?

Mr. DIXON of Montana. Yes.

Mr. CLARK of Missouri. And reported in the last Congress with the exception of one section?

Mr. DIXON of Montana. It was passed in the last Congress.

Mr. LACEY. It would increase the price of the land for the Indians, each town site giving that much higher to the Indians than if it had been sold under the general law.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether or not it entails any expense on the part of the Government?

Mr. DIXON of Montana. None at all. It occurs to me as the bill is read there was an appropriation for the original surveys, reimbursable to the Government out of the proceeds of the sale of the land.

Mr. CLARK of Missouri. These Indians want this thing done as well as the white people?

Mr. DIXON of Montana. Every one on the reservation. Every head chief has been talked with.

Mr. CLARK of Missouri. They are always anxious to sell the land and get the money and spend it, I suppose?

Mr. DIXON of Montana. They are getting $10 a lot under this bill, whereas under the original bill they would get only $5 an acre.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DIXON of Montana, a motion to reconsider the last vote was laid on the table.

WATERWORKS FOR LAWTON, OKLA.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901,' approved June 30, 1902," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901," approved June 30, 1902, be amended by adding thereto the following:

"*And provided further*, That in the event the amount which the Secretary of the Interior is authorized to cause to be expended for the town of Lawton is found by him to be not sufficient for the purpose intended, including the securing of an adequate water supply for said town of Lawton, he is hereby authorized, in his discretion, to cause to be expended out of the proceeds of the sale of town lots in said town, under the conditions, limitations, and restrictions above set forth, and subject to his supervision and control, the further sum of $60,000, or so much thereof as may be available from said proceeds, so that the total amount which he is authorized to cause to be expended as aforesaid for the town of Lawton from the proceeds of the sale of town lots in said town will not exceed $210,000."

Mr. LACEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. What committee reports this bill?

Mr. LLOYD. The Committee on Territories.

Mr. LACEY. It provides for the disposition of town lots in the town of Lawton, does it not?

Mr. LLOYD. No; it provides for the disposition of part of the proceeds of the sale of town lots. When Comanche County was laid out and Lawton established as the county seat, the law provided that the lots should be sold and that the money should be placed in the hands of the Secretary of the Interior, to be by him used in county improvements.

Mr. LACEY. Yes; I remember that bill came from the Indian Committee originally.

Mr. LLOYD. And under that they have constructed a county court-house, a county jail, and built bridges and made quite a number of improvements.

Mr. LACEY. There is nothing involved in this bill excepting the further disposition of the funds that are now in the hands of the town of Lawton?

Mr. LLOYD. That is all.

Mr. MANN. I would like to ask the gentleman if this bill itself is as formidable as its title?

Mr. LACEY. No, sir; it is not so dangerous.

Mr. STEPHENS of Texas. I think the bill should pass. I understand the situation there, and I think it is urgently demanded, and the bill should pass.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. LLOYD, a motion to reconsider the last vote was laid on the table.

REGULATION OF RAILROAD RATES.

On motion of Mr. HEPBURN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12987) to regulate railroad rates, Mr. VREELAND in the chair.

Mr. HEPBURN. Mr. Chairman, I yield one hour to the gentleman from Maine [Mr. LITTLEFIELD].

The CHAIRMAN. The gentleman from Maine is recognized for one hour.

Mr. LITTLEFIELD. Mr. Chairman, at the last Congress I voted for a bill that was aimed to meet some of the difficulties that are now sought to be reached by the pending measure. More ample consideration and further examination of the question, and as I trust a more full appreciation of the gravity of the situation, has led me to the conclusion that as the bill now stands it is impossible for me to support it, and I beg the indulgence of the committee for a while that I may give some reasons that lead me to that conclusion. I am perfectly well aware that conditions exist throughout the country giving rise to agitation that this legislation is expected to adequately meet. I have not any doubt, Mr. Chairman, that grievances exist, that injustices have been done, that there is oppression, and that there are grave discriminations and great difficulties involved in the transportation problem. I doubt very much, however, whether the picture is entitled to the dark shades that have been given to it by some of the distinguished gentlemen who, in the enthusiasm of the moment, have engaged in this discussion.

It would not be very surprising, Mr. Chairman, with some two hundred and ten thousand miles of railroad transportation, with the investment of something like eleven billions of capital, involving every financial and business interest in the Republic, in its articulation, interdependence with these business interests, that we should necessarily have difficulties, injustices, oppressions, and grievances. I suppose, Mr. Chairman, that this great body of which we are members in time past has been guilty of foolish and extravagant conduct, and I have no doubt that in time to come it will to a certain extent repeat those curious performances. The Supreme Court itself has had occasion from time to time to reverse itself, upon a more full consideration of important questions depending before it, and the Interstate Commerce Commission has made more blunders than it has exercised right and proper judgment in connection with this very question in the discussion of which we are now engaged; so that, Mr. Chairman, it is not surprising these conditions exist. I concede also, Mr. Chairman, that they exist in such a degree as may require reasonable legislation for the purpose of adequately and conservatively meeting the situation, and to a reasonable extent I am perfectly willing to go, and, as I shall indicate a little later, I am perfectly willing to follow in the lead of any distinguished gentleman who may have mapped out a line of legislation that will reasonably and conservatively and fairly and judiciously undertake to meet adequately this situation.

There are a few things, perhaps, to which I should call attention and allude to in passing. First, there is this: A good deal is said, if I may judge—I have been necessarily deprived of attending the exercises of the House for the last two or three days—but a great deal has been said in this discussion as to the paternity or proprietorship of this legislation. Now, Mr. Chairman, I take a very languid interest in the question as to who may be the originator of legislation that may be desirable. If William Jennings Bryan is the proprietor or originator of the proposition that impresses me as wise and just, I shall vote for it, Mr. Chairman, notwithstanding he is the proprietor. [Applause.] It is entirely immaterial to me who may be associated with or responsible for a legislative proposition. If it commends itself to my judgment, I will vote for it, no matter who may support it. On the other hand, if it fails to commend itself to my judgment as being right I will vote against it, no matter who may indorse and approve or originate it. The responsibility of legislation is ours and we act, Mr. Chairman, upon it. It is a great pleasure, though, for me to say in the very outset of this discussion under these conditions that I would support—although, as I shall indicate a little later, it might not be absolutely necessary for the purpose of adequately taking care of existing conditions—I would support a measure that went as far and no further than the recommendations of the President of the United States in 1904 and 1905.

I said I cared very little about the paternity of the measure. I would not like to have that applied, however, to the name of the distinguished gentleman who stands to-day as the sponsor of this measure before the House. If this legislation proves to be wise—as I very much fear, aye, as I believe it will not if enacted into law—if it should prove to be wise, it is a great pleasure to me to know that the distinguished chairman of this committee has given his name to this bill. His services—long, arduous, patriotic, efficient, and successful—to his constituents and to his country, his great ability, and his high character and unquestioned integrity rightly entitle him to any mark of legislative distinction that is within the power of this body to bestow. [Applause.]

Now, I wish to advert to a few fundamental suggestions before I reach the discussion of the concrete proposition pending before this body. I hear people discuss this measure, and I read the discussions, and they refer glibly to a reasonable rate and the circumstances under which this legislative body may exercise a legislative control over that rate. What is the origin of the legislative power to control the exercise of a public franchise?

The origin rests, Mr. Chairman, so far as this general control is concerned, upon the broad fundamental principles of the common law, because never yet was a public franchise granted, either for the operation of a railroad or a water company, an electric-light company, or for any other public purpose, that did not involve inherently the fundamental proposition that it should be exercised in the public interest, that the public should be served at a reasonable rate without any discrimination. That is fundamental. It has been the law of the land from the time whereof the memory of man runneth not to the contrary. We do not act here under the legislative power to regulate and control a franchise by virtue of this inherent power, because we are not acting upon Federal corporations. Very few railroad corporations get their life and being from Federal legislation. The vast mass of them are the creatures of the State; and it would be for the State to exercise this power as a scientific, legal proposition. But we undertake to exercise a power, and we can exercise it by virtue of the commerce clause of the Constitution, which enables us to say, not how they shall exercise a franchise and protect the people in the exercise of their rights and serve them in a just and reasonable manner without discrimination, but upon what conditions corporations engaged in interstate commerce shall do their business. And under that I concede, Mr. Chairman, that we have undoubted power to enact this legislation.

I grant the suggestion of my distinguished friend from Michigan [Mr. TOWNSEND] upon that line. I think our power is full and plenary. But let me go a little bit further with some general suggestions which absolutely underlie this whole agitation. What is a reasonable rate? Who is there upon this floor that can tell? I undertake to assert, Mr. Chairman, and I challenge successful contradiction, that there is not to be found in the books, either in the reports of the States or the reports of the United States Supreme Court, one single case that lays down a definite, scientific rule upon which a reasonable rate can be determined. It is absolutely indefinite and indeterminate to the very last degree. Not only is that true of the decisions of the courts of the country—and well might Mr. Justice Harlan, in the opinion in Smythe *v.* Ames, say that this was surrounded by a great deal of embarrassment—I say, not only is it true as to the judicial tribunals of this country, but it is more than true of the Interstate Commerce Commission. They do not know, no other person knows, what that definite, scientific rule is. You may search the opinions of the Interstate Commerce Commission from the year 1887 to the year of our Lord 1905, and no live man can tell by any decision that tribunal has ever rendered what its next decision will be upon the question of the scientific determining of what a reasonable rate is. No railroad, no shipper, can tell from the decisions already rendered what the next decision is to be. I do not suggest, Mr. Chairman, that these important and underlying considerations should negative any legislative action.

But I suggest them on the threshold of this discussion in order that we may appreciate the vast and tremendous difficulties involved in this great question, in order that we may fully understand what power we are proposing now by this bill to vest in a purely political tribunal without recourse and without appeal. If any distinguished gentleman desires to examine the law for the purpose of ascertaining the character of this indefiniteness and would like to get the most recent and valuable declaration of a court upon this great question as to whether there is any definite, scientific basis upon which a reasonable rate is to be determined, which is the absolute foundation of all this agitation, the complete genesis upon which this bill must ultimately rest, I will give him two cases to which he can refer. There is a distinguished and able judge in my State, Judge Savage, a very learned man, who has rendered two opinions which contain more careful, scientific detail, marking it out more plainly than any other opinion yet announced by any court; and yet after all he says they have this same delightful uncertainty and this characteristic great indefiniteness. I will

give you the names of the cases, and if you have any occasion or curiosity you can refer to them. Kennebec Water District against Waterville, 97 Me., 185; Brunswick and Topsham Water District against Maine Water Company, 99 Me., 71.

Now, these suggestions, Mr. Chairman, are simply fundamental, and they illustrate the infinite difficulties involved in the question to be submitted to this tribunal, which is to be vested with power by this bill. It provides for determinations that are practically absolutely arbitrary to the very last degree. That is the kind of power we propose to rest in this tribunal.

I have said, Mr. Chairman—and I wish to emphasize that assertion—that I would be entirely willing upon this occasion to follow the recommendations of the President of the United States; and so I would. But I submit that this bill goes vastly further. I do not wish to be understood, however, as admitting that it is absolutely necessary to pass many of the provisions of this bill, except a few minor details, because I submit, and I submit it with all candor, under these circumstances of excitement, that if the provisions of existing law, statutory, Federal in their character, and the provisions of the common law, which require every carrier to serve at a reasonable rate and without any discrimination, independent of either Federal or State legislation, fundamental as the law itself, I submit, Mr. Chairman, that if the existing provisions of Federal legislation, which are nothing more than the enactment of the fundamental provisions of the common law, and their application to interstate commerce, if they were reasonably and fairly and continuously enforced, and the people who are affected by this condition would avail themselves of their common-law rights in the tribunals established by law for the purpose of maintaining and vindicating them, nine-tenths of the occasion for this legislation would absolutely vanish and disappear.

But, Mr. Chairman, I said that I would support this bill, provided it followed the recommendations of the President of the United States. Now, I wish to make myself clear. There are three great important particulars in which this legislation is not in harmony with the recommendation of the President of the United States. Under these circumstances it has become a very important political question, and we stand here to-day upon this floor and witness the edifying spectacle of both sides of this Chamber engaging in a legislative race to see which side will get most credit for applying relief to this condition; and in that race, I submit, Mr. Chairman, that the procession has gone away beyond its leader; the army is away in advance of its general. The leader has made some prescriptions calculated to take care of this disease, but under our zeal, under the circumstances, I submit, Mr. Chairman, with great confidence and I trust with great candor, that in our zeal we have gone vastly further and are about to apply remedies not recommended or asked for, which, in my judgment, will be vastly worse than the disease.

First, this bill confers upon this Commission, in my opinion, the power to initiate rates; second, the bill does not give what the President's recommendation, twice repeated, declares is necessary in order that it may conserve wise legislation. It does not give any court of appeal. And the third is vastly more important than either. This bill puts in the hands of a tribunal of seven men the power to say whether they shall have eliminated the preferential rates that prevail everywhere in all this great Republic, from the Atlantic to the Pacific, from the Canadian border to the Gulf of Mexico, and which absolutely affect every class of business interest in this country, and upon which their business welfare and prosperity depend.

INITIATING RATES.

Now, I say first, Mr. Chairman, it confers the power of initiating rates. It is hardly necessary for me to call attention to the fact, as I shall now do, that the President says in so many words that he does not want that power conferred. He says:

> I call your attention to the fact that my proposition is not to give the Commission power to initiate or originate rates generally, but to regulate the rate already fixed and originated by the road upon complaint and after investigation.

The committee agreed entirely with that, and made this assertion in their report:

> As before observed, the power to initiate rates is not given to the Commission. So far as is known, but very few persons have thought it wise to confer this power, and it is just to the Interstate Commerce Commission to say that, as we are advised, no member of the Commission thinks it wise that they should be invested with this power.

I want to say, Mr. Chairman, that I concur with the President, and I agree with the distinguished chairman of this committee. I do not believe that a tribunal of seven men should be at one and the same time a detective agency, a prosecuting attorney, and a lord high executioner, even though railroads may be the subject aimed at. I agree with the President of the United States, and with the distinguished chairman of the committee. Now, as to this assertion of the chairman as to the effect of this bill, I feel bound to say, taking into account his great ability and integrity, when I came to read the bill I had grave doubts of the fact, but on more careful reading of it, and I submit it to the consideration of my distinguished friend, it satisfied me, Mr. Chairman, that while it may not have been intended or expected, that this amendment contained in this bill does, under the circumstances, confer precisely that power. I call your attention, Mr. Chairman, to section 4 in this bill, which amends section 15, and I beg you to note carefully its language:

> That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made—

Now, mark the language—

as provided in section 13 of this act.

This section 4 neither adds to nor takes from the powers vested in this Interstate Commerce Commission by section 13. It does not increase their power; it does not diminish their power. It leaves it exactly where section 13 defines them. And then we have this concluding language in section 4, amending section 15:

> The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this act.

Expressly providing that the provisions of law that obtain in section 13 shall remain absolutely intact. Now, let me call your attention to section 13, and the manner in which, under that section, complaint may be originated.

> SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts, etc.

What does section 4 amending section 15 do? It simply reenacts all the provisions of section 13; but I have not read them all. Under section 13 the Commission have held that a common carrier could not make complaint. Complaints were confined to parties interested adversely to the common carrier. The amendment gives to common carriers that right. This does not make any other change in that section, but that section contains another provision which further defines how complaints can be made. The concluding parts of section 13 read as follows:

> Said Commission * * * may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

That is "the complaint" made as provided in section 13 of this act.

As the law now stands, adverse complaint and complaints or inquiries instituted by the Commission amounting to the same thing, are the only things upon which the Commission can base an investigation or a finding. Their finding or order is not effective until approved and enforced by the court. The amendment simply adds the carrier as a complainant and makes the orders made on complaints self-executing. As to adverse complaints, the only change made is in the consequences following the complaint. The adverse complaint is, under the bill, potential as the basis of a self-executing order. That portion of section 13 conferring upon the Commission the power to "institute any inquiry" remains in full vigor, as no attempt is made to in any way amend it. The Commission still has the power to "initiate any inquiry," and as the bill makes the adverse complaint potential as the basis of a self-executing order, and as the inquiry instituted by the Commission still has, by the express language of the statute, "the same effect as though complaint had been made," the conclusion is obvious and necessary that the Commission "may institute any inquiry" that will also be the potential basis of a self-executing order. Hence to all intents and purposes they can initiate rates.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Certainly; except I would not like to have the gentleman take up too much of my time, as I have a great deal of ground to cover.

Mr. HARDWICK. Just a moment. I am very much interested in the point the gentleman is making, and have the opposite view of it. Section 15 says, "Whenever, after full hearing upon a complaint made, as provided in section 13."

Mr. LITTLEFIELD. Precisely so.

Mr. HARDWICK. That language would not cover any action originated by the Commission itself, would it?

Mr. LITTLEFIELD. It covers every complaint contemplated by section 13. Section 13 provides for two methods of originat-

ing proceedings, in terms for the originating of complaints, one by the adverse party, and expressly confers upon the Commission the power to originate an inquiry, in effect a complaint itself, in the same manner and with the same effect as though a complaint were made.

Mr. HARDWICK. It does not say that the Commission may originate complaints itself.

Mr. LITTLEFIELD. No; it does not, in terms; but complaints are provided for and the Commission is authorized to make a complaint substantially itself. The Commission originates the inquiry, in the same manner and *with the same effect* as though complaints were made, and I will say further that a distinguished member of that Commission, after conference with myself, now entertains the view that this probably does confer upon the Commission this power. I agree with the President, the committee, and the Commission that this power of originating complaints ought not to be conferred upon them, and this bill clearly carries that power with it. They ought not to be allowed to roam about the country looking for trouble. If people are injured they will find it out, and if they are not enough interested in having their wrongs righted to make a complaint to the Commission they ought not be wet-nursed into litigation by a statutory prosecutor.

REVIEW BY THE COURTS.

This bill does not undertake to give any review by the courts; and I desire to read the recommendation of the President of the United States upon that point, and then I desire to discuss this question for a few moments as to how effective a review may be and under what circumstances it may be had. The President of the United States repeats twice the proposition that there must be a review by the courts. I will read his first recommendation:

> In my judgment, the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to *review by the courts*.

It does not answer that recommendation to say that under certain circumstances the court can review the action of this Commission, circumstances which practically amount to confiscation, under which the extraordinary power of the court of equity can be invoked. I submit the President of the United States in making this recommendation contemplated that the legislation that conferred upon this Interstate Commerce Commission the power to fix a maximum rate and maintain that rate until it was overturned by a review by the courts would contain a provision providing for that review. He repeats this recommendation.

Mr. MANN. Mr. Chairman, will the gentleman pardon me?

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Yes.

Mr. MANN. Does the gentleman think the President of the United States contemplated that the courts should determine in review what was a reasonable rate—should review the reasonableness of the rate?

Mr. LITTLEFIELD. That is exactly what the President said.

Mr. TOWNSEND. Does the gentleman contend that the power could be conferred upon a court to do anything of that kind?

Mr. LITTLEFIELD. Mr. Chairman, I will reach that point a little bit later, and I think I will explain my position perfectly well to the gentleman from Michigan [Mr. TOWNSEND]. The President says:

> But, in my judgment, the necessity for giving this further power is by no means as great as the necessity for giving the Commission or administrative body the other powers I have enumerated above; and it may well be inadvisable to attempt to vest this particular power in the Commission or other administrative body until it already possesses and is exercising what I regard as by far the most important of all the powers I recommend as being vitally important—that to fix a given maximum rate, which rate, after the lapse of a reasonable time, goes into full effect, *subject to review by the courts*.

Now, if language in a Presidential message is entitled to ordinary construction, I submit that that conveys to the ordinary mind the meaning that the President of the United States contemplated, whether constitutionally or otherwise—I have not reached the discussion of that point as yet—that the same legislation that invested this tribunal with this extraordinary autocratic power would also vest another tribunal with a power to review the determination of that tribunal. Whether it is constitutional or not raises another question. I would say, in connection with this question, that under these peculiar circumstances and curious conglomerate of legal relation, that this Commission undoubtedly, when it undertakes to determine whether or not an existing rate is fair or reasonable, acts in a judicial capacity, and it is also absolutely true, Mr. Chairman, that when it undertakes to say what a rate shall be it acts in its legislative capacity; so that we have, independent of the question of review, a curious conglomerate of legal powers in this incongruous, administrative, judicial body; a union of judicial power, executive and legislative power supposedly to be exercised, aye, must be exercised, according to the genesis of this bill at one and the same time by the same tribunal.

I will say as to that proposition that I am not clear whether it is possible, whether it is constitutional, whether it is proper for us to combine judicial, legislative, executive, and administrative functions in one and the same body at the same time, political in its character though it may be. There has not yet been any determination by the courts of the United States or any other courts that hold that that either can or can not be done. The courts have talked about it. Judge Sage, in an oral opinion in one of the Federal reporters, said that this tribunal exercised a quasi judicial power as well as a legislative power; but that is the foundation of your whole proposition—that you can combine in one body three—yes, three—absolutely distinct, independent, constitutional powers—judicial, administrative, and legislative.

That is the foundation of your proposition. Now, if it be sound that that can be done, I want to say that at least on one of the phases of the power vested in this tribunal—that this curious act vests in it—the court would have the right to review at least that judicial power. Whether they could go further and vest in it the right to control the legislative power, of course, as my friend says, that raises a serious question, and I doubt whether it can be done. Under the theory as maintained and thoroughly believed in by some, that when in this bill this Interstate Commerce Commission is vested with the power to say whether a rate is reasonable or otherwise and vested with the power to fix a just and reasonable rate, it is acting, Mr. Chairman, in accordance with the provisions of the law, and if it should turn out that it did not fix a just and reasonable rate that it then violated the law and hence it was open to review by some higher tribunal on the ground that its acts were unlawful. It is claimed the court would have that power. I do not say I adhere to that so far as I am concerned, but if you can take your conglomerate Commission and make it stand up under the provisions of this bill, it may be possible that you could make a provision that would stand, that would take that same Commission before a court that would review its determinations in accordance with the law of the land.

Why, it is no answer to the suggestion to say we are engaged in legislation here that involves a proposition that no railroad can be protected against a decision of the Interstate Commerce Commission unless—what? Why, unless its decisions practically deprive it of its constitutional rights, take its property without due compensation, deprive it of its property by depriving it of the value of its use; that under these extraordinary circumstances a court of equity is called upon to intervene. Now, for a moment let us divorce ourselves from the excitement appertaining to this great question. Does not every lawyer upon this floor know that a court of equity never interferes under circumstances like that except—when? Except when the constitutional right of a railroad is invaded or infringed. Is this a bill for the purpose of exercising the right of eminent domain and under that guise take away the value of the property of the railroad companies? If you are going to exercise the control you are talking about and the circumstances under which you propose to exercise it, one might suppose that you propose to invoke at least one element of eminent domain, that of taking the property. We are creating a tribunal which will simply say what is a reasonable rate.

Does the Constitution of the United States, I ask you, Mr. Chairman, guarantee to any railroad company 6 per cent on its capital, 5 per cent, 4 per cent, 3 per cent, 2 per cent, or 1 per cent? Not for a moment; and the only point where we are able to interfere is precisely the point that is just within the point of confiscation.

Mr. TOWNSEND. If I understand the gentleman's argument correctly, he holds that it is possible that a court might review the orders of the Commission on the ground that it would be lawful to make such a review. I ask him if he does not understand that this bill provides that this action may bring in question the lawfulness of the Commission's order, and if the court has power to do that, inasmuch as this bill does not interfere with any of the existing powers of the court, that that right would still rest with the petitioner?

Mr. LITTLEFIELD. I will answer the gentleman by this suggestion: Every lawyer knows—and that includes my friend,

because he is a good lawyer—that no man can go into a court of equity and ask for the interposition of a writ of injunction except in an extraordinary case. It is absolutely fundamental to the equity jurisdiction.

It is only when the constitutional right under this bill would be infringed and invaded that the power of the court can be invoked, and there is not a lawyer when he sits down and coolly reflects but knows that is a perfectly accurate statement of the law of the land. This right can not be impaired by the Congress or by any tribunal created by it. Now, forsooth, is that an appeal from the orders of the Commission that are to take effect and be operative until this extraordinary power is invoked? Now, I do not say that the legislative discretion of this Commission can be reviewed by the court. I do not think it can, although I will admit the authorities are not entirely uniform on the proposition as to when the court will interfere.

Mr. TOWNSEND. I am not talking about——

Mr. LITTLEFIELD. One moment. I desire to say this: I say any orders of this conglomerate tribunal known as the "Interstate Commerce Commission," composed of judicial, executive, and legislative authority, so far as it exercises judicial authority, it is subject to review; so far as it exercises purely executive, administrative, or legislative authority, I do not think it is open to review.

I do not think it is open to review until the exercise of that legislative discretion infringes the constitutional right of either the railroad or some other person in this country, and in this instance it is only railroads, because it is only aimed at them.

While I am on this point of the discussion I want to call attention to the fact that there is no well-considered case that says just exactly under what circumstances the court will interfere by injunction. Asking the time of the House, I am going to call attention now, just for a moment, to the decision of the Supreme Court upon that question found in Smythe *v.* Ames, 169 United States, 466. I will read a few of the citations upon which the court relied, and call your attention to the facts upon which the court passed in that particular case. The court makes several citations, three or four of which I shall read extracts from. One extract is from the case of Budd *v.* New York (143 U. S., 517), where the court said—this was involving the precise proposition as to when the United States Supreme Court would interfere by injunction to restrain the operation of an order of a State commission, not the Interstate Commerce Commission, but a State commission, involving the same legal principle—and in that case the court said that—

> Such power [commission] was not one to destroy or a power to compel the doing of the services without reward, or to take private property for public use without just compensation or without due process of law.

And from the case of Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362) the court made this citation:

> This, as has been often observed, is a Government of law, and not a Government of men; and it must never be forgotten that under such a Government, with its constitutional limitations and guaranties, the forms of law and the machinery of government, with all their reach of power, must in their actual workings *stop on the hither side of the unnecessary and uncompensated taking or destruction of any private property* legally acquired and legally held.

And again, from the St. Louis and San Francisco Railway case (156 U. S., 649):

> There is a remedy in the courts for relief against legislation establishing a tariff of rates which are so unreasonable *as to practically destroy the* value of property of companies engaged in the carrying business, and that especially may the courts of the United States treat such a question as a judicial one, and hold such acts of legislation to be in conflict with the Constitution of the United States, as *depriving the companies of their property without due process of law*, and as depriving them of the equal protection of the laws.

The next case is the Covington case, and from that the court cited:

> A statute which, by its necessary operation, compels a turnpike company, when charging only such tolls as are just to the public, to submit to such further reduction of rates as will prevent it *from keeping its road in proper repair, and from earning any dividends whatever for stockholders*, is as obnoxious to the Constitution of the United States as would be a similar statute relating to the business of a railroad corporation having authority, under its charter, to collect and receive tolls for passengers and freight.

Now, I beg you to note that in these three or four citations made by Justice Harlan in his opinion every one of them proceeds upon the hypothesis that it is confiscation that fixes the boundary of the jurisdiction of this Commission, and it is only when the point of confiscation is reached that the extraordinary power of the court in equity and appeal, forsooth, to review the decision obtains. Nobody on earth, Mr. Chairman, can question the jurisdiction of this legislative body in the operation of its legislative functions, and we clothe this Interstate Commerce Commission with our legislative power, with all its privileges and subject to all these conditions, and among others, that supreme power to exercise within its scope its uncontrolled discretion.

Now, what does Justice Harlan say after having cited these various opinions, every one of which turned upon confiscation? He said:

> In view of the adjudications these principles must be regarded as settled.

After stating two principles unrelated to this discussion, he states the third, as follows:

> While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to *deprive the carrier of its property without such compensation as the Constitution secures*, and therefore without due process of law, can not be so conclusively determined by the legislature of the State or by regulations adopted under its authority, that the matter may not become the subject of judicial inquiry.

Now, that was the Smyth & Ames case. Seven railroads were being considered and the order of the railroad commission of the State of Nebraska cut down their rates 29½ per cent. It turned out upon examination that in one case at least under this order of the railroad commission the earnings of one railroad had been so reduced that it would have been operated at a loss of $62,243, and it was absolute confiscation in that case.

There were seven roads affected, and in all but two they would have been operated at a loss, and in those with only a very small margin above operating expenses. So the court said:

> On the contrary, we are of opinion that as to most of the companies in question there would have been, under such rates as were established by the act of 1893, *an actual loss in each of the years ending June 30, 1891, 1892, and 1893;* and that in the exceptional cases above stated, when two of the companies would have earned something above operating expenses in particular years, the receipt of gains, above operating expenses, would have been too small to affect the general conclusion that the act, if enforced, would have deprived each of the railroad companies involved in these suits of the just compensation secured to them by the Constitution.

So that I think, Mr. Chairman, that the summation of the legal proposition is fairly this: That the Court will simply stop just this side of confiscation. This bill confers no rights of review of any kind upon the courts. So far as the railroads are concerned it stops short of nothing except their constitutional rights, which it has no power to invade.

PREFERENTIAL RATES.

Now I wish to go further and say, in my judgment, this bill confers upon the Interstate Commerce Commission power over the preferential; and here again I regret very much to say that I am not able to agree with my distinguished friend the chairman of this committee. I want to call attention right here to this important fact. Is there any agitation to-day in this country, is there any demand in this country that this Interstate Commission should be authorized to put its hands upon the preferential in existence throughout the length and breadth of this land, without which business could not exist and interference with which would greatly impair business? What is the agitation and what is its strength?

Is there much said against the increase of rates or against excessive rates? Very little. The complaints are principally about rebates and discriminations, but little about excessive rates. And under those circumstances or conditions has anything been said concerning the preferential rate? The report says:

> *As but little complaint* has been made to the committee concerning classification, it was not deemed wise at this time to suggest new legislation upon that subject. *So, too, with the question of the relation of rates.* The committee has not deemed it wise at this time to suggest new legislation to change existing law upon that subject. It is one of very great importance—interesting, however, as a rule—to certain particular communities rather than to the public at large. It involves conflicts between towns and cities rather than the public generally, and it relates more to the building up of certain local interests of a local nature rather than to the interests of the people of the whole country.
>
> Therefore we thought best not to hamper or hinder the subjects of the bill by adding to them those other less urgent considerations. In fact, the committee has endeavored to *confine its action to the recommendations of the President* as contained in his annual messages of 1904 and 1905.

Here we have the great authority of this committee establishing the fact that there is "but little complaint," and that the recommendation of the President does not include "the relation of rates." This ought to settle that question.

Now, right here upon this point let me call attention to one of the latest fulminations of an archagitator on questions involving railroad legislation and railroad rates. I refer to an aarticle by Ray Stannard Baker in the February number of McClure's, in which he makes one of his very intense and interesting attacks upon the beef trust and speaks of the rebates and advantage of indiscriminations by which they are enabled to build up their business.

He says, referring to Armour:

> He was getting special favors, rebates, concessions, discriminations, by which unfair, unjust, and positively unlawful means he built up his business. That was wholly bad.

Not a word about preferentials or differentials or even excessive rates per se, but rebates, discriminations, private cars, refrigerator cars, switches treated as independent lines, fake lawsuits, etc. And that is the burden, Mr. Chairman, of the song.

Now, I submit that this bill confers upon this Commission the power to control the preferential, and of course I understand perfectly that in this I am undertaking to demonstrate a proposition that will be gratifying to the gentleman from Michigan [Mr. TOWNSEND], and I feel sorry that I am obliged to differ with the distinguished chairman of the committee.

I believe, Mr. Chairman, that this bill is not only open to that construction, but is bound to have that construction. Under existing conditions, what has the Commission done? When the Commission has found what they call an unjust or undue preference, and that a locality is injured by this preference, or an individual industry, they have issued an order, ordering them to desist, and these orders have to be complied with in one of two ways. What is the essence of a preferential? The essence is that less is charged pro rata for a long haul of transportation than for a short haul. How would you correct this preferential? Either by raising the rate of the long haul or by lowering the rate of the short haul. Either, Mr. Chairman, is equally as potential, as successful; and in compliance with such orders of the Commission heretofore made, both ways have been used interchangeably and with like success. That is to say, they have either raised the rate of the long haul or lowered the short-haul rate. Now, I submit that this bill——

Mr. TOWNSEND. Will the gentleman yield?

Mr. LITTLEFIELD. Yes.

Mr. TOWNSEND. Does the gentleman state that the Commission have ever raised a rate?

Mr. LITTLEFIELD. I do not know whether they have raised a rate or not. No; the Commission has never raised a rate and it has never lowered a rate. The Commission, whenever they have made any order in connection with the preferential, if Mr. Prouty stated it correctly to me—the Commission has simply issued an order for the railroad to desist when they are engaged in what they believe to be an undue or an unjust preference between localities, and they have left it to the railroads to determine whether they would raise the long-haul rate or lower the short-haul rate.

Mr. TOWNSEND. I desire to say to the gentleman in that connection that if he will read the report that the Commission made to the Senate during its hearings, or read Senate Document No. 30 in the Fifty-fourth Congress, he will discover that they did lower a rate. I call the gentleman's attention specifically to the case known as the "Walla Walla Case." The Commission ordered that they should desist from charging the then existing rate, and that they should not exceed a certain lower rate.

Mr. LITTLEFIELD. That is precisely the proposition here. This bill in terms gives the Commission the power to lower a rate absolutely. I am obliged to the gentleman. The order which he says the Commission made is precisely the order they are authorized by this bill to make.

Now, what is the bill? Let me read it on that point. Section 15, page 10, as amended, says, after providing that the Commission shall investigate the question of unduly preferential or prejudicial rates:

or otherwise in violation of the provisions of this act—

Mark you—

otherwise in violation of any of the provisions of this act.

It does not stop at one section, it does not stop at two sections—"or otherwise in violation of *any* of the provisions of this act."

Any act that they have no right to do, any act that they ought to do, can be inquired of by the Commission under the express language of this bill. Now, how does section 3 read? It is not amended by this section, but it is a part of this act. Section 3 reads:

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now, I am not discussing the propriety of this; I am discussing the question whether they have the power to take charge of the preferentials. I have here the report that was made to the Senate by the Commission, and if I have time before I get through with this discussion I will take occasion to refer to it, because it demonstrates the inefficiency of this Commission as compared with the traffic managers in the control of the railroad system in fixing rates, if the determination of the Supreme Court of the United States stands for anything.

Now, this section 3 of the act in terms gives the Commission the power to inquire into the preferential between localities, and section 15 says they may inquire into any violation of the provisions of the act.

And then what? My friend says that they have imposed a lower rate. That is just exactly what this bill authorizes them to do when they find a preference existing, which simply means a low rate with a long haul as compared with a high rate with a short haul. What does this bill say? The bill says they may fix "the charge or charges to be thereafter observed in such case as the maximum to be charged." They are authorized by section 3 to consider the preferential proposition. They are vested with a power by the amendment to consider the violation of any provision of this act, and this act itself authorizes them to say what the maximum rate is that shall be charged, and they can say to the short haul with its high rate, Cut down the rate and wipe out the preferential. Now, there is another provision of this bill which practically in terms confers this vital, important power upon this Commission, and against which I may say now that my argument is made and in which I find the most vital objection to this legislation, because I think it is extremely dangerous in its character.

What is the next provision? I am reading now from line 25, page 10, "and to make an order that the carrier shall cease and desist from any violation." Mark you, that, so far as it goes, is exactly a repetition of the law as it now stands. How does the law read on that point as it stands now? It reads as follows in section 15: If they find that anything has been done or omitted to be done in violation of the provisions of this act—

it shall be the duty of the Commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with notice to such common carrier to cease and desist from such violation.

That is all we have in the law to-day—an order to cease and desist. Now, then, suppose we have a preferential, and the Commission are of the opinion that it is undue and unjust to the extent of being 10 per cent too low, or, if you please, upon the short haul 10 per cent too high? What does this amendment do? This amendment authorizes them to make an order that the common carrier shall cease and desist from such violation.

Now, on the assumption that I have made—and it is a perfectly proper assumption, because it might well occur—they have found a violation of the act to the extent of 10 per cent too low on the long haul or 10 per cent too high on the short haul, a violation of "the provisions of this act." Then, what does the bill say? Instead of stopping there, as the old law did, it goes on to provide "and to make an order that the carrier shall cease and desist from such violation to the extent to which the Commission shall find the same to exist"—expressly conferring upon this Commission, if they find a discrimination either upon the long or the short haul, the power to order the common carrier to desist to that specific extent. I say I am not discussing the propriety of the proposition—whether they will exercise their judgment wisely or otherwise—but I am discussing the question as to whether the power is vested in this Commission, and I submit it will be impossible under a fair analysis of the conditions of this bill, taken in connection with the provisions of the existing law, to hold otherwise.

They have the power to take into account the preferential and say whether or not the long haul—that is, the low rate—shall be higher or the short haul—that is, the high rate—shall be lower. It would be, if in their judgment it was unjust or unreasonable, a violation of the provisions of this act, and in terms they are authorized to say to what extent that desisting shall take place, or, to quote the language exactly, "the extent to which the Commission find the same to exist." So that, I think, Mr. Chairman, I have demonstrated that this bill confers upon this Commission what I believe to be a tremendous power. Now, what is the power? It is the power to regulate and control the preferential that exists not only between industries and individuals, but between localities, and you want to bear in mind this fact, if this is an important power and if this is a grave question, we ought to be careful how we act here, because any power vested in this Commission is probably vested in it for all time.

We are not legislating for to-morrow morning; we are not legislating for the year 1909. We are legislating here, not only for the railroads, but for the business interests of this country and for our children and our children's children, and the question is whether we will take the vast interests of this country, independent of the railroads, because, as I say, I submit to you that the interest the railroads have in this question is, in my judgment, a minor one in its character as compared with the

vast interests involved in this bill, so far as the business interests are concerned—the question is whether we shall take from their managers the control of the railroads and their development of the conditions that exist to-day, with flourishing localities, and the permeation of these preferential rates throughout the length and breadth of this country, that flexible, moveable, adjustable, articulate control that is now vested in them and place it in a cast-iron strait-jacket, of which this Commission shall be the sole possessor of the key with which to lock or unlock the industries of this country.

What is a preferential? Simply this: How would California get its fruit into the East and be able with its peaches to compete with the peaches of Georgia and Delaware if it were not for what, Mr. Chairman? Why, a long haul at a low rate. Where would the oranges of California be in competition with the oranges of Florida if they were not able to carry them across a continent from the Pacific to the Atlantic through the operation of a long haul at a low rate? And yet this bill puts it in the power of this Interstate Commerce Commission to keep in California by change of that preferential every particle of fruit grown in that State. A blunder on their part would rot it in the orchards.

Mr. SIBLEY. Will the gentleman yield for a moment? I wish to say, inasmuch as the time of the gentleman from Maine has nearly expired and there are so few of us who entertain the opinion so ably expressed by the gentleman from Maine, I hope the distinguished chairman of the Committee on Interstate and Foreign Commerce will afford us an opportunity to voice our opinion by extending to the gentleman time sufficient to conclude his remarks.

Mr. HEPBURN. I will yield thirty minutes additional time.

Mr. SIBLEY. I hope the gentleman——

Mr. HEPBURN. There are other gentlemen who expect to speak who are here awaiting their time.

Mr. SIBLEY. Oh, we understand that, but I trust he may be permitted to conclude. This debate had better go over one day more. We have got everything except the appropriation bills behind us and let us have one more day's debate, so the truth may be ascertained, rather than we shall not have the opportunity of hearing the gentleman from Maine.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I want to ask——

Mr. LITTLEFIELD. I hope I will not be interrupted much more.

Mr. GAINES of Tennessee. Just a single question. From 1887 to 1897 the Commission fixed rates, upheld some differentials, and possibly regulated or reduced others. During these ten years the country was not paralyzed nor were widows bankrupted. Why can not we have a Commission like that?

Mr. LITTLEFIELD. I will advert to the action of the Commission, if I have time, before I get through my speech.

Mr. GAINES of Tennessee. Why can not we confer this power on a commission? It is not more power than the Commission exercised for ten years.

Mr. LITTLEFIELD. The Commission has never yet succeeded in enforcing in the Supreme Court of the United States practically a single decision they ever made upon the question of differentials.

Mr. GAINES of Tennessee. None have ever gone there.

Mr. LITTLEFIELD. Ah, well; that is another proposition. Whether any minor cases involving merely cases of advice have been followed or not I can not undertake to say. I have their report, I have it here in my hand, and, if I am not interrupted and have sufficient time, I will allude to it before I get through; but I defy any man to take that report and undertake to tell us whether they have undertaken in any advice they have given to disturb any preferential or differential that has existed in this country from time immemorial until now, and under which the vast industrial development is growing now from one end of this country to the other.

Mr. TOWNSEND. Will the gentleman yield to me just a moment? I would ask the gentleman if his attention has been called to the fact that the carriers themselves in trying to fix differentials have themselves voluntarily gone to the Commission and submitted the question to them and allowed the Commission to fix the differentials for them? I ask the gentleman if he knows that to be the fact?

Mr. LITTLEFIELD. I understand an arrangement of that sort may have been made some time, but that does not involve this question. I call attention to the preferentials between localities. In 1902 I stood on the wharf in Tacoma, and I saw taken out of an old fishing smack halibut which were loaded in a freight car, and I learned that very car was attached to a passenger train and was carried to the Atlantic coast; and three weeks later, on returning, I learned from a fish dealer in my town that he had sold halibut that had come that distance by means of a preferential. Furthermore, Mr. Chairman, the farmers of Nebraska within the last year have been sending their cream to a creamery in Omaha. That creamery has manufactured it into butter and sent it to Lowell, Mass., in competition with the farmers around St. Albans, who send their cream to the creamery in St. Albans. So, through a pronounced preferential the farmers of Nebraska are competing at that point with the farmers of Vermont. This the Commission can arbitrarily stop. Out in the State of Iowa there is furnished an illustration of what in operation this legislation could accomplish. They have now existing a plan formulated by the railroad commission of the State of Iowa which concentrates in the hands of the jobber in Iowa the jobbing trade.

Now, how, and why? Why, simply in this way: The jobber can ship from Chicago in carload lots right through Colfax to Des Moines, 20 or 30 miles beyond Colfax, and the jobber in Des Moines can break the cargo lots, and can ship the same freight in smaller lots back to Colfax at substantially the same price or less than the direct rate from Chicago to Colfax. There is a preferential existing throughout the State of Iowa, and it will be open upon this bill for the shippers in Chicago to insist that there is a preferential existing in favor of the jobbers in Iowa; and that there is no reason why the rate from Chicago to Colfax should not be in proportion to the rate from Chicago to Colfax via Des Moines back to Colfax. This Commission, under this bill, can disorganize the whole railroad system of Iowa.

Look at the wheat that is raised in the great Northwest. How much of the wheat that is raised in the Northwest could find a market on either ocean, find either point of departure, find either the hungry people of Europe or Asia, the Occident or the Orient, if it was not for a low preferential rate that exists in its favor?

Take into account, if you please, the cotton industry. We have cotton mills in the South, we have cotton mills in the North. Now, I happen to know, under existing conditions, with the favorable hours of labor and the lack of embarrassing labor legislation prevailing in the South, and the facilities they have for the employment of child labor, that to-day it is all the people in New England can do, with their cotton mills, to compete with the cotton mills in the South. A preferential exists in favor of the cotton mills in New England. They transport their raw material at a cheaper rate on a long haul than the mills in the South can from the same point of the supply of the raw material. They ship their manufactured products out in precisely the same way, on a long haul, at a cheap rate.

Do I want to turn over to the tender mercies of a political commission of seven the existence of the cotton industries of New England? Within two weeks I have had it stated to me by distinguished gentlemen who believe in this legislation and are anxious to see it prevail, that they hope under its terms to destroy the preferential charges existing in favor of these New England industries in order that the industries located near the raw material can have the benefit of what they call their natural proximity thereto. They conceded that by this indirect method they expect to transfer the cotton manufacturing industry from the North to the South. I do not propose by my vote to put in the hands of seven men the question as to whether there shall still be a Fall River, a Lawrence, a Lowell, a Manchester, a Biddeford, or a Lewiston. Their interests are too vast. There are too many millions involved. The employment of too many people is dependent upon it.

I will not take the chances with any political tribunal without revision or appeal and put into their hands these vast business interests. Worcester, the heart of the great Commonwealth of Massachusetts, represented upon this floor by a worthy and able son of a most distinguished sire, and presenting to-day the finest illustration of diversified manufacturing industry that can be found in the confines of this great Republic or in any other land, is absolutely dependent upon its preferential long haul for the shipping in of its raw material and the shipping out of its manufactured products. I will not consent to put the fate of Worcester into the hands of any commission to say what its future shall be, whether it shall live or die, whether it shall flourish or whether it shall vanish as a manufacturing industrial center; whether its manufactories, now busy and active, profitably employed, shall be silent, filled only with rusting machinery, and its houses, now occupied by an industrious people, shall in the future be filled with poverty, want, and distress.

I have in my own State—I do not know that it is affected by the preferential—the finest illustration of the dependence of development upon railroad transportation that I think can be found anywhere. Fifteen years ago, at Rumford Falls, there were but two farmhouses, and yet at that spot, with its splen-

did, wondrous beauty, there was a waterfall with 30,000 potential horsepower roaring, rushing, and tumbling unharnessed to the sea. It had no transportation. Material had to be carried in and hauled out by teams. About fifteen years ago men of genius, with capital behind them, put a railroad into Rumford Falls, and that place is utilizing to-day 17,000 horsepower. It has 10,000 people, and is the finest illustration of manufacturing and industrial development that can be found anywhere. I do not propose to leave that community where any seven men can arbitrarily and without appeal control its destiny and say whether it shall live or die.

Let me call your attention, Mr. Chairman, to this fact, that the power to fix a maximum rate, segregated from other rates, if you can segregate them, independent of its relation to other rates, without correlation to other rates, is very trifling, especially if it is confined to complaints in individual cases, as compared with this vast power you are conferring upon this Commission.

In case of an excessive rate, if it is so charged, and if the Commission determines that the rate is excessive and cuts it down, who is affected?

The railroad, and the railroad company alone. It simply affects the stockholders and bondholders by diminishing the receipts of the company. And if they get to where it reaches beyond the danger point, they have a remedy. It would aid industries and communities by cheapening and facilitating transportation. But here is a vast community and vast interests that are absolutely dependent upon railroad transportation for their life; and whoever has the power to put their hands on the railroad transportation has the power to throttle the business interests served thereby and wipe out localities, especially if they can control the preferential. Gentlemen know that industries are now carried on by vast aggregations of capital, with the large volume of business that is done on a very small margin, so that any increased burden on that business might well bankrupt those engaged therein. What would be the effect upon a community or industry if the long-haul rates were raised? It would make it impossible for them to successfully carry on the business in which they are now engaged, and if the short-haul rate was lowered the result would be the same.

If the long-haul rate were raised, the railroads would gain, at least temporarily, and there could be no complaint from them, because while the dissolution was taking place in the industry or locality affected, the railroad would be getting its harvest. It would be increasing its gains, and it could not complain of the rate that had been made. Where is the appeal, however, for the locality that is adversely affected, if you please, by an inadvertent or mistaken order of this Commission? Do you find it anywhere? It is not so nominated in the bond. There is no appeal for the industries of this country. They stand before this Commission at their mercy and in their power. They can regulate us and they can control us. Do gentlemen have any notion of the interest involved in this legislation? I say, in the whole equation, that the interest of the railroads is negligible in extent. What have the railroads involved? There are said to be about $11,244,852,000 of capital invested in railroads, according to the census.

Of course, my friend from Michigan says it will be about six or seven billions. Other people say it will be about fourteen billions. They receive $2,188,108,801 annual earnings and income. How about the interests and the products of industries the existence of which are solely dependent upon cheap transportation? How about the value of mines and mining, of manufactures and of agriculture? There are in agriculture, mines, and manufactures invested $32,860,630,402 capital—manufactures, $9,846,628,564; mines and mining, $2,500,000,000 (estimated), and agriculture, $20,514,001,838. The value of their annual products was $18,575,304,735—manufactures, $13,039,279,503; mines and mining, $796,826,417, and agriculture, $4,739,118,752. In addition to this are the billions invested in mercantile pursuits, likewise dependent upon transportation for existence. If the long-haul preferential was wiped out and there was an increase made, so as to cut off in transportation their ability for competition, these business interests might be destroyed.

What would agriculture be worth if this Commission was to exercise an unwise and vicious power? I call attention again to that vicious power and the evil of its exercise over any industry, either of mines or mining, agriculture, manufacture, or mercantile, as being without right of appeal from the autocratic fiat of this Commission when it is once issued. Only the railroad can interfere. Manufacturers, farmers, miners, and merchants do not exercise any public franchise. The Constitution does not guarantee them a reasonable return for the amount of money invested in mines and mining, in agriculture, or in manufacturing industries or mercantile ventures. They have to fight for their lives in the open market, and this Commission is to sit on the valve that controls the circulation without which they can not live. I submit to the candid consideration of this committee, Mr. Chairman, that all of these interests are vastly more vital and more potent than the mere interest of the transportation companies themselves. Our industries furnish the vital lifeblood. The railroads simply the veins and arteries through which it circulates. The railroads have an opportunity to go into the court and protect their rights and preserve their existence under the power of injunction, but these industries have not.

Now, let me go a little further and call your attention to the fact that the answer may be made that this power is only to be exercised in cases where an injustice has been done. Now, the question is whether it is wiser and safer to put these vast business interests, involving billions of dollars of invested capital and $18,000,000,000 and more of annual products, in the hands of seven men politically appointed, dependent for their tenure of office upon favor of the powers that be or that are to be, or to leave them in the hands, if you please, of the ten or twelve that have up to date managed them in this tremendous and successful development.

What has been the result—what has been accomplished under the control of seven or eight men as railroad managers—and I assume it for the purpose of argument, although I know, and every other man knows, that no seven or eight men control the immense diversity of rates for transportation in this country, but, on the contrary, thousands of men are engaged every day of the three hundred and sixty-five days of the year, less Sundays, in adjusting and modifying and regulating and accommodating these rates to the condition or conditions of business to meet the demands of the markets throughout the country?

Mr. GROSVENOR. Will the gentleman allow me an interruption?

Mr. LITTLEFIELD. Yes, although I have but a short time.

Mr. GROSVENOR. I want to ask the gentleman if it is not a fact that these seven men, or six or ten men, that he is talking about—president, general superintendent of the great railroad lines—have nothing whatever to do with fixing the rate and know nothing about the system?

Mr. LITTLEFIELD. I have no doubt the gentleman is entirely right.

Mr. GROSVENOR (continuing). But that they are fixed by the traffic managers?

Mr. LITTLEFIELD. Precisely so. Hundreds and thousands of traffic managers, experts, grown up in the business for years and familiar with the development of the business and with the great industrial interests of the country and of the people whose servants they are.

Now, then, is it wise to take it out of the hands of these hundreds and thousands of men who have demonstrated their ability and capacity by the condition of the industrial, agricultural, mining, and mercantile prosperity and success of this great country to-day, the parallel of which has not been seen since history began to be written? It is for gentlemen who want to transfer the control and power for fixing rates, especially the differential rate, to put the control of this vast property and this medium of transportation, these instruments of communication between one part of this country and the other, serving its vast business interests over long distances and necessary rates—it is for the gentlemen who want to transfer it from the thousands of experts to satisfy us that the seven men, politically appointed, will give us better administration and accomplish better results.

Mr. COOPER of Wisconsin. Will the gentleman allow me?

Mr. LITTLEFIELD. Yes; if you will not take up too much of my time.

Mr. COOPER of Wisconsin. In connection with the gentleman's statement that the rates are fixed by the traffic managers, I want to ask him if he recollects the incident mentioned in one of the Interstate Commerce Commission's reports, where a rate was raised in the Southwest, complaint was made, and the traffic manager went on the stand and swore that he did not himself raise the rate, but that he raised it in pursuance of a dispatch or letter sent to him by an official in New York State; that he had nothing to do with it himself? The Commission decided that it was unjust and that it ought to be lowered.

Mr. LITTLEFIELD. Does the gentleman from Wisconsin have an idea that with thirteen billions of money and 213,000 miles of railroad you will not have sporadic cases of unjust rates? That is absolutely incident to every human condition. We can not expect perfection from railroad managers; and I want to say to you that if you put it on the basis of perfection,

the ability to determine what is right and what is wrong under the laws of the land—thank God! not agitation, not excitement, not passion or prejudice, but under the laws of the land—I say if you put it on the question of efficiency, I will demonstrate from their own record the utter incapacity of this Interstate Commerce Commission to take charge of this great question. I state that advisedly.

Let me go further and see how they can justify turning over this great transportation that so articulates itself with the business interests of this great country and upon which everything is dependent from the hands of these experts into the hands of seven men. To justify it they must satisfy us that they will improve conditions. Will there be more farms? Will they be better cultivated? Will there be more industries? Will they build up larger towns than have already been built up by traffic conditions that have been operated under practical economic conditions and natural laws in a zone where it is practically impossible for legislation to effectively enter? If they will not do that, what will they do? Will they paralyze development, or go further? I submit that it is for them, notwithstanding some disagreeable and unjustifiable conditions, to satisfy us and satisfy the industries of this country that they are going to safely exercise this power and at least maintain, if not improve, conditions. Who is there that can take the responsibility of making that assertion and guaranteeing that result? How can we get a "bond of fate?"

Now, I call attention to what my friend from Michigan [Mr. TOWNSEND] has once or twice alluded to, and I hold in my hand a document called "Regulation of Railway Rates, Appendix D," and it is the response of this Interstate Commerce Commission to a resolution of the Senate committee. What does it say? I am not going to undertake to revise every decision made by this Interstate Commerce Commission. I am going to do this: I am going to try the efficiency of this Interstate Commerce Commission. I want to go further and say here that I have no reflection to make on any gentleman who is a member of that Commission. I know the most of them. They are men of high character, great ability, of public spirit; they are honest, patriotic citizens endeavoring to do what they think is right, and if it be true that they have blundered more often than they have been right, it is not because of any lack of intention; it is not because of any inferior ability; but it is because of the infinite and inherent difficulty involved in the whole situation, in the attempt to control by legislation what should be left to the operation of individual control and the operation of natural laws and causes. It is not their fault; it is the fault of the scheme of control.

Let me call attention to what they say, and after I have called attention to this Commission I desire to call the attention of this committee to the possibilities inherent in this situation, the kind of Commission that we might finally land with, because, as I have already said, we are not legislating for tomorrow, we are legislating for years to come. I do not believe that Theodore Roosevelt would ever appoint men on that Commission who were not good men, and if certain men are appointed whom it is now suggested may be appointed I would very gladly join in saying that in my judgment it would be a very wise selection; but Theodore Roosevelt is not always to be President of the United States. We may not always control the policy of this Governmnet. There may be other men to control it, and I shall refer to that a little later. What has the Commission done up to date? I try them not upon all the acts they have performed, but by every act they have performed upon which the court has passed, and I have here the record. I am going to take the cases that have gone to the courts of the United States for the purpose of determining whether this conglomerate Commission, consisting of judicial, executive, and legislative power, has been able up to date by reason of the uncertainty and indefiniteness of the situation to reach wise and just and lawful conclusions. Here is the record: Excessive rates, Commission sustained, three cases; Commission not sustained, twelve cases. Now, then, if that is any criterion, they are four times as likely to be wrong as they are to be right.

Mr. TOWNSEND rose.

Mr. LITTLEFIELD. Oh, I am coming to what the gentleman undoubtedly has in mind in a moment. I shall call attention to that. Wait until I am through and then I will yield. I am going to give these people a fair deal; yes, a square deal—something that is often talked about. [Applause.] Unjust discrimination, Commission sustained eight times; unjust discrimination, Commission not sustained twenty-four times. That is their record. In other words, in case of unjust discrimination, prima facie, the record shows when they have been tested by the law of the land as administered by a tribunal that holds its tenure for life, subject to good behavior, and can not be removed except by impeachment—this tribunal that can be removed any moment by Executive power—the record shows, when tested by that standard, that they are three times as likely to be wrong as they are to be right in the case of unjust discriminations. Now, I ought to say this, there are three of these cases involving the maximum rate where the Commission adopted a rule that had not been passed upon at that time by the court, and they adopted the wrong rule, so that it does not indicate that the Commission were in that sense wrong. It ought to be deducted from the amount.

There were seven cases involving the preferential where they had announced a decree before the court construed the rule, and therefore the Commission, of course, was wrong in that, so that there are ten cases that should be deducted. But I am going to give the defense the Commission itself makes on this question, for I want to treat the Commission fairly. The Chairman of the Commission says:

> Four cases have been discontinued and 4 are now pending in circuit courts. In 6 of the 29 cases in which the orders were not enforced the decision was based wholly or partly—perhaps it would be fair to say mainly—upon the ground that the new trial in the courts, which occurs under the present law, developed such a different state of facts from those found by the Commission, because of new and additional evidence not produced before the Commission, as to modify or change in material respects the findings upon which the ruling of the Commission was predicated. In the other 23 cases the decisions of the courts, also rendered after new trial, were based upon a different construction of the act than had been made and attempted to be applied by the Commission. In these cases, in other words, the courts held directly or by implication that the statute did not give the Commission authority to make the orders sought to be enforced.
>
> The courts have not held in these cases that the grievance found and condemned by the Commission did not exist in fact as ascertained and reported; they have merely held that the things done which constituted the grievance could not be prevented under the present law. *It was not decided in any case that the acts complained of were not wrongful and unjust, but that the correction attempted by the Commission was not within the scope of its authority.*

Mark especially this language:

It was not decided in any case that the acts complained of were not wrongful and unjust.

Now, in Appendix A we have the cases given by the Commission. The first case I call attention to, bearing in mind the fact that the assertion of the chairman is—inadvertent, no doubt—that the facts show that where they undertake to interfere with the rate it did not appear that the railroad was right, but it appeared, on the contrary, that the Commission was right and the railroad wrong. Let me take the second case which they cite, and the second case is a case of the Interstate Commerce Commission *v.* Baltimore and Ohio Railroad Company (145 U. S., 263). That was a case involving the question as to whether or not it was unjust for a railroad company to sell party tickets in lots of ten for less than they sold one ticket. What did the Commission do? Well, the Commission held that the party-rate ticket constituted an unjust discrimination and was therefore illegal.

Now, to sustain the assertion of the chairman of this Commission, it should appear that the court also held that that was unjust, but overruled for other reasons. The Commission, as it appears by the opinion, held that the "party-rate" tickets constituted "unjust discrimination and are therefore illegal." Let me quote from the language of the opinion:

> The court held that they were not open to the objection found by the Interstate Commerce Commission.

In other words, they were just and they had the right to sell them, but upon the question of justice or injustice the Interstate Commerce Commission was not sustained by the court and the railroad was.

Mr. GAINES of Tennessee. Have you any data showing how many cases of Federal judges were reversed by the Supreme Court wherein it reversed or affirmed the action of the Commission? Do you not find the Supreme Court reverses the courts as well as the Commission?

Mr. LITTLEFIELD. Certainly. I find they reverse the courts; but we are not vesting autocratic, despotic power in a court. I am simply discussing the tribunal in which you propose to vest this power. It is beside the proposition when I am undertaking to determine whether or not the railroad managers have been right or the Commission have been wrong to spend my time discussing a question as to whether a Federal judge is right or wrong. Now, I will not take further time, because my time is drawing to a close, to go over these cases in detail, and will briefly summarize them.

In Interstate Commerce Commission *v.* Lehigh Valley Railroad Company (74 Fed. Rep., 784) the Commission determined the cost of carrying a ton of coal at 85 cents. The chairman says: "The court held that this method of estimating the cost of carrying coal was not justified, because it assumed that the expense of transporting coal over this particular branch of the carrier's system was necessarily only the average cost of carrying coal over the entire system." But the court, in its

opinion—not quoted by the chairman—went further, and said: "We have only to add that the evidence before us is quite convincing that the actual cost of transporting coal from the Lehigh and Mahanoy regions to Perth Amboy was and is considerably more than 85 cents per ton;" hardly a holding that the carrier's charge was unjust.

In Cincinnati, New Orleans and Texas Pacific Railway Company et al. *v.* Interstate Commerce Commission (162 U. S., 184), the Commission held that the Atlanta rate was unreasonable and reduced it from $1.07 per 100 pounds to $1, on the ground that it was unreasonable, and the abstract shows that "That court held that the Atlanta rate was not unreasonable." The road was right, the Commission was wrong. In Interstate Commerce Commission *v.* New York, Philadelphia and Norfolk Railroad Company the Commission held charges on articles from Jersey City to Philadelphia unreasonable and ordered a reduction.

In the circuit court, after hearing more evidence, the petition was dismissed and again the carriers' rate was sustained as just. In East Tennessee, Virginia and Georgia Railroad Company *v.* The Interstate Commerce Commission (181, U. S. 1) the Commission found that it could not sustain one of its decisions unless a certain rate was shown to be unreasonable, and upon a full hearing it was compelled to dismiss the petition, as it could not be shown that the carriers' rate was wrongful or unjust, and for the fifth time the road as against the Commission was sustained.

In Interstate Commerce Commission *v.* Chicago, Burlington and Quincy R. R. Co. (186 U. S., 320) the Commission held "a terminal of $2 was unreasonable," and say in their abstract: "The Supreme Court said that the order of the Commission condemning the $2 rate was general and operated upon all the carriers in the whole territory covered by the complaint, and it plainly appears from the decision of the Supreme Court that on account of such reduction having been made from undefined territory it was unable to determine from the record whether the order of the Commission as applied to the whole territory was and should be enforced." It is proper to say, as illustrating a method of ratiocination, that from the case it "plainly appears" that the court used this language:

> It can not be in reason said that the inherent reasonableness of the terminal rate, separately considered, is irrelevant, because its reasonableness is to be determined by considering the through rate and the terminal charge contained in it, and yet when the reasonableness of the rate is demonstrated by considering the through rate as reduced, it be then held that the through rate should not be considered.

Well, that looks pretty elementary, and then the court said:

> In other words, two absolutely conflicting propositions can not at the same time be adopted.

By the court, mind you, not by the Commission, because the Commission did adopt it and proceeded on that basis. It says further:

> It follows that there can be no possible view of the case by which the conclusion that the rates were unjust and unreasonable can be sustained.

By all of which it does not seem to appear that the carrier was wrong and the Commission right on the facts. Seventhly and lastly, in Interstate Commerce Commission *v.* Louisville and Nashville Railroad Company (190 U. S., 273), the Commission also found as an independent proposition that the rates from New Orleans to Lagrange were unreasonable and unjust under the first section of the act, and on that point the court said: "No room in reason is left to sustain the view that the Commission could have held that the rates to Lagrange were in and of themselves unreasonable, irrespective of the competitive condition prevailing at Atlanta and the arrangement of rates which arose from it, which formed the main subject of complaint."

I leave this statement of the chairman, with this abstract of the cases that he cites to sustain it, without any comment. It is clear that more than two-thirds of the time, on the question of the justice or the injustice of the rate, where it has been tested by the courts, the Commission has been wrong and the carriers have been right, and upon that showing they coolly ask me to turn over these vast business interests to this Commission, subject to its plenary autocratic power. I do not reflect upon the Commission. It simply demonstrates the inherent difficulty of placing a commission in a position where it has to deal with a question so vast and complicated.

Other people may think differently about it, but for one, Mr. Chairman, I will not accept an invitation to place such vast business interests of this country in the hands of a commission that is thus indeterminate, because of its demonstrated inability to determine those things wisely and well or as well as the carriers themselves have determined those questions.

Now, I said this is a political Commission. That is true. What do I mean by that? I mean exactly what I say. I mean that that Commission is bound to be affected by the political conditions that prevail from time to time in this country. What is it? Why, this Commission, as it exists to-day, consists of five men. The act creating it reads as follows:

> SEC. 11. That a Commission is hereby created and established to be known as the "Interstate Commerce Commission," which shall be composed of five Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired time of the Commissioner whom he shall succeed. *Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.* Not more than three of the Commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said Commissioners shall not engage in any other business, vocation, or employment. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

The act provides that they can be removed for inefficiency, neglect of duty, or malfeasance in office. What does this act do? Of course everybody understands that the President of the United States to-day can arbitrarily remove any man on that Commission by simply stating that he is inefficient, that he has neglected his duty, and that he has been guilty of malfeasance in office. There is no review of the action of the President. He is supreme. But the specification of these causes of removal is some restriction upon the arbitrary exercise of that power by the Executive, but in the last analysis the Executive can remove them, and no one can say him nay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIBLEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes in order to enable him to conclude his remarks.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Maine.

Mr. LITTLEFIELD. I am very much obliged to the gentleman. This bill, Mr. Chairman, provides in an additional section—not an amendment to section 11, which provides for the circumstances under which removals shall be made—but this act provides for a new section, and the new section does not say anything about the circumstances under which a removal shall be made:

> SEC. 8. *That a new section be added to said act at the end thereof, to be numbered as section 24, as follows:*
>
> "SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1911, one for a term expiring December 31, 1912. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. *Not more than four Commissioners shall be appointed from the same political party.*"

I do not undertake to say as an absolute hard and fast legal proposition that the same restrictions do not apply, but I very much doubt it. If the section creating the Commission and providing that they could not be removed, except for inefficiency and neglect of duty and for malfeasance in office, had been amended by making the Commission seven instead of five, there would not be any question about it. But under these circumstances you have a new section practically providing for a new Commission. And that Commission, if that restriction does not apply, can be removed without cause at any time by the President of the United States. In any event the President has the supreme power of removal and no tribunal can review his action.

Let me submit this proposition. I have said that Theodore Roosevelt may not always be President of the United States. According to his repeated declarations, he will be President for the balance of this term and no longer. And after that some other gentleman will be President of the United States. What is possible? I can imagine some man as President of the United States in whose hands I would not want to see vested the power to control this Commission of seven men, four to be members of one political party. How long would it take a President with a complacent Senate to remove enough to make four of his political party? And what if that political party happened to be the Populist party? I want to say here and

now in all seriousness, when many distinguished gentlemen who, not perhaps in connection with this question, sometimes lend their aid to the dissemination and the propagation of the ideas that tend to segregate a few individuals in the community into what is known as the "classes" and array against them the masses, nobody can tell who will be the President of the United States or what influence will be behind him. If you inflame the masses and preach and inveigh against what you call the "classes"—against invested capital—I warn you now that you may kindle a fire that you can not stamp out when you get ready to extinguish it. [Loud applause.]

Let me go a little bit further and ask, What if we have a Populist President? I have in my mind the name of a gentleman that I would not want to leave the constitution of this tribunal in the hands of. It would be perfectly open to him to have four that represented his peculiar views and his extraordinary vagaries in connection with the government of this great country. More than that, it would be open to him to arbitrarily remove the other three; and what power is there on earth, under the terms of this bill or any other, that would require him under those circumstances to appoint three others, and make that Commission full? Why, the law now assumes that it is not necessary to fill vacancies, and expressly provides, "No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission."

It makes only four a quorum, and it is open to any vicious man who occupies the White House and has his creatures in this Commission to take, by removing three, the industries of this great country by the throat and compel them to bow down and worship him. Three is a majority of a quorum, and your act is so constituted and the possibilities are such that it is open to have three men, viciously inclined, take the mining, manufacturing, and agricultural and mercantile interests of this country, and, through the medium of that vital transportation upon which they exist and without which they can not live, throttle them until they waver and die or render the necessary tribute to Cæsar to enable Cæsar to control the political destinies of the Republic.

Now, other men may agree to it, but so far as I am concerned, Mr. Chairman, I decline to assent to that proposition. I know that public agitation and excitement, inspired, maybe, by passion and prejudice, violence and hate, may carry men off their feet. To-day we have agitation and excitement and prejudice arrayed against the great transportation interests of this country. Our friends of the West, inspired by their exasperation and out of just resentment cry out, "Crucify him! Crucify him!" and the more extreme this legislation the greater the gratification.

I warn you that if we weakly quail before this storm and turn over these vast interests bound hand and foot to this fallible political tribunal without recourse or appeal, that when the disastrous results that are well-nigh sure to follow the exercise of this tremendous uncontrollable power shall be visited upon a helpless people that same people will turn again and rend you because you have been false to your trust as representatives of the American people. Inspired by passion, prejudice, smarting under the sting of resentment, because there are wrongs that have not been redressed, they may now bless us, but then, with equal facility and vastly greater zeal, they will rise up and curse you. They now applaud. Then we shall be *anathema maranatha.* [Loud and long-continued applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On January 25, 1906:

H. J. Res. 87. Joint resolution to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

On January 31, 1906:

H. R. 2012. An act granting an increase of pension to William Wilson.

On February 2, 1906:

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.;

H. R. 1199. An act granting a pension to Lydia A. Jewell;

H. R. 2435. An act granting a pension to Hilia Ann Connor;

H. R. 3716. An act granting a pension to Augustus Foss;

H. R. 7309. An act granting a pension to Louis Dieckgraefe;

H. R. 486. An act granting an increase of pension to John Armstrong;

H. R. 532. An act granting an increase of pension to James T. Berry;

H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;

H. R. 723. An act granting an increase of pension to George W. Raigle;

H. R. 1062. An act granting an increase of pension to George E. Brickett;

H. R. 1073. An act granting an increase of pension to William J. Castlow;

H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;

H. R. 1179. An act granting an increase of pension to Thomas Pickett;

H. R. 1288. An act granting an increase of pension to Sterns D. Platt;

H. R. 1339. An act granting an increase of pension to James Kelley;

H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;

H. R. 1378. An act granting an increase of pension to Henry H. Hobart;

H. R. 1381. An act granting an increase of pension to David H. Quigg;

H. R. 1505. An act granting an increase of pension to William Birmingham;

H. R. 1511. An act granting an increase of pension to Cornelius A Hallenbeck;

H. R. 1653. An act granting an increase of pension to Frank W. Weeks;

H. R. 1675. An act granting an increase of pension to Melissa S. Lee;

H. R. 1686. An act granting an increase of pension to George S. McGregor;

H. R. 1752. An act granting an increase of pension to Hugh Lokerson;

H. R. 1766. An act granting an increase of pension to John T. Stone;

H. R. 1772. An act granting an increase of pension to James C. Plybon;

H. R. 1789. An act granting an increase of pension to Jacob Shade;

H. R. 1853. An act granting an increase of pension to William J. Johnson;

H. R. 1868. An act granting an increase of pension to Perry Egge;

H. R. 1908. An act granting an increase of pension to Emma Rowe;

H. R. 1986. An act granting an increase of pension to Morris Bennett;

H. R. 2011. An act granting an increase of pension to John Lezenby;

H. R. 2089. An act granting an increase of pension to Laura J. Forbes;

H. R. 2395. An act granting an increase of pension to Christopher Clinton;

H. R. 2594. An act granting an increase of pension to Levi Bearss;

H. R. 2718. An act granting an increase of pension to James F. Hare;

H. R. 2735. An act granting an increase of pension to Samuel Foster;

H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;

H. R. 3006. An act granting an increase of pension to William H. Crites;

H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;

H. R. 3245. An act granting an increase of pension to Robert C. Smyth;

H. R. 3283. An act granting an increase of pension to Bruno Tiesler;

H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 3368. An act granting an increase of pension to William McNair;

H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;

H. R. 3405. An act granting an increase of pension to David Palmer;

H. R. 3427. An act granting an increase of pension to William B. Kimball;

H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;
H. R. 3449. An act granting an increase of pension to Harvey Gaskill;
H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;
H. R. 3481. An act granting an increase of pension to William H. Cranston;
H. R. 3487. An act granting an increase of pension to Ferdinand Weise;
H. R. 3506. An act granting an increase of pension to George W. McCormick;
H. R. 3573. An act granting an increase of pension to John V. Sanders;
H. R. 3575. An act granting an increase of pension to Silas B. Hovious;
H. R. 3606. An act granting an increase of pension to John S. Hoover;
H. R. 3758. An act granting an increase of pension to George Nulton;
H. R. 4153. An act granting an increase of pension to Henry C. Wildy;
H. R. 4165. An act granting an increase of pension to Henry C. Sternberg;
H. R. 4176. An act granting an increase of pension to Michael Mohan;
H. R. 4196. An act granting an increase of pension to James J. Winans;
H. R. 4216. An act granting an increase of pension to Robert Boon;
H. R. 4348. An act granting an increase of pension to William McCraw;
H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;
H. R. 4876. An act granting an increase of pension to William L. Beeks;
H. R. 5027. An act granting an increase of pension to Charles W. Knight;
H. R. 5686. An act granting an increase of pension to Adelle Tobey;
H. R. 6518. An act granting an increase of pension to James M. Long;
H. R. 7408. An act granting an increase of pension to Joseph W. Price;
H. R. 8550. An act granting an increase of pension to John Bierer; and
H. R. 8713. An act granting an increase of pension to Payton S. Lynn.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. MANN. I yield one hour to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, this committee is to be congratulated upon the high order of excellence of the debate upon this most important proposition of legislation upon railway rates. We have been especially instructed and entertained by the remarks of the three distinguished gentlemen from Pennsylvania [Mr. SIBLEY], Massachusetts [Mr. MCCALL], and, lastly, the gentleman from Maine [Mr. LITTLEFIELD], who have addressed us in opposition to the passage of the pending measure. If the dire prophecies of these gentlemen could become true, if the doleful results which they foresee could come to pass, none of us would want this measure enacted into law. It is because we are confident that there is not contained in this bill any of the provisions upon which these gentlemen base their arguments and prophecies, it is because we believe that they have brought into this Chamber only huge phantoms of their own imagination and have conducted a most vigorous moot combat against them that we have been comfortably edified here to-day. We believe in their mind's eye they have seen huge and evil things—horrid and unearthly shapes—which are not possible within the provisions and results of this legislation.

I agree with some of the propositions so powerfully advanced by the gentleman from Maine, as to the joinder of the great powers of government—executive, legislative, and judicial—in the authority given this Commission; also with some of his remarks with regard to its history and record. But with his basic propositions—with his construction of the provisions of this bill as to their power to initiate rates, the power to review their rate-making orders, their power to control differentials—your Committee on Interstate and Foreign Commerce are unanimously opposed to his views and believe them to be entirely unwarranted and unfounded by any fair construction of the bill before this House. I shall briefly discuss these subjects in the course of my remarks. The gentleman from Pennsylvania [Mr. SIBLEY] and the gentleman from Massachusetts [Mr. MCCALL] relied much upon the able treatise of Professor Meyer upon railroad rates. If they had been as conversant with this bill as they seemed to be with that book neither of the speeches would have been delivered—at least, not in the form they were. This bill is a compromise. No one contends it is perfect; no one is entirely satisfied with all of it; but we all agree that if it could be enacted into law it would be of far greater good than evil. Your committee fully realize the seriousness and the great importance of this question. They framed this measure not as one of class legislation, but to prevent class distinctions. We believe it will tend to allay class hatred and class prejudices; that it will be for the great interest of all of the people—of the railroads as well as of the consumers and producers of this country.

REASONS FOR LEGISLATION.

Your committee realized that there exists a profound unrest throughout the land; that men are stirred because of the too prevalent arrogance and heedlessness of concentrated wealth, because of the notorious abuses of corporate power and privileges, and especially of public franchises, granted by a generous people. They are stirred, too, because of recent revelations concerning men of power and influence in the financial world, who disclosed their inability to realize the sacredness of a trust, and of their carelessness with the property of others confided to them. The people realize that many of the prominent lines of industry in the country have been concentrated into a few hands, and that some of the most important are in the grasp of monopolies controlling the sources of a nation's necessities. Then, too, the great railroad business of this country has gradually been concentrated into a few great systems, necessarily by the pressure of business conditions. These great industrial concerns, and these great transportation systems, and the great financial interests of this country have gradually become interwoven one with the other into a most complicated and powerful arrangement. It is only natural that such intimacy and the tempting opportunities for vast power and wealth should blunt the senses of men.

EVILS OF REBATES.

In the business of transportation there have been the abuses of extortion and favoritism. It was because of these abuses nearly twenty years ago that there was compelled the enactment of the original interstate-commerce act. Many of these abuses have continued, others exist to-day. The system of rebates originally started by the railways has since grown into a tremendous weapon for the powerful and unscrupulous shipper to eliminate his weaker and more conscientious competitor and to establish a more or less complete monopoly in the particular line of business. It is this system of favoritism which has contributed so much to upbuild the already powerful and conscienceless and to oppress the weak, the defenseless, and the innocent. It is this system of favoritism which has created the monopoly of so many of our sources of supply and distribution and has prevented the development of resources in parts of our land. This system of favoritism and combination has injured the enterprising and industrious and the progressive of our people. It has decreased opportunities and discouraged the very class which in a Republic like ours needs and deserves encouragement. It has tended to breed class hatred and a burning sense of injustice. So that many of our thoughtful and conservative have lamented existing evils and prophesied dire results in the future unless these vicious tendencies can be checked and controlled.

RAILROADS FACTORS OF DEVELOPMENT.

Our committee realizes, on the other hand, that the railroad interests have been the chief factors in the wonderful development of our country. That in the enormous progress in every line of material endeavor the railroad managers have done more than their full share, so that at the present time the prosperity of our country is mingled inextricably with that of the great transportation interests of the land. It is by the boldness and genius of our railway managers that our vast wildernesses have been traversed, our mountains have been pierced, and the uttermost parts of a common country inspired by a common patriotic sympathy.

By the construction of great railway systems the old frontiers have been eliminated and the markets of the world brought to the bold pioneers of our fertile prairies.

This development has become so interlinked with the universal interests that the prosperity of the railways and people are mutual. Any injury to one is certain to react upon the other. Both must prosper or fall together. We have by far the largest internal commerce of any nation in the world, amounting to more than $22,000,000,000 annually, of which more than $13,000,000,000 is of manufactures, $6,400,000,000 of agri-

culture, $1,600,000,000 of mineral products, and $700,000,000 of forest, fisheries, and miscellaneous.

And a very large part of this most splendid production and development depends for its chief value upon the facility and cheapness to reach profitable markets. This is provided by the railway systems of the country. So that a very large part of our population has become dependent upon the progressive excellence of our railroads, which have developed into the most efficient in the world, with the least expense on the average to the patrons.

MORE IMPROVEMENTS NEEDED.

Then, too, there never has been a time in our history when there was needed more development in the various lines of transportation than right now. New lines of railway are required and projected into the waste places of our land, and additional lines of communication are planned; many single tracks should be doubled and double tracks should be quadrupled; heavier rails and roadbeds are required for the tremendous loads, and much additional equipment should be furnished to our producers. During this last fall millions upon millions of bushels of grain have rotted upon the ground because of lack of facilities for carriage. Millions and millions of dollars have been wasted in other lines for lack of facilities. Yet we know the shops are running overtime to keep pace with the orders to supply these pressing needs. We think all this should be done, even while existing evils must be considered; and your committee has deemed it of the utmost importance that some measure should be framed which should not imperil one dollar of present invested capital; that should not prevent one dollar of additional capital entering into these improvements; that should not diminish the facilities or the safety of the person or the property of our people, and should not reduce the amount or the wages of our skillful and faithful labor in the railroad service. We believe this measure accomplishes these difficult results, and that it will remedy some of the evils; that it will not bring the dire calamities so vehemently prophesied by the opponents of this bill.

PROVISIONS OF BILL.

Now, this measure, in brief, contains five affirmative provisions:

First. The power to fix a maximum rate and make it effective.

Second. The power to prescribe through routes and rates and make divisions thereof.

Third. Extending the affirmative power and scope of the Commission over such subjects as private cars and refrigeration, terminals and private switches, elevator charges, and, in short, over the various devices now used to grant or secure rebates, drawbacks, personal discriminations, favoritism, or unfair advantage.

Fourth. The power to enforce proper schedules and determine the length of time for putting them into effect, with the expectation that thereby the evil of midnight rates may be eliminated, or at least diminished.

Fifth. The power to make and require examinations and reports as to the affairs of public carriers.

The pivotal point in this bill, the one upon which there is the greatest or, in fact, only contest, the proposition which naturally arouses the strongest and most bitter antagonism, is that of the power to fix the rate. The other provisions are of benefit and yet are of secondary importance, and most of them are agreeable to nearly all interested in transportation. The great contest is over the power to control a maximum rate for freight transportation.

OBJECTIONS OF RAILROADS.

Now, we all realize that this power is strenuously opposed by the great transportation interests of this country, and there is a natural reason for such opposition. First of all, they can not seem to consider this question of transportation in any other way than as one of their own personal business, which they have as much right to operate as they see proper, within limits, as the owner of a grocery store, sawmill, or stone quarry. They all believe that they can transact every part of their vast and important business better than the public can do it, or any part of it, for them. They have the natural pride in successfully conducting and extending the great enterprises associated with their name and fame, and which they know will prosper under their own management. They have a right to that pride and belief, and they have a right to exercise that vast power so long as it does not conflict with the greater public interest. But this question presented to us to-day is beyond the personal pride, ambition, or ability of these men, beyond the question of successful personal control of their great business. It concerns one of the basic functions of our Government—one of those great questions of public concern which will affect the business interests of this nation and our people for all future time, and it ought to be settled without any sentiment of passion or prejudice and with the sole desire to do whatever shall be necessary and best for our great country and its future. The main and sole question is, Shall the great function and power to finally and adequately control the railroad interests in their relation to the people rest with the railroad corporations and their private management, or with a public tribunal having authority to effect justice to all interests?

FUNDAMENTAL PROPOSITIONS.

Some propositions seem fundamental. First, that railways are public carriers; that commerce is of public concern, and that common carriers are engaged in a public business and are subject to public regulation and control; that corporations in doing this work are transacting the public business by permission of the public and must be subject, naturally, to public regulation; and wherever the private corporate interests conflict with the great public interests the public must necessarily be paramount and the private must be secondary. These propositions have been well established by the Supreme Court of the United States and by the courts of last resort and by the legislatures of nearly every State in the Union. It is realized, too, that these great railroad interests have now become combined into eight or ten great systems of immense wealth and power, and that the persons engaged in managing the railroads are, in too many cases, also engaged in other lines of business having connection with the railroads. This makes an overpowering temptation to use the great power of the railroads to help personal friendly interests to the detriment of the general public. It is realized, too, that these vast interests, as a rule, have their headquarters in the city of New York. These great systems control from 150,000 to 200,000 miles of railway, radiating all over the land.

These financial managers at that distant point can not fully realize the changes or conditions or the difficulties or complaints which arise in the distant regions of the United States. They can not naturally be in sympathy with their people, whom they seldom see and between whom rises a natural antagonism, and the people can not be in sympathy with them. These managers are naturally immersed in their own large affairs, and realize only one side of their great responsibilities. They do not seem to comprehend their true relation and that their primary duties as public carriers are to the public, and that the managements are trustees in this great public responsibility.

Instead of that, the interests of these great controlling powers seem to regard as primary the welfare of the security holders, of their stockholders, and of their bondholders. They seem to have only a secondary interest as to the public, the reverse of the true and well-founded doctrine of the courts and of the legislatures; the reverse of the true doctrine long established and necessary for the public welfare. The people believe that evils exist, that there will be more menacing evils in the future, caused by this misapprehension of public duties by these powerful men, and they demand that we should give proper heed and exercise proper control over these great interests. The only way it can be adequately done is by asserting the paramount affirmative power of the Government in regulating this great public business, by making the public interests superior to the private interests, by creating a public tribunal having power when necessary to fix a rate, to make it effective, and to regulate practices and facilities, all to be subject to proper constitutional and legal limitations and control.

Second, for many centuries, under the doctrine of civil and common law, all sorts of controversies, public and private, difficult and complicated, have been referred to a public tribunal for final settlement, and this tribunal was impartial and uninformed of any of the facts of the controversy until such came before it for determination. In this country many of the public controversies concerning transportation have heretofore been decided by one of the interested parties, the railroad, and all must admit that, on the whole, this most important work has been fairly and adequately performed, as such things go. The great public now believes that it is time that these controversies concerning transportation in various of its phases should be decided, the same as are all other controversies, by a disinterested public tribunal having the authority to settle the dispute and make its judgment effective.

Third. All have admitted that abuses existed which compelled the enactment of the interstate-commerce law nearly twenty years ago. Many of these abuses exist now, and others have since arisen which demand an adequate remedy. It would seem

to be the natural, logical, and most effective remedy that where a public tribunal ascertains that a wrong that exists it necessarily is compelled to find the standard of right by which that wrong is adjudged. Then that tribunal, in order to remedy that wrong, upon the same facts, the same argument, and the same operation of mind which ascertains that standard of right and the departure from it as a wrong, should have the power to say "This is wrong; stop it," and have the power to compel the wrong to cease; and to make a complete remedy at the same time to order "This is right; do it," and have the power to make that order effective.

Fourth. The gentleman from Massachusetts [Mr. MCCALL] keenly ridiculed the original message of President Roosevelt advising that Congress confer the rate-making power upon the Interstate Commerce Commission to meet the evils of rebates, drawbacks, discriminations, and the like.

The learned and distinguished gentleman referred to this as a model of a non sequiter, and would place it in the texts upon logic as a masterpiece of illogical statement. He evidently has not fully analyzed the situation.

There can not safely be any thorough suppression of rebates and discriminations without there accompanies it some power to fix and control rates by a public tribunal. Favoritism by rebates and discriminations is but the outgrowth and manifestation of extreme unfair, illegitimate competition, out of which, however, the general public gets some share, by reason of a reduction of price or increase of benefits. Otherwise the rebate would not increase the business of the favorite. Favoritism by rebate can not be stopped without correspondingly stopping the competition, which to some degree always benefits the public. But competition will not cease unless some greater power compels it; either the railways or business interests by combination, or the Government by the exercise of adequate and tremendous powers. If the railroads and business interests stop rebates and suppress competition by means of powerful combinations, it puts also in their hands a corresponding power of monopoly and extortion, the only remedy for which would seem to be the still higher power of the Government to fix a rate to stop the extortion, so that the people could enjoy about the same privileges as during the period of competition. So the natural complement of the power to suppress rebates and competition would seem to be the power to fix a rate to prevent extortion.

OTHER PROVISIONS.

The other affirmative provisions of the bill are subordinate, it is true, and yet important.

The committee are confident that they have reached some of the worst features of the private car evils and extortions by charges for mileage and compensation for cars and refrigeration. No measure could meet all evils, but this will cure some of them without doing equal damage to other interests. The power to establish through routes and rates and to lengthen the time for reducing rates is designed to stop various species of favoritism and discriminations, and we are confident that some benefits will be derived from them. We believe the power to compel reports from railroads, to prescribe uniform form of books, accounts, and reports, and especially the power to make examinations of the affairs, whenever necessary, by the expert agents of the Government will have the double effect of discovering some delinquencies and in that way stopping and preventing them, and again by acting as a deterrent, with the apprehension always of a possible discovery, disgrace, cost, and punishment.

We are confident that none of these provisions or powers will injure either the railroad companies or the public. The serious objections to the Esch-Townsend bill are cured in this measure. The rates can not be confiscatory, as the Constitution and courts can in some way and degree protect that under any bill. The rates can not be so rigid and inelastic as not to be responsive to business changes and conditions, because the Commission itself has the power to modify or suspend its order, the courts always have such power, and especially the rate ceases to be effective as a legislative mandatory rate in three years, when it becomes the same as any other rate, changeable by the railroads upon filing the schedules required by law. By these methods neither the railroad nor the public should suffer if ordinary good faith is observed.

OBJECTIONS TO BILL.

Now, the gentleman from Maine [Mr. LITTLEFIELD], with the wonderful power and eloquence for which he is distinguished, stated three fundamental objections to this bill. First, that the Commission by it will have authority to initiate a rate. Second, there is no power of review of the order of the Commission by the courts. Third, the Commission would have authority over differentials. The gentleman from Maine conceives this first objection under the provisions of section 13 of the original law, in connection with the provisions of section 4 of the pending bill. In reading the provisions of this measure he carefully omitted an amendment which this committee proposed to section 13, by enlarging the number of those entitled to make complaint to the Interstate Commerce Commission. This bill adds the words "or upon the complaint of any common carrier." This committee foresaw that some such objection might be made. We were careful in amending the provisions of that bill so to make it clear that only a complaint to the Interstate Commerce Commissions can initiate a legislative rate. This is jurisdictional and goes to the very foundation of the power to act. The fixng of a rate is a legislative act, and the authority to make this act effective is delegated to a Commission, which must work within the scope granted by Congress. It is clearly the intent as well as the language of the acts that this machinery can only be put in motion by a complaint as to an existing situation, thereby pointing out the wrong to be redressed and limiting the scope of the legislative action, which is one of the objects desired to be obtained. The number who might complain is enlarged, clearly showing a necessity for naming those who could initiate complaints. This amendment would have been unnecessary if the Commission itself could start any proceeding, at any time, to fix or charge a rate. The gentleman earnestly contends that the latter clause of section 4—"the foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in making an order under the provisions of this act"—in connection with the clause of section 13, "that the Commission "may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made," will not include the power to initiate.

If he would give the ordinary construction to the two provisions, he would find himself relieved of his great distress.

The clause as to inquiry in section 13 has been uniformly exercised by the Commission to make investigation upon subjects of public importance bearing upon interstate commerce, such as transportation of beef products, flour and grain products, private cars and refrigeration, export and import rates, and many similar subjects. It has not been used as a preliminary step to adjust rates. In this measure the jurisdiction to fix a rate can only be exercised after a foundation has been laid by a complaint to show the wrong and limit the scope; and this jurisdiction will not be enlarged by such strained construction of a provision intended and used for another and far different and useful purpose. The doctrine of the Supreme Court, laid down in the Maximum Rate case, clearly fostered such construction. The court there held that unless Congress clearly provided for the exercise of the tremendous power to fix a rate, that doubtful language will not be construed to so grant it. Here the history of the statute, the action and construction of the Commission, the history and language of the present provisions, the reasons for their existence, and the theory and careful scope of this act all forbid the Commission to fix a rate until after a complaint, an unreasonable rate found, and an order in such case made. There are many other kinds of orders to be made by the Commission besides the order fixing a rate, and the concluding sentence of section 4 of this act was only inserted out of abundant caution that the Commission should not be deprived of its authority to make any such orders. This is the initial power they have, and we want them to have that power carefully preserved. We have no intention of taking it away from them, but we have clearly and carefully taken away from them the power to initially fix a rate.

POWER OF COURTS.

Second. The gentleman from Maine strongly maintained that this bill contains no power to review any order of the Commission as to its reasonableness or lawfulness. It seems very clear to the committee that this measure contains protection for all purposes to the carriers. We could not limit the powers of the courts of this country, and we have not tried to. The provisions of the Constitution of the United States are explicit in establishing a judiciary with full judicial powers, and the courts are always zealous in upholding their own powers and jurisdiction. In addition, section 22 of the original interstate-commerce law provides that "any of the powers of the courts or remedies provided by common law or statute shall not be abridged or altered by means of this act," but that such act shall be in addition to such remedies. The only effect of this measure then will be not to change or deprive of any existing remedies, but not to add any new statutory remedies to those already in existence.

It seems clear to your committee that under existing laws and by means of the provisions of this bill, to which I will hereafter refer, that means, more or less adequate, have been pro-

vided to review the orders of the Commission fixing a rate both as to lawfulness and reasonableness.

The only difficulty which appeals to some of us is, not whether there will be provided any power to review the orders, the lack of which terrified the gentleman from Maine [Mr. LITTLEFIELD], but whether under the conditions and circumstances by or in which the matter can be presented to the court there can be adequately and fully considered the various questions as to lawfulness and reasonableness so as to do substantial justice in the case.

Some are sincerely apprehensive as to whether the courts will go far enough in the various proceedings possible under this bill to grant full relief from any oppressive, unjust, and confiscatory act or order of the Commission. Any such question will arise under the laws of the United States, consequently the Federal courts will have undoubted jurisdiction. Where a wrong is committed or claimed to have been committed against persons or property in the enforcement of such laws, the courts generally have found some way to protect the injured.

It may not always be good policy to place such a burden upon the courts, such as adapting old remedies to new conditions. But so far it has been fairly safe, and we believe that reliance can be placed now upon the general power of the courts to redress any wrongs or grievances to our citizens which may arise under our laws. It has seemed to me that there can be reviewed by the courts in some way the following acts or powers, or exercise of power, by the Interstate Commerce Commission:

First. The question of jurisdiction of the Commission to act.

Second. The lawfulness of an order.

Third. The reasonableness and justice of an order.

JURISDICTION.

The question of jurisdiction by the Commission is always an ever-present one. This bill provides that the Commission, whenever after full hearings upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, "shall be of the opinion that any of the rates or regulations or practices are unjust or unreasonable, etc., then it shall make an order as provided by this act."

This language does not provide that the rates, charges, etc., shall be unreasonable or unjust. Such would require judicial action, a judgment or decree of a court having jurisdiction and rendering formal judgment in the case. But the bill does require an opinion of the Commission as to the existence of certain facts and conditions set forth in the complaint and shown upon full hearing. Unless these prerequisites, the complaint, full hearing, and opinion as to certain definite facts affirmatively appear, there can be no jurisdiction to make an order affecting the rate. The opinion, of course, may be erroneous, based upon insufficient facts or the like, and yet not be subject to objection by a court reviewing the order. But if the opinion was a violation of decent and reasonable discretion, if it had no warrant in justice and was manifestly outrageous, it does seem that it could be assailed in the courts.

This is manifestly difficult and almost impossible in many cases, yet it is always a loophole when the courts can review the exercise of discretion of an administrative board.

LAWFULNESS.

Second. It is not controverted, even by the strongest opponents of this bill, that the power exists somewhere in the courts to prevent confiscation of the property of any citizen or carrier by an order of the Commission. Nothing to this effect is specified in this bill; but it is an inherent constitutional power of the courts. The real practical difficulty will be found to be, not in the existence of the power of the courts to act, but whether in so acting they can do full justice in the case. As a general proposition the Commission will make an order affecting only one rate or a few rates, only a very small proportion of the aggregate of rates, and reducing only slightly the aggregate revenues of the company.

The order will probably not reduce the revenues sufficiently to make any one rate or a few rates confiscatory, and so not be reviewable on the ground of lawfulness, even though such reduction be a rank injustice. This review might occur in some few cases involving railroads like the ore roads or coal roads, or even some of the grain roads, but it is not likely to be possible on most of the railroad systems of the country. This trouble is mostly in the inherent difficulty of the subject-matter and not in a defect of power of the court.

REASONABLENESS.

Third. One of the most important questions to be considered is whether it will be possible for the courts to review the action of the Commission in fixing a rate as to its justice and reasonableness. The courts have held that the power to fix a rate for the future is a legislative act, and as such can not be reviewed by the court. The policy of an act of Congress can not be questioned by a coordinate department only when it violates the organic act establishing all the great departments of government.

Congress can not delegate its legislative powers to any other tribunal. It alone must exercise the authority which was granted to it by the Constitution. But it may work out its broad policies by creating and using various tribunals to make effective its directions. Such is the only way that most acts by Congress can be enforced and the only way most of its policies can be made effective.

In this particular instance Congress must exercise its legislative power in fixing a rate.

It can not delegate such great authority to the Interstate Commerce Commission or to the courts or to the President or anyone else. Since Congress can not well fix the exact rate and charges and regulations in a legislative act, it can only lay down broad general rules and principles, prescribe how such shall be carried into effect, and then provide for some administrative body to make such directions effective.

PROVISIONS OF ACT.

In the case of charges made for transportation of persons and property this act provides:

SECTION 1. That all such transportation shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

This provision, very broad and general, is an entirely proper and constitutional method of declaring a policy, in the opinion of Attorney-General Moody, though his view is controverted by eminent lawyers. In this measure Congress declares, not what shall be exactly the just and reasonable rate for the future, as it might do, but empowers the Commission to—

determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed as the maximum to be charged, etc.

This order shall go into effect thirty days after notice to the carrier, etc. The effect of this provision is to constitute the Interstate Commerce Commission into an administrative body to carry out the mandates of this act. Its powers are prescribed in this act, and are limited by the provisions of the act. It is not given any purely legislative authority which can not be reviewed by the courts if such powers be exceeded or violated. It is only given a certain power to carry out the will of Congress, and when it fails to do so, to the injury of citizens, some redress must exist to correct it.

In performing such service within the evident scope of its authority, provided by Congress, its orders can not be successfully assailed any more than can the acts of any other administrative department or board be questioned when carrying out the laws for its existence; but its authority is only delegated, and if it violates the laws of its creation, if it exceeds its authority, if it refuse to obey the law limiting it, such disobedience can and ought to be questioned by any party injured by its unlawful acts.

No one can doubt that an act or order of the Commission can be assailed for want of jurisdiction or because it confiscates property in violation of constitutional restriction; and by the same reasoning such an act or order should be also questioned when it exceeds the authority provided by the statutes or violates the limitation or provisions of the act creating it. The Commission can not exceed or depart from the powers delegated to it by Congress, and any such misdoing, when it injures a citizen, should be remedied the same as a violation of the jurisdiction of the Commission or of the Constitution.

Congress has delegated to the Interstate Commerce Commission "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate to be thereafter observed in such case as the maximum to be charged."

The Commission is not given authority to fix a rate.

The latter is a legislative power, and not reviewable by the courts. But the Commission is given authority to determine and prescribe a just, reasonable, and fairly remunerative rate, in its judgment.

"In its judgment" is the decisive power here which is delegated. It is commanded to make up its judgment as to a rate to be changed; and it is further commanded that such rate must be "just, reasonable, and fairly remunerative." That is the limitation upon its judgment. It is not to exercise its discretion broadly, but within the limits provided by this language. Of course, its judgment can not be reviewed where merely erroneous, unless express legislative authority is given for such review.

But if it clearly and outrageously violates the delegated authority provided in this act, if it grossly exceeds its scope of

power, such violations can be corrected. Such abuse of reasonable and fair discretion can be restrained. It would be monstrous to hold otherwise whenever an administrative body, in the exercise of its discretion, clearly limited by law, outrageously and flagrantly exceeds its authority and injures the property of citizens. Such abuses are always restrained and corrected by the courts. The courts will not review any acts within the reasonable scope of the Commission's discretion unless expressly authorized to do so by statute.

But the courts will restrain the Commission's excesses and violations of law. The difficulties always are in the application of these well-known and wholesome rules.

The real difficulty is not in having the authority and remedy, but in making a case, in proving the violation of the delegated power.

For example, Congress has power to declare that a railroad shall have the right to a rate which would insure at least a 6 per cent dividend on its stock, considering that a just, reasonable, and fairly remunerative rate. This sort of an act has been on several statute books and in the charters of several railroads. If the Commission should make an order, under such a law as this, which allowed or should result in allowing only 4 per cent dividend on its stock, is there any question but that the Commission could be brought into court and such an order reviewed as to its lawfulness in not properly exercising its delegated authority, and is there any question but what such an order could be annulled on the ground that its delegated authority had been violated?

I do not believe there is any doubt about it at all. Such an order would be made after full jurisdiction, as provided by law, and it would not violate any constitutional provision, because a return of 4 per cent is not a confiscation of property; but yet it is a violation of the delegated power of the Commission and as such could be reviewed by the courts.

It would hardly seem to require argument that any order of this Commission which adversely affects property rights and which violates the authority of Congress in delegating this Commission authority to do its work can be reviewed in some proceedings in the courts. Now, instead of fixing an exact rate which these railroads can earn, Congress instead may provide that the Commission may prescribe a rate which shall be, in its judgment, just, reasonable, and fairly remunerative. That is the only difference from the case above described.

Of course, the Commission may honestly err and the rates prescribed may not be just, reasonable, and fairly remunerative, and if such action be in good faith, with a reasonable exercise of official discretion, it can not be assailed. But if such honest, reasonable, fair discretion be not exercised, and, among other things, the rates be clearly unjust and unremunerative, it would certainly seem that the courts would have an opportunity to grant redress. It may be a matter extremely difficult to prove, as it is to prove that a single rate is confiscatory, but the opportunity is afforded to make the case and demand the redress.

Now, what remedy is provided? All the remedies which exist under the Constitution of the United States and are commonly exercised by the courts.

Section 16, page 17, of this bill contains a provision authorizing and, in a degree, outlining these remedies. The language, "the venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office." It is clear that this bill contemplates suits against the Commission to set aside, enjoin, annul, or suspend any order of the Commission.

These are the ordinary everyday actions to defend the rights of property, guaranteed by the Constitution and the laws.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. COOPER of Wisconsin. What is the difference between the principal office and the principal operating office, and what does the bill mean by the use of the language "principal operating office?"

Mr. STEVENS of Minnesota. Oh, I suppose that "principal office" might be the principal financial office, which might be, and probably could be, in the city of New York. The principal operating office, as in the case of the Southern Railway, might be in Washington.

Mr. COOPER of Wisconsin. Is it wise to leave it to the question "might be?"

Mr. STEVENS of Minnesota. That would seem to be but one possible construction. The principal operating office is where the actual operation and physical management of the road is directed. We think that is very clear.

Mr. COOPER of Wisconsin. Where is the operation of the road directed—from what office?

Mr. STEVENS of Minnesota. Where the president and general manager and superintendent and those officials issue their orders for the very many things which have to be done in running a railroad. In the case of the Southern Railway it would be the city of Washington.

Mr. COOPER of Wisconsin. As I understand, the principal offices, like the president's and some of the other great offices, are not always located where the general manager is; in fact, they are hundreds of miles from him sometimes, as I understand it.

Mr. STEVENS of Minnesota. I do not think that is true as a rule.

Mr. COOPER of Wisconsin. Suppose they were separated, then where is the general operating office?

Mr. STEVENS of Minnesota. Where the road has its general managing operating office. For example, the Pennsylvania road, I understand, has its principal operating office in the city of Philadelphia, the Baltimore and Ohio in the city of Baltimore, the Southern Railway in the city of Washington, and the New York Central in the city of New York. I think the Lake Shore has its principal operating office in Cleveland. Those offices would be the principal operating offices and would be the venue of any suits to set aside this order.

Mr. COOPER of Wisconsin. I had in mind the Illinois Central. As I understand, the president of that road lives in the city of New York, and I am quite sure that the general manager is in Chicago.

Mr. STEVENS of Minnesota. The principal operating office of that road would be in Chicago. The headquarters of the Illinois Central are in Chicago, although the president can have his residence in any city where he chooses, and probably the financial headquarters may be in the city of New York. This would illustrate the very distinction made by this provision, that the general operating office may be in the city of Chicago, while the general financial headquarters may be in the city of New York.

Mr. MANN. That term is well known.

Mr. STEVENS of Minnesota. Yes; we consider it very clear. As the act was passed to expedite actions under the Sherman antitrust law and the interstate commerce law, it only applied to suits brought by the United States, but this section makes it applicable to any broad litigation described in this section to test the action of the Commission. Again, this measure also provides that the Commission may employ counsel and pay expenses of employment out of its appropriation to conduct these very proceedings, so that every sort of proposition seems to be covered in this bill, so that there shall be a review both of the lawfulness of all orders and the constitutional rights of the carrier and as to whether or not the Commission has conformed to the fundamental law of its existence, in its judgment, in fixing a reasonable and fairly remunerative rate.

Mr. PALMER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. STEVENS of Minnesota. Certainly.

Mr. PALMER. Now, if all that is true, what objection could there possibly be to making it plain and putting a provision in the bill that parties aggrieved shall have the right to appeal, under proper restrictions and limitations?

Mr. STEVENS of Minnesota. Why, Mr. Chairman, it will be unnecessary. The carrier has that right, under the Constitution, which can not be taken away, and we do not desire to take it away. We desire that the carrier should have scope for redress, and that opportunity exists by reason of the provisions we have given for the advantage of all the remedies provided by the Constitution and statutes.

DIFFERENTIALS.

The gentleman from Maine was greatly exercised about this bill controlling the most important question of "preferentials," as he termed them. If I thought it did give that power I would be just as much exercised as he is. My people are just as much interested that there should not be any undue control of differential rates as the gentleman from Maine, because if any political body should have such authority we should always be in danger of distance tariffs and unwise action compelled by political exigencies. This would either exclude our products from our best markets or greatly reduce the value of our products and our property. But it is just as clear to us and to the whole committee that there is no such power in this bill, which seems to so disturb his soul. The

situation presented by the bill and the reasons why differentials are not covered are very simple. Under this bill the Commission would have authority to fix what, in its judgment, would be a just, reasonable, and fairly remunerative rate or rates as the maximum to be charged. It would have no authority to fix an absolute rate, which must be observed by the carrier, and no authority to fix a minimum rate, below which the carrier can not go; and a preferential can not be controlled without there is authority to control absolutely both legs of the differential. In this case the Commission can not control either. It must fix a rate which shall be just and reasonable and fairly remunerative as the maximum to be charged. This leaves the carrier to charge anything it pleases below that maximum. And since there is no power to fix any absolute rate and no minimum rate, there is no power in the Commission to control the relation of rates, and so no power to control the differential. We were extremely careful to take away that power from the Commission, and so all of the evils which were so strongly dilated upon by the gentleman from Maine prove to be only figments of his own imagination. There is no reason for their existence by the terms of this bill. There is another conclusive reason why the differential can not be controlled by the Commission. The rate fixed by the judgment of the Commission must be just and reasonable and fairly remunerative.

The Commission would have no authority to reduce a rate that is already just, reasonable, and fairly remunerative of itself, even if it did constitute a part of a relation of rates which bore hardly upon some community. These two powers—the power of the Commission to limit and fix a maximum rate which must be fair, and when, in addition, it is clearly forbidden to fix an absolute or a minimum rate which prevent control of either of the parties to the differential, I do not see how the intelligence of the gentleman from Maine can possibly construe into this bill a power to control preferentials. He tries to do it under the language of section 4, lines 17 and 18:

Or unjustly discriminatory or unduly preferential or prejudicial.

Also line 25 et seq.:

And the carrier shall cease and desist from such violation to the extent to which the Commission shall find the same to exist.

This language only takes the present act and adapts it to the new powers.

All the Commission could do in making any order to stop preferences would be to go to the court and enforce it just exactly as the present law provides, and the court has no power to fix a rate for the future. It can only stop a violation of law. The Commission has no power to fix a minimum or an absolute rate, and the court has no power to fix a rate for the future; consequently there can be nothing done by the Commission or court in control of differentials, except to stop existing violations of law.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANN. Is the power proposed to be given there to the Commission to go into court and require the carrier to cease and desist from doing any act in violation of the law any different from the power now conferred upon the Commission?

Mr. STEVENS of Minnesota. No; the gentleman from Maine said it would not.

Mr. MANN. So there is no additional power given by this bill over the subject of "preferentials," as the gentleman from Maine denominated them, or "differentials," as the railroads denominate them?

Mr. STEVENS of Minnesota. The only additional power given by this act to control rates is the power to fix a just, reasonable, and fairly remunerative rate, which shall be the maximum to be charged, and that can not control differentials at all, because the railroads could make any reasonable rate under that. Of course, the language of the present law affects differentials somewhat, and that is not changed or designed to be changed more than that. The rates may be lowered when they are extortionate, and that is just. The relation of rates which constitute the differentials need not be affected by the language of this bill, and the reasons are plain why our committee decided this ought not to be done.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. OLMSTED. Do I understand under this bill the railroads may make as many unjust discriminations as they please and the Commission would be powerless to correct them?

Mr. STEVENS of Minnesota. Oh, no; the gentleman misunderstood me. Section 3 of the original act applies just the same. We have not undertaken to amend, limit, or extend section 3. Whatever is unjust and discriminatory under section 3 is unjust under the provisions of this bill, and such will be prohibited; but we will not allow the making of a minimum or absolute rate, which is the only adequate way of controlling a differential.

Mr. OLMSTED. I want to ask the gentleman something like this. I intended to ask the gentleman from Maine, but was prevented from doing so.

I happen to own a little farm in Cumberland County, Pa., on a stream rejoicing in the classic name of Yellow Breeches. There are a good many more farms along that beautiful stream and in that country, and it costs us now about the same to get a bushel of wheat to tide water as it does to get it from the gentleman's Minnesota district, fifteen times as far distant. The result of that discrimination and preferential has been to greatly mpair the value of Pennsylvania farms. And while the gentleman from Maine [Mr. LITTLEFIELD] seemed to have in mind only the communities which might be injured by preventing the long haul at the short rate, I represent communities which are injured by the long haul at the low rate. But I wanted to ask the gentleman from Minnesota [Mr. STEVENS] if he does not think that they are entitled to some consideration, so that the coal mines in Pennsylvania need not, as I have seen them, lie idle because of the low rate given to coal from West Virginia, where men were able to work for 5 cents a day less than they were willing to work for in Pennsylvania, and therefore shut up the Pennsylvania mines? Whether, if we are going to have regulation, such a community, engaged in agriculture and mining, is not entitled to some protection by this bill as well as those who live at a distance from the market?

Mr. STEVENS of Minnesota. That, Mr. Chairman, opens up the great field that your committee seems to have excluded from the provisions of this bill.

Mr. OLMSTED. That is what I am complaining about—that they are excluded.

Mr. STEVENS of Minnesota. If the rate from the gentleman's farm to its market is just and fair and reasonable, he has no right to complain under the provisions of this bill. I agreed with your colleague from Pennsylvania [Mr. SIBLEY] that if we attempt to control rates in the way of fixing differentials, in the way of having a political authority designate specially what market shall be had for different sections, we would get into the field of disaster. We have not tried to do so. If the gentleman is suffering from some injury, all he can do under the provisions of this bill, and what he ought to do, is to have an unreasonable rate reduced and a reasonable rate fixed, and that is as far as he can or ought to go.

Mr. OLMSTED. Does the gentleman think it is fair that farm products in my district should be charged for at the rate of ten times as much per ton per mile upon the transportation of wheat and flour as from his district in Minnesota to the same point?

Mr. STEVENS of Minnesota. Now, it must be conceded, Mr. Chairman, that there always is an element of unfairness in such a situation. It may or may not be unfair as to the point the gentleman stated. His rate may be reasonable and fair and just. If so, he can not complain. The relation of rates may injure him. That is one of the things that he and everybody else will have to stand in this country. Somebody is going to be injured by any kind of legislation we pass. If we granted to the gentleman the benefit he desires, we might injure others, and we think we would—ten times as much. What we are trying to do is to injure just as little and benefit as much as we can, and that is why we reduce the power of the Commission to the smallest scope, which shall be fairly effective, as we do by the provisions of this bill.

Mr. OLMSTED. But in this bill, while giving the Commission the power to determine what is fair and what is unfair as to certain things, you take away from the Commission the power to decide what would be fair and what would be unfair in such a case as I have mentioned.

Mr. STEVENS of Minnesota. But we do not take anything away from them. If there is an unfair discrimination under the provisions of the present law existing, you have the same remedy, if this should become a law, as you did before, and no more and no less.

Mr. OLMSTED. We do not have any more. That is what I am getting at. Ought we not to have more?

Mr. STEVENS of Minnesota. No, you ought not, under the present circumstances, because that would bring the evils so eloquently shown by the gentleman from Maine [Mr. LITTLEFIELD] and your colleague [Mr. SIBLEY], which we realize and desire to avoid. These gentlemen brought in here a host of bogie men; they have brought in phantoms that do not exist, and if they did, would be evils. This bill can not correct all evils and does not pretend to. We only say that we are endeavoring to correct some of them.

Mr. OLMSTED. They may have brought in bogie men, but this is a real character that I have brought in.

Mr. STEVENS of Minnesota. Yes; and there are real characters of all sorts all over the United States, but if we attempt to control all of the injustices we find we will get into an illimitable field of greater injustice. So we decided not to try, and limit ourselves to where we believed some good will be accomplished and little harm be done.

Mr. GAINES of Tennessee rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Tennessee?

Mr. STEVENS of Minnesota. Yes.

Mr. GAINES of Tennessee. I would like to ask the gentleman this: They use rather of a new word in here, namely the word "remunerative." I have not the bill before me, and therefore can not get the clause, but I wish the gentleman would read it and explain what the word "remunerative" means, what it is intended it should mean, and if he can find any dictionary or any court on the top of the earth that has ever defined the word. I hope that he will have the definition printed in his remarks. And in addition to that, I would like his opinion about it. I would like to know what is meant by it, and why it was put in.

Mr. STEVENS of Minnesota. Mr. Chairman, I do not wish to be responsible for everything that is in this bill. It is a compromise measure. There are undoubtedly things in it I do not believe in, there are things in it that every member of the committee does not approve, but we put it in because it is the best that we can do under all the circumstances. Now, as to these particular words, I believe they would have about this effect. We think that Congress has the right to delegate to this Commission the power to name a rate that in its judgment should be just and reasonable which would legally include the words "fairly remunerative." Undoubtedly these would have just about this significance. As I have read the cases, the courts construe that anything less than that is confiscatory of the property affected. Now this makes the legislative definition of what constitutes a reasonable rate correspond exactly with the judicial construction of what constitutes a reasonable rate. This exact power is delegated to the Commission so that this element should be had in mind in fixing a rate. It is one of the elements susceptible of proof in an action testing the order. It would give the railways a little better chance for a standing in court in defining the scope of the authority of the Commission in making the order. It makes the judicial construction correspond with the legislative construction.

Mr. GAINES of Tennessee. The courts have always held that the railroad must be paid for the services it renders. But is it not a fact that that would not in all cases be a remunerative rate? Now, what are you to do with this sort of a case? Say there is a railroad that has been run through some Sahara or unproductive country. You levy a rate for goods through that country that is so high that it does not get the traffic and is not remunerative. Do you call that a just and reasonable rate for the people?

Mr. STEVENS of Minnesota. The gentleman must understand that the confiscation the Constitution prohibits is the confiscation of all the property, and not by a single rate. The best the Commission could do is to guess at what individual rate would be fair and just. Now, if that particular rate that the gentleman mentions should be fair and reasonable, and yet prove prohibitive to the people of that section, I am afraid the people would have to stand it, unless these new words so obnoxious to him, "fairly remunerative," might be used to compel a change.

Mr. GAINES of Tennessee. Would not that be an unjust and an unfair rate?

Mr. STEVENS of Minnesota. That might all depend upon conditions. If the Commission thought it was fairly reasonable, if it was not confiscatory, if it did not come within the scope of the delegated power, I do not believe any power could change it except the Commission. But the rate fixed by the Commission is only the maximum to be charged. The railroad could lower the rate at any time to any which seemed to be best, and in that way carry all the traffic in sight. That is the way it would actually work.

Mr. GAINES of Tennessee. Now, suppose it would not be a fair rate to the people, the people on that road would not go over it and could not use the road, because the rates were prohibitory.

Mr. STEVENS of Minnesota. I can not understand that that would be the result, because the Commission or the railroad would have the right to change the rate. It is not absolutely fixed by either of them. And then the railroad can lower the rate at any time it chooses on thirty days' notice.

Mr. GAINES of Tennessee. But suppose they did not do it? The Commission have said that this rate is remunerative, and it would be reasonable and just also. Now, what power has the Commission to change the rate that it has once made?

Mr. STEVENS of Minnesota. The Commission has a perfect right to change its mind under this bill when it thinks it ought to. It can modify or suspend its orders to meet changes of conditions or any exigency in affairs. The courts have the powers I have set forth. But to prevent any cast-iron system of rates, which would tie up the business of the country, the bill provides the rates terminate in three years.

CAN NOT CURE ALL ILLS.

Now, Mr. Chairman, we do not expect this bill covers all the evils. It is not passed for that purpose. It is only passed as the best we can agree upon to remedy some of the evils which now exist, and as a basis for other legislation when the proper time shall come to consider it. We are confident it will not afflict people with the evils so strongly described by the gentlemen who have spoken against this bill. And it will do some positive good.

We all realize that this bill will not be satisfactory to many who have clamored for railway rate legislation. Some are even now inveighing against it.

I do not believe it will much reduce railroad rates, since even now our rates in this country average as the lowest in the world. The Commission can not reduce the great bulk of them, and, in fact, the railroads themselves will reduce far lower than any Commission dare go. But it will afford a forum where redress in a speedy and adequate way can be had in a case of extortion, and this is a great gain to the people.

Some special rebates caused by special privileges or facilities, such as private cars, refrigeration, private switches, terminals, elevators and charges, and midnight rates can be under better surveillance and control. But no one must expect that all can be stopped. That would be beyond the limit of human possibility. But this bill will help. Those who believe there should be a control of differentials, who desire a vital long and short haul provision and a distance tariff will be disappointed. There is nothing in this bill as to those particulars to change existing law or existing conditions. Any really grievous evil can be reached now by a vigorous enforcement of the present law. And many of the evils designed to be cured by this bill could be adequately reached under the present law if it were properly enforced.

But there seem to me some fundamental defects in this bill which can not be considered now. I only wish to call attention to them as sometime Congress will be obliged to consider them when the time shall come to amend whatever action shall be had during this present session.

These fundamental evils are two. First, the union of the great powers of government—executive, legislative, and judicial—to some extent in one tribunal. Second, the real basis for rebates, discriminiations, and unjust favoritism is not eliminated or removed by this act.

OBJECTION TO JOINDER OF POWERS.

I agree with the objection made by the gentleman from Maine [Mr. LITTLEFIELD] as to the joinder of the great powers of the Government, legislative, executive, and judicial, in this Commission. I believe such objection is well founded and that such joinder of powers ought not to exist, and that there can not be a satisfactory and efficient administration of affairs under such conditions. But the time has not yet come to remedy that evil. The time has not yet come when we can revolutionize the interstate-commerce law, procedure, and Commission. We all realize that responsibility for the enforcement of this act must be placed upon an official competent, powerful, and with adequate means to perform his duty. It is the only way we can cope with the great and exceedingly able railway managers and their attorneys. Yet the enforcement of this act is left to the same Commission, which acts to a certain extent as judges and legislators, and no man is big enough to act fairly and efficiently in all capacities. Of course this bill does not and could not confer strictly judicial authority and does not make the Commission into a court. It very carefully avoids that by requiring only the opinion of the Commission to find a rate unreasonable as a basis for action. We all realize that strictly legislative power is not conferred, but only power is delegated to work out the details of the legislative will and make it effective. But quasi-judicial and quasi-legislative powers are conferred upon an executive tribunal, and it is not an effective or satisfactory policy to be pursued. The investigation and prosecutions should be definitely committed to an executive officer and bureau who should have no other duties and the full responsibility. The full judicial power should be committed to the courts, and the legislative power should be worked out by a separate tribunal

having no other duties and reporting to Congress, its sole authority.

NO EFFECTIVE REMEDY FOR DISCRIMINATIONS.

Second, the monstrous, menacing evil against which people mostly complain is that of undue favoritism, unfair rebates, discrimination, and advantages to the rich and powerful, as against the weak, humble, and defenseless. The foundation and real basis of them is not reached by this act.

This monstrous evil is caused by undue, illegitimate, unfair competition. The railroads desire more business, and to get business away from a rival will grant rebates to accomplish that end. The shipper desires to increase his business and cut under and out his competitor and makes inducements to the railroad managers to accomplish that result. In both cases is the ever-present desire to overcome a competitor, and both are willing to violate the law whenever they can get that additional business. For many years the only remedies afforded were under the common law, and those injured were compelled to seek redress in the courts through the usual remedies. That method failed, because the injured were not powerful enough to reach the great violators of the law, and there was too little at stake for any one shipper to undertake the expense and chances of a prolonged contest against powerful opponents. The public then sought under the provisions of the interstate-commerce act to fix penalties for violation of the law sufficient to cause such violations to cease. These penalties have been increased and this power to reach the violators is increased. I do not believe this method will be satisfactory or successful, because whenever it will pay the competitor, either shipper or railroad, better to violate than to obey the law, there is always a temptation to violate the law, and the temptation is generally followed by the overt act. This bill can not stop that temptation which leads to the violation.

But the time is coming, Mr. Chairman, when a system should and can be devised by which it will be better for all jointly, railroads and shippers, to comply with the law and assist in maintaining its authority than to violate it, and such a system can be gradually evolved out of this measure after its experiments and experience have disclosed clearly the lines along which such remedial legislation may safely develop.

BENEFITS OF BILL.

This measure will bring about those necessary and beneficial results. First, it will enable a test to be made as to the powers of Congress and the extent of such powers over the interstate commerce and carriers. It gives an opportunity to test the right of Congress to enact this legislation. That right has been doubted in the past. It has been doubted on this floor; it is doubted by many eminent lawyers in the country. This act gives an opportunity to test the constitutionality of such legislation; and then Congress, the public, and the railroads can judge of their respective rights and plan for proper legislation to meet existing situations. Second, it does another thing. It gives to the people an adequate forum where they can go to obtain redress from the wrong of extortion or abuse in the making of rates. One of the main difficulties in the proper settlement of this tremendous question is the fact that the people are prejudiced and, too often, are unwilling to consider conservative and safe methods. It is unfortunate that they are so prejudiced, but this feeling arises because they believe there exists no fair opportunity for redress for them against evils they know exist and against wrongs which they know should be righted. This bill gives that forum and such an opportunity. It gives the people a chance to go to a disinterested tribunal and have the public authorities contest the important questions affecting the public with the great transportation interests of the country. This very fact will prove a safety valve, will tend to remove the prejudices, and the people will be in a frame of mind where they will be glad to receive information and instruction as to these important questions from any source. During the last summer the railroads conducted an extensive and expensive campaign of education in different parts of the country. They caused to be compiled and scattered among the people very many pamphlets, newspapers, articles, and books of great value and authority. But the campaign failed of its intended effect, and did far more harm than good, because the people were not ready to listen to the truth; they were not in a frame of mind to be instructed by the railroad authorities when they did not think the railroads, on their part, were acting fairly and would not consent to before a fair, impartial, and adequate tribunal which could settle all wrongs and disputes.

The railroad authorities seemed to hold themselves somewhat outside of the rules which control other people, and that is always resented by the weaker party.

This naturally suggests the third important benefit of this bill, in that it assures to the public and notifies the railway managers that the public authority is supreme and that all are subordinate to it, that powerful presidents of railroads are subject to the same regulations and powers as the humblest citizen.

It also in effect notifies these managers of these great public-service corporations of the country that above even their own private interests, in the management of the great railway properties, that they are trustees of the people's righs and privileges, and must always be ready to give an account of their stewardship.

One of the great troubles to-day is that these extremely able and powerful men, with all their genius, with all their influence, have not seemed to realize that they are trustees also of the people's rights; that they have responsibilities for the people's welfare.

This bill notifies them that in cases of injustice or in cases of extortion, and that in the exercise of the public function of collecting tolls for public service, that they come under the provisions of this bill, that they are subject to the people's tribunal. When this full realization comes we can expect a cordial cooperation between the railroads and the public in protecting and advancing all interests. Until such time there must continue to be friction. We believe this bill will hasten the coming of the time when the railroad authorities will be sincerely desirous of cooperating with the public authorities in studying the various phases and elements of this vast and complicated question.

This most important work is needed in the operation of the railroads. It is needed in the enforcement of any laws upon the statute books. It is needed in the settlement of the important controversies which must arise over these most important questions. It is needed in planning for any legislation which may be found necessary in the future.

The greatest and most valuable part of such work can be done by the able, practical men who know the most about it, and their sincere labors can be effective when the people and public authorities all realize and can depend upon it as contributing to the public welfare. This legislation is by no means the final step. It is only a short but important step in advance. Other very important steps must be taken in the future. We have gone as far as possible just now. But under the protection of this legislation it ought to be possible to study carefully and clearly the true and best relations of the railroads and their management, to the public, to their security holders, and to their employees, study the methods and effects of publicity, operation as affecting all interests, and analyze the elements of charges, cost of service, and compensation, and reasonable rates. In the preparation of the present legislation the railway managers have not been as frank and fair in some respects as was due, and when some were frank and fair such qualities did not receive adequate response and commendation. This natural distrust should be dissipated by the enactment of this legislation.

Mr. GILBERT of Kentucky. Can I interrupt the gentleman a moment?

Mr. STEVENS of Minnesota. Certainly.

Mr. GILBERT of Kentucky. On page 13 of this bill, part of section 16, beginning at line 8, provides:

> Such suits shall proceed in all respects like other civil suits for damages, except that on the trial of such suits the findings and order of the Commission shall be prima facie evidence of the facts therein stated, etc.

That is where a judgment for damages has been awarded by the Commission against the individual shipper and he has appealed to the court for enforcement of the order. I want to know whether or not that language does not give the attorney for the corporation the close of the argument to the jury in every instance?

Mr. STEVENS of Minnesota. Mr. Chairman, I think there may be much to the proposition of the gentleman from Kentucky. I have since seen, I think, some cases that hold that such provision does change the burden of proof. I think the best authorities—and I confess I have not investigated the subject carefully—I think the best authorities are to the effect that this only furnishes the proof necessary to make out a prima facie case and does not change the burden of proof. At the same time, I remember reading a case only last week which held that this very sort of a provision did change the burden of proof.

Mr. GILBERT of Kentucky. Wherever the law gives one litigant a prima facie case in my State it invariably gives the other litigant the conclusion of the argument.

Mr. STEVENS of Minnesota. It would be held that the practice of the State would control; but as to that, my opinion is not of value. I have seen cases which held that it did change

the burden of proof, and the contention of the gentleman would be true; but at the same time I think that the better authorities are to the effect that this only furnishes the needed evidence to make a case and does not change the burden of proof.

Mr. PEARRE. Will the gentleman allow me to ask him a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. PEARRE. Is there any specific prohibition against the granting of rebates in this bill or any specific penalty provided for the granting of rebates?

Mr. STEVENS of Minnesota. That is in previous existing legislation. The old interstate-commerce law and the Elkins law covered rebates thoroughly, and this gives additional power to prevent extortions.

Of course, the language of the bill extending the scope of the Commission in the way of including private cars, refrigeration, switches, elevators, and terminals, which are only a convenient way of rebate, are covered in the bill, and in that way the question of rebates is well covered.

Mr. PEARRE. In regard to the matter of rebates, the committee relies entirely on the Elkins law?

Mr. STEVENS of Minnesota. Oh, no.

Mr. PEARRE. Without any specific provision in this bill with regard to that matter at all, except the provision which prohibits the charging of anything but the published rates. Am I right about that?

Mr. STEVENS of Minnesota. That is all that can be done. We provide that the rates shall be fair and reasonable; that the rates shall be published, and make a penalty for departure from those rates, and we try to include in this bill, so they can be controlled, various evasions by which there have been departures from the published rates. That is the object of the extension of this legislation—of preventing departures from the published rates.

Mr. PEARRE. I may say to the gentleman that my observation and experience has been in discussing this bill with citizens throughout the States and country wherever I have been, that common observation and experience is to the effect that what the people want is a prohibition and prevention of rebates and discriminations, especially. Some men, indeed, have written me on this subject—men engaged in large business interests and largely in interstate commerce—that what was needed and what they did not object to was the prohibition and prevention of rebates—that is, discriminations in favor of one shipper as against another. It seems to me from my reading of this bill that there is no specific provision in it which either prohibits rebates or furnishes any penalty for the granting of rebates.

Mr. STEVENS of Minnesota. Mr. Chairman, such provisions as the gentleman demands have been on the statute books for nearly twenty years. The lack of sufficient means for enforcement was the reason for the passage of the Elkins law, and we attempt to extend the provisions of the old statute—the original interstate-commerce law—which made every prohibition desired by the gentleman and his constituents, by including other methods of rebates and unjust discriminations and unfair advantages. That is what this does, specifically, in the first section. It extends existing provisions and prohibitions of law. We have covered it just as fully as we could, have gone just as far as human ingenuity can go by making everything that constitutes a departure from the published rates, everything that grants unjust favoritism, a rebate and unlawful, and it must be read in connection with existing law.

Mr. PEARRE. Then I understand that the gentleman does admit that there is nothing specific in this bill except by reference to previous legislation and by the confirmation and extension of previous legislation.

Mr. STEVENS of Minnesota. Certainly, the gentleman must read sections 2 and 3 of the original interstate-commerce act and he must read the acts passed in 1903—the Elkins law—in connection with this legislation.

Mr. PEARRE. I say this extends and amplifies those.

Mr. STEVENS of Minnesota. Certainly.

Mr. PEARRE. I desire the gentleman to understand that I am heartily in favor of this legislation, but I do not want, while we are passing this legislation, to overlook what appears to be the principal objectionable features in the minds of the public, namely, rebates and discriminations.

Mr. STEVENS of Minnesota. That is the one thing that we have covered as far as we can cover against rebates. Rebates will be made. We can not prevent them. This bill goes as far as we can go. It does the best we can do, and if the gentleman and his constituents will cooperate with the public authorities in the enforcement of this law very many of the evils the people complain about will be remedied. Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I regret very much that I am suffering from the effects of a very bad cold. I shall not, therefore, be able to speak with a great deal of force, and I shall probably develop the fact that I am again somewhat inconsistent in my position. The debate which has been running now for a week has been one of the most interesting that I have ever listened to in the course of my service here. It has been marked by extraordinary ability on both sides of the question, and if I should say something on two or more sides of the question in the course of the time which I occupy it will not be a novelty, so far as that is concerned, to a good many Members of the House.

I consider the agitation that has emanated from Congress and has spread itself out over the country as uncalled for and injurious. There never was an issue so feigned and so much a "fake" issue as the issue of an agitation to be called rate agitation. There was no such condition until it was manufactured here. There is no such condition excepting only as it has been planted, nursed, promoted, and propagated from the halls of political debate, and the agitation of a few gentlemen in the country is giving it notoriety by the action which they have taken. I live in a great shipping district. I venture to say there is more interstate-commerce freight shipped out of the district that I have the honor to represent than there is out of one-third each of all the States of this Union. And yet, coming up to this moment, not one letter, not one newspaper editorial, not one suggestion has come to me in regard to this subject, and I venture to say that of the 386 Members of this House 300 of them will testify the same way. That the public have been aroused by the organized cry of outrage against the railroads there is no doubt, and the people have been brought to believe that they have been most seriously imposed upon; but on a close analysis they will discover that it has not been the rates charged, but the manner in which the discriminations have been made that has done the injury to them.

I was alive in the campaign of 1904. The Democratic party injected this idea into the platform of their party. The Republican party treated it then just exactly as it has always treated it—with entire indifference, if not contempt. I participated more or less in the campaign in fifteen States, and I read the great journals—leaders of the thought of the people—published in behalf of the Republican party in all of the States. I read the platform of the party at Chicago, and I read the letter of acceptance and the speech of the President, and there was not one solitary utterance in the whole of it that said one word about this lower tariff of rates in the United States, so I am justified in saying it is a manufactured issue, uncalled for, totally and absolutely unnecessary. But it has come, and when you hear appeals coming from the distinguished gentleman from Michigan [Mr. TOWNSEND] telling us that the wrath of the people has been aroused and punishment is to be meted out and we are threatened with some dire calamity, everybody who even goes slow about this proposition, why, we are awake to the probable consequences of not doing anything.

There are some shippers in various parts of the country from whom these demands come, but I have never read a resolution of a shippers' convention that complains generally of the result of the rates of freight in the United States. That is not what they talk about. I will come directly to what they do talk about, and I will try to make it apparent that the distinguished gentlemen who have reported this bill have absolutely omitted to discuss or legislate upon every question that is of the slightest importance to the shippers of the country. [Laughter.] It has been a noteworthy fact that of all the distinguished gentlemen of the committee who have advocated this bill no two of them have answered the same question in the same way. Notably the distinguished gentleman from Minnesota [Mr. STEVENS], who has just taken his seat, feels grave uncertainty as to whether there is anything at all in the bill in regard to the very thing above all other things that we are so greatly interested in, the question of discrimination, the question of rebates, the question of faulty and extortionate administration of the great question of transportation in the United States, and when they come to be cross-examined on this floor no two of them answer the same question in the same way. Some of them hope there is something satisfactory in the measure; some of them hope that a construction will be given to this bill that will satisfy the cross-examiner; some of them are of the opinion that this is probably not quite definite, that——

Mr. MANN. I suppose the gentleman is willing to admit that there is a remarkable degree of versatility on the part of the committee, at least?

Mr. GROSVENOR. Yes; of versatility and some other—well, there is great versatility, there is no doubt about that. Others hope that that was in the bill. Another one said, "Well, I must confess that is not in the bill." Another one said, "Well, I think it is in the bill;" and when you come to look at it with a spyglass you can not see it. I remember very well that when the Esch-Townsend bill was pending in the last Congress a distinguished gentleman who advocated in a leading position the passage of the bill was called upon to state whether or not there was any provision in the bill that undertook to regulate or affect any way rebates and discriminations, and finally he said he thought there was, and then he pointed out that the Interstate Commerce Commission might hear complaints against these "practices" of the railroad companies, and he said that was the place where rebates were covered; that was the place where all those injurious actions of the railroad companies were going to be met.

Now we have a bill far less definite than that, and at last the gentleman from Minnesota is driven to say that whatever there is in this bill that in anywise affects these great evils that we all recognize and complain of, that if there is anything in the bill that affects them in any way, it is by giving a little more power to the Elkins Act. How long would it take a skillful man to put into the bill something that we could understand—that is, the average of us? Why could not you say in this first section that undertakes to describe what shall be the duty of a railroad company, why not say in plain terms that they shall not do this and that and the other thing, and if they do do it that shall be a violation of the law for which they shall be punished? Why leave it to misconstruction? Why leave it all to be guessed about and to be construed apparently for the purpose of passing this bill?

But this bill is born of the dawn of a political millennium in this House. All the angels that sang together here on the day this bill was reported sang the same tune. [Laughter.] Men who have stood here and denounced the Elkins bill as totally valueless and denounced the interstate-commerce act as faulty come here now and say that while they can not point out that this bill has made any change in the law yet they are all for it. Then, Mr. Chairman, there is a most notable proposition here. While it is true that these eighteen gentlemen, or seventeen, or whatever there may be of them—the very ablest men in this House, I grant that—while it is true that no two of them think alike about the details of this bill, they stand together as a close corporation and say, "We have pledged ourselves that there shall not be any amendment put on this bill." A half a dozen of those gentlemen have told me, "Yes; that is the thing." One of them told me to-day—and he would not object if I named him, I think—"Well, if you fellows get at it, you will destroy it."

So the whole power of the proposition is to be brought to bear to prevent any amendment to this bill. That is the most remarkable proposition. My friend from Arizona [Mr. SMITH] had something to say on a cognate subject a few days ago that had a good deal of force.

Mr. SMITH of Arizona. And I would like to have had the aid of the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. This is not a political question, only as our friends on the other side are trying to make it such. It is a question of business. It is the matter of the administration of the greatest question of American industry to-day, and yet we are told that the absolute perfection of legislation has been reached; that nothing can be added to or subtracted from. It is perfect in all respects, and therefore must not be criticised. In the name of common sense, what are we doing here five or six days at a stretch and now running on into the second week? What are we making speeches about? What are we making speeches for? If we are forbidden to amend this bill, and this close corporation stands armed, as I think it does, with ample power to prevent any change in this bill, what are we here for? Why not go home, and when these gentlemen have placed the matter right before their constituents, by diverse sophistical speeches, come back and register their will, and pass the bill?

Mr. BURKE of South Dakota. Will the gentleman permit an interruption? I do not think I have ever interrupted him before.

Mr. GROSVENOR. Yes.

Mr. BURKE of South Dakota. The gentleman has recollection of a bill coming, a few days ago, from the Committee on Ways and Means, of which the gentleman is a very distinguished member, and that the bill was discussed in the House for many days; and, under a rule that the gentleman was able to give us as a member of the Committee on Rules, no amendments were permitted, notwithstanding there had been debate covering a period of a number of days.

Mr. GROSVENOR. And, Mr. Chairman, before that debate began the House adopted the rule, and made it, therefore, the act of the House itself. Here we have the act of a committee without any indorsement of the House, and we are told without any action whatever on the part of the House we shall not be permitted to make any amendment to the bill. The gentleman is sufficiently acute to see very easily the wide distinction between the two propositions. The Committee on Rules might have been overruled in that case. The Committee on Rules has not anything to do with this case, nor has any Member of this House got anything to do with it, because the edict has gone solemnly forth that no amendment is to be put into it. If we should bring Christ's Sermon on the Mount and offer it here as an additional section to this bill it would be opposed by every man on the committee because of his relation to the bill.

Mr. MANN. That would not be germane to the railroads.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it is not within the power of the House to amend it, and if it was not in the power of the House, under the rule that was adopted on the Philippine tariff bill and the statehood bill, to ever consider amendments?

Mr. GROSVENOR. Certainly. It is in the power of the House. I am not talking about having taken away any power of the House, but it is the declaration of the committee that they have got a perfect measure that I am criticising—a measure so perfect that although it has been born of a compromise with eighteen men it is not to be successfully attacked by the three hundred and seventy-odd Members. That is my point.

Well, then we must vote for this bill or not vote for anything. We must vote for this bill exactly as it comes from the committee or we shall mar and spoil the handiwork that is so absolutely perfect in its character, and yet which is condemned or criticised by more than half of the men who aided in its birth and procurement. Now, I do not believe that this is by any manner of means perfect. I heard the statement of the very able gentleman from Minnesota [Mr. STEVENS] a short time ago, that undertook to say that the first section of this bill strengthened the power of the Elkins bill. Now, my proposition is this: If the Elkins bill has sufficiently described the crimes that are committed against the rights of the people of the country by railroad corporations, then there is not any need of this legislation, and the whole of this argument that has been made here so fairly and so ably about the wrongs that the railroads are perpetrating against the people of the United States comes down to just simply nothing except the question of the reduction of railroad rates as the tariff for the transportation upon the railroads of the country.

There is not one single word or syllable in the first section of this bill that in anywise points out or in anywise elaborates the scope of the Elkins bill. The mere definition of the words covered by the term "railroads," of what is covered by the term "common carriers," and what is covered by the term "transportation" adds nothing to the Elkins bill; for the Elkins bill has a better and more pertinent and more comprehensive and a better understood provision in the description than this bill. You have added nothing whatever.

Now, my proposition is this: We are here trying to legislate against wrongs and injuries done to the American people by the railroad companies. The Elkins bill was a supplement upon the interstate-commerce bill. I voted against the interstate-commerce bill away back yonder. I was one of the twenty-six Members of this House who believed then that the bill was of no possible value, and was nothing but an incumbrance and an obstacle in the way of success in regulating the matter of railroad traffic; and I have been pretty well vindicated. I find that gentlemen are here telling us the wrath of the people is rising. The Interstate Commerce Commission is still there, all its functions are there, all its functions largely added to by the Elkins bill, and yet they say it is totally defective and worthless. One year ago we had the Esch-Townsend bill. Great pains were taken and great efforts were made to bring that bill up to a point that would meet the emergency. How many men here to-day would vote for it if that bill were here? and I was one of them that voted for that bill. They would not vote for it again. So we have gone through these statutes and this interstate-commerce bill, an utter and insignificant failure and absolutely worthless and deterrent by reason of its own defects. Second, the Elkins bill is now condemned as inefficient and worthless. Third, this bill. Has the Elkins bill failed to correct the evils that it aims at? Has it failed to prevent rebates? Will not some gentleman here tell us where there are any rebates going on to-day? It is broadly stated by the leading men of the railroads of the country, that do not advocate this bill, and whom I shall refer to ultimately, that while there were rebates and wrongs in that direction, to-day

there are none. Is not the Elkins bill as strong in its language as the English language can make a measure in condemnation of rebates? Will somebody state what language could be put in that bill to make it stronger? And if some advocate of this bill says that the Elkins bill is not specific enough, not strong enough, not clear enough, and not effective, and has been found to be defective, why not strengthen the Elkins bill by clear and concise and easily understood language in this bill? You have not done so.

And do not tell me that the mere section defining the term "railroad" and defining the term "transportation" has added anything to the statute known as the "Elkins law" as a definition of the criminal act of rebate. So I say that gentlemen are driven to this proposition by the utter inefficiency of this bill to enlarge even the description of rebates and to add anything to the punishment or any definition that makes it in the slightest degree valuable. For they have admitted that they are willing to retire from the business and leave the Elkins bill the sole occupier of the field so far as punishment or definition of rebates is concerned.

Now, I do not believe myself that the Elkins bill has reached the limit, and I had hoped when the language of the statute was restated here we should have something more definite and something more valuable. The great trouble in this country grows out of the consolidation or interweaving of the interests of the producer and the transporter. That is our real trouble. And I speak from personal knowledge of where I live and where I observe and where I know what is going on, and I say that the great evil to-day grows out of the fact that the railroad corporations are permitted to become, through their directors, through their presidents, and through the superintendents, owners of the productive industries along the lines of the railroads. That is the real trouble. Going to the mighty coal fields of Ohio, 40 per cent of the entire production of coal in the State—and Ohio is fourth in the production of soft coal—is mined within my own Congressional district, and the evil we are suffering from, and battling against in the State courts with some success, which we could battle better in the forum of the United States courts, is where the coal mines are owned by the railroads. I could give instances one after the other and I could name an instance in the State of West Virginia where the owners of the railroads are the people owning the most productive coal mines along its lines, and strangling to death the business of other shippers along its lines. There is no provision in this bill that seeks to reach out in the direction of that crowning evil that is so disastrous.

And, Mr. Chairman, although I have been notified that it will not be passed, I shall offer an amendment, if I am present in the House, at the proper time, which, in my humble judgment, will reach and correct the evil.

The CHAIRMAN (Mr. CURRIER). Does the gentleman desire the amendment read at this time?

Mr. GROSVENOR. Yes, Mr. Chairman, as a part of my speech.

The Clerk read as follows:

No president, director, officer, agent, or employee of any railroad or other carrier of freight, and which is engaged in interstate commerce, shall be interested, directly or indirectly, in the furnishing of material or supplies to such company or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company. Upon complaint and satisfactory proof of any violation of this provision such Commission shall order that the offices so held in violation of this act shall issue an order to such corporation to declare the offices or position so forfeited vacant, and to fill the places so vacated as is provided for in the organization and by-laws of such corporation.

Mr. GROSVENOR. Mr. Chairman, there is not anything novel about this; nothing startling. I have copied the exact words of the constitution of the State of Pennsylvania. If that had been in force in the State of Pennsylvania, the enormous coal strike of three years ago would not have happened. If that was in force to-day in the great coal-producing States of the Union, the strike of 600,000 coal miners that now stand menacing the industries of this country would not have been suggested, because there would have been no contest between the opposing interests. This is the law of Pennsylvania to-day in substance and effect. The only difficulty about the constitution of Pennsylvania is that there is a question of the refusal of the State legislature to pass laws to carry into effect this organic act.

There is one section of this article of the constitution which I will read:

SEC. 12. The legislature shall enforce by proper legislation the provision of this article.

But they have never enforced it. There it stands, a monument of the wisdom of the Constitution makers and a monument of the potential influence of the coal operators. [Laughter and applause.]

There is one of the propositions. Is that covered by the Elkins law? What have you done in this bill to carry it into effect if it is not covered by the Elkins law and ought to be adopted?

What right have you to stand and say it shall not be put into this bill? It is a very simple provision? Why, it is said, and my colleague from Ohio after having gracefully yielded to my suggestion as to some of the things he said in a former speech, has finally come down to the conclusion that the most that can be said about the railroad company is that it is an instrumentality of commerce; that while not exactly owned by the State, it is in a position to be dictated to as to its organization and as to its administration.

If that be so, and I agree to it, then what is to hinder the Congress of the United States from saying to this great railroad corporation, "You shall be public servants, and if you want to invest your money in running a railroad, you shall run it under such conditions as shall not challenge your cupidity, and challenge your disposition to commit outrages against the rights of the producing forces along your line. You shall be the agent for the transportation lines." Why, throughout the whole country we make laws in every State of the Union saying what manner of man shall hold office, what manner of man shall administer the legal offices of the country. We say the same thing—we provide that no man shall hold an office that has been created during his term as Congressman until it is ended, and we put all sorts of regulations on the instrumentalities of our administrative branch of the Government. Why not say to this corporation that if it takes the franchise with the right of eminent domain, "You may go into the business of transportation, you may carry coal and iron and steel, farm products and cattle, but you shall not have an interest in the production of it, for the very reason that we will not consent that there shall be such an unfair advantage given to an owner of a railroad company."

There isn't anything new or novel about that. We all understand the power of it. Why wasn't it put into this bill if the Elkins law has failed and is worthless?

Then there is a little matter, a very small matter, that I would like to inquire into. I have not undertaken to exhaust the subject of improvements that might be made to remedy the evils that we complain of and that we have a right to complain of. Why not put it exactly this way:

Any railroad company upon whose line there is a coal mine, or sawmill, or a shipping point of cattle shall furnish to every man on the line the same facilities, the same right of transportation, and every other thing that goes to make this property valuable, and if you do not do it we will suspend your charter and turn you out.

Why, we have got power enough in the State. Some of my friends have forgotten that there are States in this Union. [Laughter.] Not long ago a railroad company in the State of Ohio undertook, in relation to a transaction, to discriminate against the operators that had put down shafts and erected coal tipples to start in and mine coal.

There is no law in Ohio on the subject. The railroads refused to take on the switch when it was ready, and yet they did take on another switch after that one had been constructed that took in a tremendous output of coal, and which belonged to the officers or stockholders of the railroad company, or in which they had interest. A suit was brought in a State court, and for what? Not for damages, but a proposition to oust the corporation from its legal existence, and that under no law except the common law applicable to all common carriers. The result of it was, when they had quibbled long enough and delayed a little while, they came down very gladly and took on the switch. Those are the evils we are complaining about. I happen to know something about the conditions in the State of West Virginia, and there is another evil there that I desire to instance in this connection.

A great trunk line of railroad had attached onto it a little short line running up a creek, at the upper end of which was a big coal operator, the owner of a few miles of railroad along the line below him, where there was another mine. There was coal mines open, and after a while it was discovered that the upper mine was getting rich and crowding the markets of Cincinnati and Chicago and the lower mine was pining for the want of profits and dying. When they came to look into it they found that they were each charged exactly the same price—they paid the same price from the upper mine that they did from the lower mine. The rate was the same; but what else was done? When the upper mine settled their freight ac-

count at the end of the month they were paid back a rate of freight that made their operation profitable, while it starved the others to death. I could prove that by my friend here from West Virginia if I were to give the location and mention the names. A young man friend of mine who had invested his money in the matter came to me and I told him off-hand to get out of it and save what money he could, and he did. Now, why could not they put into a bill like this, seeking to answer a great demand that is growing, by which we have been threatened by the gentleman from Michigan [Mr. TOWNSEND], the wrath of the people which is going to be hurled at anybody for having even an opinion on one of these amendments—why couldn't they put into this bill, if the Elkins law is not sufficient, something that would make it efficient and sufficient? I maintain there is not one word here that is added to or subtracted from the Elkins law. There is one other little matter that I desire to talk about. There has been some genius in the drawing of this bill. If it has not been studied genius, it has been a wonderful accident that has happened to it. If there is in these United States of America a corporation that is absolutely soulless and absolutely lawless it is the Pullman Palace Car Company. Now listen to me. We are undertaking to regulate now the transportation of passengers in the United States. We are undertaking to see to it that everybody shall have a square deal, as it is said. I do not know anything about a square deal. I know something about a fair deal, but the square deal is something that I don't understand.

Why don't we go after the Pullman Palace Car Company? What have they done that they should be eliminated from all regulation and control? Some of the members of this committee say that those regulations are here, and that the Pullman Palace Car Company is included. I desire to show how ingeniously they are not included. Turn, if you please, to the first section of the bill. Here is a bill that undertakes to be definite and absolutely certain, and I am sorry to say it is. This looks as though it might have been accidental; I hope it was. It is a bill of definitions.

> The term "railroad," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of persons or "property."

Now, watch the word "property," for that is going to become important. After a little they come to the question of what "transportation" is on the third page and what it would be to be a violation of this law, and here they say:

> And the term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipments or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration, or icing, storage, and handling of *property* transported.

The very ingenious and unnecessary use of that word "property" at that place excludes the Pullman Palace Car Company from the operation of the law totally and absolutely, and yet some gentlemen on the committee tell me that that is included, and they are sure it ought to have been included and so am I. Why not say so? Why not leave out the word "property" there and then you have it exactly covered by the first subdivision of the section; but suppose they do not want to do that, but put in the words "including especially palace sleeping cars and dining cars?" They have been very elaborate in their description of the other instrumentalities, but they have been very cunning in eliminating or else raising the question as they have all through this bill. So much for that. It is a matter of very small importance, only it shows how little we have got out of this bill at last, notwithstanding how widely the idea has been promulgated that all the ills that flesh is heir to in this country are to be cured by these provisions.

This is called a "rate bill," and yet when the President is approached by a labor organization that represents an overwhelming moral influence in this country he tells us, or tells them and we read and appreciate it, that it is not intended to cut down the income of the railroad, that they need not have any alarm about that, and yesterday or the day before the gentleman from Wisconsin [Mr. ESCH], who ought to be as well acquainted with the provisions of this bill as anybody else, having been a faithful worker in the interest of it from the beginning, said in his public speech here on the floor of the House, there is not to be any reduction in the revenues of the railroads, that the laboring men need not have any fears, that the profits of the railroads are to be just the same, that there will be no reduction in the revenues whatever.

Mr. Chairman, in the language of a gentleman in one of our Chicago conventions, "In the name of common sense, what are we here for?" [Laughter.] What are we here for? What are you trying to do? You have no proposition to raise any freight rates, have you? Are you going to raise the freight rates? Is there some shipper somewhere who is to be mulcted in higher rates of freight, or do you not intend that there shall be any instrumentality here put in the form of law that shall cut down the rates of freight anywhere? The income of the railroads is the income that is derived from freight and passenger fares and the carrying of express packages and all the other incidentals, and if you are not going to cut down and circumscribe their income, what are we doing? What is it for? Dare you say that it is the purpose of this bill to increase freight rates in some directions? Dare you? Then, will you not say it is your intention to cut down any freight rates anywhere, for if you cut down any in order to keep you word good that you have pledged, now, to the labor interest of the country, you have got to raise them somewhere. There you are. There is an absolute stultification of the position in which you have placed yourselves.

Mr. Chairman, I do not believe that there is any political power, any political organization on the face of this earth, which can confer the general rate-making power upon that political organization that will not inside of five years so demoralize and break up the harmonious system of to-day that it will carry consternation to the industrial interests of the country. It is not going to affect, it can not affect, the section of the country which I represent considerably, for there is nothing in the bill which reaches our trouble, but when you come to adjusting freight rates you will find that the center of the country will be safe and sound and the extremities of the country will be in a woeful condition. If this bill goes into law, and I hope it may not, I should like to go down into Texas and Alabama two years from now and ask those gentlemen how they are getting along with a uniform system of freight rates. Why, ever since I was old enough to know what a railroad was made for I have always understood that a railroad was fitted to carry commodities, and that the people would be benefited by competition in rival railroad lines.

That has been the cry of the people of this country, and that is why we built the Southern Railroad with the money of Cincinnati—built it for the purpose of having a competing line against the Louisville and Nashville and other railroads, and the competition in freight rates has brought this low standard of freight, less to-day than one-third of some of the great countries of Europe, all of which has been brought about by competition. Now comes a sweeping proposition that every sane man knows is the absolute end of all competition. Let somebody tell me now in the closing days of this debate how you are going to have competition under this law—how you are going to have it. The very moment that line A undertakes to cut the rate line B will enjoin them through the instrumentality of this rate-making power. Why, a few years ago—there are very few Members here now who were here then, and it has been only a short time ago—all the railroads in the country worked out a plan, that seemed to be advisable to me, to permit pooling. It was very simple, except that it put an end to competition. It simply permitted the great lines of railroad running to the Pacific Ocean or anywhere else to join in an agreed tariff of rates.

Then upon that agreement the income was to be parcelled to the members of the pool. A cry went up all over this country quite equal to that which is emanating from this Capitol of the great outrage that was being done to the people of this country in permitting the pooling of freight rates. A distinguished Senator of the United States said it was a great trust that was being formed. Now, I have lived, first, to see that bil ldefeated, for which I voted, and I have lived to see the time when the whole American public apparently are demanding a bill that in natural operation and effect is nothing more or less than a great national pooling scheme. That is what it is. Competition is forbidden, competition is strangled. All the rates in given directions and from given points to given points are to be uniform. What is that but a system of pooling? And so we are coming to that much-decried and much-abused pooling bill that was cried down.

I had intended to say something about some of the extraneous, outside, ornamental arguments that have been made in favor of this bill. When I was a young lawyer we had a famous judge in our State, Judge Nash, the author of some works on law and other things, and I tried a case in which I was defending a man for a high crime. I had rather of a slim case. After it was over the old gentleman criticised my way of doing business, and said, "You have caught on to some

of the points pretty early. In these ugly cases, where you have nothing else to go on, abuse the prosecuting attorney." It is fashionable nowadays, when you have nothing else to go on, to abuse the Standard Oil Company.

Mr. GAINES of West Virginia. I thought the gentleman was going to say, to abuse the Committee on Interstate and Foreign Commerce.

Mr. GROSVENOR. Oh, no; they are the most ingenious men I ever knew and the ablest men I ever knew. I do not abuse them; I point out how they have hedged us in, and how hopelessly powerless we are to extricate ourselves. That is all. It takes genius to do that in the House of Representatives of the United States, and my friend, if he has had a hand in it, can congratulate himself that he belongs to one of the most successful organizations for the propaganda of his own ideas that ever existed on the face of the earth. [Laughter.]

That is where he stands. There is no trouble about that. The question of trusts has not a great deal to do with the present case, when we find that the bill itself is not aimed at any rebate or anything else except the question of fixing rates, a question that has had no agitation in the country until it emanated from here. It is the offspring of a suggestion that the country is suffering under something that needs reformation, and it has stirred the country up. Yet, as I said in the opening, I have never heard a word from a constituent of mine. I take it as a very high compliment, for I take it as a matter of course that the people of my district are suffering, too, just like all the rest of them, driven almost to frenzy, looking forward to bankruptcy and starvation, and yet complacently depending upon their Member of Congress to do the right thing without any suggestion from them. [Laughter.]

Well, what shall we do with this bill? We are not to be allowed to amend it, and we have either got to vote for it or against it. My opinion is that the quicker it gets out of this House and gets somewhere else, where the ironclad is not quite so binding as it is here, the better it will be for all of us.

And so, having made these few remarks, Mr. Chairman, expressing my opinion of the outline and character of this bill, I will aid to get it out of the House of Representatives just as fast as possible. [Laughter and applause.]

[Mr. LAMAR addressed the committee. See Appendix.]

Mr. ADAMSON. I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, new conditions require new laws. The conditions of to-day demand an effective governmental control of all railway rates.

There was a time in the history of the commerce of this country when the competition of railway companies contending for the transportation of freight and passengers regulated the rates and charges of the contending companies, but that day has passed, the ownership of transportation lines is now concentrated in the hands of a few men, and the rate is charged that the traffic will bear.

The competition of markets continues as long as competitive markets are served by competing carriers, but competition as a regulator of railway rates and as a protector against unreasonable and unjust rates has proven a failure in every country in which railway systems have been developed.

All of the great nations of the earth save two (France and the United States) have adopted some governmental system for the control of railway rates. In the United States the Congress passed a law in 1887 that was intended to give the power to the Interstate Commerce Commission to control rates, and it was so exercised by the Commission for eleven years, when the Supreme Court of the United States, in 1898, declared that the powers granted by Congress were only advisory.

In Great Britain the board of trade has control or regulates within certain limits the railroad rates. In Ross's British Railways: Their Organization and Management (London, 1904), this statement is made:

> Section 31 of the railway and canal traffic act (1888) provides that if a man thinks a railway is charging him at an unfair or unreasonable rate for the goods he sends by it, or is in any way treating him in an unfair or unreasonable manner, he may complain to the board of trade, and that department, if the complaint seems reasonable, will call upon the railway for an explanation of its action. Further, the railway and canal commissioners, by section 10 of the same act, are empowered to hear and determine any dispute as to the legality of any toll, rate, or charge for merchandise traffic, and to enforce payment of so much as they decide to be legal.

In France the railroads are operated by private companies, which have concessions from the State. The proposition of Government ownership in France has been much debated, but has not resulted in any change of the system. A brief statement of the financial relations between the State and the railways is given in the British Diplomatic and Consular Reports, annual series, No. 3172, pages 16 to 22.

In Germany the principal railroads are owned and operated by the State. There are some private lines, but they are under Government control.

In Switzerland the railroads have just been taken over by the State in accordance with the law of 1897, which took effect in 1903.

In Italy the railroads have just come under Government ownership and control.

In Austria-Hungary the Government owns and operates most of the railroads. A general survey of the railroad system of Austria-Hungary, with statistical tables showing the operations for a series of years, is given in Diplomatic and Consular Reports of Great Britain, annual series, No. 3343.

In Belgium most of the railroads are owned and operated by the Government. A few lines are owned by private interest, but are under governmental control.

The argument has been advanced by those who are opposed to this legislation, both in the Congress and outside of it, that governmental control of railroad rates by the German Government has paralyzed the railroads and that the railroads have paralyzed the industry of the country; that to get away from the railroad monopoly they had created they were compelled to develop their river and canal system, creating a new monopoly to overthrow the old one. I do not confess this argument, I do not admit that industry is languishing in the German Empire; but I do concede that when they adopted a system of freight rates without limitation as to time or provision for changes to meet changing conditions they made a serious mistake, with the result that the shippers of the country who had been benefited by these rates claim they have made future contracts based on the existing rates, and thereby preventing changes to meet the growing demands of new markets. But this objection can not possibly apply to the terms of the present bill, for it provides that when a rate is fixed by the Commission it shall only last for three years and may be sooner changed by the Commission.

With all the abuse we hear heaped on the German system of fixing railroad rates, I have failed to hear anyone inveigh against the English methods of governmental control, which are very similar to those proposed in the bill now before the House for the control of rate tariffs in this country. In fact, the great railroad systems of Great Britain have been conducted under a system of governmental control of freight and passenger rates for a number of years without harm to either the railroads or the great business and industrial interests of the country. The English railroads have made more money for their stockholders than the American railroads, and yet the complaint is not made that they are run in the interests of monopoly, and the public are guaranteed fair and just freight rates by the Government.

It is beyond dispute by anyone that the railroads in this country are public highways. The history of the organization of railroad companies demonstrates this and the unbroken line of court decisions sustains it. It is true they might have been organized as private corporations, but they were not. There is not a railroad company in the United States that has not accepted its charter on the basis that it intended to build and operate a public highway just in the same way that the old macadamized turnpike was built and operated as a public highway; and as a public highway the owners of railway securities can not deny the proposition that the people through their legislative bodies have a right to control and fix the tolls on these great public highways so long as the rate is not confiscatory.

Let me read to you what the Supreme Court of the United States has decided in the case of Smyth *v.* Ames (169 U. S. Reports, p. 467):

> A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is, therefore, under governmental control, subject, of course, to the constitutional guaranties for the protection of its property. It may not fix its rates with a view solely to its own interests and ignore the rights of the public; but the rights of the public would be ignored if rates for the transportation of persons or property on a railroad were exacted without reference to the fair value of the property used for the public or of the services rendered, and in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to stockholders.
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> In view of the adjudications these principles must be regarded as settled:
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> 1. A railroad corporation is a person within the meaning of the fourteenth amendment, declaring that no State shall deprive any per-

son of property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

2. A State enactment, or regulations made under the authority of a State enactment, establishing rates for the transportation of persons or property by railroad that will not admit of the carrier earning such compensation as, under all the circumstances, is just to it and to the public would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would therefore be repugnant to the fourteenth amendment of the Constitution of the United States.

3. While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures, and therefore without due process of law, can not be so conclusively determined by the legislature of the State, or by regulations adopted under its authority, that the matter may not become the subject of judicial inquiry.

This decision, one of many holding the same principles to be true, not only decides that a railroad is a public highway and subject to governmental control, but it also very clearly states the extent to which that control can effect the earning capacity of the property, and very clearly holds that railroads must be allowed to charge such rates for the transportation of persons and property as will enable them to meet all operating expenses, pay the interest on their obligations, and declare a dividend to their stockholders. What more can a fair and reasonable man ask? No law can be passed that can take away this right, as it is guaranteed by the Constitution. Then how can the wages of employees be affected by rates fixed by a railroad commission when the courts require that those rates must be sufficient to meet operating expenses? How can the owner or stockholder complain when the courts guarantee a dividend to the stockholder? No honest man who wants a fair and just rate for all shippers can be hurt and the dishonest man should be.

Let us, then, consider the question as to how we can best regulate these public highways, doing justice to the owners and for the good of the people. There are three ways in which it can be done. The Government can purchase all the railway systems in the United States and as the owner and operator fix absolutely the rates to be charged. That is one way. Another plan is for the Congress, either itself or by a commission appointed under the authority of its legislation, as an initial proposition to prescribe and define the rates or tolls to be charged for transportation of persons and property over these great railway highways. (In passing let me say in the beginning of railroad building in England the charters of all the original railway companies prescribed the maximum rates that could be charged.) The third system is to allow the railroad companies to fix their own rates and charges in the beginning and then provide a commission that shall have the power and authority to hear all complaints made by the public and determine what is a just and fair rate and then put it in operation and enforce it. That is what the bill now under consideration does—it only interferes in case of a contested rate. Mr. Chairman, as some of the gentlemen who have spoken seem to question this position, let me read from the bill itself:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged.

That being the language of the bill, how can any gentleman charge that Congress by this legislation proposes to initiate rate making? The words used are very clear and are not subject to misconstruction. When the railroads prescribe just, reasonable, and fairly remunerative rates in the beginning no one will interfere, and it is only when they do not do so that the Commission will interfere and see that no injustice is done. How can any fair-minded man complain? Is it not fair and right to have a disinterested tribunal, such as the Interstate Commerce Commission, given the power to determine in contested cases what is just between railroad and shipper, what is right between man and man, as the courts of the land have done for centuries past?

The very foundation stones of all civilized governments are the courts; life, property, and human liberty are dependent on them for preservation and protection. The Interstate Commerce Commission is merely a great court, vested with the power to see that the railroad highways of the country are kept open to all citizens alike on just and equal terms; that monopolistic greed shall not possess them as an instrument to oppress the poor, and that honest industry may freely use them to develop the great resources of our country.

This legislation does not attempt to make railroad rates, but it says to every citizen of the United States if you complain that the rates given you by the railroads for the transportation of your goods, wares, and merchandise are such as to drive you out of the markets you are entitled to reach on equal terms with your competitors, if you are not permitted to build up your business and develop your industry, then it says we have appointed a tribunal before whom you can take your case and justice will be done.

A railroad company is not given the right to make all the money it can as an ordinary private corporation has the right to do. If I am in the shoe business, I have a right to make all the profit I fairly and honestly can. That is not the case with a railroad company. Is there any man on the floor of the House, whether he is in favor of this proposition or against it, who will contend that the owner of an old-time turnpike who has the right to charge toll to each wagon that passes on the road would have the right to make the farmers bringing their produce to town pay exorbitant tolls? Not one. Is there a man here who will deny that the rates charged for driving along the turnpike should be only reasonable and just, and that the owner of the turnpike should have only a fair and reasonable return on his investment? Not one. The railroads stand exactly in that attitude toward the public. They are entitled to a fair and reasonable return on the capital invested. They are entitled to keep up the betterments of the road; they are entitled to pay running expenses, and there is no legislation Congress can pass that can take that right away from them, but they are not entitled to take more.

There is another phase of this question that I wish to call to the attention of the House before I conclude.

Last fall a number of gentlemen claiming to represent the railroad men of America called on the President of the United States and protested against the enactment of the legislation we now have under consideration, claiming that it would have a tendency to reduce the wages of railroad employees in this country. Since that time I have received a number of petitions from railroad employees in my district requesting me to vote against the bill on the ground that it would reduce their wages. These petitions are all in the same language, have the appearance of being all manufactured by the same hand and to come from a source other than that of the employees themselves. Let me read to you a part of one of these petitions:

Whereas of the total number of employees mentioned above, 56,041 were locomotive firemen, whose share of the wages paid amounted to $37,484,283; and

Whereas in this country, where the rate-making power is in the hands of the railroads, the average daily wage paid firemen in 1903 was $2.28, while in Belgium, with state railroads, it was but 72 cents, and in Great Britain, with government control of rates, only 91 cents, although our freight rates are the lowest in the world: Therefore, be it

Resolved, That we, the Tombigbee Lodge, No. 426, Brotherhood of Locomotive Firemen, consisting of 170 members, are opposed to the enactment of any legislation which will give to the Interstate Commerce Commission, or to any other body, the power to make the rates for the railroads of this country, thereby controlling their employees, and consequently their ability to pay fair wages to their employees.

Now, Mr. Chairman, the report of the Interstate Commerce Commission for the year 1904 shows that there are 1,312,537 railroad employees in this country, whose annual wages amount to the sum of $775,321,415. We can not pass the petition of this great number of American citizens by without giving them a most careful consideration. I have studied the question from their standpoint as thoroughly as I could, and have come to the conclusion that railroad rate legislation will not affect them in any way. In the first place, as I have shown by the Supreme Court decision that I have already read, that any railroad rate made by a railroad commission that did not provide sufficient revenue to take care of the operating expenses of the railroad would be confiscatory and enjoined by the courts. No one will believe that a commission acting in the interest of the American people will attempt to reduce the present wage scale of American workmen.

I do not deny that the railway wages of employees in European countries are less than they are in this country, but I do deny that the Government ownership or control in any material way accounts for the low wages in England, Belgium, and other continental countries. I contend that railroad wages are low in Europe because all wages are low in every branch of industry, and that railroad wages in America are high because the American standard of work and wages is high throughout and because the American railroad employees have the strongest and best labor organization in the world. It is organization that has kept up wages in this country.

In bulletin No. 20 of the Department of Labor, on page 8, in discussing the question of wages of European railway employees, the Department says:

The length of the working day and the general conditions of railway employment are also disadvantageously affected by the comparative weakness of railway labor organizations. In several countries, such as Prussia or Belgium, it is not permitted to railway employees to participate in any labor union; in other countries, like Austria, the unions are small, unimportant, and too intimately associated with political parties to have much influence, while even in France the railway labor unions have but little real power. In England, the home of trade unionism, the difficulties in the way of labor organizations among railway men have until recently placed a bar in the way of the attainment of the wishes of the men. The wide dispersion of the men, the special character of much of their work, the great degree of differentiation among the employees, and the innumerable differences in rank render it difficult to establish a general, strong, and permanent organization. It is usually found that the higher classes of employees desire to hold themselves aloof from those less favored, this being especially the case with the locomotive staff. In England and in France these better paid employees usually remain outside of the regular union when they do not actually form another and an antagonistic organization.

The weakness of the continental railroad organizations is shown in this statement.

Let me here call your attention to another pertinent fact why our railroad men receive higher wages than are paid abroad. It is because they do more work and render a greater service than does the foreigner. In the United States in the year 1896 there were employed on an average 454 men for each hundred miles of railroad, or 4½ men per mile. In England in 1895, 465,112 men were employed on 21,174 miles of railroad, or 22 men per mile. In France in 1896, 251,971 persons were employed on 22,895 miles of road, or 11 men per mile. In Belgium in 1896, on the state railroads, 48,415 persons were employed on 5,359 miles of road, or 9 men per mile. In other words, the American railroad man, on an average, does twice as much effective work for his employer as does the employee in Belgium, two and a half times as much as in France, and nearly five times as much as in England. Is he not entitled to the higher wage scale? He earns it.

Now, let me show you that it is not only the railroad wages that are lower in Europe than America, but that all wages are much lower; that the wage scale is low on account of the general condition of the country and not because the railroads are owned or controlled by the government.

The petition that I read a few moments ago stated that in 1903 the wages of a fireman was $2.28 in the United States, 91 cents in Great Britain, and 72 cents in Belgium for each work day. Taking the American wage of $2.28 a day as 100, the daily wage in Great Britain would be 40 per cent, or four-tenths of the American wage, and in Belgium it would be 31 per cent, or less than a third of our wage in this country.

Now, let us compare the fireman's wage. The same comparison can be shown as to the engineer, conductor, and other employees with the general wage scale of Europe. I have compiled a table of the wages of thirteen different trades from the data given in Bulletin No. 54, pages 1023 to 1086, of Bureau of Labor, giving the wages per hour and the hours of work in 1903, which I will now read.

Comparison of American and European wages and hours of labor, 1903.

Class.	Wages per hour.					Hours per week.				
	United States.	Great Britain.	Germany.	France.	Belgium.	United States.	Great Britain.	Germany.	France.	Belgium.
Blacksmiths	$.2951	$.1740	$.1237	$.1629	.....	56.00	53.67	59.90	60.19	.....
Boiler makers	.2848	.1719	.1123	.1455	$.0753	56.24	53.67	60.06	61.50	60.00
Bricklayers	.5472	.2032	.1328	.1325	.0845	47.83	51.83	56.50	63.00	62.00
Carpenters	.3594	.2028	.1301	.1544	.0712	49.46	50.17	55.30	60.40	64.73
Compositors	.4467	.1795	.1411	.1303	.0955	49.81	50.00	51.08	60.00	54.00
Hod carriers	.2863	.1250	.0849	.0965	.....	47.98	51.83	59.50	63.91	.....
Iron molders	.3036	.1774	.....	.1310	.0932	56.80	53.67	.....	60.00	60.00
Laborers, general	.1675	.1019	.0797	.0965	.0549	56.39	52.50	56.36	60.00	63.00
Machinists	.2707	.1677	.1310	.1328	.....	56.12	53.67	60.00	61.50	.....
House painters	.3450	.1774	.1194	.1255	.0667	48.89	51.00	58.25	60.00	66.00
Plumbers	.4429	.2027	.1148	.1501	.0784	48.91	49.17	56.68	54.00	60.00
Stone cutters	.4225	.1994	.1177	.1448	.0685	48.67	50.17	54.00	60.00	65.00
Stone masons	.4579	.2078	.1328	.1448	.0845	49.54	50.17	56.50	66.00	62.00

From this table you see that a carpenter receives nearly 36 cents per hour in America, only 20 cents in Great Britain, and 7 cents in Belgium, whereas the American carpenter works only forty-nine and one half hours a week, the Englishman fifty, and the Belgian nearly sixty-five. This great difference is clearly not due to railroad control but to general conditions and labor organizations. Through the whole list of skilled mechanics the same comparison runs in varying degrees.

But let me call your attention to another table comparing the same wages and hours of labor on the per cent basis, taking the American wage at 100 as the standard. I read from Bulletin No. 54 of Bureau of Labor, page 1125:

Level of wages and hours of labor in 1903 in leading occupations in the United States and in Europe.

Country.	Blacksmiths.		Boiler makers.		Bricklayers.		Carpenters.		Compositors.		Hod carriers.		Iron molders.	
	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.
United States	a 100.0	a 100.0	100.0	100.0	100.0	100.0	b 100.0	b 100.0	c 100.0	c 100.0	100.0	100.0	a 100.0	a 100.0
Great Britain	59.0	94.9	60.4	95.4	37.7	108.4	56.4	101.4	40.2	100.4	43.7	108.0	58.9	94.5
Germany	41.9	105.9	d 39.4	d 106.7	24.3	118.1	36.2	111.8	e 31.6	e 102.5	29.7	124.0	(f)	(f)
France	55.2	106.4	51.1	109.4	24.2	131.7	43.0	121.3	29.2	120.5	g 33.7	g 133.2	g 43.1	g 105.6
Belgium	(f)	(f)	26.4	109.7	15.4	129.6	19.8	130.9	21.4	108.4	(f)	(f)	22.8	105.6

Country.	Laborers, general.		Machinists.		Painters, house.		Plumbers.		Stonecutters.		Stone masons.	
	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.	Wages.	Hours.
United States	b 100.0	b 100.0	a 100.0	a 100.0	100.0	100.0	100.0	100.0	h 100.0	h 100.0	100.0	100.0
Great Britain	60.8	93.1	62.0	95.6	51.4	104.3	45.8	100.5	47.2	103.1	45.4	101.3
Germany	47.6	99.9	d 48.4	d 106.9	34.6	115.1	25.9	115.9	e 27.9	e 111.0	29.0	114.0
France	g 57.6	g 105.4	49.0	109.6	36.4	122.7	g 33.9	g 110.4	34.3	123.8	g 31.6	g 133.2
Belgium	32.8	111.7	(f)	(f)	19.3	135.0	17.7	122.7	16.2	133.6	18.5	125.2

a Foundry and machine shop industry only.
b Building industry only.
c Newspaper industry only.
d Berlin only.
e Nuremberg only.
f No data obtained.
g Paris only.
h Stonecutters, granite, only.

Taking, for example, the occupation of carpenters it is seen that with the average hourly wages for the United States in 1903 represented as 100, the average hourly wages for Great Britain were but 56.4 per cent of that figure, or a little more than half the average wages paid in the United States; the wages for Germany were but 36.2 per cent, or a little more than one-third of those paid in the United States; the wages for France were but 43 per cent, or considerably less than one-half those paid in the United States; and the wages for Belgium were but 19.8 per cent, or less than one-fifth those paid in the United States.

Let us state the case clearly. The English fireman received, in 1903, 40 per cent of the American scale, and the Belgian 31 per cent; the English carpenter 56 per cent, the Belgian 19 per cent; the English compositor 40 per cent, the Belgian 21 per cent; the English plumber 45 per cent, the Belgian 17 per cent; the English stone mason 45 per cent, the Belgian 18 per cent, and so on through the entire wage scale. Does it not demonstrate beyond a doubt that the low rate of wages paid railroad men on the Continent is due entirely to the general conditions of the labor market there and is not due at all to government control of railroads?

France is the one great European nation that has no form of governmental control of its railroad system, and yet I find from the statistics contained in Bulletin No. 20, of the Department of Labor, that the great bulk of French railroad wages are under 5.26 francs, or $1.015, per day, 80.54 per cent of the employees receiving less than that sum, while nearly four-fifths of American railroad wages are from $1 to $2 per day. In fact, the

American railroad wage is about double the French railroad wage. There are nearly three times as many men employed on the French roads; there is no governmental control, and yet the difference in the wage scale.

Mr. Chairman, it seems to me the only question left in doubt about the matter is whether the persons who prepared the petition I have referred to did so to mislead the railroad employees themselves or to fool the Members of Congress.

Now, Mr. Chairman, let me make a brief review as to present labor conditions of railroad men as compared to railroad conditions.

Let me read you a table showing the daily wages of railroad employees in 1895 and in 1904, showing the percentage of increase:

Statement relating to average daily compensation of railway employees for the years ending June 30, 1904 and 1895.

Class.	1904.	1895.	Increase, 1904 over 1895.	
			Amount.	Per cent.
General officers	$11.61	$9.01	$2.60	28.86
Other officers	6.07	5.85	.22	3.76
General office clerks	2.22	2.19	.03	1.37
Station agents	1.96	1.74	.19	10.92
Other station men	1.69	1.62	.07	4.32
Enginemen	4.10	3.65	.45	12.33
Firemen	2.35	2.05	.30	14.63
Conductors	3.50	3.04	.46	15.13
Other trainmen	2.27	1.90	.37	19.47
Machinists	2.61	2.22	.39	17.57
Carpenters	2.26	2.03	.23	11.33
Other shopmen	1.91	1.70	.21	12.35
Section foremen	1.78	1.70	.08	4.71
Other trackmen	1.33	1.17	.16	13.67
Switch tenders, crossing tenders, and watchmen	1.77	1.75	.02	1.14
Telegraph operators and dispatchers	2.15	1.98	.17	8.59
Employees, account floating equipment	2.17	1.91	.26	13.61
All other employees and laborers	1.82	1.65	.17	10.30

You will observe that within the time named the salaries of the general officers have increased 28.86 per cent, while that of engineers 12.33 per cent, firemen 14.63 per cent, conductors 15.13 per cent, section foremen 4.71 per cent, and switch tenders, watchmen, etc., only 1.14 per cent.

I find that the gross earnings of the railroads of the United States from operation in 1905 were $1,075,371,662; in 1904, $1,975,174,091, a net increase of $899,802,629, or an increase in nine years of 83.68 per cent; that within that time the operating expenses increased from $725,720,415 in 1895 to $1,338,896,253 in 1904, an increase of $613,175,838, or 84.49 per cent; that the net earnings in 1895 were $349,651,047 and in 1904 were $636,277,838, an increase of $286,626,791, or 81.98 per cent; that the number of miles of road operated on June 30, 1895, was 177,746 miles, and in 1904 was 212,243 miles, an increase of 34,496 miles, or an increase of mileage of 19.41 per cent, which demonstrates that the increased receipts are due to increased business on the old roads mostly, and not to any great extent to increased mileage.

I also find that the number of cars in freight service in 1893 was 1,013,307, in 1904 was 1,692,194, an increase of 678,887, or 67 per cent; that the number of locomotives in freight service in 1893 was 18,599, and in 1904 was 27,029, an increase of 8,430, or 45.32 per cent; that the number of tons of freight carried in 1893 was 745,119,482 tons, and in 1904 was 1,309,890,165 tons, an increase of 564,779,683 tons, or 75.80 per cent; that the number of tons carried for each trainman employed in 1893 was 5,083 tons, in 1904 was 6,800 tons, an increase of 1,715 tons, or 33.73 per cent; that the average number of tons in a train in 1893 was 184 tons, in 1904 was 308, an increase of 124 tons, or 67.39 per cent. All of which clearly demonstrates that the earning capacity of the railroads does not regulate the wages of the employees, for in the last ten years the railroad earnings have increased about 82 per cent, the cost of handling freight has decreased, for the average train now carries 67 per cent more in a load than it did ten years ago, the work of the trainmen has increased, for the number of tons carried to each trainman employed has increased 33 per cent since 1893, and the average increase of wages to trainmen during this period of unexampled prosperity has been less than 15 per cent, not enough to cover the increased cost of living during that period.

I will now read from bulletin No. 59 of the Bureau of Labor, on page 18, a table showing the increase in the retail prices of food from 1890 to 1904 as compared with the general increase in the wage scale in the United States in the same period.

Relative employees, hours per week, wages per hour, weekly earnings per employee and of all employees, retail prices of food, and purchasing power of hourly wages and of weekly earnings per employee, measured by retail prices of food, 1890 to 1904.

[Relative numbers computed on basis of average for 1890–1899=100.0.]

Year.	Employees.	Hours per week.	Wages per hour.	Weekly earnings per employee.	Weekly earnings of all employees.	Retail prices of food, weighted according to family consumption.	Purchasing power, measured by retail prices of food, of—	
							Hourly wages.	Weekly earnings per employee.
1890	94.8	100.7	100.3	101.0	95.7	102.4	97.9	98.6
1891	97.3	100.5	100.3	100.8	98.1	103.8	96.6	97.1
1892	99.2	100.5	100.8	101.3	100.5	101.9	98.9	99.4
1893	99.4	100.3	100.9	101.2	100.6	104.4	96.6	96.9
1894	94.1	99.8	97.9	97.7	91.9	99.7	98.2	98.0
1895	96.4	100.1	98.3	98.4	94.9	97.8	100.5	100.6
1896	98.6	99.8	99.7	99.5	98.1	95.5	104.4	104.2
1897	100.9	99.6	99.6	99.2	100.1	96.3	103.4	103.0
1898	100.4	99.7	100.2	99.9	100.3	98.7	101.5	101.2
1899	112.1	99.2	102.0	101.2	113.4	99.5	102.5	101.7
1900	115.6	98.7	105.5	104.1	120.3	101.1	104.4	103.0
1901	119.1	98.1	108.0	105.9	126.1	105.2	102.7	100.7
1902	123.6	97.3	112.2	109.2	135.0	110.9	101.2	98.5
1903	126.5	96.6	116.3	112.3	142.1	110.3	105.4	101.8
1904	125.7	95.9	117.0	112.2	141.0	111.7	104.7	100.4

This table shows that in 1904, as compared with the average for the ten years from 1890 to 1899, 25.7 per cent more persons were employed; hours of labor per week had been reduced 4.1 per cent; wages per hour had increased 17 per cent; weekly earnings per employee had increased 12.2 per cent; weekly earnings of all persons employed had increased 41 per cent; retail prices of food had increased 11.7 per cent; the wages of one hour would purchase 4.7 per cent more food, and the earnings of a week would purchase 0.4 per cent more food.

The wages per hour of the average workman in the United States since 1895 has increased about 19 per cent. The average of the increase in wages paid trainmen in that period has been less than 15 per cent. In 1895 the purchasing power in the retail price of food of the weekly wages of employees was 100.6 and in 1904 was 100.4, a decrease of 0.2 per cent; and as railroad wages have not increased in that period as much as general wages, it is demonstrated beyond cavil that railroad employees are not receiving as great a wage, measured in the purchasing power of their money to buy food, as they did ten years ago, and yet within that time the railroads have experienced an era of prosperity never before known in the world.

Now, what I contend is this—that the railroad employees, so far as their wages are concerned, will not be affected in any way by this legislation; that the wages of railroad employees in this country are maintained solely by their safe and conservative labor organizations; that the only real interest that railroad men have in the pending legislation is that of the general public in its opposition to present conditions, which allow the great monopolistic corporations of this country special privileges in the way of rebates, private car rental, switch-track pooling, and other devices, through which they receive the benefit of discriminating freights, whereby they are enabled to drive their competitors from the country's markets and absolutely control the prices the public must pay for many of the necessities of life.

Mr. Chairman, I am not in favor of the Government interfering with the business of the country. I believe every man should be allowed freedom to work out his own destiny, but I do believe that the railroad highways of the country are as necessary to the life of commerce as the air we breathe is to the life of the human body. I believe the air should be free to all, and I believe the opportunities of commerce should be free to all. This can be only when every man has equal rights and equal opportunity to seek his markets along the public highways with every other man. That is not the case to-day. This bill seeks to abolish discrimination and injustice. It provides a fair tribunal to see that all men are given an equal chance, that only just and fair rates are charged. The bill is not all I want, but it goes in the right direction and I support it for that reason. It stands for fair play, it stands against monopoly, it stands for the right against the wrong, it stands for the people against the trusts. It means the dawning of a new day in our commercial prosperity, when industry and thrift may march unshackled to the marts of trade. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, in this limited time it would be almost the height of folly for me to undertake to discuss the bill. I am going to read what I propose

to offer as an amendment at the proper time, Mr. Chairman, as part of my remarks now.

Add a new section, as follows, after section 8:

SEC. 9. That section 22 of the act of February 4, 1887, entitled "An act to regulate commerce," be amended by adding thereto the following:

"Any officer or employee of any railroad included within the provisions of this act who shall make, issue, or give any free pass or passage ticket not in good faith intended to be paid for over such railroad, or any railroad connecting therewith, to any person not allowed or authorized to pass free, according to the provisions of this section; or who shall pass free, according to the provisions of this section; or who shall pass, or cause to pass, free over such railroad to any such person; and any person not so allowed or authorized to pass free who shall receive and use any such free pass or free passage ticket, or any evidence thereof, shall be punished by fine, not exceeding $1,000 for each offense, and it shall be the duty of the several courts having jurisdiction to charge regularly their grand juries to investigate violations of this section.

"No free passes, or evidence thereof, shall be issued by, or in behalf of, any railroad corporation, unless they are signed by some officer of said corporation authorized by vote of the directors to sign the same; and every railroad corporation shall keep a record, showing the date of every free pass, the name of the person to whom it is issued, the points between which the passage is granted, and whether a single trip or time pass, and, if the latter, the time for which it is issued; and this record shall, at all times, be opened to every stockholder in said corporation and to the Interstate Commission; and it shall be the duty of said Commission to cause prosecutions to be instituted on account of the issue of any free passes, or evidence thereof, contrary to law."

Mr. Chairman, I will insert section 22 of the commerce act of 1887 right here so that you can see the old law which I propose to amend:

SEC. 22. *Free or reduced rates—Excursions—Mileage—Commutation rates—Remedies cumulative.*—That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes or to and from expositions for exhibition thereat or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion or to municipal governments for the transportation of indigent persons or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers and Sailors' Orphan Homes, including those about to enter and those returning home after discharge under arrangements with the boards of managers of said Homes.

Nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act [as amended March 2, 1889]: *Provided further*, That nothing in this act shall prevent the issuance of joint interchangeable 5,000-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of 1,000 or more miles.

But before any common carrier, subject to the provisions of this act, shall issue any such joint interchangeable mileage tickets with special privileges, as aforesaid, it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges, on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section 6 of this act; and all the provisions of said section 6 relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission, as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section 6. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the Commission in force at the time. (Penalties.) The provisions of section 10 of this act shall apply to any violation of the requirements of this proviso. (Added by Laws 1895, chap. 61, approved Feb. 8, 1895.)

Mr. Chairman, this free transportation matter is a very serious one. There has been a great deal said on the subject with nothing recently done to prevent it. We can act now. There has been a great deal of ridicule about not using passes. There has been much sneering about it, but I say to this Congress, that we are doing ourselves an injustice in not prohibiting the issuance of passes to the officers of this Government or the use of them by any of the auxiliary employees of the Government of the United States. The public welfare demands immediate "antipass" legislation.

I think I have the official document before me clearly showing—although I do not make it as a charge—where officers of the Government have been issued passes, and I presume used them and kept their mileage; the Government always pays them when conducting public business.

Such an act is cold-blooded "graft," to say the least, whether so intended or not.

This amendment prohibits and makes unlawful the issuance and use of anything that is a free pass, in words or in effect, and punishes those who commit such acts, but this amendment does not repeal the exemption set out in section 22 of the act of 1887.

I am the friend of railroads. They are a public necessity. I bear no ill feeling toward them; certainly none against those which obey the law. But I am the uncompromising enemy of the wrongs they do, have done, and can hereafter do, not only to each other, but to the people who created them to serve them as public carriers at a reasonable and just toll. And in addressing myself to this free-pass abuse, I feel that I am doing not only the railroads but the people a great public service, as well as doing my duty as their servant.

I have on my desk the fourth volume of the report of the Industrial Commission, which investigated this subject, having heard a number of witnesses on the free-pass evil, and I think without a single exception they condemned the free-pass system and wanted a national law to stop it, applying alike to all railroads engaged in interstate commerce.

I remember one of the statements of Mr. Paul Morton, late Secretary of the Navy, who said that at a great railroad meeting it was agreed to stop, as far as possible, the issuance of these passes, and a resolution was passed calling for an expression from the various railroad heads of the United States representing over 150,000 out of about 180,000. They replied that they wanted this free-pass evil stopped, or at least reduced to proper grounds.

I will read what Mr. Morton and others said.

Mr. Paul Morton, vice-president of the Topeka and Santa Fe Railroad, November 22, 1899, before the Industrial Commission, said:

Passes are given for many reasons, almost all of which are bad ones. There should be no passes printed. Even railroad officials or employees traveling on other lines than those they work for should be required to pay fare. The chief reason that stimulates a man to ask a railroad company for a free pass is that somebody else has it. Passes are given for personal, political, and commercial reasons, and in exchange for advertising; for services and for various other reasons. I am in favor of the total abolition of railroad passes, and this view is held by a large number of the railroads of the country, as will be seen by the extract, quoted below, from the proceedings of a meeting of executive officers of western, northwestern, and southwestern railroads, held in October last in St. Louis:

"Recommended:

"First. That all free or reduced transportation of every description both State and interstate, with the exception of that to railroad employees, be discontinued.

"Second. That reduced or free transportation to railroad employees be very much restricted.

"Third. That a joint meeting of all the leading American lines be called for the purpose of considering this subject, with the end in view of entirely stopping the pass abuse.

"Fourth. That a copy of these recommendations be submitted to all lines, with the request that they each go on record as to their views, and, if they favor discontinuing the practice of issuing free transportation, state how many railroads they believe should subscribe to the movement in order to make it effective."

The foregoing recommendations were submitted to the executive officers of 205 railroads, representing a mileage of 184,000 miles—practically all of the mileage of the country.

Replies in favor of radical action in either abolishing or restricting the issuance of free transportation have been received from 129 of the railroads thus addressed, representing 150,590 miles.

While this indicates that a large proportion of the railroads want to shut off the free-pass abuse, I doubt if anything ever comes of it until Congress passes a law prohibiting it.

There should be no unjust discriminations in rates of freight or fares in favor of individuals or localities.

Transportation is a public service, and the charges are in the nature of a tax. They should be absolutely fair to all. Almost any kind of legislation that will insure this will be wise.

One great difficulty that the railroads have to contend with is the adjustment of relative rates from competing distributing points. Much money has been wasted in contending for differential rates in favor of this place or that, and there ought to be some tribunal—such as the Interstate Commerce Commission—empowered to settle such disputes. Many of the rate wars of the western country have been caused by such contentions, and the result has generally been a restoration of old conditions, an arbitration, or a slight concession of some kind or another.

Col. John H. Reagan said:

3. The allowance of free passes by the railroad companies is not done as a matter of charity, for they are not, as a rule, given to the poor and needy, but for the most part to public officials and to influential persons. It is one method of unjustly discriminating in freight rates in a way that it is difficult, if not impossible, to prevent, by furnishing free passes to shippers, their families, their agents, etc. And as the revenues of the roads must be kept up, it is the taxing of one part of the people for the benefit of another part of them which violates the commonest rules of right, and it is undoubtedly employed as one of the means of influencing public officials and members of legislative bodies in the performance of their official duties. It is unfair, unjust, and demoralizing, and should be prohibited by Congress and the several legislatures in their respective spheres of authority.

Mr. A. B. Stickney, president of the Chicago Great Western Railroad, in part said:

That is the way with this pass business. If it never had been or if there was some way to get rid of it without raising too much of a disturbance, I should think it was a good thing to get rid of, and I don't know but it is anyway.

Q. As a railroad man, taking your side of it, should you prefer to be rid of it?—A. Oh, Lord, yes; it is like Congressman patronage, which I should think every Congresman would be glad to get rid of.

* * * * * * *

Q. (By Professor JOHNSON.) Do the members of the judiciary of Minnesota and Illinois hold passes over your road?—A. I don't think they do; I am not certain about that. If any of them ask for transportation, they get it; we don't hesitate to give to men of that class if they ask for passes; we never feel at liberty to refuse.

Q. (By Mr. KENNEDY.) You say that if members of the judiciary ask for a pass they will get it. Is there any reason why a judge of a court who gets a good salary should get a pass—that is to say, is there any greater reason than why John Smith should have a pass?—A. That depends upon what you would call a good reason.

Q. Is there any reason that would not avail so far as the general public is concerned?—A. Twenty-five years ago I had charge of a little bit of a road that was a sort of a subordinate of a larger road. I had occasion to visit the president of the superior road about something, and he said: "Mr. Stickney, I see that the sheriff of this county has a pass over your road. I should like to know on what principle you gave that sheriff a pass?" I said, "I did it on the principle that he was a power, and I was afraid to refuse him." "Well," he said, "I refused him." I said, "You will wish you hadn't before the year is over." Some time afterwards, and during the year, I went into the office to see the superintendent, but he was not in; I went into the general freight agent's office, and he was not in; I went into the general manager's office, and he was not in. So I then went into the office of the president and said, "What kind of a road have you got? Your superintendent is not here, your general freight agent is not here, and your general manager is not here." He hung his head down and said: "Do you remember that conversation we had about that sheriff's pass? He has got all these men on the jury and has got them stuck for about two weeks."

Q. That answer seems to indicate that railroads would be afraid to refuse for fear of the penalties?—A. I think the railroads find there is a class of men that it is to their interest not to refuse if they ask for passes.

Q. Is it not bad in morals that a judge of a court should get a pass in that way and that a private citizen could not get one?—A. I would rather not assume to be a judge of morals; let other men judge of that for themselves.

Q. Still, you say you would like to be rid of the pass system?—A. Yes.

Q. (By Professor JOHNSON.) Would you like to have Congress prohibit the granting of passes for interstate traffic?—A. That might help things and it might not. Legislation on such things works an advantage sometimes, and sometimes it does not altogether.

Q. It seems to me that it would be useless to have such laws if you could not enforce them and punish the man who gives passes or the man who receives them.—A. Well, I don't know. I notice in England and on the Continent that they have a great many laws regulating these things, and you will see signs posted stating that such and such things are forbidden under penalty of 10 shillings or 20 shillings, and I notice they enforce these laws. Now, let Congress pass a law forbidding passes and impose a penalty of $5 or $15, or some sum like that, and there should be some possibility of enforcing it; but impose a penalty of five years' imprisonment or $5,000, and I don't think you are going to get the American people to enforce any such penalties.

Mr. Stuyvesant Fish, president of the Illinois Central, says:

Q. (By Professor JOHNSON.) Is not the granting of passes an illegal discrimination when you carry a man across the boundary of a State?—A. I would rather you would prove it by some other witness, gentlemen, to put it in all candor. [Laughter.]

Q. (By Senator MALLORY.) Do you regard it as an evil?—A. Yes. I am so constituted I do not believe in giving something for nothing under any circumstances. I think the evil of the pass situation is, seriously, this: It is the only way of getting value out of the treasury of the railroad company without leaving a voucher. There is no other way known to me.

Q. (By Professor JOHNSON.) Do not the railroad companies give these passes for value to be received?—A. Some of them, but the particular value received is not of record.

Q. It is not of record, but is it not in the form of favors of various kinds?—A. I am giving passes now to persons that are serving the company well, and they are entitled to it. I can defend hundreds of passes. There are reasons; but the same thing would enable me to go right to the treasury of the company and put in a voucher and give these men, say, $100, just exactly the same. If it is defensible for value received, it can be paid by money.

Q. (By Senator MALLORY.) What do you say about these passes given to members of the legislature and Members of Congress and Senators?—A. I think the whole thing should be stopped.

Q. Do you think there is value received in this case?—A. I have been told there is at times.

Mr. Samuel Spencer, president of the Southern Railroad, said:

Q. Do you not think that the generally recognized violation of any law has a bad moral effect on the community in which that violation is practiced?—A. I think so, undoubtedly. It weakens the moral force of the community at large.

Q. That being so, can you state to the commission to what extent the free-pass system, or free transportation system, is practiced? I will not ask in reference to your railroad, but railroads in general in this country.—A. I will be very glad to have you specify.

Q. Well, your railroad.—A. The policy of the Southern is that its whole business shall be public to one and all. I have no objection to answering generally or specifically if you want it. The pass system has grown to be an abuse throughout the entire country, and it is an abuse on the Southern just as well as it is on other roads, but I hope not to the same extent; but it is an abuse, and one which at the moment we can not throw off.

Q. It is just as much prohibited or more prohibited than the ticket-brokerage system?—A. No. The language of the interstate-commerce law upon that subject is such that the prohibition of passes is covered by a general clause. There is no specific law in regard to the free-transportation system only in the question of discrimination.

Q. It is included in that?—A. It is included in that, undoubtedly. But you can not put your finger on it with quite the same specificness as you can the other provision.

Q. You say it is generally abused. You mean by that that passes are given without consideration?—A. Without really a proper consideration, yes.

Q. Legitimate consideration?—A. Yes.

Q. And you think it is a general abuse?—A. I do. I think it is widespread all over this country.

Q. Do you not think it would be well, if it is feasible, to have legislation enacted that will prevent it?—A. I would like to see a statute passed that there should not be one issued to anyone.

Prof. E. R. Johnson, president of the University of Pennsylvania, said:

Q. (By Mr. KENNEDY.) Have you anything to say about the practice of giving passes, State laws prohibiting them, etc.?—A. I think it is something that ought to be prohibited by law. I think passes ought without exception to be restricted to actual employees of the railway corporations, and there is no doubt in my mind that the influences of the pass system upon our legislatures and judiciary are altogether bad.

Commissioner Knapp said:

It would be impossible to say to what extent that results in diminished revenue to the carrier. I have heard it claimed—I know nothing about it, and make the statement only on that information—that probably the actual revenues received by all the railroads of the country from their passenger business did not exceed 75 or 80 per cent of what they would be at the published rates multiplied by the journeys actually taken.

Q. If it would be possible to abolish this pass system, which is just as bad a discrimination as the freight, in fact worse, what effect do you think it would have on the cash fare—would it lower the rates of a paying passenger or would not the railroads charge the same, taking the usufruct of the whole for themselves?—A. What would result I can not say.

Q. What would be your opinion, in your Interstate Commerce Commission, about a question of that kind?—A. I should feel warranted in answering your question this way: If we could eliminate the free transportation and bring this public service down to the impartial conditions where every person who uses it pays his proper share, I believe the passenger rates throughout the country could be materially reduced and still the railroads have better returns from that branch of their service than they have at the present time.

Q. Is it possible to amend the interstate-commerce bill to abolish passes?—A. I think so, surely, and a good many other things that now occur.

Q. (By Mr. RATCHFORD.) Is it not a fact that professional men and ministers of the gospel usually are provided with passes?—A. I am not aware that professional men as a class ordinarily receive any concessions, but clergymen as a rule get half rates.

Q. (By Mr. KENNEDY.) Does the practice extend to Federal and State judiciary and district attorneys?—A. I do not know. I think the practice is diverse. My opinion is that in many sections of the country the judiciary, both Federal and State, have free transportation. In some cases it is not accepted. In some States it is prohibited; in others it is in a way recognized as one of the perquisites and emoluments of the office.

Q. (By Professor JOHNSON.) It was testified before your commission by an officer of the Louisville and Nashville that his railroad gave passes to judicial officers.—A. Yes; but there is no such general practice, I mean to say, as corresponds with the arrangement in which clergymen get half rates. That is quite universal.

Mr. Chairman, in a number of the reports made by the Cooley Commission, and also when Mr. Morrison was chairman, the subject of free passes was discussed and condemned as an unwise and immoral practice, detrimental to the public interests and destructive of the revenues of the railroad.

In one of the reports of the Cooley Commission that tribunal states that by its enforcement the revenues of the railroads had been saved, with a corresponding reduction of the cost of railroad transportation, and particularly out West. In speaking of the enforcement of the commerce act of 1887 (vol. 1, p. 322), the Cooley Commission says:

In some particulars, as we understand has also been the case with similar statutes in some of the States, it has operated directly to increase railroad earnings, especially in the cutting off of free passes on interstate passenger traffic and in putting an end to rebates, drawbacks, and special rates upon freight business.

The results of the law in these respects are all so eminently satisfactory to the general public, certainly to all who had not been wont to profit by special or personal advantages.

In connection with the abolition of the pass system, there has been some reduction in passenger fares, especially in the charge made for mileage tickets in the Northwest, the section of the country where they are perhaps most employed.

On pages 265 and 266 the Commission, in very vigorous and severe terms, describes "the pass system" and condemns it in no unmistakable terms. In concluding its comment, the Commission says:

Much suspicion of public men resulted, which was sometimes just, but also sometimes unjust and cruel; and some deterioration of the moral sense of the community, traceable to this cause, was unavoidable while the abuse continued. The parties most frequently and most largely favored were those possessing large means and having large business interests.

The demand for free transportation was often in the nature of blackmail, and was yielded to unwillingly and through fear of damaging consequences from a refusal. But the evils were present as much when it was extorted as when it was freely given.

Mr. Chairman, it not only caused people who use passes to be suspected—people, I mean, who do wrong, who give or take them for evil purposes—but it is worse than that.

Mr. Chairman, here is what I mean and want to impress upon this honorable body. There are men who use free passes—indeed, so far as that is concerned, we know that some of our women, and, I may add, some of our sweethearts, use passes. God bless them! Of course the women can do no wrong. But I am talking about the man who is a public officer and who

uses a pass, and yet does right in his official deportment, if there is such a man. He is criticised, nevertheless; he is suspected, nevertheless; and the full measure of that man's influence is lessened. That is a distressing pity. He should quit the practice.

Another thing. Unquestionably—and the Cullom report which I have here on my desk states it—the promiscuous issuance of free passes has caused a "privileged class" to rise up in this country to the detriment of the public welfare and has caused the price of tickets to be higher than it otherwise would be. The Cullom report says:

> That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

This is found in the Commerce Report of 1886, at page 181.

I read an article in the American Law Review not long ago from the pen of Judge Clark, of the supreme court of North Carolina, a very distinguished man, and he said that by reason of the issuance of free passes in that State the people of North Carolina were required to pay on an average about 3½ cents a mile for travel.

In that State in 1897 there was a prosecution against the Southern Railroad and another railroad for issuing and honoring an "annual pass" to a member of the legislature. And our colleague from that State [Mr. POU] caused that railroad to be indicted. I am glad that he has shown himself to be an upright, law-abiding citizen even when he is at home. He has raised a high standard here in the House, we note with pleasure. He is not without honor at home or abroad. Mr. Chairman, the railroad was convicted and fined, and in that case—reported in 122 North Carolina Reports—I find this remarkable statement in the opinion, delivered by Justice Douglas, the son of Stephen A. Douglas:

> It is currently reported that a hundred thousand passes were issued in the State of North Carolina within the year 1897. Of our three leading railroad systems, one reported over 15,000 passes issued, while another reported 30,000. The defendant herein, the largest system of all, and having a direct pecuniary interest of vital importance before the legislature refused to make any report, relying upon its legal exemption from compulsory self-incrimination.
>
> Taking the estimate of 100,000 passes as correct, as it is 397 miles from Raleigh to Murphy, on the west, and still farther to Elizabeth City, on the east, it is fair to assume that each pass would represent at least 100 miles of travel, equal to $3.25 in fare.
>
> This would represent the equivalent of $325,000 a year given to somebody, but to whom we do not know and for what purpose we need not inquire. These figures may not be correct, but they are the best obtainable under the circumstances.
>
> It is needless to suppose that transportation of such great pecuniary value would be given without some return, either present or prospective, and in any aspect its continuance would be unjust to the public interest and dangerous to the public welfare.
>
> Free transportation to so large an amount would necessarily place an additional burden upon the traveling public to make up the deficiency, while its irresponsible distribution would be a serious menace to public morality. So far, I fully concur in the opinion of the court.

Judge Douglas agreed with the majority of the court as to the construction given the law, but wrote a personal opinion, stating that he did not agree to affirming the judgment of the lower court, because the railroad stated that it did not intend to violate the law, and had been advised by high authority that in issuing this annual pass, and other passes, it was not violating the law. The facts were undisputed. Judge Douglas dissented because the intent was absent.

In 1897 the railroad mileage in the State of North Carolina was less than 2 per cent of the total mileage of the United States. On this small proportion we find it "currently reported," says Judge Douglas, that "100,000 passes were issued in North Carolina" in 1897, while on two of the roads actual official reports were made of 40,000 passes having been issued, while one railroad, the defendant, the largest, refused to report.

Some of these passes were for trips, I presume, and some were annuals, as the record shows. How many passes do you suppose were issued in 1897 on all the railroads in the United States? How much revenue was lost to the railroads, and how much more money did the people spend for passage as a result of these passes than in good morals they should have been taxed with?

Reading closely the statements before the industrial commission and the Cullom report of 1886 and the opinion of Judge Douglas, are you not surprised the people have stood this free-pass abuse as long as they have? Let Congress come to the rescue of the railroad and the people. The railroads say one railroad can't stop this abuse. Let us help them by passing a national law to reach the evil, and make it easy of enforcement and demand its enforcement and by our example help to enforce it.

Now, there are certain exemptions under section 22. The law does not go far enough, and it is hard to enforce. I have also here, Mr. Chairman, that which will show to you the lack of strength and application in the law.

Here is a case where the Boston Railroad was found guilty by the Interstate Commerce Commission, presided over by Mr. Morrison, for issuing passes, and it is made Senate Document 63, Fifty-fifth Congress, third session. Here are some twenty-eight pages giving a list of the passes issued by that railroad, as shown by exhibits to its answer. The answer classifies them as follows:

> Class 1 includes sick, necessitous, or indigent persons; in short, all cases of charity strictly.
>
> Class 2 includes gentlemen like Hon. James W. Bradbury, long eminent in the public service.
>
> Class 3 includes proprietors of summer hotels and large boarding houses, conformably to a practice which has long existed among all the railroads of New England.
>
> Class 4 includes wives of employees and other immediate members of employees' families.
>
> Class 5 includes all agents of ice companies and all milk contractors doing business on the line of the Boston and Maine Railroad, or any part thereof extending between any two States, said agents and contractors traveling on the trains in the conduct of their business.
>
> Class 6 includes the higher officers of State in the States of Maine, New Hampshire, Vermont, and Massachusetts, and certain prominent officers of the United States, like the collector of customs.
>
> Class 7 includes the railroad commissioners of each of the States of Maine, New Hampshire, Vermont, and Massachusetts.
>
> Class 8 includes the members of the railroad committee for the time being of the legislature of each of the States of Maine, New Hampshire, and Massachusetts.
>
> Class 9 includes persons who are trustees under mortgages on the property of the corporation and who are entitled to inspect its property by virtue of the deed or indenture constituting them trustees.
>
> Class 10 (in the schedules annexed called "Complimentary") includes persons whose good will is important to the corporation and who, so long as the general practice of railroads remains what it now is, might justly take offense if in the matter of free transportation they were to receive from the Boston and Maine Railroad different treatment from that received from other railroad corporations.
>
> Ninth. The Boston and Maine Railroad respectfully submits that the foregoing is a full and complete answer and disclosure in respect of all the matters and things inquired of by the Commission in its order of July 14, 1891, and prays that it may be discharged from any further answer or duty in the premises.
>
> BOSTON AND MAINE RAILROAD,
> By JAS. T. FURBER, *Vice-President.*

This railroad was arraigned by the Commission for issuing passes in Federal commerce. These passes, as shown by these exhibits, were all interstate passes. Mr. Richard Olney defended the railroad and Senator Chandler prosecuted. The whole record of the case, including arguments and the opinion of Mr. Morrison, are found in this document. According to the decision in this case, the railroad was found guilty of an illegal discrimination by issuing passes to some and making others pay for the same kind of service—that is, the Commission held that this was an illegal discrimination, and ordered this railroad to cease and desist in so doing. This order was served on every other railroad engaged in Federal commerce in the United States, as this document shows. But the railroads, we know, continue to disobey the law. Here is evidence from the supreme court of North Carolina, and here it is in this Boston case. The railroads pay no attention to this law. It needs this amendment.

Now, gentlemen, here is an opportunity to strengthen this law, and if this provision does not go far enough, then somebody write a better one and pass that.

The railroads want this law. In my own State one member of the legislature got 1,700 passes, common repute said, and went down in Nashville and sold them and put the money in his pocket. He was a citizen who had been a great man in public life, who had been a Member of Congress, I may add. Here is the language of the railroad officials themselves in the testimony before the Industrial Commission, which states in effect that they are afraid not to issue passes. The Cooley Commission said it was a species of blackmail.

I remember something like this in my State: One head of a great convention came down and got about 1,500 passes, and the leader of the other division came to the railroads and said: "You have given that division so many passes, now you have got to give my division the same number." And the railroad company was just blackmailed into issuing the passes.

A leading railroad man in Tennessee, who is well known to my colleague [Mr. HOUSTON], who listens to me to-day, said to an intimate railroad friend of mine that if everybody would pay their passage over his road, "I could pay my taxes and not have any trouble with tax suits with the State of Tennessee," as now and then he does have. In other words, laying aside the immorality of it, in free-pass uses, laying aside its insidious and evil influence, it takes the railroad's legitimate revenue from it, and the railroad, to make up for that loss, makes the man who buys the ticket pay for the ticket and also for the pass used. That is the effect of it.

Now, the average receipts for hauling passengers, according to the official reports, is a little less than 2 cents a mile. I have paid as high as 5 cents this last year for railroad travel. I have paid 3½ cents and also as low as 3 cents on the same day,

for I kept tab when I was riding a distance of about 150 miles. What becomes, then, of the difference between a little less than 2 cents and 3 and 3½ cents and 5 cents? It goes to liquidate the free passage and transportation of these people who ride upon passes.

That is wrong; the common carrier knows it and he is an unwilling party to it. It makes the poorer class of society, Mr. Chairman, pay its way. I remember I was going through a little town near my home, about 40 miles distant, and an old farmer got on the train. I didn't know him. He had chickens on one arm and a bucket of eggs on the other. He pulled out his ticket, gave it to the conductor when he came along; but three distinguished friends and neighbors of mine, all men of means, who got on the train with the old farmer, when the conductor came to them all pulled out passes.

Now, gentlemen, that is enough to make that old man who was struggling to get to town, possibly to get clothes for his wife and children, perhaps to buy medicine—it is enough to make him hate the railroads; it is enough to make him hate the law that we do not enforce and hate us. It breeds bad feeling—one of resentment.

I say, as a matter of friendship to the railroads, that we should remove this incubus. We should take away from it this species of blackmail; we should take it away from the railroads so that they can not appeal to our sense of gratitude when we ride on passes—a thing I do not do, I may add by way of parenthesis, and I do not intend to. I would walk my legs off up to my knees before I would do it. [Applause.]

Now, gentlemen, I am talking on the railroad side of this proposition. I am going to vote for the bill. There ought to be some changes made in it, and if I had the making of it I would make at least a plainer written bill, and probably every other Member in the House may think he can do the same thing.

Mr. Chairman, I expect my time is nearly up, but I want to say that there are no politics in this effort of mine. I know that the railroads want this provision of law. You see that it ought to be passed. The law as it is is worthless, for the Commission can not enforce it. They have tried to do it; they want the railroads to cease issuing passes, and here is the opinion where it was ordered and refused. The morals of the whole country are suffering from this free-pass ulcer. Cure it now. The public morals of the country are trenched upon as well as the revenues of the railroads, which the roads are justly entitled to have. [Applause.]

Opinion in part of Commissioner Morrison in the Boston Railroad case, and the orders, etc., issued therein:

In the third report to Congress, in 1890, the Commission said, in the course of a long discussion of the subject, as follows:

"The statute undoubtedly was framed to prohibit passes or free transportation of persons, as one of the forms of unjust discrimination, favoritism, and misuse of corporate powers that had grown into an abuse of large proportions, and become demoralizing in its influence and detrimental to railroads, both in loss of revenue and in provoking public hostility. * * * The law aims at the correction of the abuses of free transportation, and, in accomplishing this general purpose, some forms of free or reduced transportation that at first view might appear plausible, or even unobjectionable in themselves, have to fall under its general restrictions. * * * The discrimination is equally unjust whether the free transportation be complimentary or to aid some person's business, or for some supposed indirect advantage to the carrier. The correction of the evil, and the equality of right to which all are entitled, required the restrictions to be general and sweeping to furnish any substantial assurance that the abuse should not be continued or new ones devised under cover of any discretion left to the carrier."

And again, after referring to section 22 of the act, the report further says:

"The classes of persons that may have reduced rates or free carriage are thus carefully specified in the statute, and their enumeration necessarily excludes all others. Except as qualified by this section, the issuance and sale of passenger tickets must be in accordance with the general principles of the act."

Other utterances and decisions of the Commission to the same legal effect have been made every year since its organization, and its construction of the act has been indicated by its repeated recommendations to Congress to add other classes of persons to the exceptions (as they were always regarded by the Commission) contained in section 22

We find not only these views held by the Commission from its organization, but by the Federal courts when the question has arisen.

In Ex parte Koehler, 1 Interstate Commerce Report, 317, Judge Deady decided, on the application of the receiver of the Oregon and California Railway Company, asking for instruction as to the granting of free transportation to the families of employees, that the act to regulate commerce prohibited the issuance of passes to such persons, they not being included in what he held to be the excepted classes named in section 22.

Without further citation of authority, the construction we give to section 2 of the act to regulate commerce is that where the service by the carrier subject to the act is "like and contemporaneous" for different passengers, the charge to one of a greater or less compensation than to another constitutes unjust discrimination, and is unlawful, unless the charge of such greater or less compensation is allowed under the exceptions provided in section 22; and that where the traffic is "under substantially similar circumstances and conditions" in other respects, it is not rendered dissimilar within the meaning of the statute by the fact that such passengers hold unlike or, as sometimes termed, unequal official, social, or business positions, or belong to different classes as they ordinarily exist in a community, or are arbitrarily created by the carrier.

Under this construction of the act the practice of the defendant in giving free transportation, such as it concedes was issued to "gentlemen long eminent in the public service," "higher officers of States, and prominent officials of the United States," "members of legislative railroad committees," "persons whose good will is important to the corporation," is unwarranted unless the favored person also comes under some exception specified in section 22 of the act to regulate commerce.

The investigation was instituted, as appears from the original order, for the purpose more especially of making inquiry into the business practice of issuing free passes by the defendant than with reference to any particular case or special infraction of the law.

The inquiry developed, however, that, in addition to the classes of persons last above stated, the defendant has issued other so-called free passes, which were free in name only, for in reality there was some consideration therefor passing from the recipient to the defendant, such as those issued to newspaper proprietors, editors, and reporters in exchange for advertising, to hotel proprietors, to ice dealers and milk dealers, and to some other persons who are claimed to stand on special ground of right.

As to these latter classes of persons, the investigation has thus far brought out some of the facts, but would have to be extended to enable us to pass a satisfactory judgment upon them. To avoid the delay which a proper and full investigation of these classes would occasion, and in view of their minor importance, and yet perhaps greater difficulty of decision, and of the urgency that the defendant should be informed before the close of the present calendar year of our decision, so far as we are able to render it at the present time, we have concluded to hold the case as to the passes issued to the last-mentioned classes for such further investigation as may be necessary to put us in full possession of all the facts before finally passing upon them, and in the meantime to issue an order applicable to the classes first mentioned, in accordance with the construction of the law as above set forth, this being pursuant to practice in other cases.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of December, A. D. 1891. In the matter of the carriage of persons free or at reduced rates by the Boston and Maine Railroad Company.

Present: Hon. William R. Morrison, Hon. Wheelock G. Veazey, Hon. Martin A. Knapp, Commissioners.

This proceeding having been instituted by an order of the Commission entered on the 16th day of July, 1891, and due hearing and investigation having been had, the Commission did, on the date hereof, to wit, the 29th day of December, 1891, make and file a report and opinion containing its finding of fact and conclusions thereon, which said report and opinion is hereby referred to and made a part of this order; and the Commission having, as appears by said report and opinion, found and decided, among other things, that the defendant, the Boston and Maine Railroad Company, has violated the provisions of the act to regulate commerce by issuing and giving to divers persons described in said report and opinion tickets called and known as "passes," which entitled said persons to be carried as passengers over its line of railroad between points in different States without any charge therefor, and by furnishing such free transportation to said persons on presentation of such passes, while at the same time defendant held in effect over its said line for the transportation of passengers between the same points certain rates of charge, commonly called "fares," and charged and received the same as compensation from other persons for service rendered in transporting them as passengers between said points in different States, which said service was like unto and contemporaneous with the service rendered by it without compensation in the transportation under substantially similar circumstances and conditions of a like kind of traffic, to wit, the carriage of such first-named persons over its said line as passengers between the same points. And it is also found that further investigation and consideration should be had in regard to the issuing of passes and the furnishing of transportation free or at reduced rates by defendant to other classes of persons, also described in said report and opinion of the Commission herein.

It is ordered and adjudged, That the defendant, the Boston and Maine Railroad Company, do wholly and immediately cease and desist from charging, demanding, collecting, or receiving from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers between points in different States than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of passengers under substantially similar circumstances and conditions, by issuing without charge to persons not included within the classes of persons described in the twenty-second section of the act to regulate commerce tickets or passes entitling them to transportation as passengers over its line of railroad between points in different States, or by transporting such persons, or others not included in the aforesaid classes described in said twenty-second section, over its line of railroad as passengers between points in different States without the payment by them of any rate, charge, or fare, or upon the payment of a reduced rate, charge, or fare; and in carrying out the provisions of this order said defendant is further hereby directed and required to be governed by the requirements and construction of law laid down in the report and opinion of the Commission herein.

Be it further ordered, That this matter be retained for further investigation and consideration of such questions involved therein as have not been determined by the Commission in said report and opinion.

And it is further ordered, That copies of the report and opinion of the Commission herein and of this order be sent forthwith to all common carriers subject to the provisions of the act to regulate commerce as notice of the requirements and construction of law laid down in said report and opinion in regard to the transportation of passengers, that they may govern themselves accordingly.

INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

I, Edward A. Moseley, secretary of the Interstate Commerce Commission, do hereby certify that the foregoing copies of report and opinion of the Commission and order of the Commission in the proceeding entitled "In the matter of the carriage of persons free or at reduced rates by the Boston and Maine Railroad Company" are true copies of the originals now on file and recorded in the office of this Commission.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the Commission this 16th day of January, 1892.

[SEAL.] EDW. A. MOSELEY, *Secretary.*

On October 17, 1898, the following petition was filed by Charles A. Busiel, which, with the accompanying papers, are also submitted in

response to the direction of the Senate, since they refer to the same subject:

Before the Interstate Commerce Commission in the matter of the carriage of persons free or at reduced rates by the Boston and Maine Railroad Company.

Now comes Charles A. Busiel, as petitioner in this proceeding, and respectfully shows:

I. That the petitioner is a resident of Laconia, in the State of New Hampshire, and brings this petition in his own behalf and also in the interest of the people of the State of New Hampshire and all passengers over the lines operated by the above-named railroad company.

II. That in this proceeding, instituted by an order of this Commission on the 16th day of July, 1891, this Commission did, after due hearing and investigation, to wit, on the 29th day of December, 1891, make and file a report and opinion containing its findings of fact and conclusions in said proceeding, and did also on said last-mentioned date issue an order directed to said Boston and Maine Railroad Company, the respondent in said proceeding, notifying and requiring it, the said Boston and Maine Railroad Company, to "wholly and immediately cease and desist from charging, demanding, collecting, or receiving from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers between points in different States than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of passengers under substantially similar circumstances and conditions, by issuing without charge to persons not included within the classes of persons described in the twenty-second section of the act to regulate commerce tickets or passes entitling them to transportation as passengers over its line of railroad between points in different States, or by transporting such persons, or others not included in the aforesaid classes described in said twenty-second section, over its line of railroad as passengers between points in different States without the payment by them of any rate, charge, or fare, or upon the payment of a reduced rate, charge, or fare;" and in carrying out the provisions of said order the said respondent railroad company was further therein directed and required to be governed by the requirements and construction of law laid down in said report and opinion of the Commission. And it was further provided in and by said order that such questions involved in this proceeding as had not been determined by the Commission in said report and opinion should be retained for further investigation and consideration, which said questions are stated in said report and opinion of the Commission as follows, to wit:

"The investigation was instituted, as appears from the original order, for the purpose more especially of making inquiry into the business practice of issuing free passes by the defendant than with reference to any particular case or special infraction of the law. The inquiry developed, however, that in addition to the classes of persons last above stated, the defendant has issued other so-called "free passes," which were free in name only, for in reality there was some consideration therefor passing from the recipient to the defendant, such as those issued to newspaper proprietors, editors, and reporters, in exchange for advertising, to hotel proprietors, to ice dealers and milk dealers, and to some other persons who are claimed to stand on special ground of right. As to these latter classes of persons the investigation has thus far brought out some of the facts, but would have to be extended to enable us to pass a satisfactory judgment upon them."

III. That said respondent, whatever it may have done immediately subsequent to the date of said order in compliance with the provisions thereof, did thereafter and does now fail and neglect to obey the requirements thereof; that is to say, the said respondent has been, since the date of said order, and is now, giving and affording free interstate transportation to persons not included within the classes of persons described in section 22 of the act to regulate commerce, approved February 4, 1887, while it has been and is charging, demanding, collecting, and receiving compensation from other persons for like and contemporaneous service rendered by it under substantially similar circumstances and conditions.

IV. That said respondent has, since the date of said order, provided, and is now providing, transportation free or at reduced rates, or in lieu of compensation for real or pretended services to newspaper proprietors, editors, and reporters, hotel proprietors, ice dealers, milk dealers, freight shippers, and others engaged in various trades and professions, while charging, demanding, collecting, and receiving compensation from other persons for like and contemporaneous service performed by said respondent railroad company under substantially similar circumstances and conditions.

V. That the said respondent railroad company, by doing the things alleged and set forth in Paragraphs III and IV hereof, and by failing and neglecting to obey the requirements of said order of the Commission, has been and is violating the provisions of sections 2, 3, and 6 of the said act to regulate commerce. And said respondent company, acting as aforesaid, has been and is thereby burdening passengers who are compelled to pay its regularly established rates of fare, and also shippers paying regular rates of freight over its lines, with the whole or a large part of the cost to it of transporting the above-mentioned favored passengers, which results necessarily in making said established passenger and freight rates unreasonable and unjust, in violation of section 1 of said act.

VI. That petitioner is prepared to prove various instances of the discriminations and preferences alleged in Paragraphs III and IV hereof, but demands as in addition and supplementary thereto, and as warranted by the character and scope of this proceeding, that said respondent be required, upon the filing and service of this petition, to include in its verified answer hereto a statement of the same import and character as was required of it at the time of the institution of this proceeding on July 16, 1891; that is to say, that the said railroad company be required to state and make known in its answer as follows, to wit:

1. Do any persons hold passes from the said Boston and Maine Railroad Company entitling them to free or reduced rates for transportation over its lines or any part thereof; if so, under what arrangement are such passes or tickets issued? In answering this question, the Boston and Maine Railroad Company is required to state the names of the persons holding such passes or tickets, their addresses, so far as known, and, if said passes are confined to a single State, to include the names of such persons, if they hold concurrently a pass or passes or reduced-rate tickets over its lines effective in any other State than that for which the free carriage is limited to a single State. And if said passes, or any of them, or said reduced-rate tickets are issued under any arrangement or contract with said persons, then the arrangement is to be substantially stated, together with the dates thereof and the amount of transportation therein provided for, and on what account, and for what reason.

2. State the names of all persons, either under contract or otherwise, holding annual passes on December 31, 1897, over the line of the Boston and Maine Railroad or any portion thereof extending between any two of the States in which said railroad is situated, and if any of the said passes are confined to the limits of any one of the said States, then the names of all persons, and their addresses so far as known, holding passes concurrently effective over a portion of its line in any State other than that to which the said annual pass is limited as aforesaid, and not including the names of its own officers and employees immediately engaged in the operation of its own road, nor the names of the principal officers and employees of other railroad companies to whom such passes have been issued in exchange.

3. State the names and addresses, so far as known, of all persons to whom annual, trip, special, or other passes or tickets at a reduced rate of fare have been given during the two years last past, together with the reasons for the issuance thereof, and if any of said passes or reduced-rate tickets have been limited to any one State, include the names of such persons, if they concurrently held other passes or tickets effective over its line or any portion thereof in any other State, not including, however, the names of its own officers and employees immediately engaged in the operation of its own road, nor the names of the principal officers and employees of other railroad companies to whom such passes have been issued in exchange, but not excepting from the answer to this interrogatory the names of any persons to whom such passes or the names of any persons to whom such passes or reduced-rate tickets have been issued pursuant to any contract, agreement, or arrangement between the said Boston and Maine Railroad Company and such persons, ostensibly providing therefor as payment for advertising or retainers or fees as lawyers or other service.

Wherefore petitioner prays that further full and complete investigation be had in this proceeding, to the end that decision and order may be had concerning the questions remaining undetermined herein, and that said act to regulate commerce, as heretofore construed and applied by the Commission in this proceeding and embodied in said order of December 29, 1891, may be enforced.

Dated at Laconia, N. H., October 13, 1898.

CHARLES A. BUSIEL.

STATE OF NEW HAMPSHIRE, *Belknap, ss:*

OCTOBER 13, 1898.

Then personally appeared Charles A. Busiel, who, being duly sworn, says that he is the petitioner in this proceeding and that the matters set forth in the foreging petition are true, as he verily believes.

Before me:

[SEAL.] ORRAN W. TIBBETTS, *Notary Public.*

EDWIN H. SHANNON,
Attorney for Petitioner.

APPLICATION OF PETITIONER FOR ORDER REQUIRING ANSWER AND FOR HEARING.

LACONIA, N. H., *October 14, 1898.*

MY DEAR SIR: I herewith file before your honorable Commission petition of Hon Charles A. Busiel, of Laconia, and respectfully request an order citing the Boston and Maine Railroad to appear before said Commission in order that they may furnish such information as is called for by said petition, and desire a full hearing upon all questions embraced therein.

Kindly instruct me when and where we can be heard after answer is filed.

Yours, very respectfully,

E. H. SHANNON.

Hon. EDWARD A. MOSELEY,
Washington, D. C.

MOTION OF RESPONDENT TO DISMISS PETITION OF CHARLES A. BUSIEL.

[Filed November 14, 1898.]

UNITED STATES OF AMERICA.

In the matter of the carriage of persons free or at reduced rates by the Boston and Maine Railroad. Interstate Commerce Commission. No. 308.

Motion of the Boston and Maine Railroad to dismiss the intervening petition of Charles A. Busiel.

And now comes the Boston and Maine Railroad and moves to dismiss the intervening petition of Charles A. Busiel, for the following reasons:

1. Because the petitioner, Charles A. Busiel, has no authority to intervene in this cause undertaken by the Commission itself.

2. Because the petition is indefinite and contains no specifications, without which this respondent can not properly make answer.

3. Because this Commission is not the proper tribunal before which to try any questions of failure to obey its orders.

4. Because this petition is not brought in good faith for the public weal, but because this respondent has refused from time to time the petitioner's requests for free passes over its railroad, as appears by the correspondence on file.

Wherefore, this respondent moves that the petition of Charles A. Busiel be dismissed.

BOSTON AND MAINE RAILROAD.
By its attorney, WM. H. COOLIDGE.

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I realize that the question we are now discussing is a very important one; that it affects vast property interests. In fact, we hardly know how vast those interests are until we pause for just a moment to consider that question. According to the census report of 1900, the total wealth of this Republic was $94,300,000,000, and if the same ratio of increase has been continued from that time to this the total wealth of this Republic to-day is $110,500,000,000.

According to the report of the railroad commissioners, the total value of the railroad property of the United States in 1904 was a little over $13,000,000,000, and if the same ratio of increase has been continued from that day to this the value of the railroad property in this Republic now is about $14,000,000,000. It is therefore just about 13 per cent of the total

wealth of this country, and one dollar out of every eight of the total wealth of this country is represented by railroad valuation.

Now, in 1903, according to the figures given by the Republican campaign book, the total amount of imports into this country from foreign countries was a little over a billion dollars and the total amount of exports to foreign countries was nearly a billion and a half dollars, so that this indicates a total foreign trade of two and one-half billion dollars.

For the year ending June 30, 1904, the railroads earned as compensation from the transportation of freight and passengers $1,975,000,000 and received as total income from all sources $2,188,000,000, so that the charges for railway transportation alone are just as much as the total valuation of all the export trade and the import trade of this Republic combined. In addition to that, in 1903, the budget of the United States was, according to the Republican campaign book, $486,439,306.68. On the basis of 80,000,000 population this is a governmental charge of $6.08 per capita. The railroads charged a per capita of $27.25 to every person in the United States for every year. Therefore it is apparent that the people of the United States pay to the railroads of this country four and a half times as much as they pay to the Federal Government itself, directly and indirectly.

Now, Mr. Chairman, there are just one or two observations that I wish to submit on the political phase of this question. The Republicans to-day are supporting this measure, and yet this is a new position for them to take. The Democratic party for ten long years has lifted its voice in its favor, and there was no equivocation about its attitude in the campaign of 1904. We used these words, and I read from the Democratic platform of 1904:

> We demand an enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation.

Now, there are two pages of the Republican campaign book of 1904 devoted to a discussion of this regulation of railway rates, and we find that the Republican campaign book, which was a text-book of Republican orators from one end of this Republic to the other, took the position, "Let well enough alone;" that you had laws that, if they were properly enforced, would solve this problem. Let me read you some of the doctrine that you then gave to the people of the United States when you were seeking election at their hands. It speaks of the passage of the Elkins law:

> This is a cause for public rejoicing. As everyone knows, the secret advantages heretofore secured by rebates and through forms of favoritism were the dishonest means by which large concerns have been crushing out their smaller rivals. Nothing has so powerfully aided the aggressions of the industrial trusts and nothing connected with these combinations has been so offensive and destructive as private bargains of one sort and another by which they secured lower freight rates than independent dealers were compelled to pay. This was the characteristic and odious evil of railroad methods up to a recent date. Within the last two years this evil has been suppressed to a very great extent—to an extent which justifies the most favorable comment. The whole rebate business has been broken up and is rapidly disappearing. This is perhaps the greatest benefit that could be conferred upon the general business interests of the country. It gives every man the same opportunity and puts the small dealer on a footing of equality with his largest rival so far as transportation charges are concerned. It is difficult to realize the advance that has been made in this regard within a comparatively short time. The salutary provisions of the Elkins law and the resolute and persistent effort of the Attorney-General during the present Administration have practically removed the gravest and greatest of railroad abuses.

In other words, before the campaign of 1904 was fought out the Republican party of this country went to the people on a declaration that they were willing to "stand pat" on existing law in reference to the railroad question, and I say when they now recede from that position that they need not be surprised when their railroad friends, who supported them, plead failure of consideration, total and complete, against them. [Applause on the Democratic side.] Not only that, but I want to challenge any living man in this House or in the White House, or anywhere else, to show me any published utterance of Theodore Roosevelt in favor of railway-rate regulation before the last election. In my hands I hold his letter of acceptance of the Republican party's nomination for the Presidency, and he did not say a word about what he now calls the greatest question before the American people. Gentlemen, the truth about it is that you deceived the railways on this question, and you know it. The Democratic party is consistent. It went to the people on the platform that it would do this thing if it had the power, and you said you were satisfied with existing law. You got the power, and yet you come, adopt our platform, and join hands with us to give the people this much-needed relief. You do not do it with entire good grace, either, because I heard the speech of the distinguished gentleman from Pennsylvania [Mr. SIBLEY] in opposition to this measure, also the speech of the distinguished gentleman from Massachusetts [Mr. MCCALL] against it and of the gentleman from Maine [Mr. LITTLEFIELD], equally distinguished and able, all of whom were cheered to the echo by that side because they opposed the bill. Gentlemen, you can not fool the American people. They are not exactly blind yet, and even if they were, they know that while it is the voice of Jacob from your side—it is the hand of Esau after all. [Applause on the Democratic side.]

Now, Mr. Chairman, in the short time I have at my disposal I desire to take up only one question connected with this bill. If I have the opportunity, when we reach this bill under the five-minute rule there are certain amendments that I wish to offer to it, and what I am going to say in support of these amendments now applies equally to my own side of the Chamber as it does to the other side—to the Democratic members of the committee as well as the Republican members of the committee.

In the report of the committee the distinguished chairman of this committee makes the statement that there are very few people who favor conferring upon the Interstate Commerce Commission the general rate-making power—the power to initiate rates. With that statement I desire here and now to take issue, because here is one Member, however young and inexperienced, who has his own convictions upon the subject and is willing to vote to confer just such power, whether any other man on this side of the Chamber except himself shall vote for it. [Applause.] When we reach section 4 of this bill I shall offer certain amendments which will accomplish that purpose; and now I want to say just a word or two in defense of that general position. I heard the argument of the distinguished gentleman from Maine [Mr. LITTLEFIELD] this morning when he said that the power to originate rates, the power to fix rates generally, was conferred in this bill. I want to say to him that a careful examination of the bill leads me to exactly the opposite conclusion, and if I could agree with him, as a matter of law, from the language of this bill, I should vote for it with a great deal more pleasure than I will be able to feel in voting for this bill. Now, not only that, but I want to call your attention to this fact, that the law that you are now enacting is a departure from the theory of existing law as embraced in the original interstate-commerce act and its amendments. When the law of 1887 went into effect, section 13 of that bill provided that the Commission should exercise whatever power was conferred, or was supposed to be conferred, either when there was complaint by any person, firm, or corporation interested, or from a State railroad commission of any State, or from any State railroad commissioner, or upon its own motion. Whether it had or whether it had not the rate-making power, the fact is undoubtedly true that it had just as much rate-making power on its own motion as it did in a given case, so that when you propose by this bill to withhold from the Interstate Commerce Commission the right to initiate a rate you take a radical departure from existing law, from old standards, and from the accepted ideas on this subject. Gentlemen may contend that there are so many of these rates that it will be impossible for any commission to ever fix them. I do not contend that if this power were given to the Interstate Commerce Commission it ought to exercise it in a minute or necessarily in an hour, or in a day or in a week or in a year, or even in a decade; but it ought to have that power, and surely the General Government is strong enough and great enough and rich enough to exercise it, and to exercise it wisely and well. Can you tell me that the great corporations of this country have so much wealth, so much of the brains of the country employed, that they alone are competent to fix rates? This Government is big enough, it has money enough, and it can hire brains enough to fix rates fairly in the interest of all the people, and I think that is what ought to be done.

I know that in the State of Texas, from which one of the members of this committee on this side comes, the general power to fix rates, on its own motion, is given to the railroad commission, and that that power sprang from the giant brain and lion heart of John H. Reagan. I know that in the State of Georgia, in which I live and from which two members of this committee come, the railroad commission has power, on its own motion, on its own initiative, to fix the rates all through the State, and there the idea originated in the giant brain and in the lion heart of Robert Toombs, and I say to you what these two great States have been able to do in their own jurisdiction, the Federal Government, which is much larger, and much stronger, and much richer, and much greater, can do in its own jurisdiction. Now, not only that, Mr. Chairman, but I want to call your attention to another fact. Under this plan which you have adopted of fixing a rate only in a given case, when there is a complainant; if there

are about a million and a half rates to be fixed, as has been suggested, and you fix a rate from Florida to New York, for instance, in a given case, what is going to happen to all the rest of the country before they can get their cases heard, one by one, and their changed rates enforced? It is going to permit rank favoritism between various localities and individuals—in favor of the person or locality whose case is first heard, and against the person or locality whose case is last heard—that must continue during all the years while these cases are pending before the Commission and in the courts. Besides, what relief is this bill going to give to the people of the United States generally? Do you believe your average constituent, and mine, will find relief from abuses that are perpetrated upon him and extortions from which he suffers, in this complicated matter of freight rates, unless the Government has some agency to look into this business for him and discover the truth? No; they will continue to suffer in ignorance in the future, as they have suffered in ignorance in the past.

The rich shipper, the rich man, the big concern may find out his wrongs, but the poor man, the little shipper, and the little concern will not discover his. Not only that, but let me ask you this; even though they find it out, is the average man going to be able to hire a lawyer to come up here before the Interstate Commerce Commission, and then test his rights there and then through the Supreme Court of the United States? It is utterly absurd. They will not be able to do it. They have not the money to do it, and they are afraid to embark on any such costly enterprise. The truth about it is that the railroads of this country are so big that the little fellows can not fight them, and the only way you can protect the mass of the people from them is to provide a strong governmental agency that will not only inquire into what is right and into what is wrong, but will proceed to enforce the right and condemn the wrong.

Now, just one word more, Mr. Chairman, and then I shall have finished. In this matter, in my humble judgment, the people of the United States are begging you for bread and you are giving them a stone. They ask you for a "square deal" and you give them one that is only part fair. I am going to vote for this bill because it is the best one that has yet been offered in Congress that I have had an opportunity to vote for; but it does not go half far enough. We ought to give the Commission that same power that the Congress of 1887 thought they were giving to them, namely, the right to fix rates when a complaint is made by a person, firm, or corporation interested, or by a State railroad commission, or when the Commission determines on its own motion and after its own investigation, that injustice is being done, wrong is being perpetrated, and right and fairness and justice withheld.

Now, Mr. Chairman, I know that these are the sentiments of the people of the district that I have the honor to represent on this floor. I know that this is what they want, and I believe in my heart of hearts that this is right, fair, and just, and I hope when the bill is on its passage I shall at least be permitted to offer the amendment that would accomplish this most desirable purpose and give the Commission power to protect the weak as well as the strong, the poor as well as the rich. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following title:

H. R. 4223. An act granting an increase of pension to Frederick Shultz;

H. R. 4226. An act granting an increase of pension to William Painter;

H. R. 4742. An act granting an increase of pension to Edward Coy;

H. R. 4744. An act granting an increase of pension to Thomas O'Conner;

H. R. 9382. An act granting a pension to Mariam T. Shreve;

H. R. 9130. An act granting an increase of pension to John Brinkley;

H. R. 7509. An act granting an increase of pension to John N. Stone;

H. R. 6166. An act granting a pension to Else C. Isachsen;

H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902; and

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. DAVIDSON].

Mr. DAVIDSON. Mr. Chairman, the country is to be congratulated upon the unanimity with which the bill now under consideration, touching the matter of railway rate legislation, has been reported to this House by the able committee having jurisdiction of the subject and the vote by which this House will approve of the work done by that committee. The subject is one of absorbing interest to the people of the country.

The legislation proposed in the pending measure is demanded by the general public. Its most conspicuous and enthusiastic supporter is the President of the United States. His great popularity makes him a powerful factor in behalf of any measure. In his honesty, sincerity, and fearlessness the public has supreme confidence. Although not the originator of the proposition, he is entitled to much credit for the persistency with which he has advocated action. His public addresses and messages have done much to crystallize public sentiment and direct public opinion. Others equally honest and sincere have for years been advocating similar legislation. The members of the Interstate Commerce Commission have for ten years been knocking at the doors of Congress for strength to carry out the purpose for which the Commission was created. In many of the States similar legislation for the control of State commerce has been enacted.

In Wisconsin this cause has had its earnest advocates. The subject has been before the people for years, and as a result that State has placed upon its statute books one of the most drastic State commission laws of any in the Union.

It is with pleasure, therefore, that I lend my voice and vote in support of this measure, because in so doing I know I correctly interpret the wishes of a very large majority of those whose commission I hold.

Opponents of this measure have tried to make it appear as if we were about to enact legislation revolutionary in character, wrong in principle, and totally destructive of individual and property rights. They have tried to frighten us by asserting that we propose to place in the hands of a political rate-making body the power to make all the rates for all the railroads in all sections of the country. They tell us that there are now in the United States 64,050 railroad stations, that there are 7,174 different articles classified under various schedules upon which rates for transportation are charged, and that under this legislation this Commission would have the right to make 459,694,700 different rates.

To simplify the issue and clear away the fog and mist with which the opponents of this measure have attempted to surround it, let us first find out what it does not propose to do. It does not authorize or direct the Government to adjust on its own initiative the railroad rates of the country. It does not confer upon the Government the right to carry on the business or any part of the business of the railroads. It is not a step in the direction of Government ownership.

The purpose of this bill is to confer more clearly upon a body created by Congress the authority which Congress undoubtedly has of regulating, not only the matter of rate making, but the practices, regulations, and other acts of companies engaged in interstate commerce for the purpose of preventing discriminations.

From the time the occupation of common carriers began—a long time before the railroad was known—it has always been a rule of law that the rates to be charged by such common carriers should not only be just and reasonable, but should be open to all upon equal terms under like conditions. This was the common law of England, and as such it became the law of the several States of this country.

The Constitution confers upon Congress the power to regulate commerce between the States and with foreign nations. There is, therefore, no question but what there resides in the Federal Government a reserved power of supervision and control, a power that the nation must exercise in the interests of equal citizenship.

By the act of 1887 Congress conferred upon the Interstate Commerce Commission the power to regulate and control interstate commerce. The passage of that act was opposed by the common carriers. It was then openly declared that such action would take the control of property out of the hands of its owners and invest it in a political body.

All sorts of predictions were then made as to the disaster which would result. The legislation was enacted, a Commission was appointed, and it undertook the discharge of its duties. One of the duties which it was supposed to have, and which the

courts later held it did not have, and which by this measure it is proposed positively to confer upon this Commission, was the right to say what, in its judgment, should be a reasonable rate in a case where, upon complaint and investigation after a full hearing, it had been found that the rate complained of was unreasonable and unjust. The Commission performed what it supposed was its duty in a number of instances covering a series of years, during which time no disaster came to the railroads or their stockholders. The Supreme Court held, in the Maximum Rate Case, that Congress had not given to the Commission the power to fix future rates, but that its only power was to say whether a rate then in existence was or was not an unreasonable rate. If it found the rate was unreasonable, it could so declare, and could direct that the railroad company should no longer impose such unreasonable rate. It had no power, however, under the court's decision to say what in that particular case would be a reasonable rate or to punish the railroad company if it did not see fit to observe the order of the Commission. This measure gives it that power.

I have never been able to understand the argument made by the opponents of this legislation that the Commission, being sufficiently informed upon the subject to be able to declare what in a particular instance was an unreasonable rate, should be incapable of determining what in that particular case would be a reasonable rate. To find that a given rate is unreasonable the Commission must first know what would be reasonable. We can not say that any particular line of conduct is wrong unless we know what would be right. We must know what is good in order to distinguish the bad.

Why, therefore, should not the Commission, in a case where it has found the rate fixed to be unreasonable and unfair, have the power to say what in that case and under those circumstances would be a reasonable and fair rate?

For my part it seems as if the Commission ought to have that power in order to make its work effective.

This measure does not give to the Commission power to initiate rates, nor does it authorize the Commission on its own volition to engage in a crusade against existing conditions. If it has power under existing law to make investigation without complaint first being made, the record does not show that it ever abused that power or that the interests of the common carriers were ever seriously affected thereby.

There is reserved to the party aggrieved after the Commission has acted the right to have the lawfulness of the Commission's order reviewed by the judiciary. The right to appeal to the courts for a protection of his rights and to prevent illegal interference therewith is reserved alike to the shipper and the carrier.

One of the things which distinguishes the American system from all other systems of government is the power given the judiciary to see that no right secured by the supreme law of the land is impaired or destroyed by legislation. The perpetuity of our institutions and the liberty enjoyed under them depend in a very large degree upon the power of the courts to declare null and void legislation which is repugnant to the Constitution.

Any act of this Commission that will prevent a common carrier from so operating its property as to earn a fair return on its investment would deprive such carrier of its property without due course of law, and deny to it the equal protection of the laws which the Constitution guarantees, and therefore the rights of such carrier can be fully protected by the court.

The courts are always open, ready and willing to discharge the duty which rests upon them, and to these courts the party aggrieved under this legislation can go for relief. There can not possibly be, therefore, any danger that the property of the stockholders will be confiscated or destroyed by any act of the Commission under this legislation.

The need of this legislation does not arise so much from the necessity for the regulation of rates as it does for the regulation of practices and discriminations indulged in by the railroads and which are absolutely destructive to the business interests of persons and communities.

The people of the country are not crying out so loudly against the rates now in force as against the manner of their enforcement. The people do demand that in the transportation of commerce every individual and every community shall enjoy equal opportunity with every other individual or community under similar conditions. The people believe that every individual ought to have not only the opportunity to know what the transportation charge will be upon any article he may wish to send from one part of the country to another, but to know that no other individual shall have a lower rate than he for the same service. In other words, what the people demand now is not lower rates, but equal rates; what they complain of is not excessive rates, but unequal rates.

The gentleman from Maine [Mr. LITTLEFIELD] seems to fear that this "political rate-making body," as he calls the Interstate Commerce Commission, shall, through its decisions, work destruction to not only the railroad interests but to the commercial interests in different sections of the country. I wonder if he, as a lawyer, has ever called the supreme court of his State a "political body" in the sense he now uses that term.

This Commission will be no more a political body than the courts of the country are political courts. Our judges are either appointed by the President, upon the advice and consent of the Senate, or elected by the people. Their term of office continues either for a certain number of years or during good behavior. In any event they owe their selection either to the people or to the appointive power of the President, and yet we have felt that the people's interests were always safe in their hands.

I therefore have no fear that the power given to this Commission will ever be used except in a lawful and proper manner. But what does the gentleman offer in place of the Commission? The peculiar feature of this debate has been that the opponents of this measure criticise it, but offer nothing as a substitute.

The rate-making power of the country, which affects for weal or woe the interests of all the people, is now vested in the hands of not to exceed seven men. I believe the commercial interests of the country will be as safe in the hands of the seven men who will constitute this Commission as they are in the hands of seven men who now practically control the railroad systems of this country.

While there may be many employees engaged in working out the detail of rate making, yet, as a matter of fact, the rates are actually made by the manager of a system under orders from his superiors to so conduct the business that dividends shall be returned to the stockholders.

We know there is no longer any healthy competition between these systems. Free from control or regulations, the railroads have been administered in the interests of the owners and not of the public generally. If it was found either necessary or advisable, from a business standpoint, to favor certain shippers or certain localities, this has been done. Large shippers have dictated the price at which their commodities should be carried. Evidence lately disclosed shows that the meat-packers' combine, instead of paying the schedules published by the railroads, have compelled the carrying of their products at a greatly reduced rate under fear of boycott. The Standard Oil Company has not only dictated the price at which its own commodities should be carried, but has, by reason of its powerful influence, compelled tribute from carriers who transport the product of its competitors. While these special shippers were thus, either voluntarily or otherwise, being favored by lower rates, the small shipper has had to pay whatever the carrier charged. This discrimination has brought bankruptcy to individuals, stagnation to communities, and destruction to competition. As a result, these specially favored have prospered excessively. Their millions have come not so much through honest industry as by reason of sharp practice and skillful manipulation of freight rates.

The Elkins law recently enacted to prevent rebates and discriminations has been of much benefit. Under it the ordinary system of rebates has practically ceased to exist.

In various parts of the country there now exist auxiliary companies known as "private car lines," "terminal lines," "refrigerator lines," and others, all created largely for the purpose of demanding a portion of the transportation charge in return for some slight service rendered, and which, in fact, is only another form of giving rebate to those specially favored.

One of the important features of this proposed legislation is that which defines the word "railroad" and the word "transportation" in a manner to include all these auxiliary companies and all the instrumentalities of a common carrier.

Enact this measure and all the practices and regulations of these auxiliary companies, as well as those of the carriers themselves, will be subject to regulation and control by the Commission.

Under the power granted in this measure the Commission will be better able to acquire evidence for the enforcement of the Elkins law, will be able to give greater publicity to railroad methods, and to protect the interests of the people against those who, through the aid of vicious practices and regulations, have profited at their expense.

In my judgment this measure will go far toward solving the evils complained of by the people. Under this legislation the railroads and the people will alike enjoy a complete remedy against injustice. Each are entitled to this, neither should ask for more, neither should have less.

The House in enacting this legislation responds to the demand of the country for what it believes is right. The people will not

longer submit to a system of control of the public highways of the country which leaves private shippers certain of nothing, but that they are not treated on the same terms as their neighbors, which bankrupts small shippers and enormously increases the wealth of the larger ones, which destroys some communities that it may create others. There is no disposition to unduly harass or annoy the railroad systems. There is, however, a demand that the public shall be protected against injustice, and that corporate bodies shall respond to the reasonable and righteous demand of the people. The time has come when the people will insist that their rights shall be respected; that in the enactment and execution of laws their welfare shall not be overlooked, and that in their desire for greed and gain the public-service corporations shall not override the will of the people, but shall be made to recognize the fact that the servant is not above its master, and that the creature is not more powerful than its creator.

Believing, therefore, that the proposed measure is not only just and fair to the common carriers, but absolutely right and necessary for the public welfare; believing that it correctly represents the view of the President and wishes of the people, I propose to give it my cordial and earnest support, and trust that it may soon be written upon the statute books of our country, and that the people may receive from it the benefit they hope and expect. [Applause.]

Mr. MANN. I now yield to the gentleman from Missouri [Mr. RHODES].

Mr. RHODES. Mr. Chairman, being, in the language of the distinguished gentleman from Mississippi, the minority leader of this body, one of the kids of the House, I can only expect your indulgence for a very short time.

I do not desire to speak in support of this bill because I fear it will not pass this body by almost a unanimous vote; neither do I wish to speak in favor of the bill because I believe anything I might say could influence that branch of the legislative department of our Government occupying the other end of the Capitol. The fact is, I am of the opinion that august body has heard from home—the people of the several States—during the past few months, and now stands ready to hail with delight the opportunity to support the measure that bears the honored name of the distinguished gentleman from the great State of Iowa.

But, Mr. Chairman, I do want to speak in favor of this bill because I want the consciousness of having gone on record in the early part of my experience as a Member of this honorable body favoring this bill, because I believe it to be a measure that is fair, practical, and just. I believe it to be a measure that is equitable both to the shippers and the carriers of the country. Therefore I desire to assign a few good reasons why I favor the bill and why I shall vote for it.

Some gentlemen who have spoken undertook to go into a complete analysis of the bill, but I shall content myself with an examination at this time of its caption.

I observe in the caption of the bill it is recited that it is the object of the measure to amend the act of February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. Hence I infer a law has been on the statute books of this country for nineteen years the object of which is to clothe the Interstate Commerce Commission with authority to adjust differences and controversies arising between the shippers and the carriers. I also observe from the language of this bill there is not only existing laws on the subject of transportation and rates charged by the carriers engaged in interstate commerce, but the laws which do exist are not far enough reaching in their effect.

I also observe there are certain evils existing regarding rates as fixed by the railroads and transportation companies, and that existing laws ought to be so amended as to afford remedies for existing wrongs.

Is the author of this bill wrong when he assumes that there is pressing necessity for legislation such as this measure contemplates? Was the committee wrong when it voted unanimously to recommend the bill favorably?

Is the record wrong that has been made up from the various hearings before the Interstate Commerce Commission?

Last, but not least, are the people of our country wrong in their almost unanimous appeal to Congress to enact remedial legislation along these lines?

In other words, if those who favor this bill are right, it is high time we get about our business and enact it into law.

It is my opinion there has never been a public question in this country since the days of the Revolutionary war on which there has been such unanimity of opinion among our people as there is to-day of the rate bill.

What does it mean to see this House almost solidly united in the support of this bill? It means, Mr. Chairman, the people of this country have spoken, and this body merely reflects their opinion. It can truly be said the House of Representatives is the people's branch of the legislative department of our Government.

There can be no doubt that the time has come when legislation affecting the transportation problem in this country is needed. If so, let us rise to the occasion and discharge our whole duty.

I am here reminded of the very able speech of the distinguished gentleman from Pennsylvania [Mr. SIBLEY] a few days ago.

I am also reminded of the very able speech of the distinguished gentleman from Alabama [Mr. HEFLIN].

I feel these gentlemen took the most extreme views of this question—the gentleman from Pennsylvania opposing the bill and the gentleman from Alabama supporting it.

I deem it my duty, as there seems to be a difference of opinion among gentlemen on this question, to here strike a happy medium or golden mean between these two extreme views and settle this question, and settle it right, for all time to come. I feel I ought to do this. I also feel when I shall have finished, my purpose will be accomplished and the matter settled. [Laughter.]

The gentleman from Pennsylvania fears if this bill passes capital will become uneasy and withdraw from investment. He fears this is a step in the direction of anarchy and socialism. He fears this is a step which will ultimately result in Government ownership of railroads. He even fears our whole economic system will be disturbed and the splendid prosperity of our country destroyed.

Why should the gentleman be so alarmed? I assure him there is not a Member of this House but what wants to see every commercial interest of our great country thrive. I for one am opposed to Government ownership of railroads; but I do believe it is the duty of the Government to look well to the matter of the interstate commerce of the country.

The gentleman from Alabama refers to the privileged classes of this country which have been permitted to thrive and fatten under the present system of government while the common people have been oppressed. I do not believe any class of our people has been oppressed; on the contrary, I believe the great mass of our people have been progressing with the rest of the world. I truly believe the laboring people of our country are better clothed, better fed, better educated, and better housed than ever before in our history. In fact, there is no people in the civilized world who enjoy so fully the high degree of the comforts of life as do our people. The fact is our people are better and more generally employed to-day than ever before in our history—not only in our history, but in the world's history. In short, our people are practically happy, satisfied, and contented.

Now, to the point. I favor this bill because I believe it to be a conservative, practical, and equitable measure. I do not favor it because I want to punish railroad companies; neither do I favor it because I believe our people are being downtrodden and greatly oppressed, and that this bill is intended to revolutionize our whole economic system.

However, I do want to caution the gentleman from Pennsylvania [Mr. SIBLEY] and the gentleman from Maine [Mr. LITTLEFIELD] that they ought not accuse those of us who favor this bill as favoring anarchy and socialism.

I rather believe this bill is calculated to bar socialism and anarchy, because it expresses the wishes of the people of our country, and the people can always be trusted. Socialism and anarchy do not thrive under free government like ours.

Hence we should not forget the time-honored and basic principles of our Government.

I desire to say just a word further before beginning the discussion of my subject proper, that I may be fully understood. I do not believe in enacting any law in a spirit of revenge. I am not one who believes it necessary to punish railroads. I rather like the great transcontinental railways of our country for what they have done for civilization. We must not forget the fact that the builders of railroads in the early days were among the honored pioneers of this country. They blazed the way to higher civilization and made it possible for us to enjoy the manifold blessings of the splendid civilization we now enjoy. We must not forget the fact also that in a great majority of instances the pioneer builders of our railroads not only encountered great difficulties, but found themselves the most gigantic financial failures the country ever saw. [Applause.]

That building railroads was a hazardous business in the early days there is no doubt; and because it was a hazardous business the railroads, or, I should say, the builders of railroads,

appealed to the Federal Government to aid them in their undertakings. They also appealed to State governments, county governments, and municipal governments. The basis of their appeal was that the building of railroads was a public necessity, therefore the public ought to contribute of their land and money to the building of the railroads. Federal, State, county, and municipal governments accepted the explanation given by the railroads and contributed liberally.

It is authentically estimated that the Federal Government gave the railroads from time to time enough of its public domain, which, if in a contiguous body, could be converted into five great States equal in area to Illinois, Missouri, Iowa, Ohio, and Indiana. State governments and county governments and municipal governments all gave liberally to the railroads of their money and property. Some of the counties in my own State (Missouri) gave so liberally the people have yet outstanding railroad debts. One county (St. Clair County, Mo.) is required to hold its sessions of the county court in the woods to escape the enforcement of the law on the railroad-bond question. [Laughter.]

It now occurs to me our railroads have forgotten the time in the history of our country when they had to appeal to the Government for aid. Now, when the Government desires to inquire into matters and things relating to railroad affairs, it is claimed the Government is overstepping the constitutional limitations, and the railroads are exceedingly private corporations, while the courts of the country have repeatedly declared the railroads to be common carriers and public highways.

I take it the review of the history of railroad building in this country brings us face to face with the fundamental right of the Government to at least exercise a restraining influence over the railways and transportation companies engaged in the interstate commerce of our country.

It is to this right of the Government to which I now desire to address myself.

To meet and discharge wisely the responsibility of regulating commerce and to bring the railways and other transportation companies engaged in interstate commerce back to their legitimate sphere and have them serve fully the purpose for which they were created, in my opinion, is the greatest question with which the present Congress has to deal.

Gentlemen have argued on the floor of this House during the progress of this debate, and I am sure the railways all argue it, that no substantial reasons exist for the passage of this bill. It is argued it is a step in the direction of anarchy and socialism. They express the belief such legislation will prove detrimental to the whole commercial system and that it is inconsistent with the principles of free government. They are of the opinion, should this bill become a law, capital will be withdrawn from investment and the whole commercial world suffer.

Gentlemen may be sincere in their contentions, but those who are of this opinion are certainly in the extreme minority as compared with the great bulk of our people, who are of the opposite opinion.

The fact is, we are confronted with a condition from which there is no escape, and as the chosen representatives of the sovereign people we must enact this bill into law. The condition is that the people of this country are demanding legislation calculated to prevent certain unjust discriminations in the matter of freight rates, charges, and rebates as practiced by certain carriers of the country. [Applause.]

If the public is suffering serious wrong; if there are far-reaching abuses in the transportation of our commerce; if the railways are not only carrying the commerce of the country, but controlling the commerce of the country, determining where it shall be massed, where the markets are even located; if they are discriminating in favor of big shippers as against little shippers; if they are creating and fostering monopolies, then there rests upon the Congress the responsibility to act at once, and act with determination and precision.

I say it behooves the Congress of the United States to rise to the occasion and do its patriotic duty by enacting this bill into law. That the president of the United States stands ready to give the Executive approval to the measure there is no doubt, because he has expressed himself at sundry times and on divers occasions as favoring such legislation. I am warranted in making this statement, because he has so expressed himself in his various messages to Congress.

The transportation question is one that lies close to all the people. It affects every individual, every community, and all parts of the country either directly or indirectly. Both capital and labor are mutually dependent upon transportation in the production of wealth, let it either be manufacturing, mining, or agriculture; in fact, all the occupations of men in the civilized world are dependent upon it.

It is not only important that lines of transportation be established, but it is important that after they are established the rates be just and the service be adequate. This proposition then naturally divides itself into two phases: The first is the adequacy of the service; the second is the justice of the charges or rates.

It is to the latter condition to which I shall now invite your attention, because the people are not so much complaining at the service afforded by the carriers as they are complaining of unjust charges and unfair discriminations. The community which is denied the opportunity to move its products to market at fair rates and upon an even footing with a competing community must inevitably suffer great loss. Therefore, the very growth, development, and prosperity of every community, to a very marked degree, depends upon the transportation of the products of the community at large.

The truth is, the founders of our Republic saw at the very outset and in the general order of things it was necessary that lines of transportation be established; and at the same time they saw the necessity of fixing a basis of equality for each community in the transportation of its goods, wares, men, and merchandise, as related to every other community. We have to go to no other source for authority on which to base this argument than the Constitution of the United States, because it is therein ordained that the Congress of the United States shall have power to regulate commerce with foreign nations and among the several States, and that such commerce should be equitably carried on. It was the evident intention of the fathers that the door of opportunity should be open equally wide to each and every community of the thirteen original States. If that was the spirit of the law then, it is the spirit of the law now, because these were the men who builded for the future. In their wisdom they laid and grounded the very corner stones of this Republic upon the eternal and everlasting principles of equality and fairness, thereby making it possible today for us to enjoy the manifold blessings of freedom and independence.

Sirs, in the language of Rudyard Kipling, we can not lose sight of these time-honored and basic principles of free government in this great and strenuous age of commercial activity, "Lest we forget, lest we forget," and I beg of you, let us not forget.

Yet those who oppose the bill fear we are overstepping our constitutional authority. I tell you where the trouble is: We are not suffering so much from our efforts to overstep the bounds of constitutional authority as we suffer from lack of properly exercising our powers under the Constitution.

Tell me our Constitution is so void of equity that it does not clothe the legislative department of our Government with ample authority to correct existing evils and I will tell you, then, ours is no longer a "government by the people, of the people, and for the people," which I do not concede.

It will be remembered, in the outset of my remarks, I called your attention to the fact that the railroads of the country do not occupy the same position with reference to the people that the average private corporation does, for the reason that the Government assisted the railroads by donating land and money in their building.

I here wish to discuss briefly the relation of railroads to State and Federal governments.

To begin with, the railway corporations are creatures purely and simply of the State governments. From the States they get their special powers and special privileges. The State vests in the transportation company the greatest possible powers when it grants the franchise to do business within the State, and even makes it possible for the corporation to take private property without the consent of the owner. I here mean the method by which land is acquired by railway companies under condemnation proceedings in the various States of the Union. Why is it possible that a railway company can do this? Is it because it is the bare intention of State governments to bestow special favors on the carriers? Or is it that they may be the better enabled thereby to discharge their duties to the public? It must be for the latter reason. It could be justified on no other ground. The fact is, the courts of this country have repeatedly held that the State would have no right to divest its citizen of his property except the purpose to which the property is put be a public one.

Hence, taking land for railroad purposes must be taking it for a public purpose. Again, I wish to insist such an act could be justified on no other ground; and the fact that it is taken for a public purpose is the sole justification for taking it at all.

Then tell me that the States have not the right to control State commerce. To prove beyond question of doubt the several States of the Union have the right to at least exercise a

restraining influence over the railways of their respective States, I wish to give briefly the history of State railway legislation.

To begin with, under our form of government—Federal and State—a division of powers and responsibilities with respect to transportation and the protection of the commerce of the country at large is fixed by constitutional limitation. Yet gentlemen fear we are overriding the Constitution. Commerce is either State or interstate commerce. A shipment beginning and ending in a State is State commerce; hence the carrier undertaking the transportation must be subject to the laws of that State, because the General Government can exercise no authority. If the shipper is to be protected in his rights, both as to efficient service (and, as I said before, there is little complaint from that source) and reasonable rates without being discriminated against, he must look to the government of his State. He must do this because such is a transaction that is purely domestic. On the other hand, a shipment consigned in one State to a point in another State is interstate commerce. This is necessarily true from the time it starts to move until it reaches its destination.

With respect to such a shipment, the State has no authority and can afford the public no relief from wrongs at the hands of the carriers. Hence the absolute and imperative necessity that the Federal Government vest sufficient authority in the Interstate Commerce Commission to at least exercise a restraining influence over the transportation companies, which this bill seeks to do and will do if enacted into law. These are, to my mind, some of the fundamental reasons on which the right of the Government to enact such laws rests. These principles were recognized nineteen years ago, when the present interstate-commerce law was enacted, and these are the reasons to-day why this bill, which seeks to amend this law, should be enacted into law.

While it is a known fact that most of the States of the Union have created commissions, the object of which is to exercise a controlling or restraining influence over the railways engaged in State commerce, it is also a fact that the public at large has little definite information concerning the experience of those States in which those commissions have been created and the conditions and circumstances leading up to the enactment of present laws. That I may more fully demonstrate the correctness of my position by alluding to the question of State regulation of common carriers, I submit the following observations: The truth is the States lead off in an effort at regulation of railways and railway rates. The present interstate-commerce law was enacted in 1887, and the States began in 1871, I believe. Minnesota led the States; then came Illinois in 1873 and Iowa and Wisconsin in 1874.

The great central West, or Northwest, was the pioneer in railway-rate regulation, and it is the great West and central West to-day that stand in solid phalanx in support of this measure. It is true other sections of the country are supporting the measure, but it is doubted by some that they are so ardently supporting the measure as is the West.

A gentleman whose name I can not recall at this time made certain references a few days ago in a speech on the floor of this House to the so-called "Granger legislation."

I am here reminded that it might be well to review some of the objections that were urged by the railways at the time the States took up the idea of creating State boards or railroad commissions. It was claimed that railroad construction would cease, and that railroad business would be completely crippled and come to a standstill—harrowing stories, just such as we have heard during this debate coming from those who oppose the bill, that dire and awful consequences would follow the enactment of such laws. Let us now see whether or not these consequences did follow. It will be remembered the people said the railroads were wrong, just as we say they are mistaken to-day.

In the year 1871 there were 12,401 miles of railroad in the four States that enacted this so-called antirailroad legislation from 1871 to 1875, viz, Minnesota, Illinois, Iowa, and Wisconsin. In the same States in 1873 there were 14,627 miles, showing the building of railroads had increased instead of having come to a standstill. In 1875 there were 15,515 miles of road in the same States, again showing the building of railroads had not come to a standstill. This period of time covers the period when these same States were enacting this alleged hostile railroad legislation.

Now, to prove that railroad interests did not suffer in the States enacting this so-called "antirailroad" legislation, I wish to submit the status of railroad building in four States which were about on a par with Minnesota, Illinois, Iowa, and Wisconsin in population and in general development in which no railroad legislation was had during the same period.

The four States selected are Missouri, Nebraska, Indiana, and Michigan. In these States in 1871 there were 9,168 miles of railroad. In 1873 there were 10,932 miles of road, in 1875 there were 11,381 miles.

The figures presented show that Minnesota, Illinois, Iowa, and Wisconsin held their own in railroad construction with the States of Missouri, Nebraska, Indiana, and Michigan. In fact, they did better than Missouri, Nebraska, Indiana, and Michigan. I take it these States with which they have been compared are four States that were about as nearly on the same footing as any four that could have been selected in the whole United States. Hence this is not only a just comparison, but abundant proof that the railroad interests did not suffer as a result of the legislation enacted by the States, which was so much opposed by the railroads. The question might present itself that the railroad business is not shown by these figures to have been in a very prosperous condition at that time. While this is true, the cause is easily traceable to conditions resulting from the general depression which affected the commercial world in all its phases at that time and not to the legislation of the States on the subject of railroad control by State boards.

Now, to the question proper. I want this bill to pass because it is calculated to relieve the people from excessive transportation charges and discriminations and rebates.

There seems to me to be an effort on the part of the transportation companies to have us feel that this is such a complex and intricate subject that it is dangerous to meddle with it. I remember well within a very short time after I was elected to Congress in 1904 I received a letter from a certain shipper in Missouri (not in my district, however, and not a stockholder in a railroad company). The nature of the communication was something like this: The matter of railroad transportation is one that so affects the community at large that it behooves the Congress of the United States to move cautiously along these lines; that, as a shipper, he believed the public at large had little cause to complain at the treatment received at the hands of the transportation companies; that his experience led him to believe, as a rule, all people were fairly treated, and the public was suffering largely from imaginary and not real evils. A little investigation on my part convinced me that as a shipper he was getting rates cheaper to Chicago, Minneapolis, and Omaha than other shippers were who were not half so far away. If it is a fact—and I am fully convinced it is—that favoritism, partiality, and unjust indiscriminations exist, then this bill ought to pass.

These discriminations with respect to communities, individuals, and enterprises ought to be stopped, because they tend to retard a good, healthy development and growth locally in many sections of the country. On the other hand, these discriminations serve as an undue stimulus to certain localities, which produce abnormal commercial conditions and which ought not to exist. Reasonably good service, and at a reasonably fair cost of service, is all the people want. That is all this bill seeks to accomplish.

Gentlemen fail to agree as to what the true scope and power of the Interstate Commerce Commission should be. They philosophize on the ultimate outcome of some abstract proposition or hypothetical case. Why not get down to business and enact this bill into a law? Let the Commission get to work under the operation of the new law; then we will see what the results are. There is too much time, in my opinion, spent in speculation and the discussion of abstract propositions. While I am of the opinion that the Commission under certain conditions ought to be clothed with absolute power to fix schedules, yet because this bill may not go that far, I do say it is an improvement over the present law. It is certainly a step in the right direction.

While I am also of the opinion that the great body of the people who suffer either directly or indirectly from these excessive transportation charges can not appear before the Commission, yet they will be relieved practically by the individual who does appear before the Commission and prosecutes his cause to final issue, just as it is in the courts of the country. Many citizens enjoy benefits under the laws that are tested by those who carry the cases through the courts just as fully as though they were able to carry on litigation themselves. The Commission should be clothed with full power to enforce publicity in respect to all matters pertaining to the public interests, because, invested with this power, the necessity of prosecutions would less frequently arise. But shall I vote against the bill because it may not meet my approval in this regard? No! I shall vote for the bill, not for what of good it does not contain, but for that of the good it does contain.

In my opinion this bill, when enacted into law, will afford relief. The extent to which this relief will be afforded depends, like all other laws, upon the extent of its enforcement; and I here wish to assume that every man who is on the Interstate Commerce Commission to-day and who may be on that Commission in the future is and will be such type of American citizen that his purpose will be at all times to equitably enforce the law. I have a right to assume this because no man has a right to go on such a commission except he be the highest type of American citizen, except he be well seasoned in statesmanship, well tried in public service, and his patriotism, integrity, and ability beyond question. The selection of the Commission, therefore, becomes a question of importance, and, in my judgment, the bill has wisely provided that the selection be by appointment rather than by election. I favor this method because it sometimes occurs that in the heat of contest for place political parties do not take into account all these essential qualifications the candidate should possess; consequently public officers do not always measure up fully to every requirement. Hence I favor the method provided for in this bill, viz, that the Commission should be appointed by the Executive.

Gentlemen argue against this bill because they say they are against public ownership of railroads. I am also against government ownership of railroads. The author of this bill, I assure you, is against government ownership of railroads; and I also assure you a majority of the committee from which the bill comes are against government ownership of railroads. I take it this particular objection gentlemen have urged has no application to this measure.

While the Government does not seek ownership of railroads, and while I should oppose any such effort on the part of the Government, yet I do say the Government has a duty to perform in the regulation of the railway transportation business of this country, because the service is a public service, which makes it, in a sense, essentially a function of Government. What is the nature of a railroad company in its capacity? It should be public, while the truth is it is more often a monopoly, because it shuts out all other competition. By a "monopoly" I understand it is meant that which takes unto itself all, or the whole thing. This may not be Webster, but this is the way I think of the word at this time and in the sense in which I have used it. Why is a railroad company a monopoly? Because all the people, as a rule, who live near it, or tributary to it, market their products and receive their supplies over it. They have no other alternative.

The State in which they live may have permitted the railroad company to take the land on which it has laid its tracks and built its switches from the individual, yet he is dependent upon the company. The people must accept the service offered, cart their produce away, haul in their supplies, or walk. The fact is, the corporation, which is a creature of the State and the recipient of public gifts and favors, in many cases is permitted to tyrannize over the people. I shall vote for this bill because it seeks to protect the people against these wrongs and injustices at the hands of the corporations, the creatures of the States, I shall vote for this bill because I say it is the plain duty of the Government to protect its citizens against unjust discriminations.

One of our ablest Supreme Court judges once said:

> The superintending power over the highways and the charges imposed upon the public for their use has always been in the Government.

That such is not only right, but necessary to protect the people against extortion, there can be no kind of doubt. The same duty the State owes its citizens in the protection of their rights under State laws the Government owes its citizens in the protection of their rights under Federal laws.

The act of 1887 provides for a Commission of five men, to be appointed by the President, with the consent of the Senate. The act also provides that all transportation charges shall be reasonable and just and that every unreasonable and unjust charge shall be unlawful. It further provides that the Commission is required to execute and enforce all provisions of the act; that it shall investigate and inquire into all complaints of violations of the law, and that it shall execute the law by petition to the court, and the court shall enforce all lawful orders made by the Commission.

At the time Congress enacted the present law it was thought the Commission was vested with ample authority to supervise rates and to issue orders and decrees with respect to what rates should be. As a result of the various legal controversies between shippers and carriers in the courts the authority of the Commission has been narrowed down until to-day it is powerless to afford relief.

In other words, by judicial decision the Commission has practically been deprived of the powers it was originally thought to possess.

In the annual report of the Commission in 1897 it is stated:

> As construed by the Supreme Court, the carrier is given the right to establish and charge rates independent of the judgment of the Commission and independent of the action of any court or tribunal. The right to establish, charge, and receive unreasonable and unjust charges is not prohibited, and in respect to charges which may be demanded and received for any transportation service, the carriers are made the judges in their own cases as to what is reasonable and just.

This is the statement of the Commission. The Commission was evidently led to make this statement as a result of its ten years of fruitless endeavors to enforce the law. Hence we are warranted at this time in assuming that all the people and the Commission believed had been secured by the act of 1887 has been swept away by court decisions. If this is true, there is but one thing for Congress to do now, and that is to pass this bill.

The Commission from year to year since 1897 in its annual reports to Congress has made it clear that it was practically shorn of its power.

We ought either to pass this rate bill or abolish the Interstate Commerce Commission, and no longer keep up the present empty pretense. Again, in 1902, the Commission in its report, in speaking of the defect in the law, said:

> That this imperfection is curable is conceded. The fullest power of correction is vested in Congress, and the exercise of that power is demanded in the interest of the public welfare. The sense of the wrongs and injustice which can not be prevented in the present state of the law, as well as the duty enjoined by the act itself, impels the Commission to reaffirm its recommendations for the reasons so often and so fully set forth in previous reports and before the Congressional committees. Moreover, in view of the rapid disappearance of railway competition and the maintenance of rates fixed by combination, attended as they are by substantial advances in the charges on many articles of household necessity, the Commission regards this matter as increasingly grave, and desires to emphasize its conviction that the safeguards required for the protection of the public will not be provided until the regulating statute is thoroughly revised.

What does such a report mean? Is it possible these men of whom this great Commission is composed are mistaken in what they so appealingly urge in their reports to Congress? I can not believe they are mistaken. I now wish to discuss briefly the situation that is referred to in this last report, wherein it is stated: "Moreover, in view of the rapid disappearance of railway competition," etc., What! Does the Commission say that competition is rapidly disappearing in transportation? I say it so states, and I further say there is no longer practically any competition among the railroads of this country, the contentions of the gentleman from Pennsylvania [Mr. SIBLEY], the distinguished gentleman from Maine [Mr. LITTLEFIELD], and the distinguished gentleman from Ohio [Mr. GROSVENOR] to the contrary notwithstanding.

I here wish to remind you of the contentions of these gentlemen who so eloquently declared that competition among railroads was the just and proper means by which this rate controversy should be determined. How, in the name of common sense and human reason, can competition correct evils if there is practically no competition, as is contended by the Commission in its report in 1902?

That my contention may be more fully explained, that there is no longer competition among railroads, I beg to submit the following table, which shows that almost the entire railroads of the United States are controlled by six sets of financiers. Then talk about competition in the railroad business!

Table showing number of roads embraced, mileage, and capitalization of each of the six great systems.

Classification.	Number of roads.	Mileage.	Capitalization.
Vanderbilt	132	21,888	$1,169,198,132
Pennsylvania	250	19,300	1,822,402,255
Morgan-Hill	225	47,200	2,265,116,350
Harriman-Kuhn-Loeb	85	22,943	1,321,243,711
Morse-Leeds	9	25,032	1,059,250,933
Gould-Rockefeller	109	28,157	1,368,877,540

What do these figures mean? They mean that at least 90 per cent of all the railways—which are public highways—over which the commerce of the country is carried, are controlled by six financial boards or agencies. This, to me, looks more like one gigantic community of interests than a condition of competitive, legitimate business enterprise, about which we have heard so much from distinguished gentlemen who oppose this bill.

The truth is, railway companies have been working for years to eliminate competition, and they have about succeeded. Now that they have succeeded, and there is no more of competition among the carriers of the country, it is eminently proper that the Government take a hand in this matter.

The railway managers were quick to see that railroads are monopolies, and that competition between them differed from competition in other lines of business. The advantage of maintaining rates was seen. Hence the roads at once began to arrange among themselves to divide the traffic, which has been very effectively and equitably done. But when the roads did this, what about your competition? This consolidation of interests was called "pooling," and in the act of 1887 "pooling" was prohibited. Since that time some very famous prosecutions have been made by the Government and, I desire to say, with a reasonable degree of success.

But this table shows six boards with identical interests control practically the transportation business of the country; yet gentlemen talk about competition in the railroad business.

Not only do we find six great financial agencies in control of the railroads of the country, but we find that between the six companies there is a mutual understanding as to rates and which places the entire commerce of the country practically under one common source of control. Then need we marvel that present rates are high and constantly subject to advance and being advanced? There is but one logical conclusion at which we can arrive, and that is the railway business has become a monopoly and needs to be restrained in some of its practices. It was contended that by the consolidation of these interests expenses would be reduced; consequently better rates would follow.

It was further contended this was the only purpose of the consolidation. Was this true?

Consider what those in control of the railroads have done. By consolidation 922 lines of road (I mean different roads) and nearly 50 different systems have been merged into 6 great systems. They now reach out into every nook and corner of the United States, and, with a common interest, determine what rates shall be charged the people of the different communities for transporting their commodities. Is it to be wondered at that unjust discriminations exist? Is it to be wondered at that rebates are granted favored shippers? Is it to be wondered at that people for short hauls pay more than others do for long hauls?

Then, is it to be wondered at that President Roosevelt in his last message to Congress said, "In order to insure a healthy social and industrial life, every big corporation should be held responsible by, and be accountable to, some sovereign strong enough to control its conduct?" This declaration from the President of the United States comes well enough recommended to me to cause me to support the pending bill.

As an abstract economic proposition it might be true that increased profits in the hands of a few shippers may allow greater development than where the business is divided, but it is certainly harmful to any community in its practical application. Wealth may be more rapidly accumulated when an individual or a number of individuals get a monopoly on any business, but the thrift and prosperity of the community at large depend upon a general distribution of opportunities and accumulated wealth. These large railroad corporations have come to look upon the small shipper with a degree of contempt. In their big way of doing things and in their way of looking at big things they only look with favor upon the big shippers of the country. This is why there is such a thing as a system of secret rebates practiced and unjust discriminations made. Hence the railroad companies encourage centralization in business.

We must not forget that one of the objects set out in the preamble to the Constitution of the United States is, "To promote the general welfare." I take it this bill seeks to promote the general welfare of all our people, consequently I shall vote for it. As I said in the outset, I shall vote for this bill because it is reasonable, practical, and equitable. [Loud applause.]

Mr. ADAMSON. I now yield to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, there are just one or two observations I care to make respecting the pending bill. I very much fear it will not benefit those who most need protection by law. Now, Mr. Chairman, every railroad in its very nature is a monopoly. If one road passes through a community the people of that community are forced to ship over that road or else not ship at all. If there are two or more roads serving any particular town or community we all know it is not very long before they adjust all their differences and the shipper finds the same rate given him by each and every one of the roads over which he can possibly ship his goods. It has been stated on this floor in this debate—and, so far as I know, the statement had not been challenged—that all the railroads of this country are practically owned or controlled by six corporations. Now, speaking for myself alone, I hold that wherever a shipper is forced to deal with a monopoly he should have the guaranty by law that he is being dealt with fairly; that the rate of freight he is forced to pay is fair and just and reasonable, and I hold, Mr. Chairman, that every person who ships should have that guaranty, should have that protection without being forced to go into court and ask for it. Now, you can call this what you please. You can call it "government ownership" if you want to; I do not care what you call it if it is right. As a matter of fact it is not government ownership; it is simply the enforcement of a section which you have already put in your bill. I find in the bill a paragraph which declares that all rates charged for the transportation of freight or passengers shall be just and reasonable and that all unreasonable rates shall be unlawful. Now, how can you enforce this law? It can only be enforced upon demand of the aggrieved party, who must expend a considerable sum of money in having his rights protected.

Mr. Chairman, I am glad my brilliant young friend from Georgia [Mr. HARDWICK] took the position he did in the speech he has just delivered. If we are going to pass a bill, let it be a bill that will accomplish what it is intended to accomplish. Let us not pass a bill which will protect the wealthy shipper and leave the small shipper practically without protection. Every person who ships a bale of cotton, every person who ships a bushel of wheat should have the guaranty that freight paid by him for the transportation of that bale of cotton or bushel of wheat is fair and just and reasonable, and he should not be forced to go in court to have such rate declared fair, just, and reasonable. Dealing as he is with a monopoly (and I do not use the word monopoly with any offensive intent), he should have the satisfaction of knowing that there is some agency whose duty it is to see that even justice is done between the shippers on the one side and the railroad company on the other. Gentlemen, let me inquire from whom come the most vigorous protests against the passage of this bill? Do these protests which we have all been receiving come from the large shipper or the small ones? So far as I know almost every protest against the passage of this bill comes from the great shipper. Why? Because they are the ones who have been enjoying the unlawful benefit of rebates and discriminations. The large shipper needs, it seems, but little protection. The man who needs the benefit of your bill most of all is the man whose business is so small that he can not afford to go into court, and I hold that some agency somewhere, of some kind, should be vested with the power and charged with the duty of seeing that every shipper, large and small, is fairly and justly dealt with, whether he asks for it or not. No monopoly should object to this supervision.

For the State to surrender part of its sovereignty and leave the humblest individual in the land at the mercy of the very agency to which that sovereignty is surrendered is perfectly indefensible in morals. [Applause.]

Here is a giant on the one side engaged in business with a pigmy on the other. The law should establish and preserve an equation of justice and square dealing between the two. This bill, Mr. Chairman, is very good as far as it goes. The Democratic party was demanding the enactment of such a law years ago, even before Col. Theodore Roosevelt was thought of as a Presidential possibility. I say there are good features in this bill. Let us hope they will not be eliminated when the bill goes to the President for his signature. I hazard the statement here and now that the President himself would despair of the passage of this bill but for the Democratic support which he knows he can count on and which will be practically solid. [Applause on the Democratic side.] Let us all hope that his influence with his own party is such that this Democratic measure adopted by a Republican President will not fail to pass. [Loud applause on the Democratic side.]

Mr. WEBBER. Mr. Chairman, I listened with close attention to the distinguished gentleman from Maine [Mr. LITTLEFIELD], for I remember that in the Fifty-eighth Congress he started right and he voted right. He has told the House that he then voted for the railroad rate bill, but somewhere along the way he has seen a ghost—the ghost of railroad preferentials—and his attitude now reminds me of the story in the schoolbook of the boy who was traveling along the road at night and saw come out of the darkness what appeared to him to be an actual living ghost. In his fright he turned and ran, but as he ran he began to think over the things of his youth, and while he remembered that his grandfather and grandmother said there were ghosts he remembered, also, that his father and mother said there are no ghosts. So concluding that the grandfather and grandmother were wrong, and believing the father and mother, he plucked up courage and turned back in the direction from which he had come. When he got up to the supposed ghost, it turned out to be nothing but a great white friendly guideboard, and not only that, it was pointing just the way he wanted to go. So if the

distinguished gentleman from Maine [Mr. LITTLEFIELD], for whom I have the highest regard, had kept on and not been deterred by the hobgoblin story which has been poured into his ears somewhere between the Fifty-eighth and the Fifty-ninth Congress, in my humble judgment he would be with us to-day. There is also that other story that I am reminded of, which went the rounds as a cartoon, that illustrates his position, taking into account his earnest appeal to-day and his apparent troubled condition of mind. I refer to the man with the wheelbarrow that was heavily loaded with articles labeled "Cares, duties, and responsibilities of to-morrow." His back was bending in trundling the load, his face was distorted, perspiration was dripping from his forehead, but out of his pocket protruded a bundle, giving him no trouble, labeled "Cares, duties, and responsibilities of to-day." It is the hobgoblin of something that is to come that troubles some of the Members of the House who oppose this measure.

Mr. Chairman, as I understand the situation, the rights of the railway companies and the rights of the people, in brief, are these: Not one rod of the 210,000 miles of railway in this country was constructed except by laying it across private property, and to that end the property owner, even though it took from him the old home with all of its sentiment, had to surrender under the principle "the greatest good to the greatest number." But along with that right not only went the rights of the railway company to forever send its cars over the steel track, but that other great right of franchise to the great traveling and shipping public; and it is because of that franchise to the public guaranteed to every American citizen and the stranger within our gates who may desire to use these railways at all times and under all circumstances, to ship his commodity over them on equal terms with all others at a reasonable rate, that these companies had the right to lay one foot of such track. Any shift or device to evade that vested right of the great traveling and shipping public is in contravention of the Constitution. It makes no difference whether it is a contract entered into between the railroad company and a shipper or is a law passed by Congress or a finding by the Interstate Commerce Commission or an act by the legislature of a State. If it takes away that vested right in the great shipping and traveling public, it is absolutely void. The Interstate Commerce Commission is not clothed with power to lay down any new rule as to rates. That is a part of the franchises that belong to the railroad companies and the public, fixed by the common law, that the rates must be reasonable and all served alike. The Commission simply hears the evidence on complaint and follows this rule.

What is it? It is that the rate must not be discriminatory and shall be reasonable. What the Interstate Commerce Commission can do, and all that the promoters of this bill and those who have been so faithful, having it in charge, claim, is that the Commission shall hear the testimony on complaint made to see whether or not the rate is reasonable; if unreasonable, fix a maximum reasonable one; if discriminatory, correct that, and that is all. Beyond that the Interstate Commerce Commission can not go.

There are three great arteries of transportation in this country—the waterways, the dirt highways, and the steel highways. I remember reading not many years ago an interesting case reported in one of the United States Supreme Court reports. It seems that Fulton and Robertson as a company were granted a charter by the State of New York, by the terms of which they were given the right forever to navigate by steam power all the navigable streams of the State of New York against the world, and, strange as it may seem to us of this day and generation, that legislation was sustained by every intermediate court until it reached the Supreme Court of the United States, when John Marshall, that greatest of all elucidators of the Constitution, delivered an opinion that forever swept away such a doctrine, in which he stated that such a privilege is in contravention of interstate commerce and therefore could not be the law. To-day we have these great steel highways, and by reason of the character of the track we can not pass over them with our private vehicles, and so the Government has given to individuals and companies the right to construct these highways over private property by paying only its actual value to aid the public. If I read the decisions aright, that right carries but two exclusive privileges to the promoters or companies—that is, to carry over the roads passengers and the commodities of the people. They have no right under the Constitution to engage in any other business in conjunction with the roads, though it is true in many instances they are doing it in violation of law. The roads have no right to make profits in any way out of anything save and except in transporting the commodities of the public and carrying passengers over the roads. I acquiesce fully in the claim made by the distinguished gentleman from Ohio [Mr. GROSVENOR]. I believe he is absolutely right in his contention, and the agitation and legislation must go on until the railways of this country have surrendered all interest in outside enterprises. I never could figure out how any private car company has a right as against the public to send its cars over these tracks by contract with the railroad companies. I do not believe that it is either the spirit or letter of the Constitution to permit it. The spirit and letter of the Constitution is that you may send your commodity over these tracks. The company must receive your commodity; it must send it on equal and reasonable terms with everybody else; it must give all equal facilities; it has no right to say to a company or an individual owning private cars, "We will take your car or cars and for a stated amount send them with your commodities and passengers over these tracks." For all these railroad tracks on the rights of way, in the broad sense, belong to the public—absolutely to the public. And until these private infringements are gotten rid of and we come back to the constitutional rights of the people this contention will go on.

Look at the situation. A young man with ability and limited means undertakes to start in business on one of these railway tracks; if he is in the field of endeavor of those who have pooled their issues and put up a plant, he is at their mercy, for he finds them accorded rates by the railroad companies not given him. The gentleman from Maine said, in substance, if he had his way he would do away with the Interstate Commerce Commission. I was startled by the statement he made—that the wronged shipper should resort to common law for redress. I will admit that a wronged shipper has at common law a remedy, so far as the law itself is concerned, but the difficulty is in working it out. It may be fine in theory, but impracticable in practice, and it was because of that fact that this Interstate Commerce Commission was organized. No man can take his complaint of unjust rates and discrimination into a common-law court of justice and try to work the problem out under the rules of common law in these days against these corporations doing an interstate business and secure justice, and it is because men wiser than myself saw this impractical situation for the shipper that the Interstate Commerce Commission was organized. There they can at once bring their complaints to the Commission. The gentleman from Maine says, How can this Commission tell what is a just rate? He says there is no scientific rule by which it can be determined. There is no scientific rule by which it can be determined anywhere; human judgment, under the evidence and rules of common law, finally determines. Suppose the Congress were to give to the Interstate Commerce Commission the name of "interstate judges." Would such legislation make them any wiser? Suppose the same evidence is brought before the common-law court. Will the judges composing such tribunal be any wiser than the men who make up the Commission? It is a man's judgment when you get through with it. You have to lodge the power somewhere, somebody has to hear the evidence. When the gentleman says, Away with the Commission and leave the people to common law, he is twenty years behind the progress of events. That was tried for years and brought no results. The process was too slow.

This bill does not contain what those most deeply interested in it—those who drafted it and the committee who reported it—would like to have in it. Like everything else in legislation, it is a compromise measure; but let us stand for the bill, and as we move along in the course of events, and more testimony is gathered, and its workings are put to the test, and we find wherein the weakness lies, more legislation can follow to remedy the mistakes. But to do away with the Interstate Commerce Commission after all the effort that has been put forth would be a sad blow to the shipper. I know there are a large number of people who wanted to have the investigations of the Interstate Commerce Commission done away with a long time ago, for they suffered the penalties of law as results of the evidence given before that Commission against them. Arrayed against this Commission is this immense capital, back of which are the trained brains of the railway men of this country. I do not understand that the distinguished gentleman from Ohio [Mr. GROSVENOR] desires to have the Commission done away with; he says that he does not think the bill goes far enough. I agree with him. But the bill in its present form is in the right direction and should pass. If it can be made broader at this time, I shall be glad.

Mr. HILL of Connecticut. Does not the gentleman think that this Congress ought to be as solicitous for persons as they are for hogs, and put the Pullman Car Company under the provisions of the bill as well as the Armour Company?

Mr. WEBBER. I most assuredly do. If I had my way about it, this bill would be broad enough and explicit enough to put every Pullman car under its ban.

Mr. GROSVENOR. What is to hinder the striking out of one word, and putting the Pullman cars into the bill?

Mr. WEBBER. If the gentleman will give me a chance, I will vote for such an amendment.

Mr. GROSVENOR. Is there any sacredness about a Pullman car that takes it out of the domain of regulation?

Mr. WEBBER. None whatever.

Mr. GROSVENOR. Does the gentleman figure it would weaken the bill to put it in there?

Mr. WEBBER. Not the slightest.

Mr. GROSVENOR. What does the gentleman suppose is the reason it is not in?

Mr. WEBBER. I do not know.

Mr. MAHON. Does not the gentleman believe that the express companies should go in?

Mr. WEBBER. The express companies should go in as well.

Mr. MAHON. They rob the people as well as the railroads, even more so.

Mr. WEBBER. In fact, any shift or device that in any way takes away from the people the rights that are given to them by the construction in the railways should be lodged in the bill. There is no question about that. Whether or not they shall be placed in there by this Congress, the time is coming when they must be placed in some rate bill. There was no particular trouble raised in this country about rates until large aggregations of capital got together. When you bring together millions and billions, and along with the millions and billions, men of trained minds to manipulate them, while the great mass of people are about their business, in the humble walks of life, the result is that wrongs are perpetrated—that men to-day, worth their thousands, sit behind closed doors and within a few days will be worth their millions, through railroad rate manipulation. There is not a man in this House who would do away with a mile of railway. We would build more. The railways in the broad sense belong to the people. If people desire to organize companies and construct these roads and make out of them a fair profit, it is all well and good; but when a man starts in as a railway lawyer, or railway director, and within the space of five or ten years becomes a man worth millions, there is something wrong going on. If the Interstate Commerce Commission, with all the powers with which it is clothed, and will be under this bill, can not correct that wrong, then let us get up a bill that will do it. And I am not an anarchist. Talk about the ghost of Populism which the gentleman from Maine ran onto, by the way! Go out into the States of Kansas and Nebraska to-day and charge a man with being a Populist, and he will thrash you on the spot. They are dead and gone; you can not find one of them. This Government is going to live in spite of unjust railroad rates. It is not going back. We are not going to be handed over to the anarchists. [Applause.]

Mr. MANN. Mr. Chairman, I now yield to my colleague so much time as he may desire.

Mr. RIVES. Mr. Chairman, believing it to be a duty I owe to the people of my section of the country, I rise to support this bill. I support it because I believe it to be an honest measure designed to promote the general welfare of the majority of the American people, and when legislators in their effort to serve the people they represent legislate in the interest of the majority, then their duty has been discharged and one of the fundamental rules of a republican form of government has been observed, namely, the will of the majority shall be the will of the whole.

Mr. Chairman, this bill will not satisfy everybody. To satisfy everybody is an impossibility. This bill no doubt has many imperfections, but it is just as possible to provide for every contingency that might arise in the future as it is to satisfy everybody in the first instance.

A great deal has been said about the rights of the railroads in connection with this question. We hear it said but for the railroads our country would not be developed as it is to-day; that they have opened up new territory for settlement and development, and in doing this they have made great sacrifices.

This is all true to a certain extent, but we must remember that this was not accomplished by the railroads alone, but that the people who followed the railroads and inhabited these new territories, made just as many sacrifices, endured just as many hardships, and are entitled to just as much credit for the development of the country as are the railroads.

We hear it said that the interests of the railroads are great, representing millions of dollars in investment, and therefore they should not be unjustly interfered with in the management of their property. I agree with this statement unqualifiedly.

It is also true that the interests of the people of this country of ours are great, and should not be unjustly interfered with.

But, Mr. Chairman, I fear their interests and their rights have been unjustly interfered with, and the fact that this great wave of agitation is now sweeping over this fair land of ours from the Atlantic to the Pacific is very good evidence that this is true.

Mr. Chairman, I do not want to unjustly interfere with any man, or any thing, and especially with a great institution that is as valuable, as necessary, and has done as much for our country as has the railroad. I do want to interfere with the man or the railroad or the common carrier or any other person who, by reason of having received certain concessions from the public, becomes a public servant, owing certain duties and obligations to the public, and continually persists in violating these duties and obligations.

A public servant of this character should not be a respecter of persons, should not grant special privileges to special persons, should not be guilty of unfair discrimination in any manner whatever. Every citizen doing business with it should pay the same reasonable charge for the service rendered.

This, as I understand it, is what the bill in the main seeks to accomplish. It seeks to compel railroads and other common carriers to deal fairly and justly with all shippers, to charge reasonable rates, and, upon their failure to do this, invests the Interstate Commerce Commission with the power to see that they do. In other words, section 4 of the bill provides as follows:

That the Commission is authorized and empowered, and it shall be its duty, whenever * * * upon complaint * * * it shall be of the opinion that any of the rates or charges whatsoever, demanded, charged, or collected by any common carrier * * * or that any regulation or practice whatsoever of such carrier or carriers, affecting such rates are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged, and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed.

Grave fears have been expressed on the floor of this House by the gentleman from Maine [Mr. LITTLEFIELD] about giving the Interstate Commerce Commission the powers this bill proposes to give; grave fears that the high type of manhood now in the Executive office will not always be selected by the people to preside over their affairs. I agree with the gentleman that it may be possible that we will not at all times be blessed with an Executive as fair and fearless as the one the people have so overwhelmingly selected at this time; but, Mr. Chairman, it seems to me this is a bridge we have not reached at present, and one that should be crossed when reached, and I would suggest to the gentleman that if we desire to avoid crossing such a bridge altogether, all that is necessary to do is to keep the Republicans in power. [Laughter and applause.]

I do not believe we should allow existing evils to go without adjustment because of the possibility that something uncertain might happen in the future. We might as well say that no law should exist providing for the punishment of the burglar or the robber or the murderer because of the possibility that some corrupt prosecuting officer might be elected or appointed in the future.

This objection should not be allowed to interfere with the passage of this bill.

We must trust to the honesty of men chosen as public officials, because in the majority of cases under our system of government this is the only alternative open to us.

What assurance have the people who sent the Members of this House here to represent them that they would do so in an honest manner, other than their faith in our integrity and manhood? None whatever.

I am sorry to say officials are sometimes corrupt and can not be trusted, but I believe in the majority of cases honesty prevails. If this were not true we could not maintain a republican form of government.

The gentleman from Maine says he would not like to see certain men occupy the Executive office with the power to appoint this Commission. I would not like to see the type of man he no doubt refers to hold this responsible position. But I would suggest to the gentleman that if such a catastrophe should happen the people will be responsible for it and not this Congress, and in that event they should not be heard to complain of their own folly.

Mr. Chairman, in the hearings before the Senate Committee on Interstate and Foreign Commerce last year one of the principal objections to this legislation presented by the representa

tives of the railroads was to that feature giving the Commission the power to fix rates. They objected to it because they were afraid the Commission would arbitrarily fix every rate in the United States and then there would not be the flexibility that is necessary in the transaction of the business of the railroads. An attempt coming from some source was made to educate the people that this was what was being sought by the Esch-Townsend bill, and if that measure passed great calamity would befall the railroads, the railroad employees, and the people of the nation in general.

If a law giving the Commission the power to fix rates in the manner in which they thought that bill would were passed I, too, would have grave doubts as to the results; but, Mr. Chairman, I do not believe any such legislation was proposed in that bill, and I am sure it is not the intention of this bill, and if not, some new objection, of which I have not heard, will have to be advanced before I will be convinced this bill should not become a law.

If any rates are fixed by the Commission under this bill it will be the fault of the railroads and no one else, and conceding the Commission would fix an unfair rate when called upon, no person should be heard to complain of his own wrong.

Something has been said about the effect this bill will have on the railroad employees. An officer of one of their unions has said:

> The regulation of the earnings are so closely related to the expenditures that the law, if made effective, practically controls both. Anything that benefits the companies benefits the employees, so in this legislation we feel our interests are mutual.

All of this, I have no doubt, is true, and if the Commission were given the power to fix rates in the arbitrary way this officer has been led to believe it will, the employees would probably be affected, but if they are affected under the operation of this law, as I think I understand it, it will be the fault of the employer, as I have before suggested, violating the law and seeking to receive an unreasonable remuneration for his services.

I would not willingly vote for any measure that would have a tendency to reduce the wages of railroad employees or in any manner be detrimental to them. Neither would I vote for a measure I thought would be harmful to the railroads. I do not want to harm any man. I prefer to protect all men.

Section 1 of the bill defines the term "railroad" and the term "transportation," and, as I understand it, the object of the committee in doing this was to cover the use of switches, cars owned by shippers, and refrigerator cars, with the view of doing away with the evils heretofore existing in the use of these facilities of transportation.

The time is certainly at hand for legislation along this line. Recent developments have disclosed a disgraceful condition of affairs existing in the United States, especially in the use of the refrigerator and private car, and, if the reports are true, certain shippers are actually being robbed without any recourse in law. And if futher reports are true the railroads in this case are being imposed upon and are at the mercy of the people owning these private cars.

Some doubt has been expressed as to whether or not express cars are included in the definition of the term "transportation." I can only hope that they are, not that I have any special grievance against the express companies, but on the broad principle that if one is regulated all should be regulated.

Section 7 contains an all-important feature of the bill, and that is the publicity feature. It provides, among other things, for annual reports showing the amount of capital stock issued, the dividends paid, the funded and floating debts, the number of employees, the number of accidents, and a complete exhibit of the financial operations of the carrier each year, and further provides a penalty for refusing to make these reports.

If it is right to regulate the charges and other practices of common carriers, then it is right to let it be known how the business is being conducted.

We are told in the Bible that certain men loved darkness rather than light, because their deeds were evil. The object of this section of the bill is to let the light shine in on the transactions of these great corporations, in order to find out whether they are to be compared with the men of biblical times.

And now, Mr. Chairman, one of the strongest reasons in favor of the merits of this bill, and the last I will mention, is the fact that all of the Members of this House, with few exceptions, are for it, Democrats as well as Republicans. The committee, consisting of twelve Republicans and six Democrats, have made a unanimous report on it, after long hearings and laborious investigation. This, to my mind, is evidence that the people have been heard from and are demanding that the great evils this bill seeks to remedy should be stopped.

Ordinarily a great deal of the time of the House is taken up in making political capital out of measures that are being considered by the House. On this occasion we are not confronted with anything of this kind, but we are confronted with the pleasing spectacle of honest servants of the people seeking to give the people the legislation they are asking for and seeking to give it to them as quickly as possible. Let us hope our efforts will not be futile and that the same prompt action will be taken in the other Chamber of the Capitol. [Applause.]

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987, and had come to no resolution thereon.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa, from the Committee on Appropriations, reported the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report and views of the minority, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I desire to reserve all points of order on the bill.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 12612) to further promote the dairy industry of the United States.

There was no objection, and it was so ordered.

ALLEGED COMBINATION BETWEEN PENNSYLVANIA AND OTHER RAILROADS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Interstate and Foreign Commerce, and, with accompanying papers, ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 29th ultimo, requesting the President, "if not incompatible with the public interests, to report to the House of Representatives, for its information, all the facts within the knowledge of the Interstate Commerce Commission which shows or tends to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk and Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, the Northern Central Railway Company, and the Chesapeake and Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, 1890, and entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' or acts amendatory thereof," I transmit herewith a report by the Interstate Commerce Commission on the subject.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 5, 1906.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 90. An act providing for the deposit of a model of any vessel of war in the United States Navy bearing the name of a State of the United States in the capitol building of said State—to the Committee on Naval Affairs.

S. 2871. An act granting an increase of pension to Joseph Brunnell—to the Committee on Invalid Pensions.

S. 136. An act granting an increase of pension to Sebastian Laudner—to the Committee on Invalid Pensions.

S. 2526. An act granting an increase of pension to Thomas Welch—to the Committee on Invalid Pensions.

S. 2869. An act granting an increase of pension to Rachael A. Foulk—to the Committee on Invalid Pensions.

S. 476. An act granting an increase of pension to Emily Peterson—to the Committee on Invalid Pensions.

S. 2459. An act granting an increase of pension to Alexander M. Scott—to the Committee on Invalid Pensions.

S. 1463. An act granting an increase of pension to Anna Z. Potter—to the Committee on Invalid Pensions.

S. 213. An act granting an increase of pension to John M. Doersch—to the Committee on Invalid Pensions.

S. 208. An act granting an increase of pension to Daniel J. Smith—to the Committee on Invalid Pensions.

S. 2098. An act authorizing the extension of Second street NW. north to Trumbull street and W street westward to Second street NW.—to the Committee on the District of Columbia.

S. 1736. An act granting a pension to Lena S. Fenn—to the Committee on Invalid Pensions.

S. 3286. An act granting an increase of pension to Mary J. McGehee—to the Committee on Pensions.

S. 121. An act granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

S. 3184. An act granting an increase of pension to Alfred T. Hawk—to the Committee on Invalid Pensions.

S. 506. An act granting an increase of pension to James Wilson—to the Committee on Invalid Pensions.

S. 127. An act granting an increase of pension to Anthony H. Crawford—to the Committee on Invalid Pensions.

S. 587. An act granting a pension to Mary J. Chenoweth—to the Committee on Invalid Pensions.

S. 3307. An act granting an increase of pension to Phillip W. Cornman—to the Committee on Pensions.

S. 1518. An act granting an increase of pension to Phineas F. Lull—to the Committee on Invalid Pensions.

S. 3311. An act granting a pension to Bernhard Schoffner—to the Committee on Invalid Pensions.

S. 970. An act granting an increase of pension to William Crome—to the Committee on Invalid Pensions.

S. 2557. An act granting an increase of pension to Charles F. Longfellow—to the Committee on Invalid Pensions.

S. 1268. An act granting an increase of pension to William Lownsberry—to the Committee on Invalid Pensions.

S. 994. An act granting a pension to Henry Weston—to the Committee on Pensions.

S. 2556. An act granting an increase of pension to George B. Hunter—to the Committee on Invalid Pensions.

S. 2778. An act granting an increase of pension to John W. Langford—to the Committee on Invalid Pensions.

S. 56. An act authorizing the extension of Rhode Island avenue NE.—to the Committee on the District of Columbia.

S. 566. An act granting an increase of pension to George Wiley—to the Committee on Invalid Pensions.

S. 3285. An act granting an increase of pension to Mary M. Hull—to the Committee on Invalid Pensions.

S. 2089. An act granting an increase of pension to John P. Campbell—to the Committee on Invalid Pensions.

S. 1821. An act granting an increase of pension to Samuel L. Andrews—to the Committee on Invalid Pensions.

S. 1037. An act granting an increase of pension to Adolphus L. Oxton—to the Committee on Invalid Pensions.

S. 1840. An act granting an increase of pension to James Prettyman—to the Committee on Invalid Pensions.

S. 624. An act granting an increase of pension to Abbie C. Moore—to the Committee on Invalid Pensions.

S. 639. An act granting an increase of pension to George M. Bradley—to the Committee on Invalid Pensions.

S. 619. An act granting an increase of pension to James F. Prater—to the Committee on Invalid Pensions.

S. 2183. An act granting an increase of pension to George P. Trobridge—to the Committee on Invalid Pensions.

S. 724. An act granting an increase of pension to George A. Parker—to the Committee on Invalid Pensions.

S. 1017. An act granting an increase of pension to Mary Ryan—to the Committee on Invalid Pensions.

S. 2421. An act granting an increase of pension to Herrick Hodges—to the Committee on Invalid Pensions.

S. 2411. An act granting an increase of pension to Carrie B. Findley—to the Committee on Invalid Pensions.

S. 3508. An act granting a pension to Mary J. Visscher—to the Committee on Invalid Pensions.

S. 1417. An act granting an increase of pension to Henry A. Tilton—to the Committee on Invalid Pensions.

S. 1010. An act granting an increase of pension to Joel M. Sawyer—to the Committee on Invalid Pensions.

S. 703. An act granting an increase of pension to Edward T. Connolly, alias John Marks—to the Committee on Invalid Pensions.

S. 181. An act granting an increase of pension to Francis E. Stevens—to the Committee on Invalid Pensions.

S. 77. An act granting an increase of pension to Granville P. Mason—to the Committee on Invalid Pensions.

S. 79. An act granting an increase of pension to James F. Tilton—to the Committee on Invalid Pensions.

S. 75. An act granting an increase of pension to Urial J. Streeter—to the Committee on Invalid Pensions.

S. 78. An act granting an increase of pension to Mary R. Blethen—to the Committee on Invalid Pensions.

S. 702. An act granting an increase of pension to Richard Dearborn—to the Committee on Invalid Pensions.

S. 909. An act granting an increase of pension to Harvey M. D. Hopkins—to the Comittee on Invalid Pensions.

S. 573. An act granting an increase of pension to Henry T. Braman—to the Committee on Invalid Pensions.

S. 1536. An act granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

S. 2996. An act to authorize the Secretary of the Interior to purchase 80 acres of land, more or less, from Karl A. Torgerson and Charles E. Heyn for the benefit of certain allottees of the Grande Ronde Indian Reservation—to the Committee on Indian Affairs.

S. 584. An act for the relief of David H. Moffat—to the Committee on Military Affairs.

S. 2172. An act to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army"—to the Committee on Military Affairs.

S. 2626. An act to correct the military record of Isaac Thompson—to the Committee on Military Affairs.

S. 1690. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia—to the Committee on the District of Columbia.

S. 2582. An act to authorize the American National Bank, of Graham, Va., to change its location and name—to the Committee on Banking and Currency.

S. 2452. An act creating an additional land office in the State of North Dakota—to the Committee on Public Lands.

S. 1942. An act to correct the military record of George A. Winslow—to the Committee on Military Affairs.

S. 733. An act granting an honorable discharge to Jacob Niebels—to the Committee on Military Affairs.

S. 1862. An act for the relief of Joshua T. Reynolds—to the Committee on Military Affairs.

S. 2325. An act for the relief of James D. Vernay—to the Committee on Military Affairs.

S. 832. An act to correct the military record of Asa Niles—to the Committee on Military Affairs.

S. 1951. An act to correct the military record of Talton T. Davis—to the Committee on Military Affairs.

S. 497. An act to authorize the President to revoke the order dismissing William T. Goodwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Goodwin on the retired list with the rank of first lieutenant—to the Committee on Military Affairs.

S. 3338. An act for the relief of John L. O'Meara—to the Committee on Invalid Pensions.

S. 2273. An act to establish at Cape Mendocino, California, quarters for the light keeper—to the Comittee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9092. An act granting a pension to Lucy Walke;

H. R. 4177. An act granting a pension to Susan H. Chadsey;

H. R. 6116. An act granting a pension to John Gainsback;

H. R. 10365. An act granting a pension to Emeline S. Hayner;

H. R. 8689. An act granting a pension to Frank P. Haas;

H. R. 8832. An act granting a pension to William I. Heed;

H. R. 7206. An act granting a pension to Nannie Frazier;

H. R. 10573. An act granting a pension to Mariah Baughman;

H. R. 5208. An act granting a pension to Susan J. Rounds;

H. R. 8071. An act granting a pension to Mary Mitchell;

H. R. 7423. An act granting a pension to Rachel A. Dailey;

H. R. 5779. An act granting a pension to Hannah W. Green;

H. R. 7735. An act granting an increase of pension to James Hartzel;

H. R. 7237. An act granting an increase of pension to Philip Bacon;

H. R. 3295. An act granting an increase of pension to George W. Knapp;

H. R. 5158. An act granting an increase of pension to Ephraim N. R. Ohl;

H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;

H. R. 5642. An act granting an increase of pension to John W. Bancroft;

H. R. 9659. An act granting an increase of pension to Abram V. Smith;

H. R. 4991. An act granting an increase of pension to William R. Glisan;

H. R. 7758. An act granting an increase of pension to John L. Whitman;

H. R. 5182. An act granting an increase of pension to Robert S. Williams;

H. R. 5845. An act granting an increase of pension to Robert T. Knox;
H. R. 6186. An act granting an increase of pension to William Harvey;
H. R. 8659. An act granting an increase of pension to James Powers;
H. R. 7673. An act granting an increase of pension to Homer A. Barrows;
H. R. 10352. An act granting an increase of pension to Sarah A. Boush;
H. R. 4392. An act granting an increase of pension to Joseph Miller;
H. R. 6183. An act granting an increase of pension to Amanuel Russell;
H. R. 8409. An act granting an increase of pension to George H. Stowits;
H. R. 4706. An act granting an increase of pension to Anna M. Gardner;
H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;
H. R. 5236. An act granting an increase of pension to Mary Greene;
H. R. 6983. An act granting an increase of pension to Chalkley Petitt;
H. R. 8403. An act granting an increase of pension to James L. Rector;
H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;
H. R. 6447. An act granting an increase of pension to Mary E. Davenport;
H. R. 8181. An act granting an increase of pension to Martin B. Noyes;
H. R. 6544. An act granting an increase of pension to Buford P. Moss;
H. R. 4740. An act granting an increase of pension to Ransom L. Logan;
H. R. 7889. An act granting an increase of pension to Aaron Noble;
H. R. 10572. An act granting an increase of pension to Mary A. Hackley;
H. R. 5237. An act granting an increase of pension to Rebecca Garland;
H. R. 7755. An act granting an increase of pension to Adam Wenzel;
H. R. 4643. An act granting an increase of pension to Orlena F. Seaver;
H. R. 8374. An act granting an increase of pension to Ellen R. Graham;
H. R. 8404. An act granting an increase of pension to John H. Ferguson;
H. R. 9984. An act granting an increase of pension to Samuel McKinney;
H. R. 7878. An act granting an increase of pension to Ann Betts;
H. R. 7662. An act granting an increase of pension to Barney Schultz;
H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;
H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;
H. R. 4393. An act granting an increase of pension to Henry Allen;
H. R. 5831. An act granting an increase of pension to Julius Zuehlke;
H. R. 4682. An act granting an increase of pension to James Whiteman;
H. R. 7230. An act granting an increase of pension to John M. Wells;
H. R. 10218. An act granting an increase of pension to Melissa Chase;
H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;
H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;
H. R. 519. An act granting an increase of pension to William C. Stewart;
H. R. 7952. An act granting an increase of pension to Detrick Nortrup;
H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;
H. R. 6917. An act granting an increase of pension to Edmund R. Strang;
H. R. 2262. An act granting an increase of pension to John Seymour;
H. R. 4731. An act granting an increase of pension to Robert McMullen;
H. R. 1810. An act granting an increase of pension to James E. Post;
H. R. 6916. An act granting an increase of pension to Jacob Meier;
H. R. 5643. An act granting an increase of pension to Wells Briggs;
H. R. 2800. An act granting an increase of pension to Thomas Manahan;
H. R. 5939. An act granting an increase of pension to James Brody;
H. R. 4733. An act granting an increase of pension to John L. Files;
H. R. 5653. An act granting an increase of pension to Henry W. Wells;
H. R. 5546. An act granting an increase of pension to James Eastwood;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 8237. An act granting an increase of pension to Noah Palmer;
H. R. 10289. An act granting an increase of pension to John W. Ellsworth;
H. R. 1435. An act granting an increase of pension to Jason Robbins;
H. R. 1548. An act granting an increase of pension to Emma Leviness;
H. R. 2266. An act granting an increase of pension to George H. Hodges;
H. R. 2959. An act granting an increase of pension to Amos H. Tenant;
H. R. 6113. An act granting an increase of pension to Moses Schoonmaker;
H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;
H. R. 7950. An act granting an increase of pension to Emma M. Heath;
H. R. 1971. An act granting an increase of pension to Melville A. Smith;
H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;
H. R. 10142. An act granting an increase of pension to Thomas Bush;
H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;
H. R. 1972. An act granting an increase of pension to Stephen Gillen;
H. R. 5654. An act granting a pension to Moses Eggleston;
H. R. 7509. An act granting an increase of pension to John N. Stone;
H. R. 9382. An act granting a pension to Mariam T. Shreve;
H. R. 9130. An act granting an increase of pension to John Brinkley;
H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902;
H. R. 6166. An act granting a pension to Else C. Isachsen;
H. R. 4226. An act granting an increase of pension to William Painter;
H. R. 4744. An act granting an increase of pension to Thomas O'Connor;
H. R. 4742. An act granting an increase of pension to Edward Coy;
H. R. 4223. An act granting an increase of pension to Frederick Schultz; and
H. R. 520. An act granting an increase of pension to Henry C. Stern.

CHANGE OF REFERENCE.

By unanimous consent, the reference of the bill (H. R. 11267) to revive and amend "An act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof, was changed from the Committee on Claims to the Committee on War Claims.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, recommending that permission be granted to Prof. Simon Newcomb, United States Navy, retired, to accept a decoration conferred by the German Emperor—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the bill of the House (H. R. 12064) to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, reported the same with amendment, accompanied by a report (No. 925); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1007) to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks, reported the same without amendment, accompanied by a report (No. 926); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McDERMOTT: A bill (H. R. 14003) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties—to the Committee on Labor.

By Mr. STEPHENS of Texas: A bill (H. R. 14004) to amend section 4386 of the Revised Statutes of the United States, relating to the shipping of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: A bill (H. R. 14005) providing for the erection of a public building in the city of Iowa Falls, Iowa—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14006) providing for the erection of a public building at Manchester, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 14007) authorizing the Secretary of Agriculture to investigate systems of farm management, making appropriation therefor, and for other purposes—to the Committee on Agriculture.

By Mr. McKINLAY of California: A bill (H. R. 14008) authorizing the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept conveyance of property of the Veterans' Home of California—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 14009) making an appropriation for the appraisement and sale of the town sites of Heyburn, Rupert, and Scherrer, Idaho—to the Committee on Appropriations.

Also, a bill (H. R. 14010) to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, and to provide for the disposal of isolated tracts of public lands—to the Committee on the Public Lands.

Also, a bill (H. R. 14011) to amend section 2372 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. LEVER: A bill (H. R. 14012) to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

By Mr. ADAMS of Wisconsin: A bill (H. R. 14013) to erect a public building at Watertown, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HALE: A bill (H. R. 14014) repealing an act entitled "An act to extend the time for presenting claims for additional bounties"—to the Committee on War Claims.

By Mr. KALANIANAOLE: A bill (H. R. 14015) to establish a fund for public works in the Territory of Hawaii, and for other purposes—to the Committee on the Territories.

Also, a bill (H. R. 14016) for continuing the improvement of Honolulu Harbor, in the Territory of Hawaii, under authorization of the river and harbor act of March 3, 1905, and for other purposes—to the Committee on the Territories.

By Mr. WALLACE: A bill (H. R. 14017) to preserve and maintain the channel in Red River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. FOWLER: A bill (H. R. 14018) for the current deposit of public moneys, for the issue and redemption of national-bank notes, and for the gradual conversion of the United States notes into gold certificates—to the Committee on Banking and Currency.

By Mr. HAMILTON: A bill (H. R. 14019) to provide for the taxation of railroad property in the Territories of Arizona and New Mexico—to the Committee on the Territories.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 14020) to increase the limit of cost of the public building for Winston-Salem, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 14021) to construct a bridge across the Eastern Branch of the Potomac River—to the Committee on the District of Columbia.

By Mr. FOWLER: A bill (H. R. 14022) to provide clean currency—to the Committee on Banking and Currency.

By Mr. McGUIRE: A bill (H. R. 14023) for the establishment of an additional recording district in Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. HINSHAW: A bill (H. R. 14024) for the purchase of an additional site and the erection thereon of an addition to the United States building at Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. BEDE: A bill (H. R. 14025) to further regulate commerce among the States and with foreign nations—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa, from the Committee on Appropriations: A bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. HAMILTON: A resolution (H. Res. 210) for the appointment of an assistant clerk to the Committee on the Territories—to the Committee on Accounts.

By Mr. WACHTER: A resolution (H. Res. 211) authorizing a clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 14026) granting a pension to William H. Rogers—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14027) granting an increase of pension to William Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14028) for the relief of William G. Gardner—to the Committee on Military Affairs.

Also, a bill (H. R. 14029) for the relief of Thomas H. Jones, administrator of William D. Jones—to the Committee on War Claims.

Also, a bill (H. R. 14030) for the relief of Robert Ross—to the Committee on Military Affairs.

Also, a bill (H. R. 14031) for the relief of W. S. Adams—to the Committee on Claims.

Also, a bill (H. R. 14032) for the relief of Overton Turner—to the Committee on Military Affairs.

Also, a bill (H. R. 14033) for the relief of John A. Gribble—to the Committee on Military Affairs.

Also, a bill (H. R. 14034) for the relief of Nimrod Pratt—to the Committee on War Claims.

Also, a bill (H. R. 14035) for the relief of Isaac Musser—to the Committee on Military Affairs.

Also, a bill (H. R. 14036) for the relief of James Black—to the Committee on Military Affairs.

Also, a bill (H. R. 14037) for the relief of Annetta Callihan—to the Committee on Military Affairs.

Also, a bill (H. R. 14038) for the relief of Robert Galbreath—to the Committee on Naval Affairs.

Also, a bill (H. R. 14039) granting a pension to Reuben Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14040) granting a pension to Sarah F. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14041) granting a pension to Rachel Ewing—to the Committee on Pensions.

Also, a bill (H. R. 14042) granting a pension to Augustine Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14043) granting a pension to James W. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14044) granting a pension to Susan Tabor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14045) granting a pension to Sallie Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14046) granting a pension to Jimison F. Skeens—to the Committee on Pensions.

Also, a bill (H. R. 14047) granting a pension to George B. Kennard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14048) granting a pension to Nancy England—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14049) granting a pension to Harvey Gribble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14050) granting an increase of pension to Mary F. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14051) granting a pension to Preston Petit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14052) granting a pension to Jasper Staton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14053) granting a pension to Rosa A. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14054) granting a pension to Mary Elizabeth Alfrey and others—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14055) granting a pension to Penelope Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14056) granting a pension to William Prater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14057) granting a pension to Edward Dearfield and others—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14058) granting a pension to Lewis McKinney—to the Committee on Pensions.

Also, a bill (H. R. 14059) granting an increase of pension to John W. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14060) granting an increase of pension to Andrew J. Bow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14061) granting an increase of pension to Isaac N. Dysard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14062) granting an increase of pension to Cornelia Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14063) granting an increase of pension to James Vandivort—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14064) granting an increase of pension to John Q. A. Boner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14065) granting an increase of pension to Sarah Farrow, alias Goodpaster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14066) granting an increase of pension to John Pruett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14067) granting an increase of pension to John Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14068) granting an increase of pension to Hezekiah Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14069) granting an increase of pension to George W. Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14070) granting an increase of pension to Henderson Medley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14071) granting an increase of pension to William Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14072) granting an increase of pension to George W. Reeder—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 14073) granting an increase of pension to Alfred J. Skinner—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 14074) granting a pension to Miles B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14075) granting an increase of pension to Frederick Hagg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14076) granting an increase of pension to William Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14077) granting an increase of pension to George W. Chesebro—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 14078) granting a pension to Nathaniel Sumners—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 14079) granting a pension to Barbara Custer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14080) granting an increase of pension to Jonathan Harding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14081) granting an increase of pension to Smith M. Todd—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 14082) granting an increase of pension to John C. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14083) to refund legacy taxes illegally collected from the estate of Johanna S. Stoeckle, late of Wilmington, Newcastle County, Del.—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 14084) granting a pension to William H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14085) granting a pension to William R. Chaffin—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 14086) granting a pension to Daniel Pence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14087) granting a pension to Sarah Elizabeth Robenalt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14088) granting a pension to Mary A. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14089) granting an increase of pension to Martin Harter—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 14090) for the relief of S. K. Yundt—to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 14091) for the relief of the heirs of Andrew E. Hodges, deceased, late of Florida—to the Committee on Claims.

By Mr. COLE: A bill (H. R. 14092) granting a pension to Frances Coyner—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 14093) to remove the charge of desertion from the record of Lucien H. Robertson—to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 14094) for the relief of Francis Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 14095) granting a pension to Hizil Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14096) granting a pension to Margaret Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14097) granting a pension to Isham D. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14098) granting a pension to Mary Winfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14099) granting a pension to Ellen M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14100) granting a pension to Mary Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14101) granting a pension to John W. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14102) granting an increase of pension to Samuel L. Brammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14103) granting an increase of pension to Stephen A. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14104) granting an increase of pension to Milton Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14105) granting an increase of pension to Turner Bartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14106) granting an increase of pension to John S. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14107) granting an increase of pension to Isaac Maines—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 14108) for the relief of George W. Buxton—to the Committee on Claims.

By Mr. FLACK: A bill (H. R. 14109) granting an increase of pension to Bernhard Winters—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 14110) granting a pension to Ella Winas—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14111) granting a pension to Regina Albert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14112) granting an increase of pension to Andrew J. Baker—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 14113) granting an increase of pension to Isaac N. Perry—to the Committee on Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 14114) granting an increase of pension to Wells Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14115) granting an increase of pension to Frederick Guebard—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 14116) granting an increase of pension to John P. Rains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14117) granting an increase of pension to William H. H. Fellows—to the Committee on Invalid Pensions.

Also, a bill (S. R. 14118) granting an increase of pension to Edward Delaney—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14119) granting an honorable discharge to Lieutenant Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 14120) granting an increase of pension to H. D. Lefavor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14121) correcting the military record of Elphas Coakley—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 14122) for the relief of John T. Brown—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 14123) granting an increase of pension to Gottlieb Spitzer—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 14124) for the relief of Christopher Clary—to the Committee on War Claims.

Also, a bill (H. R. 14125) for the relief of The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.—to the Committee on Claims.

Also, a bill (H. R. 14126) granting an increase of pension to William H. Staley—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 14127) granting a pension to Elizabeth H. Nicholls—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 14128) granting an increase of pension to Joseph T. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14129) granting an increase of pension to James M. Hobson—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14130) for the relief of the heirs of Peter Anderson, late of Philadelphia, Pa.—to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 14131) granting an increase of pension to Francis M. Simpson—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 14132) to remove the charge of desertion against Robert Downing—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 14133) for the relief of William Peacock—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 14134) granting an increase of pension to Thomas McIntyre—to the Committee on Pensions.

By Mr. McCARTHY: A bill (H. R. 14135) for the relief of Jennie S. Sherman—to the Committee on Claims.

Also, a bill (H. R. 14136) granting an increase of pension to Jason Kester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14137) granting an increase of pension to John Dineen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14138) granting an increase of pension to James P. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14139) granting an increase of pension to Edgar V. Harris—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 14140) granting an increase of pension to J. M. Cage—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 14141) granting a pension to Charles M. S. Ronsholdt—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 14142) granting an increase of pension to James A. Scrutchfield—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14143) granting an increase of pension to Zacur P. Pott—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 14144) granting a pension to Allen M. Cameron—to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 14145) granting an increase of pension to James Bowley—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14146) granting an increase of pension to W. G. Duckworth—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 14147) for the relief of the heirs of Mary Edwards, deceased—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 14148) to remove the charge of desertion from James Dunn—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 14149) granting an increase of pension to Mary Healy—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14150) granting a pension to Eliza A. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14151) granting a pension to William J. Ashly—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 14152) to correct the military record of Samuel M. Crosby and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: A bill (H. R. 14153) granting a pension to Ferdenand Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14154) granting a pension to Michael H. Dunn—to the Committee on Pensions.

Also, a bill (H. R. 14155) granting a pension to George A. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14156) granting an increase of pension to David M. Kittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14157) granting an increase of pension to David S. Rickhow—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 14158) granting an increase of pension to William McGovern—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 14159) granting an increase of pension to Zachariah Heed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14160) granting an increase of pension to Louisa Anna Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14161) granting an increase of pension to Sarah A. Kumler—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14162) granting an increase of pension to William W. Lichty—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14163) granting an increase of pension to Jerome Lang—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 14164) granting a pension to Mary S. Prather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14165) granting a pension to Gevert Schutte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14166) granting a pension to George W. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14167) granting a pension to Marion Vest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14168) granting a pension to James W. Scott—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14169) granting an increase of pension to Bettie Stern—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 14170) for the relief of U. S. Davis and Mrs. A. D. Foote—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Francis Heimbach et al., and the Carney-Johnson Company, of Cleveland, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Spokane Chamber of Commerce, relative to money for the Reclamation Service—to the Committee on Irrigation of Arid Lands.

Also, petition of the Lake Seamen's Union, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pueblo Business Men's Association, for a reservation for Mesa Verde National Park—to the Committee on the Public Lands.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against an amendment to live stock transportation law—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the American Society for the Prevention of Cruelty to Animals, against an amendment to live stock transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of Quaker City Lodge, No. 149, Brotherhood of Railway Trainmen, for bill H. R. 239—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New York, favoring bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. ALLEN of Maine: Petitions of the Transcript and the Brunswick Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Petitions of the Meridian Tribune and the Texas Mesquiter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Paper to accompany bill for relief of G. A. Anderson—to the Committee on Pensions.

Also, paper to accompany bill for relief of Andrew J. Sanders—to the Committee on Pensions.

Also, paper to accompany bill for relief of Samuel Garner—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mary A. M. Pettyjohn—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Petition of Oliver Miller et al., relative to the Kentucky militia and the pension roll—to the Committee on Invalid Pensions.

Also, petition of Trinity Council, Junior Order United Ameri-

can Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BISHOP: Petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of citizens of Colorado, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELL: Petition of citizens of Chicago and vicinity, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BRADLEY: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BUCKMAN: Paper to accompany bill for relief of Smith M. Todd—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of David P. Marshall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Orin W. Jones—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: Petition of Maydell Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Ohio: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the National Board of Trade, for a more liberal appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of Ebe T. Lynch, for improvement of the harbor of refuge, Delaware Bay, Delaware—to the Committee on Rivers and Harbors.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Andrew E. Hodges—to the Committee on Claims.

By Mr. COLE: Petition of citizens of the Eighth Congressional district of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of the Eighth Congressional district of Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Petition of Fidelity Lodge, No. 109, Brotherhood of Railway Firemen, of Logansport, Ind., for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of the Scott County Humane Society, against any amendment of the stock-transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of Grange No. 874, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Petition of Rives Lodge, No. 456, of Great Falls, Mont., for the passage of bill H. R. 239—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the American Society for the Prevention of Cruelty to Animals, against amendment of the transportation live stock law—to the Committee on Interstate and Foreign Commerce.

By Mr. DRISCOLL: Petition of Central City Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Protective Tariff League, against bill H. R. 3—to the Committee on Ways and Means.

Also, petition of the Association for the Protection of Commerce, for deepening Coney Island channel—to the Committee on Rivers and Harbors.

Also, petitions of Gilbert M. Tucker and of the State Agricultural Society of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Society of Medical Jurisprudence of New York, for reform in the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Maritime Association of New York, for deepening Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Minerva Club, of New York, for increase of the President's salary—to the Committee on Appropriations.

Also, petition of the New York State Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FOSTER: Petition of the Stamford Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Regina Albert—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Clark A. Winans—to the Committee on Invalid Pensions.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against amendment of the live stock transportation law—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Andrew J. Baker—to the Committee on Pensions.

By Mr. GARDNER of Michigan: Petitions of the Daily Chronicle, the Marshall Statesman, the Cereal, the Mirror, the Register Weekly, the Medical Missionary, the Leader, the Albion College, and the Dog Fancier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARRETT: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Isaac N. Perry—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: Petition of citizens of California, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GOEBEL: Petition of Stephen T. Broding et al. and Price Hill Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Addystone Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petitions of Lulia Hatch Rhodes, representing 50 families, of Pawtucket; the Friends' Church of Woonsocket, R. I.; the Broadway Baptist Church, and the Methodist Episcopal Church of Middleton, R. I.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Petition of the Ohio Vicksburg Battlefield Commission, for the enactment of the Parker bill—to the Committee on Military Affairs.

Also, petition of the granges of Meigs County, for a parcels-postal law—to the Committee on the Post-Office and Post-Roads.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of citizens of Ohio, for a service-pension bill for $12 per month to all Union soldier survivors of the war—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of L. W. Ruth, for a parcels-post law—to the Committee on Agriculture.

Also, petition of citizens of Corey, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of the Interstate Contractors et al., of Mason City, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of William H. Franklin—to the Committee on Invalid Pensions.

Also, petition of the Merchants' Association, for an appropriation for Yosemite Valley, California—to the Committee on Agriculture.

Also, petition of the Sailors' Union of San Francisco, against passage of bill S. 27, relating to crews of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEDGE: Petition of the Ministerial Association of Louisa and Des Moines counties, Iowa, for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Connecticut: Petition of the American Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of citizens of Norwich, Conn., protesting against affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petition of Colonel Kellogg Council, No. 55, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Paper to accompany bill for relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.—to the Committee on Claims.

Also, paper to accompany bill for relief of B. P. Munns—to the Committee on Invalid Pensions.

Also, petition of J. H. Marsh et al., about affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of the American Society for the Prevention of Cruelty to Animals, against an amendment to live stock transportation law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of New York, favoring bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Lake Seamen's Union, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUBBARD: Petition of Sioux City Division, Order of Railway Conductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. KAHN: Petition of the counties committee of the California Promotion Commission, relative to Federal control of irrigation, forest reservation, etc.—to the Committee on Agriculture.

Also, petition of Franklin A. Little, for bill H. R. 8988, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots, of San Francisco, for an appropriation for the light-house board of the twelfth district—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the San Francisco Medical Society, for reform of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of San Francisco, for an appropriation for the Yosemite Valley—to the Committee on Agriculture.

Also, petition of the Silver Union of the Pacific, for the bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of San Francisco, Cal., relative to the customs of Hawaii—to the Committee on the Territories.

By Mr. KEIFER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of H. Kampf, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of Mrs. Robert G. Shaw et al., favoring passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. KITCHIN: Petition of E. N. Dickerson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KNAPP: Paper to accompany bill for relief of O. J. Jennings—to the Committee on Claims.

Also, petition of Central Square Grange, No. 583, and Watertown Grange, No. 7, of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LILLEY of Pennsylvania: Petition of citizens of Towanda, Pa., for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of Grange No. 204, and Reid Verguson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Evening News, the Pennsylvania Medical Journal, and the Examiner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of the Missouri State News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of Harrisonville (N. J.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Camden County (N. J.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. G. Nelson, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of the Lake Seamen's Union, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. McNARY: Petition of citizens of Massachusetts, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MADDEN: Paper to accompany bill for relief of Charles M. S. Ronsholdt—to the Committee on Pensions.

By Mr. MAHON: Petition of the Society for the Prevention of Cruelty to Animals, of Pennsylvania, against an amendment to the stock transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of the American Bee Journal, the Opthalmologist, and the International Auctioneer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MARSHALL: Petitions of the North Dakota Farmer, the Weekly Student, the Siftings, the News, the Tribune, the Mistletoe, the Sentinel, the Journal, the Tribune Rugby, the North Dakota Eagle, the Rotary, the Palladium, and the Westland Educator, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, relative to a law to promote commerce with foreign markets—to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of the American Turnzeitung, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PATTERSON of Pennsylvania: Paper to accompany bill for relief of Zacur P. Pott—to the Committee on Invalid Pensions.

Also, petitions of the Tribune, A. M. Milukas, the Evening Herald, and the Call, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Auburn, N. Y., for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of the State Farmers' Institute Association of Lincoln, Nebr., for bill H. R. 345—to the Committee on Agriculture.

By Mr. PRINCE: Petitions of the Lewiston Record, publishers of the Republican Register, and the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of M. O. Atterbery et al., against any and all parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Arkansas: Petition of citizens of Arkansas, against the tariff on hides—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Lake Seamen's Union, for passage of bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHARTEL: Petition of citizens of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petitions of Painters, Decorators, and Paper Hangers' Union No. 69, of Utica, N. Y., and L. C. Williams, of Utica, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of George Stewart—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petitions of the Commercial Record and the Progress, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of the president and faculty of Texas University, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: Petition of the Stark Creamery Company, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of New York: Petition of the People's Bank of St. Louis, relative to the "fraud order" of the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Manufacturers, relative to reform in the land laws, etc.—to the Committee on Agriculture.

Also, petition of the refrigerator car lines committee of the National League of Commission Merchants of the United States, relative to refrigerator car rates, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the transportation committee of the Chamber of Commerce of Buffalo, N. Y., for the Interstate Commerce Commission to control railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. E. Yoell and the Japanese and Korean Exclusion League, favoring strict enforcement of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the American Reciprocal Tariff League, favoring reciprocal commercial relations with foreign countries—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Thomas E. Lannen, of Chicago, Ill., against the Heyburn and Hepburn bills—to the Committee on Agriculture.

By Mr. TALBOTT: Petition of George W. Belt et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. THOMAS: Petition of the Germania, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WACHTER: Paper to accompany bill for relief of Jerome Lang—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of the board of directors of Red River Levee District, No 1, for improvement of Red River—to the Committee on Rivers and Harbors.

By Mr. WEBB: Petition of the North Carolina Library Association, against amendment to the copyright law—to the Committee on Patents.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against amendment to the live-stock transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Paper to accompany bill for relief of Jennie S. Sherman—to the Committee on Claims.

Also, petitions of Maynard and Kirkwood councils, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Martin Dayhuff—to the Committee on Invalid Pensions.

Also, petitions of the Chronicle and the Independent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILSON: Petition of the Lake Seamen's Union, relative to efficiency of crews on steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEISSE: Paper to accompany bill for relief of Albert Butler—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Petition of the First Baptist Church of Hughestown, N. J., against bill H. R. 7043—to the Committee on Military Affairs.

SENATE.

TUESDAY, *February 6, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

MEDICAL DEPARTMENT OF ARMY AND ARMY DENTAL SURGEONS.

Mr. HALE. Mr. President, I have been detained from the Senate for the last three weeks by illness, and the doctors have just let me out. Yesterday, in my absence, two bills were passed by unanimous consent, upon which I had relied on objection being made until I could be present. I will give the titles of the bills and simply ask that the votes passing them be reconsidered and that they be restored to the Calendar in order that I may have the opportunity of objecting; and that a message be sent to the House in accordance therewith. They are the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army, and the bill (S. 2355) to regulate the corps of dental surgeons attached to the Medical Department of the Army.

The VICE-PRESIDENT. The Senator from Maine enters a motion to reconsider——

Mr. HALE. No; I do not. I ask consent that the votes be reconsidered and that the bills go to the Calendar.

Mr. LODGE. I suggest to the Senator from Maine that the chairman of the committee, the Senator from Wyoming [Mr. WARREN], and the Senator from Alabama [Mr. PETTUS], who took great interest in the dental surgeons' bill, are not present. I think we could hardly grant unanimous consent in the absence of those Senators.

Mr. HALE. I should like to have the matter disposed of now.

Mr. MONEY. No one on this side could hear anything that was said by the Senator from Maine. We only understand that a motion has been made to restore a bill to the Calendar. We do not know what the bill is, nor what objection is made by the Senator from Massachusetts. We should be very glad to know.

Mr. HALE. Two bills were reported from the Committee on Military Affairs to increase the expenses of two different branches of the War Department. I am opposed to increasing the expenses of any part of the War Department, but I do not propose to argue that question now. As I was absent on account of illness and was depending upon another Senator to make objection, who did not understand that I expected it, I simply ask that the votes passing the bills be reconsidered and that they be restored to the Calendar, so that I may have the same opportunity I would have had if I had been here yesterday.

I will say further I desire very much that it should be done now, because I do not expect to remain long in the Senate today. I will say further that I do not expect to do anything about these bills except that they shall be brought to the attention of the Senate and properly discussed when they are reached upon the Calendar. But there has been no opportunity for that, and in my absence they were passed, as they certainly would not have been passed, because my single objection would have kept them on the Calendar.

I simply ask that the votes be reconsidered, and that the bills be restored to the Calendar.

Mr. SCOTT. Mr. President, I ask the Senator from Maine if he will not withhold his motion until the Senator from Alabama [Mr. PETTUS] is here. The dental surgeons bill was referred to him as a special committee by the Committee on Military Affairs at two different sessions of Congress, and the Senator from Alabama is very much interested in it. After a thorough investigation he reported favorably on the bill, and I think it is only due to him, as it is due to the Senator from Maine, that he should be given an opportunity to be present in the Chamber when unanimous consent is given.

Mr. WARREN entered the Chamber.

Mr. SCOTT. The Senator from Wyoming, who is chairman of the committee, is now here. Possibly he can speak for the Senator from Alabama.

Mr. HALE. Does the Senator from Wyoming understand the request I have made?

Mr. WARREN. I just came into the Chamber this moment.

Mr. HALE. I will state it again. I have been detained by illness, as the Senator, perhaps, knows. It is the first time I have been here. I will say for the information of the Senator from Wyoming, the chairman of the committee, that in my absence yesterday two bills increasing the expenses of two branches of the Army, to which I am opposed, were passed by unanimous consent, I depending upon a Senator to object for me, and he not understanding and not making the objection.

Mr. WARREN. May I ask the Senator to what bills he refers?

Mr. HALE. The bill covering the medical corps and the dental surgeons bill. All I ask is that the votes be reconsidered and the bills restored to the Calendar and the House notified, so that I may have the same privilege which I would have had and exercised yesterday had I been able to be present.

Mr. WARREN. As far as I am concerned, I have not the slightest objection to the course which the Senator pursues, for I am sure if the bills can not stand on their merits they ought not to be passed, and I would not be one to take any advantage, as I know the Senator will believe that no advantage was sought to be taken in his absence.

Mr. HALE. I understand that entirely.

Mr. WARREN. I would not be willing to have it even seem that we would take that advantage. So I trust the course may be pursued which the Senator suggests.

The VICE-PRESIDENT. The Chair will state that the bills have not gone to the House.

Mr. HALE. Then I simply ask unanimous consent that the votes be reconsidered.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the votes by which Senate bill 1539 and Senate bill 2355 were ordered to a third reading, and passed, be reconsidered. Is there objection? The Chair hears none, and it is so ordered. The bills will be restored to the Calendar.

ACCEPTANCE OF DECORATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that Prof. Simon Newcomb, United States Navy, retired, be authorized to accept a decoration of the order "Pour le Mérite, für Wissenschaften und Kunste," conferred upon him by the German Emperor, and that the Department of State may be permitted to deliver the decoration to Professor Newcomb; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

LANDS IN FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting letters

from the Commissioner of the General Land Office, the Secretary of Agriculture, and the Comptroller of the Treasury, together with the draft of a bill to provide for a fund from which payment may be made by the Secretary of the Interior for advertising the restoration to the public domain of land in forest reserves, all of the lands temporarily withdrawn for forest-reserve purposes; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill for the purchase of a draft horse to take the place of the horse now used in the light delivery wagon utilized in the hauling of supplies between the Post-Office Department and outlying offices, which has become unfit for further service, $200; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL BANK REDEMPTION AGENCY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Treasurer of the United States submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill for reimbursement of the Bureau of Engraving and Printing for the services of employees detailed to the office of the Treasurer of the United States employed in the National Bank Redemption Agency, $3,042.44; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation claims not heretofore reported to Congress; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 8461. An act to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States; and

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901,' approved June 30, 1902."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 519. An act granting an increase of pension to William C. Stewart;

H. R. 520. An act granting an increase of pension to Henry C. Stern;

H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;

H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;

H. R. 1435. An act granting an increase of pension to Jason Robbins;

H. R. 1548. An act granting an increase of pension to Emma Leviness;

H. R. 1810. An act granting an increase of pension to James E. Post;

H. R. 1971. An act granting an increase of pension to Melville A. Smith;

H. R. 1972. An act granting an increase of pension to Stephen Gillen;

H. R. 2262. An act granting an increase of pension to John Seymour;

H. R. 2266. An act granting an increase of pension to George H. Hodges;

H. R. 2800. An act granting an increase of pension to Thomas Manahan;

H. R. 2959. An act granting an increase of pension to Amos H. Tenant;

H. R. 3295. An act granting an increase of pension to George W. Knapp;

H. R. 4177. An act granting a pension to Susan H. Chadsey;

H. R. 4223. An act granting an increase of pension to Frederick Schultz;

H. R. 4226. An act granting an increase of pension to William Painter;

H. R. 4392. An act granting an increase of pension to Joseph Miller;

H. R. 4393. An act granting an increase of pension to Henry Allen;

H. R. 4643. An act granting an increase of pension to Orlena F. Seaver;

H. R. 4682. An act granting an increase of pension to James Whiteman;

H. R. 4706. An act granting an increase of pension to Anna M. Gardner;

H. R. 4731. An act granting an increase of pension to Robert McMullen;

H. R. 4733. An act granting an increase of pension to John L. Files;

H. R. 4740. An act granting an increase of pension to Ransom L. Logan;

H. R. 4742. An act granting an increase of pension to Edward Coy;

H. R. 4744. An act granting an increase of pension to Thomas O'Connor;

H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;

H. R. 4991. An act granting an increase of pension to William R. Glisan;

H. R. 5158. An act granting an increase of pension to Ephraim N. R. Ohl;

H. R. 5182. An act granting an increase of pension to Robert S. Williams;

H. R. 5208. An act granting a pension to Susan J. Rounds;

H. R. 5236. An act granting an increase of pension to Mary Greene;

H. R. 5237. An act granting an increase of pension to Rebecca Garland;

H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;

H. R. 5546. An act granting an increase of pension to James Eastwood;

H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;

H. R. 5642. An act granting an increase of pension to John W. Bancroft;

H. R. 5643. An act granting an increase of pension to Wells Briggs;

H. R. 5653. An act granting an increase of pension to Henry W. Wells;

H. R. 5654. An act granting a pension to Moses Eggleston;

H. R. 5779. An act granting a pension to Hannah W. Green;

H. R. 5831. An act granting an increase of pension to Julius Zuehlke;

H. R. 5845. An act granting an increase of pension to Robert T. Knox;

H. R. 5939. An act granting an increase of pension to James Brody;

H. R. 6113. An act granting an increase of pension to Moses Schoonmaker;

H. R. 6116. An act granting a pension to John Gainsback;

H. R. 6166. An act granting a pension to Else C. Isachsen;

H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;

H. R. 6183. An act granting an increase of pension to Amannel Russell;

H. R. 6186. An act granting an increase of pension to William Harvey;

H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;

H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;

H. R. 6447. An act granting an increase of pension to Mary E. Davenport;

H. R. 6544. An act granting an increase of pension to Buford P. Moss;

H. R. 6916. An act granting an increase of pension to Jacob Meier;

H. R. 6917. An act granting an increase of pension to Edmund R. Strang;

H. R. 6983. An act granting an increase of pension to Chalkley Petitt;
H. R. 7206. An act granting a pension to Nannie Frazier;
H. R. 7230. An act granting an increase of pension to John M. Wells;
H. R. 7237. An act granting an increase of pension to Philip Bacon;
H. R. 7423. An act granting a pension to Rachel A. Dailey;
H. R. 7509. An act granting an increase of pension to John N. Stone;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 7662. An act granting an increase of pension to Barney Schultz;
H. R. 7673. An act granting an increase of pension to Homer A. Barrows;
H. R. 7735. An act granting an increase of pension to James Hartzel;
H. R. 7755. An act granting an increase of pension to Adam Wenzel;
H. R. 7758. An act granting an increase of pension to John L. Whitman;
H. R. 7878. An act granting an increase of pension to Ann Betts;
H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;
H. R. 7889. An act granting an increase of pension to Aaron Noble;
H. R. 7950. An act granting an increase of pension to Emma M. Heath;
H. R. 7952. An act granting an increase of pension to Detrick Nortrup;
H. R. 8071. An act granting a pension to Mary Mitchell;
H. R. 8181. An act granting an increase of pension to Martin B. Noyes;
H. R. 8237. An act granting an increase of pension to Noah Palmer;
H. R. 8374. An act granting an increase of pension to Ellen R. Graham;
H. R. 8403. An act granting an increase of pension to James L. Rector;
H. R. 8404. An act granting an increase of pension to John H. Ferguson;
H. R. 8409. An act granting an increase of pension to George H. Stowits;
H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;
H. R. 8659. An act granting an increase of pension to James Powers;
H. R. 8689. An act granting a pension to Frank P. Haas;
H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;
H. R. 8832. An act granting a pension to William I. Heed;
H. R. 9092. An act granting a pension to Lucy Walke;
H. R. 9130. An act granting an increase of pension to John Brinkley;
H. R. 9382. An act granting a pension to Mariam T. Shreve;
H. R. 9659. An act granting an increase of pension to Abram V. Smith;
H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902;
H. R. 9984. An act granting an increase of pension to Samuel McKinney;
H. R. 10142. An act granting an increase of pension to Thomas Bush;
H. R. 10218. An act granting an increase of pension to Melissa Chase;
H. R. 10352. An act granting an increase of pension to Sarah A. Boush;
H. R. 10365. An act granting a pension to Emeline S. Hayner;
H. R. 10389. An act granting an increase of pension to John W. Ellsworth;
H. R. 10572. An act granting an increase of pension to Mary A. Hackley; and
H. R. 10573. An act granting a pension to Mariah Baughman.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of 248 adult members of the Blackfoot tribe of Indians, in the State of Montana, praying that their lands be allotted to them in severalty; which was referred to the Committee on Indian Affairs.

He also presented a petition of Potomac Lodge, No. 7, Brotherhood of Locomotive Firemen, of Washington, D. C., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Oak Lawn Baptist Church, of Cranston, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Oak Lawn Baptist Church, of Cranston, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the Indian Association of Bethlehem, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville, Pa., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Association of Charlerol, Pa., praying that an appropriation be made for the erection of a public building at that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Keystone Lodge, No. 42, Brotherhood of Railroad Trainmen, of Harrisburg; of Enterprise Lodge, No. 75, Brotherhood of Locomotive Firemen, of West Philadelphia; of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburg; of Local Lodge No. 383, Brotherhood of Railroad Trainmen, of Harrisburg; and of Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. WETMORE presented a petition of the Newport County Agricultural Society, of Rhode Island, praying for the enactment of legislation to permit basic-slag meal to be imported free of duty; which was referred to the Committee on Finance.

He also presented petitions of the Local Council of Women of Rhode Island, of 26 citizens of Johnston, of the Woman's Christian Temperance unions of Cumberland and Westerly, and of the Woman's Suffrage Association of Providence, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Commodore Perry Council, Junior Order United American Mechanics, of Peace Dale, R. I., praying for the enactment of legislation to restrict immigration and also for the revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of the Newport County Agricultural Society, praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Local Union of Women; of the congregations of the North Congregational Church, of Providence, and the Friends Church of Woonsocket; of the Carolina Woman's Christian Temperance unions, of Charlestown, Richmond, and Westerly, all in the State of Rhode Island, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the enactment of legislation making subject to settlement and disposal under the land laws of the United States the Blackfeet Indian Reservation in that State, etc.; which was referred to the Committee on Indian Affairs.

Mr. SCOTT presented a petition of Tonoloway Council, No. 102, Junior Order United American Mechanics, of Great Cacapon, W. Va., praying for the enactment of legislation to restrict immigration and also for the revision of the laws governing naturalization; which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Government Printing Office Veteran Club, of Washington, D. C., praying for the enactment of legislation to establish a temporary home in the District of Columbia for soldiers and sailors of the late

wars; which was referred to the Committee on the District of Columbia.

He also presented the petition of A. Nunlin, of Philadelphia, Pa., and the petition of E. M. Mellor, of Germantown, Pa., praying for the enactment of legislation providing separate statehood for the Indian Territory; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Ames and Blackwell, in the Territory of Oklahoma, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. HALE presented a petition of Great Eastern Lodge, No. 4, Brotherhood of Locomotive Firemen, of Portland, Me., and a petition of Pine Tree Division, No. 66, Order of Railway Conductors, of Portland, Me., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Bagduce Council, of North Brookfield, and a petition of the Tobacco Council, of Berwick, of the Junior Order United American Mechanics, in the State of Maine, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Brotherhood of Railroad Trainmen, of Portland, Me., remonstrating against the passage of the so-called "Esch-Townsend railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. TELLER presented a memorial of the Colorado Manufacturers' Association, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Snowy Range Lodge, No. 30, Brotherhood of Railroad Trainmen, of Denver; of Grand Junction Division, No. 325, Order of Railway Conductors, of Grand Junction; of Local Division No. 44, Order of Railway Conductors, of Denver; of Local Division No. 36, Order of Railway Conductors, of Pueblo; of Local Lodge, Brotherhood of Railroad Trainmen, of Denver; of Seven Castles Division, No. 515, Brotherhood of Locomotive Engineers, of Basalt; of Pikes Peak Lodge, No. 32, Brotherhood of Railroad Trainmen, of Pueblo, and of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, all in the State of Colorado, praying for the passage of the so-called "anti-injunction bill" and also the employers' liability bill; which were referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Pueblo, Colo., praying for the enactment of legislation to establish the Mesa Verde National Park in that State; which was referred to the Committee on Public Lands.

He also presented a memorial of the Otero County Beet Growers' Association, of Rocky Ford, Colo., remonstrating against any reduction of the duty on sugar imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of Fishers Peak Division, No. 247, Order of Railway Conductors, of Trinidad, Colo., praying for the passage of the so-called "employers' liability bill," and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Rev. W. D. Lucas and 101 citizens, of Colorado Springs, Colo., praying for the enactment of legislation providing separate statehood for the Indian Territory, and also to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Live Stock Exchange of Denver, Colo., praying that an appropriation be made for the inspection of dressed meats at the various places where animals are slaughtered; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Carlton, Colo., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of R. G. Shaw Regiment, No. 4, Union Veterans' Union, of Washington, D. C., praying for the enactment of legislation making the anniversary of President Abraham Lincoln's birthday a legal holiday; which was referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a memorial of the American Protective Tariff League, remonstrating against the passage of the so-called Philippine tariff bill; which was referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

Preamble and resolutions adopted by the American Protective Tariff League, in annual meeting assembled, at New York, January 18, 1906.

Whereas the American Protective Tariff League believes that the Philippine tariff bill passed by the House of Representatives on January 16, 1906, will, if adopted by the Senate, cause great injury and perhaps ruin to the American growers and producers of sugar, tobacco, rice, and other products; and

Whereas this proposed measure unjustly discriminates against American producers in favor of an alien and inferior race; and

Whereas this measure is in fact a serious breach in the wall of protection: Be it

Resolved, That the American Protective Tariff League, in annual meeting assembled, hereby approves of the previous policy of the organization in opposition to said measure and pledges itself to active and aggressive opposition in the future.

Resolved, That we hereby tender our thanks and congratulations to the seventy-one Representatives in Congress who, on the 16th day of January, recorded their votes against the Philippine tariff bill.

Resolved, That the Secretary is hereby directed to send a copy of these resolutions to every Member voting against said measure.

Mr. BEVERIDGE presented sundry papers to accompany the bill (S. 1401) for the relief of Isaac D'Isay; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HOPKINS, from the Committee on Fisheries, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 132) to establish a fish-culture station at the city of Fargo, in the State of North Dakota; and

A bill (S. 967) to amend section 2 of an act entitled "An act to amend an act entitled 'An act to provide for the protection of the salmon fisheries of Alaska,'" approved June 9, 1896.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6228) granting an increase of pension to Jonathan Terrell;

A bill (H. R. 10765) granting an increase of pension to Robert M. Whitson; and

A bill (H. R. 2113) granting an increase of pension to Lydia B. Jackson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4224) granting an increase of pension to Christopher Pletzke;

A bill (H. R. 4225) granting an increase of pension to Nathaniel Cooper;

A bill (H. R. 4727) granting a pension to Emma M. Boyer;

A bill (H. R. 4730) granting an increase of pension to Meshack L. Jones;

A bill (H. R. 4732) granting an increase of pension to James Scrogum;

A bill (H. R. 10436) granting an increase of pension to John A. Ensminger;

A bill (H. R. 4827) granting an increase of pension to Thomas E. Morrow;

A bill (H. R. 4964) granting an increase of pension to Nancy Stillwell;

A bill (H. R. 6448) granting an increase of pension to Samuel A. Shaw;

A bill (H. R. 4884) granting an increase of pension to John Bokart;

A bill (H. R. 5254) granting an increase of pension to Travis W. Tichenor;

A bill (H. R. 6451) granting an increase of pension to Adam Wucher;

A bill (H. R. 1059) granting an increase of pension to Elijah Spangler;

A bill (H. R. 1213) granting an increase of pension to John Breden;

A bill (H. R. 2084) granting an increase of pension to Thomas Maginley;

A bill (H. R. 2083) granting an increase of pension to Thomas A. Slack;

A bill (H. R. 8222) granting an increase of pension to Henry B. Jordan;

A bill (H. R. 11596) granting a pension to Marion H. Long; and

A bill (H. R. 2811) granting a pension to Angie A. Marvin.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 1201) granting an increase of pension to Edward Maxwell;

A bill (H. R. 5597) granting an increase of pension to Oscar Williamson; and

A bill (H. R. 1057) granting an increase of pension to Caswell D. Ferguson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5170) granting an increase of pension to David R. Pringle;

A bill (H. R. 1131) granting an increase of pension to George Sargent;

A bill (H. R. 1136) granting an increase of pension to William D. Stauffer;

A bill (H. R. 1382) granting an increase of pension to Benjamin Fagley;

A bill (H. R. 11310) granting a pension to Emma Aldred;

A bill (H. R. 1072) granting an increase of pension to John Fisher;

A bill (H. R. 1958) granting a pension to Ida L. and Clara E. Winters;

A bill (H. R. 11403) granting an increase of pension to David E. Longsdorf;

A bill (H. R. 4822) granting an increase of pension to Gabriel Smith;

A bill (H. R. 8217) granting an increase of pension to Sarah A. J. Tayman;

A bill (H. R. 10299) granting an increase of pension to Samuel C. Long; and

A bill (H. R. 10296) granting an increase of pension to James Graham.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 176) granting an increase of pension to Benjamin F. Marsh;

A bill (S. 186) granting an increase of pension to George P. Howe;

A bill (S. 3126) granting an increase of pension to Stephen B. Tarlton;

A bill (S. 2482) granting an increase of pension to Cutler A. Chamberlin;

A bill (H. R. 5808) granting an increase of pension to Napoleon D. O. Lord;

A bill (H. R. 5955) granting an increase of pension to Jennie L. Overton;

A bill (H. R. 530) granting an increase of pension to George E. Ross;

A bill (H. R. 4391) granting an increase of pension to William John Stewart, alias John Scott;

A bill (H. R. 2795) granting a pension to Emma Auger;

A bill (H. R. 2771) granting an increase of pension to Thomas McCabe; and

A bill (H. R. 3400) granting an increase of pension to Anson K. Carr.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3605) granting an increase of pension to Albert Smith;

A bill (S. 717) granting an increase of pension to Charles H. Tuck;

A bill (S. 853) granting an increase of pension to Charles Lander;

A bill (S. 8) granting an increase of pension to William M. Hall; and

A bill (S. 1538) granting a pension to Indiana A. Paul.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 854) granting a pension to W. W. Gauthier; and

A bill (S. 789) granting a pension to Mary E. Wolf.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3605) granting an increase of pension to Albert Lathrop;

A bill (H. R. 6144) granting an increase of pension to Eli Brazelton;

A bill (H. R. 6143) granting an increase of pension to James Eiffert; and

A bill (H. R. 5644) granting an increase of pension to George J. Wilcox.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6157) granting an increase of pension to Jonathan J. Boyer;

A bill (H. R. 6338) granting an increase of pension to Richard McCarthy;

A bill (H. R. 6227) granting an increase of pension to Samuel J. Jones;

A bill (H. R. 1884) granting an increase of pension to Robert Purcell;

A bill (H. R. 1545) granting a pension to Florence D. Rafferty; and

A bill (H. R. 1952) granting an increase of pension to Axel A. M. Natt och Dag.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10434) granting an increase of pension to Samuel F. King;

A bill (H. R. 5925) granting an increase of pension to David L. Davidson;

A bill (H. R. 724) granting an increase of pension to John A. Coulter;

A bill (H. R. 10192) granting an increase of pension to Alanson B. Thomas; and

A bill (H. R. 611) granting an increase of pension to John H. Cassidy.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 7302) granting an increase of pension to James H. Head, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations, reported it with an amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1236) to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902, reported it without amendment, and submitted a report thereon.

CHINESE BOYCOTT OF AMERICAN MANUFACTURES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from South Carolina [Mr. TILLMAN] on the 25th ultimo, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries: Therefore, be it

Resolved, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable, and that it be authorized to send for persons and papers, to administer oaths, and to employ a stenographer, and that all expenses shall be paid out of the contingent fund of the Senate.

The amendment of the committee was, in line 6, after the word "stenographer," to insert the words "to report hearings on the subject."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 4151) for the relief of the legal representatives of Ann L. Robb, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 4152) for the relief of Col. Medad C. Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 4153) to establish and create an additional circuit court of appeals of the United States, to be known as the tenth circuit court of appeals, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RAYNER (for Mr. GORMAN) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4154) for the relief of Sarah C. Harsh;

A bill (S. 4155) for the relief of Samuel H. Walker (with accompanying papers);

A bill (S. 4156) for the relief of Richard H. Marshall; and

A bill (S. 4157) for the relief of the estate of Cyrus Martin, deceased.

Mr. RAYNER (for Mr. GORMAN) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4158) granting a pension to Conrad Zang; and

A bill (S. 4159) granting an increase of pension to Mary P. Johannes.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 4160) to correct the military record of William M. Davis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 4161) granting an increase of pension to William Watkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 4162) granting an increase of pension to Benjamin B. Cahoon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4163) for the relief of the estate of George S. De Bruhl, deceased;

A bill (S. 4164) for the relief of James F. White;

A bill (S. 4165) for the relief of I. F. Hill, executor of W. E. Hill;

A bill (S. 4166) for the relief of David J. Middleton; and

A bill (S. 4167) for the relief of Joseph B. Banks.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 4168) to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District;"

A bill (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States; and

A bill (S. 4170) to amend an act approved March 3, 1901, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes."

Mr. WARREN introduced a bill (S. 4171) granting an increase of pension to Joseph Bovee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 4172) to establish a uniform rule for the naturalization of aliens throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 4173) granting an increase of pension to Catharine E. Smith;

A bill (S. 4174) granting an increase of pension to J. P. Garland;

A bill (S. 4175) granting an increase of pension to John Caverly;

A bill (S. 4176) granting an increase of pension to James F. Nicholas; and

A bill (S. 4177) granting an increase of pension to Harlan P. Cobb.

Mr. HALE introduced a bill (S. 4178) to satisfy certain claims against the Government arising under the Navy Department; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4179) to promote the construction of war ships as nonsinkable, noncapsizable vessels which will be self-preserving of the property value and the lives of the men who man the ships; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. DICK introduced a bill (S. 4180) granting an increase of pension to William C. Quigley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 4181) granting an increase of pension to Margaret L. Hallett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4182) granting an increase of pension to Reuben Smalley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS (by request) introduced a bill (S. 4183) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4185) granting an increase of pension to George B. Barnes;

A bill (S. 4186) granting an increase of pension to Samuel G. Roberts;

A bill (S. 4187) granting an increase of pension to Nathaniel E. Skelton; and

A bill (S. 4188) granting an increase of pension to Frank D. Smith.

Mr. DEPEW introduced a bill (S. 4189) granting an increase of pension to Lewis H. Soule; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4190) to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, and to provide for the disposal of isolated tracts of public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4191) granting an increase of pension to Frederick E. Schotter; and

A bill (S. 4192) granting an increase of pension to Rosa D. Mayhew.

Mr. WETMORE introduced a bill (S. 4193) granting an increase of pension to Calvin D. Wilber; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4194) for the relief of James W. Person and Isabella M. Person; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4195) granting an increase of pension to Mary A. Parker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4196)) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GEARIN introduced a bill (S. 4197)) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezakiah Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. DILLINGHAM submitted an amendment proposing to appropriate $320.40 to reimburse Lieut. George T. Emmons, United States Navy, for commutation of quarters while serving on duty under the Senate Committee on Territories in Alaska and Washington from May 27, 1904, to March 31, 1905, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $70,000 to reimburse the State of Minnesota for interest paid on $100,000 worth of bonds issued by that State in 1862, pursuant to an act of the legislature, to raise money for raising, equipping, maintaining, and subsisting troops for the suppression of the Indian war arising in that State in 1862, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

HEARINGS ON PANAMA CANAL.

On motion of Mr. MILLARD, it was

Ordered, That the Committee on Interoceanic Canals be authorized to print the hearings had before it on the subject of the Panama Canal.

DEMOCRATIC CAUCUS ACTION.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday.

The SECRETARY. Senate resolution 76, by Mr. PATTERSON.

Mr. PATTERSON. Mr. President, when I gave notice yesterday that I would address the Senate on the resolution which has just been laid before the body I was not aware that the Senator from Georgia [Mr. BACON] had previously given notice that he would address the Senate at this time. I have no question but that the Senator from Georgia would waive his notice if I should ask him, but I insist that he shall not be displaced.

I therefore withdraw the notice for to-day, and give notice now that I will, at the conclusion of the routine morning business to-morrow, address the Senate on my resolution.

The VICE-PRESIDENT. The notice will be entered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 8461. An act to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotments," as amended by section 9 of chapter 1479, Revised Statutes of the United States; and

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901,' approved June 30, 1902."

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. BACON. Mr. President, I have already addressed the Senate at some length upon the subject of the policy and propriety of sending delegates to the Algeciras Moroccan conference. It had not been my purpose to ask again the indulgence of the Senate upon this subject or upon questions which are nearly connected therewith. It has, however, happened that in the progress of the debate upon that subject and also on the subject of the Santo Domingo treaty certain propositions have been announced on the floor of the Senate and have been very earnestly and very ably discussed by learned and distinguished Senators, magnifying the powers of the President and minimizing the powers of the Senate, to which I can not give my assent and to which I ask the further indulgence of the Senate that I may make reply.

Before proceeding, Mr. President, I desire to say that in submitting an argument to-day on this subject I will endeavor to make it impersonal, because I consider it a very grave question, involving the relative rights and prerogatives of the President of the United States and of the Senate—a question important to be settled correctly and, if possible, without reference to partisan feeling or bias. I think I may possibly with propriety repeat what I have said upon a former occasion, that there is no justification for the statement which has been more than once made upon the floor of the Senate that the discussion of this question is in any manner an assault upon the present occupant of the executive chair. Legitimate and respectful discussion, not only of the rights and prerogatives of the Executive, but of the official acts of the Executive relating to questions of such rights and prerogatives, can not in any manner be construed into a personal assault, and it occurs to me, Mr. President, that the reiteration of the suggestion—to give it no stronger term—that such discussion is an assault upon the President—and sometimes stronger terms have been used—must imply a want of confidence in their own contention by those who seek to fortify their position by such suggestion.

The distinguished Senator from Wisconsin [Mr. SPOONER] announces, as I understand him, the following proposition: That the negotiation of a proposed treaty and every phase of the work of considering and determining what shall be the subject and terms of a treaty are, up to and including the reaching of an agreement with a foreign power and until the proposed treaty is submitted to the Senate for final ratification or rejection, matters within the sole and exclusive right and power of the President; and that the jurisdiction of the Senate does not attach in any manner, and that no power or duty or right of the Senate begins until the President shall have negotiated a proposed treaty with a foreign power, shall have agreed with the foreign power on the terms of the same, and shall have sent it to the Senate; and that for the Senate to attempt either by inquiry or suggestion to have part or lot in such work prior to the submission to the Senate, is an intrusion upon the exclusive domain and jurisdiction of the President of the United States.

Mr. President, in order that it may be seen whether I have correctly stated the position of the learned Senator, I will take the liberty of reading some extracts from his speech as it appears in the CONGRESSIONAL RECORD. The Senator said:

> From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And, Mr. President, he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined.

Further, the Senator said:

> The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment.
>
> When he shall have negotiated and sent his proposed treaty to the Senate, the jurisdiction of this body attaches and its power begins. It may advise and consent, or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation.
>
> I do not deny the power of the Senate either in legislative session or in executive session—that is a question of propriety—to pass resolutions expressive of its opinion as to matters of foreign policy. But if it is passed by the Senate or passed by the House or passed by both Houses it is beyond any possible question purely advisory, and not in the slightest degree binding in law or conscience upon the President.

And again:

> Mr. President, I do not stop at this moment to cite authorities in support of the proposition, that so far as the conduct of our foreign relations is concerned, excluding only the Senate's participation in the making of treaties, the President has the absolute and uncontrolled and uncontrollable authority.

I have read this much, Mr. President, for the purpose of showing that I have not overstated or incorrectly stated, as I understand, the position of the learned Senator. As to whether or not he is correct in that construction of the powers of the President and the want of power in the Senate, must depend upon the language of the Constitution of the United States. Fortunately so much of the language of the Constitution as relates to that is within a very small compass; it is in one sentence. It is the second paragraph of the second section of the second article of the Constitution, and it is in these words:

> He shall have Power—
>
> Speaking of the President of the United States—
>
> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.

That is all there is in the Constitution as to the power of the President to make treaties and as to the right and power of the Senate to participate in the work of making treaties.

Now, Mr. President, it will be seen that in that language the word "negotiate" does not occur. There is no separate, express grant of power to negotiate a treaty. It is necessarily true, however, that the power to negotiate a treaty is an implied power involved in that language; in other words, the power "to make" a treaty necessarily implies the power to negotiate a treaty. But there may be a very great difference in opinion as to what is the meaning of the word "negotiate," if we assume it and concede it to be an implied power found in that language. So far as the power to suggest a treaty to a foreign power is concerned, or to receive a suggestion from a foreign power that a certain treaty should be made, or to discuss with a foreign power the subject or the terms of a proposed treaty, undoubtedly the power to negotiate within that narrow limit is one which can only be exercised by the President, because he alone under this clause can have direct communication with the foreign power. No other officer or authority on the part of the United States can submit a proposed treaty to a foreign power. No other authority can discuss with a foreign power the terms of a proposed treaty, or come to a preliminary agreement with the foreign power regarding the same. Within this restricted sense the implied power to negotiate a proposed treaty is in the President alone.

But it is evident that the learned Senator in this discussion does not confine his understanding of the word "negotiate" to such narrow limits in defining the power of the President in the

making of treaties. Evidently the Senator intends to include in the exclusive power to "negotiate" a proposed treaty, the exclusive power to do everything connected with the policy or impolicy of a treaty prior to its actual submission to the Senate for its ratification. In other words, the Senator's proposition is that under this implied power to "negotiate" everything in the way of consideration of the advantage or the disadvantage, or of the propriety or the policy of making a treaty, or of its terms, is a matter for the exclusive suggestion and deliberation and determination of the President, and that any suggestion or inquiry or advice on the part of the Senate prior to such submission is gratuitous and intrusive, and, as has been suggested, even insulting to the President. The radical and extreme position of the Senator in this regard is best understood when the fact is known that his utterance above quoted is caused by the introduction of a resolution asking information concerning the instructions given to the delegates appointed to the Algeciras conference. That resolution the Senator condemns as intrusive upon the exclusive jurisdiction of the President. According to the contention of the learned Senator, alone in the brain of the President, alone in his suggestion and deliberation, and alone in his judgment must be evolved and shaped up the policies and measures which, if they become law, are to be the supreme law of the land.

According to that contention, the Senate has nothing to do with it—no concern, no right to consider, no right to be heard, no right to inquire, no right to advise—until the President shall have thus perfected it according to his judgment and submitted it to the Senate, to receive at its hands a perfunctory—often, I should say, a perfunctory—reply of "yes" or "no;" and according to that contention to proceed beyond that is an intrusion upon the exclusive domain and jurisdiction of the President.

Mr. President, that proposition is not sustained either by the letter or by the spirit of the Constitution or by the history of the treaty-making power as found in the history of the convention which framed the Constitution. On the contrary, they all, and the history as well of the adoption of this provision of the Constitution as found in the debates of the constitutional convention, combine to establish the proposition that in the making of treaties it is proper for the Senate to advise at all stages. Upon the very surface of it lies the oft-repeated suggestion that, if that were the case, the Constitution would limit itself to the term "consent."

Mr. SPOONER. Limit itself to what?

Mr. BACON. I say, if that were the correct construction, there is the oft-repeated suggestion that if it had been the intention of the framers of the Constitution to limit the action and function of the Senate solely to the power to ratify or to reject, the language of the Constitution would not have been "advise and consent," but the language would have been "consent," because there is no reason why the word "advise" should be given to add to or explain the meaning of the word "consent." We do not advise men after they have made up their minds and after they have acted; we advise men while they are considering, while they are deliberating, and before they have determined, and before they have acted.

As I have already said, Mr. President, there is no direct, express, separate grant of power to negotiate. The entire power is the power to make treaties; and yet the learned Senator would have us divide that power so that the term "to make" should be construed to mean, in the first place, in one division "to negotiate" and in another division "to conclude." But there is nothing in the words of the Constitution to justify any such division as that. It is one indivisible power "to make," and in the entire power "to make" the Senate is given full participation in advising and consenting.

The contention that the power of the President includes everything up to the time of the submission of the proposed treaty to the Senate might be sustained if the language of the Constitution were that "the President of the United States should have power to negotiate and, with the advice and consent of the Senate, to make treaties." Then it would indicate a separate function; then it would indicate a first division of the duty, to negotiate, the jurisdiction of which was confided entirely and solely to the President; and the second division, to make, one in which the President and the Senate together should act.

But the language of the Constitution is, "He shall have power, by and with the consent of the Senate, to make treaties," which plainly indicates not that the Senate should be limited to saying yes or no to a perfected and finished work when presented to it by the President, but rather the assistance of the Senate, the advice and cooperation of the Senate in the determination as to the propriety and policies of proposed treaties and also the terms and provisions they should contain. But the word "negotiate" is omitted before the words "to make." That is not an accidental omission. There was design in it. Aside from the fact that there is no ground upon which to predicate the suggestion that it was an accidental omission, the words used by the framers of the Constitution in the very next clause, really only divided from it by a semicolon, prove that they were weighing carefully the language when they conferred the power upon the President of the United States. Separated from it only by a semicolon is this language—I will read the entire clause, part of which I have already read:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur;—

Then follows the semicolon. Then the language proceeds:

> and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, etc.

There it was the evidently distinct purpose to divide the duty and to confer in the first part of that division an exclusive function and jurisdiction upon the President of the United States:

> He shall nominate, and by and with the advice and consent of the Senate, shall appoint.

Showing that the purpose was that up to the time it was submitted to the Senate, the Senate had no function in the matter of appointment, and that the function of the Senate was limited to advising and consenting to the nomination previously made by the President in the discharge of a function and of a jurisdiction exclusively confided to him.

Can it be said that the framers of the Constitution of the United States in writing a clause, or two parts of the same clause, were careless in the use of language when they were conferring the great power of treaty making; that they intended to say that the President should have the exclusive function up to the time of the submission of the treaty to the Senate, and that the duty and the power of the Senate, as the Senator from Wisconsin has said, should only begin when the President had so done, and that they used this language as found in the Constitution, leaving to be implied only the construction contended for; and then thereafter, in the less important matter of the appointing of officers, should have been critical in the use of language, leaving nothing to implication, and should have said "he shall nominate," and then added "and thereafter"—I interpolate the word "thereafter"—"and thereafter, by and with the advice and consent of the Senate, shall appoint?" Mr. President, it is incredible.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I yield.

Mr. BEVERIDGE. I wish to ask the Senator whether he therefore concludes that the advice of the Senate is necessary from the inception of a treaty to its ratification?

Mr. BACON. I do not say it is necessary, Mr. President, because nothing is necessary which would not invalidate if it were lacking. If the Senator means by "necessary" proper and designed and contemplated, I say "yes." I think I have answered the Senator.

Mr. BEVERIDGE. I have listened to the Senator's argument, which is cogent and very closely knitted, with interest; but if the Senator's argument is compelling at all, it is that the difference in the language used in the two clauses means, according to the Senator, that the advice of the Senate is needed from the inception of a treaty to its ratification.

Mr. BACON. I maintain that it was the design of the framers of the Constitution. But the only thing necessary to its validity is the consent, because that makes the treaty, so far as the Senate is concerned.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. I hope the Senator will pardon me for just a moment.

Mr. BEVERIDGE. Certainly. I shall not interrupt the Senator until he gets through.

Mr. BACON. But the question is as to the contemplation of the framers of the Constitution as to the functions which should be performed by the Senate. My learned and distinguished friend the Senator from Wisconsin, from whom I should differ with the utmost hesitation upon a question where there was no politics, which was simply one of law—I say that to the Senator in all kindness, for all of us are more or less so influenced by politics, and neither the Senator nor myself is free from that—the proposition of the Senator from Wisconsin is that the duty and function of the Senate, the right of the Senate, as stated in his language, does not attach and does not begin until the treaty is submitted to the Senate by the President.

My proposition is that according to the language of the Constitution, and as I shall endeavor a little further on to show by the history of it, the purpose and intention was that the

Senate should give to the President—that he should have the right to receive and they should have the right to offer—advice and counsel from the inception of the treaty.

Mr. BEVERIDGE. Now, may I interrupt the Senator?

Mr. BACON. Yes.

Mr. BEVERIDGE. Then the Senator's argument goes to the propriety, not to the necessity of the advice of the Senate up to the time a treaty is ratified?

Mr. BACON. I think I have answered that question in showing what I considered to be the meaning of the word "necessity."

Mr. BEVERIDGE. I think the whole discussion hinges on that.

Mr. BACON. I do not think the Senator misstates the position I occupy, as I understand him.

Mr. SPOONER. Mr. President, I do not intend to interrupt the Senator——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. I do not intend to interrupt the Senator, but, if agreeable to him, I should like to ask him one question.

Mr. BACON. With pleasure, and if I can answer it I will.

Mr. SPOONER. In reference to this language "and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors," etc., what significance does the Senator give to the word "advice" as contradistinguished from the word "consent" in that clause of the Constitution?

Mr. BACON. Well, I had anticipated that that question would be asked.

Mr. SPOONER. Then it is no surprise to the Senator.

Mr. BACON. No; it is not a surprise to me, and I confess it is a question which has caused me some trouble. I recognize that. I can only say that there is no question about the fact in my mind that the use of the word "nominate," and thereafter the use of the words "advice and consent," implies that so far as the nomination is concerned there is to be no advice and consent. I grant the Senator's contention, which I understand, of course, to be implied by his question, that there is strength in the argument that if in the case of a nomination the words "advice and consent" are used where there is no previous advice given, therefore the argument that "advice and consent," as used in the making of treaties, is not necessarily to be construed as an intention that we should advise prior to the time. I grant that; but there is this which can not be escaped, and that is, that in the clause with reference to the making of treaties there is no division——

Mr. SPOONER. There can not be.

Mr. BACON. And there can not be any; but yet the Senator makes a division.

Mr. SPOONER. No.

Mr. BACON. Or I so understand him. I understand the Senator makes a division in the one case of treaties; and the language of the Constitution makes the division in the case of appointments. It distinctly makes a division between the nomination and the submission of it to the Senate and the action of the Senate. In the other case there is but one act authorized, and that is to make treaties, and "to make" includes every part of it, from the beginning to the end; and the only possible exception, the only possible exclusion from that is in the matter of the discussion of it—the interviews, you might say, between this Government, through the President, and the foreign power. That is manifestly a matter that the President alone can perform, because he is the one authorized to make it; but in the making of the treaty, not only as to a part, but as to all, the Senate is made the complete, the unqualified, the unabridged factor in common with him in the making of it.

The making of a treaty is not simply the exchange of ratifications. The making of a treaty is the conception of it, and includes everything, from the inception of the subject-matter to the minutest details.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. If the Senator's statement is correct, that from the beginning of it the Senate is by constitutional right a factor, that involves the right of the Senate to be constantly informed—does it not—first, as to whether the treaty is being negotiated, and, second, the progress of the negotiation? I might go further, but I will not. Does the Senator say that?

Mr. BACON. Let me answer one question at a time.

Mr. SPOONER. Does the Senator say that the Senate has any such right?

Mr. BACON. No; not in the sense the Senator means it.

Mr. SPOONER. Mr. President——

Mr. BACON. Let me answer the question.

Mr. SPOONER. Yes.

Mr. BACON. I used the word right——

Mr. SPOONER rose.

Mr. BACON. If the Senator will pardon me, I do not see that it has a right in the sense the Senator means it, as something which can be compelled, something which would be a violation of law if withheld; but if "right" means propriety; if "right" means something in contemplation to be had whenever the circumstances may be proper and desirable that it should be had, then it is a right.

Mr. SPOONER. If the Senator will allow me, I was not discussing for one moment a question of etiquette or a question of propriety; I was discussing the division of constitutional power. If the Senate has a right—and the Senator stated it very strongly—to participate in the negotiation of treaties, it follows of necessity that, upon proper request for information of the President as to the status of negotiations, he has no constitutional power rightfully to refuse to respond; and yet the Senator will not for one moment contend that it is not entirely permissible for the President to decline to send to the Senate any information upon the subject, will he?

Mr. BACON. Mr. President, we must discuss these questions with reference not to what antagonistic people would do where one man was opposing another. I am speaking of the President and the Senate——

Mr. SPOONER. Upon this question of power.

Mr. BACON. It is a little more than a question of power; it is a question of propriety; it is a question of what was contemplated and designed in the law; it is not a question as to what the Senator talked about—of power, physical power. We have no means of absolutely compelling the President to do it.

Mr. SPOONER rose.

Mr. BACON. I hope the Senator will permit me to answer the question.

Mr. SPOONER. I will not interrupt the Senator again——

Mr. BACON. I do not object to interruptions, if the Senator, when he has asked a question, will permit me to answer it. The Senator says he is not talking about etiquette, that he is not talking about the matter of propriety, and yet I respectfully submit that the language of the Senator as used before raised a question of propriety. The Senator takes the position that the Senate has no right in the matter; that it has no jurisdiction up to the time that the President sends the Senate a treaty, and that for the Senate to make an inquiry or to attempt in any manner to influence the act of the President is an intrusion upon him. That is the language of the Senator. I will not read it again. I have already read it, and it is in the RECORD.

The Senator goes on thereafter and speaks of a case where the command is, according to his view, properly given to the Senate, in the foreign affairs, to "hands off." The Senator is speaking of propriety. It is of the utmost impropriety if their duty does not begin, but I am going to come to a little more detailed statement as to what I conceive to be the exact relationship and reciprocal duty of these parties, and see whether, according to the spirit and letter of the Constitution, and according to what was said by the great men who framed it, at the time they framed it, and according to the uniform and well-recognized practice of this Government for a hundred years, it has been recognized as a propriety, or whether it is an impropriety and an intrusion.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. Speaking, then, of the question of propriety, to which the discussion is reduced, I ask——

Mr. BACON. It is not reduced to that. Go ahead, though.

Mr. BEVERIDGE. I thought the Senator had reduced it to that.

Mr. BACON. Go on.

Mr. BEVERIDGE. I ask the Senator this question: Does the Senator think it would be within the proprieties, confining it to that alone, not discussing the question of power, for the Senate, under the Senator's construction of the word "advice," to send a resolution to the President advising the President to negotiate a treaty?

Mr. BACON. I will come to that direct point, though I will now say to the Senator, yes, before I get to it in order. But I will come to that, and that is directly in the line of what I have been discussing, if the Senator will permit me to approach it at the proper time.

Mr. BEVERIDGE. I shall not——

Mr. BACON. I hope the Senator from Indiana, as I have already stated that I shall discuss it in order, will let me get to it.

Mr. BEVERIDGE. I will ask this question: Would the President be bound in any wise to respond to a resolution to negotiate such a treaty?

Mr. BACON. Certainly not, any more than we are bound to ratify a treaty that he negotiates.

Mr. BEVERIDGE. It is a mere matter of politeness.

Mr. BACON. It is a good deal more than a mere matter of politeness, and I think I will show it before I get through, if I am permitted to have the opportunity.

Now, Mr. President, I have dwelt upon that part of the subject a little longer than I otherwise would have done in endeavoring to meet the inquiries which had been propounded to me by Senators. I have endeavored to show that according to the language of the Constitution the function of the Senate, whether it is in each actively employed or not, properly begins with the inception of a treaty; that the law makes the Senate the adviser of the President in the making of a treaty through all its stages, not that it requires that in every instance the President shall have the advice and counsel of the Senate, but that in every instance the President has the right to have it, and, correspondingly, in every instance the Senate has the right to offer it. That is what I mean. If the Senator from Indiana construes that as mere acts of politeness, I will take that as a definition of it.

That is the relation. It is the right of the President to have; it is the right of the Senate to offer. It is no intrusion upon the right of the Senate, before the submission of a treaty and before it is asked whether or not it will ratify it, for the President to ask the advice of Senators, either collectively or individually, and it is no intrusion on the part of the Senate to ask of the President information with reference to any treaty he proposes to make and to advise as to the policy or impolicy of making it. That is the proposition which I make, and it involves a little more than politeness.

Ordinarily in the making of treaties it is not needful that the rule of constitutional law for which I contend should be invoked in practice. And when invoked there will doubtless be occasions when by reason of the delicacy of a diplomatic situation, the President will reply that he does not consider it compatible with the public interest to give to the Senate information as may be requested—a suggestion of which fact by the President, is always courteously acquiesced in by the Senate. But the reciprocal right and duty nevertheless exist, and in grave emergencies they should be exercised, and the effort to thus exercise them is not properly met by the denial of their existence. Much less is there warrant for resenting as an intrusion, the attempt to exercise such right and duty either by suggestion or inquiry on the part of the Senate.

Mr. President, what is the history of this matter? I hold in my hand the Madison Papers, written by Mr. Madison, taken down by him during the convention and given to the public by him later, in which there is a detailed account of the entire proceedings of the convention, with a statement of every motion that was made, every paper that was submitted, and a summary of everything that was said by every member of the convention. I now want to state this fact: That convention was in session about four months. From the beginning of it to the end of it, until near the close of that convention, the consensus of opinion of all of the delegates to that convention was that the Senate should be clothed with the entire and exclusive right and power to make treaties, and there was never a draft of a constitution submitted to the convention that did not have in it the express, unqualified provision that the Senate, and the Senate alone, should make treaties.

Now, what I have said needs this partial qualification: We all know that Mr. Hamilton was a great advocate of central power, and Mr. Hamilton, so far as I have been able to find in an examination of this book, was the only one up to the latter part of the convention—about which I will speak more definitely a little later on—who even suggested that a provision for the participation of the President in the making of treaties should be incorporated in the Constitution; and even when Mr. Hamilton suggested it, saying at the time that he would not offer it, he suggested it as something which the President should do upon "the advice and with the approbation of the Senate." Those are his words. If the Constitution had that language in it now, there would be no question; there could possibly be none, it seems to me, because the advice there evidently contemplated, preceded the act of approval.

This was the first suggestion in the convention, that the President should participate in the making of treaties; and it is instructive to note well the phraseology, especially when coming from Hamilton, indicating clearly as they do that the advice was not to be limited to the time and the act of ratification. And when this was finally incorporated in the Constitution the intended meaning was doubtless the same, although the phraseology is different. But my main purpose in citing this fact is to cite the only instance until near the close of the convention in which it was even suggested that the President should participate in the making of treaties. And from the beginning to the end of the convention it was never once suggested by anyone that the President should exercise that power alone.

Mr. Charles Pinckney submitted to the convention a complete draft of a proposed constitution, and it was the basis of what ultimately was adopted as the Constitution. In that draft Article VII was in these words:

> The Senate shall have the sole and exclusive power—
>
> Omitting parts which relate to other matters—
>
> to make treaties.

That was in May, and so it ran on until the latter part of the convention before there was ever any change made or suggested.

All the various provisions proposed were debated, and finally it was committed to a committee on detail, the purpose of which was to have a committee of learned and prominent men to shape up all the various provisions of the Constitution which had been proposed and substantially agreed upon, and when the committee on detail, after all this long discussion, reported to the convention the proposed Constitution, it had in it this language:

> ART. IX, sec. 1. The Senate of the United States shall have power to make treaties.

No participation by the President; and in the discussion of it as it went along, finally Mr. Madison made this suggestion. The language as found in the book which I am about to quote being somewhat peculiar, if this book had been written by some one else, and it had represented in it that Mr. Madison had used this language, it might have been thought that possibly he did not use these exact words, or did not mean what those words implied, but Mr. Madison, as it happens, is the author of the book and was also the man who made the motion, and here is what he said in making the motion. It was on the discussion of the article I have just read:

> Article IX, section 1, being resumed, to wit: "The Senate of the United States shall have power to make treaties"—

That was then under consideration, the provision being as it had been intended by the convention from the beginning—

> Mr. Madison observed that the Senate represented States alone, and that for these as well as other obvious reasons it was proper that the President should be an agent in treaties.

And it was upon Mr. Madison's motion, based upon the proposition that the President should be an agent in treaties, that the present provision in the Constitution was incorporated in it. Not only so, Mr. President——

Mr. SPOONER. If the Senator will permit me, an agent in what particular?

Mr. BACON. I am not attaching any special weight to the word "agent," except to show that it could not have been contemplated in the use of the word "agent" that he was to be the whole thing.

Mr. SPOONER. He was a joint maker, made so by the Constitution.

Mr. BACON. Yes. But up to that time he had not been.

Mr. SPOONER. No; but in what particular did the Constitution intend the President should be a participant?

Mr. BACON. Just in the particular that the Constitution says.

Mr. SPOONER. Well——

Mr. BACON. I think the Senator left the Chamber and did not hear what I said previously.

Mr. SPOONER. No; I heard it.

Mr. BACON. Very well. I was tracing the history of this in the convention, where throughout the purpose was to confide this power solely in the Senate, and while finally, after the committee on detail had reported and the convention had taken up the Constitution, which they had reported, section by section, when they came to section 9, which provided that the Senate should have the sole power to make treaties, Mr. Madison says that, as the Senators were the representatives of the States, for that and for other reasons, the President should be an agent in treaties.

The convention then went on and made the provision which gives him full participation with the Senate in the making of treaties, and I am not detracting from that power in any particular. I am simply denying that the purpose was to give him any superior authority in the making of treaties over the authority which was conferred upon the Senate. To each it gave a separate function, and the exercise by each of that function

was necessary to the making of treaties. There was no division of the making of treaties into two parts, the decision of every material part and parcel by one, with only the power to say yes or no by the other. They were equal in function and dignity.

The Senator from Wisconsin in his argument said that the President was supreme—he used the word "supreme"—in the making of treaties to the extent that even after a treaty was submitted to the Senate and ratified by the Senate, the President could put it in his pocket and not promulgate it or exchange ratifications.

No doubt that is true, and in the same way when the President sends a proposed treaty to the Senate, the Senate, if it sees proper to do so, can treat it without any attention whatever and not even refer it to a committee. It would not be seemly to do so, but no more so than for a President to be likewise heedless and regardless of the views of the Senate in reference to the propriety or the policy of making a proposed treaty in a matter touching vitally the interests and the institutions of the country. It would be not less unseemly for him to reply to an inquiry or suggestion of the Senate, "Hands off."

In what particular is the power of the President thus to put a treaty ratified by the Senate in his pocket more supreme than the power of the Senate to bury in its archives without action a proposed treaty sent to it by the President? I am not detracting from the President or his power; I concede to him his full constitutional power; but I deny the proposition that the President has any superior power or any superior dignity in the making of a treaty over and above the Senate.

Mr. BEVERIDGE. Suppose the Constitution had been silent upon the question of the treaty-making power, where would that power have lodged? Or I will put the question in this way: Suppose the Constitution had said nothing about making treaties, would not the complete power of making treaties have been in the President, under section 1 of Article II, which lodges the executive power in the President?

Mr. BACON. I think not. I do not understand the word "executive" to mean anything of the kind.

Mr. BEVERIDGE. Does not the Senator think that in the natural division of the powers of Government into legislative, executive, and judicial the treaty-making power has always been considered an executive function, and, therefore, if the Constitution had been silent upon the subject of treaties, it would have been completely under the President's control, under that provision of the Constitution which confides in the President the executive power, and that that section concerning treaties is merely a limitation upon that universal power?

Mr. BACON. Oh, no. The Senator has gone to his favorite doctrine as to extraconstitutional power, which I will not stop to discuss with him to-day. The two continents, separated by the Atlantic Ocean, are not wider apart than the Senator and I upon the subject of the exercise of powers not found in the Constitution.

Mr. BEVERIDGE. If the Senator will permit me——

Mr. BACON. I can not discuss it to-day. It would take all my time.

Mr. BEVERIDGE. I will ask the Senator to answer this question: Since the Constitution has said nothing about——

Mr. BACON. The Senator has asked that question, and he does not let me answer before repeating it. The Senator will pardon me, but he has already asked it twice.

Mr. BEVERIDGE. I will ask this question: If the Constitution had said nothing about the treaty-making power, where would the treaty-making power have been lodged?

Mr. BACON. I have received that question from the Senator several times. I have said that I did not agree with him that it would be with the Executive.

Mr. BEVERIDGE. Where would it be?

Mr. BACON. I think, undoubtedly, in the legislative branch of the Government, for reasons which I will give.

Mr. BEVERIDGE. That is the whole question.

Mr. BACON. Here is where the sovereignty of the Government was intended to be in almost its totality—in the legislative branch of the Government, and the vast array of powers in the first article of the Constitution prove it; and, further than that, the Constitution of the United States was intended to take the place of and to supersede the Articles of Confederation, under which articles the power to make treaties did lodge in Congress alone; and it was not to be presumed when the Constitution was formed, in the absence of some special and particular designation, that it was the intention to confer it upon the Executive. The presumption would be the other way.

I was about to say, however, at the time of the interrogatory propounded to me by the learned Senator, in concluding what I had to say on the history of this matter, that President Washington in one of his messages casts a very strong light upon the question as to what was the estimate which this convention had of the treaty-making power and of the duty and function which the Senate should exercise in the treaty-making power. In a famous message, which the Senator from Wisconsin cited and which has been cited frequently and with which we are all familiar, where President Washington refused to send certain papers to the House of Representatives upon its demand, upon the ground that the House of Representatives had nothing to do with treaties, and that the Senate alone was the body with which he was to deal, the Senate alone was the body which had the right to ask of him information, the Senate alone was the body which had the right to share with him the secrets connected with foreign affairs, stated this fact:

It is found in his message. He said not only was the treaty-making power confided in part to the Senate, but, speaking as he did and as he said, as a member of the convention and familiar with what had been done and said there, he added that there was a very strong effort made not only to require that two-thirds of the Senate present should agree to a treaty, but that two-thirds of the entire Senate, whether present or not, should be required before a treaty could be put into effect. There could scarcely be stronger evidence than is found in this historical fact of the supreme estimate which was placed by the convention of the importance that the Senate should be the controlling influence in determining whether or not any given treaties should be made with foreign countries.

Mr. President, we have often had cited the fact that Washington during his Administration met personally with the Senate to advise as to the making of treaties. He had been present during all the deliberations of that Convention; he was president of the Convention which made the Constitution; he had heard all the deliberations; he had doubtless in personal interviews canvassed this matter and discussed it with members of the Convention, and the fact that he met personally with the Senate, the fact that he conferred personally with the Senate as to the propriety of making treaties before attempting to negotiate them, show what he understood to be the intention of the Convention—that the Senate should be not simply the body to say yes or no to the President when he proposed a treaty, but that the Senate should be the adviser of the President whether he should attempt to negotiate a treaty. What possible doubt can there be under such circumstances as to what was his understanding of the purpose and intention of those who framed the Constitution? And what possible doubt can there be that his understanding was correct?

Mr. President, it is true that that practice has been abandoned, so far as concerns the President coming in person to sit in a chair on the right of the presiding officer to confer with members of the Senate, as our rules still provide he shall do should he come here personally, showing we recognize the propriety of his coming and his right to come. But nevertheless during my official term it has been the practice of Presidents and Secretaries of State to confer with Senators as to the propriety of negotiating or attempting to negotiate a treaty.

I know in my own experience that it was the frequent practice of Secretary Hay, not simply after a proposed treaty had been negotiated, but before he had ever conferred with the representatives of the foreign power, to seek to have conferences with Senators to know what they thought of such and such a proposition; and, if the subject-matter was a proper matter for negotiation, what Senators thought as to certain provisions; and he advised with them as to what provisions should be incorporated.

I recollect two treaties in particular. One is the general arbitration treaty. I do not know whether he conferred with all Senators, but I think he did. I think he conferred with every Senator in this Chamber, either in writing or in person, as to the general arbitration treaty. He certainly conferred with me.

Mr. SPOONER. Who did?

Mr. BACON. Mr. Hay. He certainly conferred with me, not only once but several times, and I presume he did the same with other Senators, not simply as to the question whether a treaty should be negotiated, but as to what provisions should be incorporated in it. I am sorry to say that while agreeing with the purpose in view I could not agree with some of the provisions incorporated in that particular treaty, and he went on and the treaty was formulated with which in all particulars I did not agree. But I am simply speaking of the fact that he conferred with Senators before he formulated a treaty, not simply before the President sent it here, not simply before it was negotiated with Sir Mortimer Durand and the ambassadors of other countries, but before it had been formulated

Then, as to another, I recollect distinctly the Alaskan treaty. Time after time and time after time Mr. Hay, then Secretary of State, conferred with Senators, and, I presume, with all the Senators, as to the propriety of endeavoring to make that treaty and as to the various provisions which should be incorporated in it, recognizing the delicacy of the situation, and the provisions of that treaty were well understood by members of the Senate and approved by members of the Senate before it was ever formulated and submitted to Sir Michael Herbert.

But what was Mr. Hay doing in all that time? Was he carrying out the contemplation of the Constitution? Was he engaged in the performance of a high duty? Was he availing himself of a valuable instrumentality, or was he simply engaged in the interchange of politeness?

Mr. SPOONER. Will the Senator permit me to make an inquiry of him?

Mr. BACON. With pleasure.

Mr. SPOONER. Does the Senator conceive of no distinction between consultation by the Secretary of State, if he so wills it, with Senators, and the participation of the Senate as a body, the thing of which we are speaking, as a part of the negotiating power?

Mr. BACON. The Senator leads me to remark what I said to a Senator yesterday, that the Senator's mind necessarily works more rapidly than another man's tongue can. The Senator is simply anticipating what I was coming to on that point.

Mr. SPOONER. That is a high tribute to my intelligence.

Mr. BACON. On the contrary, I consider it a tribute to me, that the logical sequence of the question is directly where the Senator put it, and that I had been so fortunate as to be going straight in that direction. So I can take it as a compliment to myself.

I will, however, now take the subject which I was about to discuss otherwise, just in the form in which the Senator puts it, because it is practically the same as that which I had intended.

The Senator asked me this question: Do I draw no distinction between the voluntary action of the Secretary of State endeavoring to get the opinion of the Senator or of myself and the act of the Senate seeking—I do not know whether I am correctly quoting him; if not, the Senator can correct me—to proffer to the State Department or to the President advice unasked? Is that the question?

Mr. SPOONER. Well, yes; substantially——

Mr. BACON. That is the way I understood it.

Mr. SPOONER. Although I want the Senator to understand that I have not questioned the right of the Senate——

Mr. BACON. I know; but the Senator asked me a question. Let us discuss that afterwards.

Mr. SPOONER. To offer its advice, either in public or in private.

Mr. BACON. I do not understand the Senator's question.

Mr. SPOONER. The question I put to the Senator was this: If he did not recognize a distinction, from the standpoint of the matter of constitutional power, between the President—leave out the Secretary of State—asking individual Senators their judgment as to a proposed treaty, and his inviting the Senate as a body, or individual Senators volunteering to the President their advice as to a proposed negotiation, and the action of the body as a body volunteering their advice, especially if they asserted the right to do so?

Mr. BACON. Well, I will answer the Senator definitely. I do not recognize the distinction, and I will tell him the reason why.

When the President or the Secretary of State either—say, the President, to simplify it—asks a Senator what he thinks about the proposition to negotiate such and such a treaty, and what he thinks as to the specific terms to be incorporated in that treaty, he does not ask that Senator that question as he asks Mr. Jones or Mr. Smith, whom he happens to meet upon the Avenue, in order that he may have the advantage of advice and assistance from a man in whose intellectual processes and capacity he has confidence, but he asks him because of the fact that the Constitution of the United States makes the Senator his adviser, his constitutional, official adviser and counselor in the making of treaties.

Now, Mr. President, if that is true, is that advice something which the President has exclusively within his control? Is it something which he can ask, and which he alone can get the benefit of in case he does ask, or is it a great constitutional provision which makes it a reciprocal right for a common benefit?

Can it be said that while it is proper for Senators or the Senate to respond when advice is asked, it is improper, under the constitutional provision, to volunteer such advice? It is undoubtedly true that the President alone determines whether he will approve and act upon the advice of the Senate, just as the Senate determines whether it will or will not approve a proposed treaty. But can it be contended that the Senate, although the constitutional adviser of the President, can only give advice when asked for it, and that it is an intrusion to proffer it when thus not asked for it? Where is the warrant in the Constitution for such contention? That it has not been so recognized by the President or by the Senate is shown by the fact that it has frequently happened that resolutions have frequently been passed by the Senate informing the President that the Senate would approve a treaty for a given purpose. Can it be said that while proper to thus notify the President, in advance, of what the Senate would approve in a treaty, it is improper to notify him also, in advance, of what it deprecates, if it is proposed to embody it in a treaty? Can it be proper for the Senate to offer advice or counsel to the President as to the policy or impolicy of a proposed treaty, and at the same time improper to ask for the information upon which to base such advice or counsel? Where is the logic of such a contention?

Again, can it be proper to advise the President as to the desirability and policy of negotiating a treaty where he has not taken any action relative thereto and where the suggestion originates with the Senate, and on the other hand be improper to advise him of the undesirability and impolicy, in the opinion of the Senate, in a case where it is reliably learned through other sources that he has begun to take or has taken action relative thereto? Where does the Senate get power to amend a treaty if its authority is limited to consenting to what the President has done? When the Senate has amended a proposed treaty and the President thereafter submits the amendment to the foreign power for its consideration, has not the Senate taken part in the negotiation of that treaty?

If the contention is correct that the jurisdiction and power of the Senate do not begin until the proposed treaty is sent to the Senate, then none of these things are proper, and to make an inquiry of the President relative to a proposed treaty is an intrusion upon his exclusive jurisdiction. If the contention is correct, it matters not what may be the well-understood purpose of an Executive in negotiating a treaty or in sending delegates to a conference, the Senate is dumb until it receives a proposed treaty. It may be, as forcefully suggested by the Senator from Maine [Mr. HALE] a few days ago, that the proceeding tends inevitably to war, and yet it will be an intrusion for the Senate to even make an inquiry of the Executive concerning the same.

Again, the Executive may, without ever sending any proposed treaty to the Senate, continue to send delegates to European international political conferences, and in time practically destroy our recognition of the long-established doctrine of nonentanglement by us in such disputes. After having taken an active part by our delegates in the Algeciras conference, no proposed treaty may be submitted to the Senate. Nor is that all in sight. We are told in the press dispatches that European questions concerning the Balkan States are again becoming acute; that there is great tension, and that another European war cloud is gathering in the East. Doubtless there will be another conference to deal with that situation and determine the relative rights and powers of the war lords of Europe. To that, according to the new doctrine, it will again be in order to send delegates from the United States. And after having taken an active part in the deliberations of the conference, again no proposed treaty may be sent to the Senate. And although in attending each of these conferences by our delegates tremendous strides will have been taken in establishing precedents and in destroying the doctrine of an hundred years against entanglements in European international disputes, still in the absence of any proposed treaty submitted, the Senate must be dumb, and it is an intrusion to even make an inquiry of the President in the interest of the preservation of the cherished policies of our country. Mr. President, I can not subscribe to such a doctrine.

It seems to be somewhat remarkable that there should be such extreme sensitiveness about the Senate assuming to advise as to the "negotiation" of a treaty, when it seems to be entirely proper for "advice" to be given by the President to Senators as to how they should vote on the question of the ratification of a treaty.

Mr. SPOONER. If the Senator will permit me, does he think if the President asked a Senator's advice as to whether a treaty should be negotiated or not, the Senator is under any constitutional duty to give it, or would be committing a breach of Senatorial duty if he declined to advise in advance?

Mr. BACON. If the Senator declined?

Mr. SPOONER. If the Senator declined. The Senator speaks of reciprocal rights. He says the President has the right to ask a Senator for his advice as to whether any foreign policy

shall or shall not be pursued in the matter of negotiating a treaty. To test that, does the Senator think if the President has a right to ask it——

Mr. BACON. Ask the question now.

Mr. SPOONER. The Senator, I should think, ought to have a reciprocal duty to answer.

Mr. BACON. I think so, undoubtedly.

Mr. SPOONER. Does the Senator think the Senator is obliged to answer?

Mr. BACON. Undoubtedly he may not be able to give it. He may say, "I have not the information; I have not made up my mind." But for the Senator to say, "I have an opinion, but I will not give it to you," would, in my opinion, be a contravention of his constitutional duty. There is but one possible ground upon which a Senator could base any such refusal, and that is, if he were to say (and I do not think he would be correct in that), "I recognize that this is an act which should be performed by the Senate as an organized body and not by myself in my official individual capacity, and therefore I decline to give any individual opinion." That is the only ground upon which he could put it, and I do not think that would be a correct ground.

Mr. SPOONER. Would it not be an eminently proper and wise ground for the Senator to take that the people were entitled to his independent judgment on the question as to whether a treaty should be ratified or not by the Senate after it had been negotiated and submitted to the Senate?

Mr. BACON. I ask the Senator to please repeat his question.

Mr. SPOONER. Would it not be entirely proper and wise and almost a duty for a Senator to say, "I decline to commit myself as a Senator in advance to a proposed treaty. I prefer to wait until the power of negotiation, which the Constitution lodges in the President, shall have been put forth and the Senate is in possession of the instrument, so that I can read it, study it, have the advantage of debate upon it among my associates, and then give to it the independent judgment to which the people are entitled from every Senator?"

I doubt myself, and I have had some experience, the wisdom of a Senator committing himself blindly to a foreign policy, to end in the negotiation of a treaty, to find himself later, when the negotiation is ended and the document is laid before the Senate, halfway (which with an honorable man means a great way) committed, and committed too early and too hastily.

Mr. BACON. The Senator asks me a question and proceeds to argue it.

Mr. SPOONER. I beg the Senator's pardon.

Mr. BACON. No, the Senator need not do that, and he knows it. But I said that for a purpose. I was so much interested in the Senator's argument, I am not sure that I have his question exactly formulated in my mind, and therefore I ask the Senator to repeat it.

Mr. SPOONER. My question was as to whether if the President asks a Senator his advice as to a negotiation——

Mr. BACON. I hope the Senator will just give me the question.

Mr. SPOONER. Does the Senator consider it the constitutional duty of a Senator to give advice?

Mr. BACON. Is that the Senator's question?

Mr. SPOONER. That was the question.

Mr. BACON. I answer unhesitatingly in the affirmative.

Mr. FORAKER. Mr. President——

Mr. BACON. I hope the Senator from Ohio will pardon me. The Senator from Wisconsin asked me a question and he then argued it. He has asked it again, and I am trying to reply to it. I shall with the greatest of pleasure yield to the Senator afterwards, but I hope he will permit me to answer the Senator from Wisconsin.

The Senator asks me the abstract question whether or not I consider it to be the constitutional duty of a Senator to give advice to the President as to the propriety of the making of a treaty before it has been sent to the Senate. I answer in the affirmative. The Senator goes on to say that no Senator ought to give blindly his advice. I quite agree with him, as I have intimated before. A Senator may decline to give the advice upon the ground that he has not had the proper time for making up his mind satisfactorily to himself, or for other good reason.

But, Mr. President, advice means also counsel. Advice means more than giving simply the statement of what the Senator thinks ought to be done. It means counsel; and, therefore, while the Senator might say to the President, "I am not in a position to make up my mind definitely as to what ought to be done," the President would then proceed to counsel with him and suggest such and such a condition of affairs and such and such remedies which might be applied, with a view to arriving at a conclusion as to what would be the proper thing to do. Then, I say if the Senator would turn his back on the President and say, "I decline to counsel with you or to hear your suggestion or to confer with you as to what is the proper thing to be done," while, of course, it would be a matter of conscience for each Senator, from my point of view the Senator would be derelict in so doing. Now I will hear the Senator from Ohio.

Mr. FORAKER. The Senator has gone by what he was talking about when I rose a moment ago.

Mr. BACON. I beg the Senator's pardon.

Mr. FORAKER. But what I had in mind to ask him I can ask now, if he is courteous enough to yield. The Senator was speaking of the individual responsibility of Senators. I understood him to say that each individual Senator, if called upon by the President for his advice with respect to a treaty he was negotiating, was under a constitutional obligation and duty to respond and give to the President his advice. I wanted to ask the Senator whether or not he thought, that being the case, it would be a good excuse for a Senator to answer that he had opinions which, under other circumstances, he might be willing to give him the benefit of, but he was bound by the order of the party caucus not to advise him on that subject.

Mr. BACON. Mr. President, I do not know of anyone who is in a better position to propound that inquiry or to answer it than the Senator from Ohio.

Mr. FORAKER. Why so, may I ask?

Mr. BACON. If the Senator will pardon me, I do not want to be too personal, and I will not say "the Senator from Ohio." I will take that back. But I do say there are Senators on the other side of the Chamber who are in an admirable position to propound and answer that inquiry, for to my certain knowledge, for reasons which are satisfactory to them and persuasions which are sufficiently forceful, they would be in exactly the same position when the President asked advice of them, because under such persuasions and such forceful influences they have—some of them, not all of them—given their adhesion to measures of which they did not personally approve.

Mr. FORAKER. The Senator will allow me to say that during all my service here I have never been bound by the action of my party in caucus, because it has never held a caucus. We have conferences, in which we exchange our views, but no man is bound by the action of a conference. I have been in conferences and then I have gone out and differed on the floor of the Senate from what a majority of the Senators attending the conference saw fit to agree upon.

Mr. BACON. In some few instances, that is a fact.

Mr. FORAKER. So far as treaties are concerned, there has never been a caucus during all my service here until last Saturday by either party, so far as I am aware.

Mr. BACON. Now, Mr. President, I am not going to anticipate what is going to be a very interesting performance to-morrow, if we are correctly informed, and I would dislike extremely, by any suggestion of mine or by being led away into the very attractive field to which the Senator invites me, to deprive the expectant public of what is to be given them to-morrow.

I will simply say this, however, in response to the Senator, and then I hope we may pretermit until to-morrow the further consideration of these very interesting developments. I believe it to be strictly true, as the Senator says, that the Republican Senators have never had a binding conference or a binding caucus, but I believe it is equally true that they have never had one simply because they have that which is very much more persuasive, very much more constraining, very much more binding, very much more coercive than the order of a caucus. Now, what that persuasive and constraining and coercive influence is I will wait until to-morrow for somebody to tell the honorable Senator.

Mr. BEVERIDGE. Will the Senator from Georgia permit me?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. Is it on the same line? If it is on that line it would be better to wait until to-morrow.

Mr. BEVERIDGE. Very well.

Mr. BACON. I want to resume my argument.

Mr. BEVERIDGE. Upon the subject of treaties, did either party ever take any action of any kind as a party?

Mr. BACON. Well, Mr. President, if Senators on that side of the Chamber, or any of them, are led by any other reason than their own judgment to support a treaty; if any of these persuasive and binding and coercive influences to which I have thus somewhat occultly alluded have induced Senators to vote otherwise than their judgment would dictate, then, by suggestion at least, they fall under the condemnation of the Senator from Indiana.

Mr. FORAKER. I was about to ask the Senator if he would not——

Mr. BACON. I hope the Senator will reserve his ammunition until to-morrow.

Mr. FORAKER. If he would not excuse me from the application of the rule he has just been propounding?

Mr. BACON. I will, as a matter of friendship. [Laughter.]

Mr. FORAKER. Will you not do so in view of the record?

Mr. BACON. No, Mr. President; not now. I am going to hasten on. This is all very pleasant, and I would do the best I could—I do not know how good that might be—to meet the suggestions and pleasantries of the honorable Senators on the other side, but for the fact that I feel it due to those who are to be the star performers to-morrow that nothing should be now anticipated by me on that line.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Georgia will proceed.

Mr. BACON. Now, Mr. President, I am not certain whether I had fully answered the inquiry of the Senator from Wisconsin [Mr. SPOONER] or not. He is present, and if I have not I hope he will call my attention to it. My attention has been so diverted I am really not certain whether I completely replied to his interrogatory. But before leaving it I wish to say in a general way that according to my view of the treaty-making power, of the duty of the President, and of the duty of the Senate, it is a reciprocal and a common duty, one in which each has the advantage of the services of the other, one in which there is, perhaps, no compulsion, one in which each can defeat the work of the other, one in which the cooperation and combination of the two from the inception to the end is necessary in order to fully comply with the intention and design of the Constitution makers in this regard.

The Senator from Wisconsin, in order to accentuate and emphasize the fact that the President of the United States sat away up on a pedestal above us in all matters which related to treaty making, except the simple matter, as he himself expressed it, of "ratification," because he translates the words "advice and consent" as meaning in the common parlance "ratification," the Senator, I say, in order to emphasize that fact, goes further, and in the clauses of his speech which I have already read he puts up as the supreme power, the supreme controller in all foreign affairs, the President of the United States. The President, according to the Senator from Wisconsin, in all of our foreign affairs is supreme. And, Mr. President, he lays down the proposition with much emphasis, and says that that is—I am not quoting the words now, but the substance—practically conceded by every man who has ever studied the Constitution. He asserts this so broadly and so emphatically that for one to assert the contrary is to recognize in advance that in so doing he, according to the Senator, puts himself out of the pale and class of reputable lawyers. Yet, Mr. President, at the risk of being thus debarred, I want to analyze a little bit the powers conferred by the Constitution with reference to foreign affairs, and see whether they rest with the President alone or whether, in the main, they rest with Congress, and with the Senate in conjunction with the President.

It is true, Mr. President, that in the countries antedating our Government the executive, who was almost universally a king—I believe little Switzerland was the only exception at that time, and I am not sure that it was at that time, because it has had varying fortunes, and I have forgotten whether at that particular time it was a republic or not—but almost universally the executive of a nation was a king, and he did have, among other kingly powers, all control over foreign affairs. But, Mr. President, when our Constitution came to be framed there was particularly and definitely withheld from the executive every important foreign function, according to my view of it. I know in one particular the Senator differs from me, but in all others he will agree. It took away from the Executive, with the exception of the treaty-making power, all power over foreign affairs. It made him, in the language the Senator used the other day, the organ of intercommunication with foreign nations. It made him the spokesman for the Government. It made him the person to discuss with foreign governments, to make demands, if you please, on foreign governments, to guard so far as watchfulness goes, the interest of our country and of our citizens in foreign lands. But when it came to action, when it came to the power to do anything, that power was expressly conferred upon Congress, or upon the President in conjunction with the Senate.

What is the most important of all foreign relations? Why, the most important of all foreign relations is the relation of peace and war. Can the President declare war? Can the President prevent a declaration of war? The President not only can not declare war, and it is not only conferred in terms upon Congress, but even if the President should be opposed to a proposed war, two-thirds of each Branch can declare war. It would not require his approval. There is the most important of all foreign relations. It does not belong to the President. Nor can the President alone make peace. He can only do so with the cooperation of the Senate.

The question of commerce is certainly an important matter of relation between two countries, and yet the President has no power over commerce with foreign nations. The power to regulate commerce is not simply withheld from the President, but it is expressly conferred upon Congress; and the subsidiary question as to what shall be the terms upon which the merchandise of a foreign country shall come to this country is a question largely important in foreign relations, and is one over which the President of the United States has no power. It belongs, under the Constitution, to the lawmaking power; and that lawmaking power can be exercised by Congress not only without the consent of the President, but over his objection.

The terms upon which foreign ships shall be allowed to enter our ports or do business with us is an important one in our foreign relations, but the power to fix and determine them is altogether with Congress.

The question as to whether or not citizens of another country shall be allowed to come to this country, and if so, upon what terms, is an important question of foreign relations; and yet the President has no power to control it. It is a question exclusively within the lawmaking power. The question whether this country will permit any of a certain nationality to come at all to this country is a question not with the President, but a question with the lawmaking power.

Nay, sir, the question whether this Government will hold any relations with a foreign country is a question with Congress. It is entirely within the competency of Congress to pass a law that no citizen of a given country shall come to this country, that no goods shall be received from it, that no merchandise shall go from this country to it, that no letters shall come from it, that there shall be no intercommunication of any kind whatever. Who doubts the power of Congress to do so?

In other words, it is within the power of Congress to absolutely sunder the relations between this country and any given foreign country. When that is said the whole thing is said; when that is said the whole argument is exhausted as to where rests the supreme power in foreign affairs, because the whole must include every part. If it is within the power of Congress to absolutely sunder all relations of every kind, commercial, social, political, diplomatic, and of every other nature, it is certainly within the power of Congress to regulate and control every question subsidiary to that and included within it. Congress and not the President is supreme under the Constitution in the control of our foreign affairs.

Now, Mr. President, there is but one question about which there is even any controversy as to the power of the President over foreign relations, and that is the one about which the Senator and myself have differed for years, and about which I presume we will continue to differ. It is as to the right of the President of the United States to finally recognize or finally refuse to recognize the independence of a revolutionary or rebellious country.

Of course, time does not permit me now to discuss that question at length. I have heretofore discussed it in the Senate, and while I am not very fond of labor, if the time shall ever come when that question is per se discussed, I shall endeavor to take my part in it, for it is a most interesting and important question. It is a matter to me of the strongest and most absolute conviction as a legal proposition. Of course, I do not question at all that where it is a question as to what is the de facto government in a fully independent country, that is a question which is practically determined by the President of the United States in the recognition of diplomatic relations, but where a country is in a condition of rebellion, which has asserted its independence and is endeavoring to establish its independence, and where the parent country is denying its independence and is by the force of arms endeavoring to put down the rebellion or the insurrection, to say that the President of the United

States solely and alone can determine finally that question for this country, and that Congress has no power over it, is a matter to me absolutely without the domain of logic. I say in every act of that kind, the supreme power, the final power of decision, is with Congress, the lawmaking power, and whatever is done by the executive department in that regard is necessarily subject to the revision and control and reversal of the lawmaking power.

Why, Mr. President, we have seen in the papers that a province of Russia some month or two ago rebelled and set up an independent government, or, rather, professed to do so. We have heard nothing of it lately. I presume it has been suppressed. Suppose in a case of that kind, not this President, but any President, had taken upon himself to say, "I recognize that province as an independent government." To claim that that would have been a final, conclusive act on the part of the Government of the United States, and that Congress would in such case have no right or power to reverse the decision and save the country from war with Russia, is something to me, I say, beyond the possibility of comprehension. But I will not go into that argument now, because I know I would necessarily enter upon a field which in itself would be larger really, or as large, as the main one upon which I am now engaged in this discussion.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Certainly.

Mr. SPOONER. The Constitution gives to the President the power to receive ambassadors and ministers. Does the Senator think that the action of the President in the exercise of that function is subject to the control of Congress?

Mr. BACON. I have not the slightest doubt in the world that Congress, in such a case as I have just mentioned, could pass a law and send that ambassador back to the country from which he came.

Mr. SPOONER. What sort of a law would that be? I am not talking now about declaring war or severing diplomatic relations.

Mr. BACON. It can be done that way.

Mr. SPOONER. What sort of an act would be that instruction to the President to send the ambassador back?

Mr. BACON. I do not suppose that the President would need any instruction more than the law.

Mr. SPOONER. But what law?

Mr. BACON. The act——

Mr. SPOONER. What form of law?

Mr. BACON. The act which should be passed by Congress.

Mr. SPOONER. What would be the form of such a law in a general way?

Mr. BACON. Simply to say we would not have an ambassador at all from that country, because we did not recognize it as an independent country. That is the act of Congress I have in mind when I say it would control the President and reverse his decision recognizing that province as an independent nation.

Now, as to whether or not Congress should say to the President of the United States, You must not receive John Jones, or William Smith, or any other particular man from any particular country. Of course nobody contends Congress could do that. That is not the question at all. It is the question whether in the case where a country, or part of a country in rebellion to the mother country sets up a professed or pretended independent government and sends an ambassador to this country, the reception by the President of the United States of that ambassador is a conclusive and final determination on the part of the Government of the United States that henceforth there shall be no question but what that is an independent country so far as the recognition of this country is concerned. My reply to the Senator is that if such an ambassador were sent, Congress would have it within its power to pass a law that it would not recognize that country as an independent country, and that it would continue as in the past to recognize it as a part of Russia, for instance, and when that law was passed it would be the duty of the President to give that ambassador his passports and no longer recognize him or any other as an ambassador from that pretended government.

Mr. MALLORY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. Certainly.

Mr. MALLORY. In the event that the President receives the ambassador or minister and Congress takes no action to rescind the action taken by the President or to contradict it, would not that ambassador be an ambassador from that country to the United States?

Mr. BACON. I think so, undoubtedly.

Mr. MALLORY. In every sense of the word?

Mr. BACON. I think so, undoubtedly.

Mr. MALLORY. Then until Congress does take action it is conclusive.

Mr. BACON. I think it is upon all other departments of the Government. It has been so decided by the Supreme Court of the United States. I have no question about that whatever. I am speaking about the ultimate power, the ultimate control, and that alone.

The fact that Congress can for any reason that is deemed by it sufficient, absolutely sunder and destroy all relations, including relations diplomatic, commercial, and all others, with any other country or government, old or young, is a complete demonstration of the power of Congress to reverse any decision and action that the President might take in recognizing as an independent nation a part of a country still engaged in a struggle to secure its independence from the government to which it had theretofore been in allegiance or subjection. What logical escape there can be from the conclusiveness of that proposition I can not see. The recognition of the independence of a people, with all of the consequences which may flow from such recognition, is necessarily an act of the highest sovereignty. Mr. Seward, when Secretary of State, and when that question was a most vital one to the United States, used this language in a letter addressed to Mr. Adams, then minister to England:

> To recognize the independence of a new state, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in every case the welfare of two nations and often the peace of the world.

The prerogative to determine upon the exercise of this highest possible sovereign power belongs properly and necessarily to that authority in the State which in its constitutional functions most fully represents its sovereignty. That authority in this Government is the law-making power. The Government in its entirety is the sovereignty. But the Constitution has invested Congress with almost all of the prerogatives of that sovereignty.

To my mind it is inconceivable that upon the claim of an implied power in the Constitution there can be vested the contention that this "highest possible exercise of sovereign power" has been reposed in the President alone and finally, when the same Constitution requires the approval of the Senate before he can appoint to a foreign country an ambassador or even a consul.

It is not pretended that there is any express grant of power in the Constitution to the President to recognize the independence of a new nation. It is claimed that this final and conclusive power is given to him by implication in a single line of the Constitution. That line is as follows:

> He shall receive ambassadors and other public ministers.

Now, let me read for the benefit of my distinguished and learned friend the Senator from Wisconsin [Mr. SPOONER] something that Mr. Hamilton said on that subject. The Senator will of course remember that at the time the Constitution of the United States was under consideration by the various States as to whether or not they should adopt it, Mr. Hamilton and Mr. Madison wrote a number of letters advocating the adoption of the Constitution, and Mr. Hamilton, in one of his letters—the letter numbered 69—said this:

> The President is also to be authorized to receive ambassadors and other public ministers. This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance which will be without consequence in the administration of the Government; and it was far more convenient that it should be arranged in this manner than that there should be a necessity of convening the legislature, or one of its branches, upon every arrival of a foreign minister, though it were merely to take the place of a departed predecessor.

There was no man from whom that could come with more force than from Mr. Hamilton, because he was the great advocate of the concentration of power in the hands of the Executive. He even wanted the President to have the power to appoint the governors of the States. It is true that later Mr. Hamilton reversed his position and announced the doctrine that the power given to the President to receive ambassadors, etc., implied the power to recognize the independence of a new nation; and to that utterance by him Mr. Madison made and published a reply in No. 3 of his letters, signed Helvidius, of which the following is a part:

> Had it been foretold in the year 1788, when this work (the Federalist) was published, that before the end of the year 1793 a writer, assuming the merit of being a friend of the Constitution, would appear and gravely maintain that this function, which was to be without consequence in the administration of the Government, might have the consequence of deciding on the validity of revolutions in favor of liberty, "of putting the United States in a condition to become an asso-

ciate in war"—nay, of laying the Legislature under an obligation of declaring war"—what would have been thought and said of so visionary a prophet? The moderate opponent of the Constitution would probably have disowned his extravagance. By the advocates of the Constitution his prediction must have been treated as an experiment on public credulity, dictated either by a deliberate intention to deceive or by the overflowings of a zeal too intemperate to be ingenuous.

But this question as to the right of the President to finally determine the question of the independence of a new nation is only incidental to the real question I am endeavoring to discuss to-day, and I can not discuss it fully in this connection, inviting as it is. I have discussed it at length heretofore in the Senate, as the Senator knows. I am now speaking as to the power of the President over our foreign affairs, and I am endeavoring to show that there is not a single important function, a single important power, saving only the pardoning power, that has been given by the Constitution to the President of the United States to be exercised by him alone, unless this implied power for which the Senator from Wisconsin contends is amongst them; and that as to all others, they have been withheld from the President of the United States and have been expressly conferred upon Congress, or upon the President in conjunction with the Senate.

If we concede the contention of the Senator from Wisconsin that the recognition of the independence of a State is a power, the ultimate exercise and the highest exercise of which is in the President of the United States, it is no answer, even with that one exception, to the general proposition that the President of the United States has no such great power, so supreme and exclusive a power and control over foreign affairs, as to illustrate and emphasize the proposition that he has similar power, such supreme and uncontrolled and uncontrollable power in the making of treaties as that when the Senate of the United States makes an inquiry as to what is proposed to be done in regard to a treaty, the reply could be given, in the language of the Senator from Wisconsin, that the President of the United States exercises his power in the matter of treaties, under neither "the tutelage nor the guardianship of the Senate."

Mr. President, not only in the matter of foreign affairs, but in all other matters, in all other powers, the design of the makers of the Constitution was that there should be no supreme and royal powers in the President of the United States. The fight out of which they had just emerged was to rid themselves of one-man power, and when they came to frame the Constitution they did not intend to confer any absolute power upon any one man. The only reason that they provided for a President at all was that in the nature of things somebody to execute the law was deemed to be necessary.

In all the enumeration of the powers of the President, he has the appointment of officers and the making, in conjunction with the Senate, of treaties. Outside of that substantially his whole power is embraced in one half line—"he shall take care that the laws be faithfully executed." There is his great office, and that is what the Constitution intended should be his great function. "He shall take care that the laws be faithfully executed." Outside of that, Mr. President, his power is a bagatelle. Outside of that, and the treaty-making power, and the appointing power, it is a bagatelle. He is, as stated by the Senator in his speech, the organ of communication with foreign governments; but his great function, that which gives dignity and power to his office, is that he is to execute the laws.

But the Constitution has invested Congress with almost all the prerogatives of sovereignty. The broad, unlimited, and exclusive grant of all legislative powers under the Constitution, without more, carries with it the larger and most important part of the powers of sovereignty. But the enumeration in the Constitution of the powers of Congress goes further, conferring upon it, among others, the powers—

To lay and collect taxes.
To provide for the common defense and general welfare of the United States.
To regulate commerce with foreign nations.
To coin money and regulate the value thereof.
To define and punish offenses against the law of nations.
To declare war.
To raise and support armies.
To provide and maintain a navy.
To suppress insurrections and repel invasions.

Each of these, besides others of which I have omitted to make mention, is a distinct power of sovereignty—the powers which kings with sovereign power personally wield; and in addition thereto after enumerating these most sovereign powers, there is the following comprehensive grant of power to Congress:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

By this not only is Congress clothed generally with all power of legislation necessary to carry into effect all the powers granted to Congress, but Congress is further and exclusively vested with the power to make any and all laws necessary and proper for the execution of any of the powers of the Government of the United States and of any Department of the Government, including both the executive and judicial departments. Mr. President, when to these great powers is joined the power to impeach and remove from office any officer of the Government, from the President to the lowest civil officer, little could be added to completely invest Congress with every attribute of the sovereignty of the Government.

Compared to this great array of sovereign powers granted to Congress, those conferred upon the President present a most striking contrast. He is clothed with the great power and responsibility of the execution of the laws, but beyond this the only prerogative of sovereignty with which he is exclusively invested is the pardoning power, and even that is denied to him in cases of impeachment by the House and conviction by the Senate.

We have passed by more than two hundred years the period in the history of our race when one man could assume and exercise the power to determine, independently of the legislative department, what should be, even in part, the laws of the Government. The framers of the Constitution stood nearer by a hundred years than we do to the time when a King sought to rule without Parliament and in defiance of Parliament; when he sought to take to himself all the powers of government and set at naught the laws of the country's constitutional legislators. The great and wise men who framed our fundamental law stood in the century next removed from that which had witnessed the culmination of that great struggle from the events of which they gathered the lesson that the material interests and the liberties of a people are safest when the great powers of government are lodged not in the control of one man, of whatever title or office, but in the hands of their elected representatives.

They had learned from it that one man invested with such powers was quick to consider his own fortunes and the fortunes of his favorites of more consequence than the prosperity of the whole people. They were taught by that history to fear that one so girt with power would grow great in his own conceit; that he would attempt to draw to himself all the authority of Government, and that not only one born to the kingly office, but also one who held but temporarily the elective office of President, might come to think himself compassed with—

The divinity that doth hedge a king.

While they hoped that only good and wise men would be chosen to that high office, they forgot not the frailties of the weak nor the grasping ambitions of the strong. They guarded against the worst. They designed that in the hands of a weak Executive the Government should not fail, and that in the hands of one strong, self-willed, and ambitious there should not be imperiled the free institutions which they sought to establish. Therefore, while they created a great and noble office, one within its legitimate sphere the greatest and noblest of all the earth, they designed that its greatness and nobility should not consist in the arbitrary powers of the kingly office.

The greatness of the Presidential office does not consist in his will being the law to 80,000,000 people, but in the fact that the President in himself personifies the will of a great and free people as that will is expressed by them through another department of the Government. No man can shut his eyes to the fact that to that end, while they invested the President with all the great dignity and power of the Executive office, they carefully withheld from him the grant of the powers of sovereignty. Every power given to him was most carefully restricted and guarded.

While they gave him the power of the veto, they gave the Congress the power to override his veto by a two-thirds vote of each House.

While they gave him the power to make treaties with foreign nations, by and with the advice of the Senate, they refused to him the power to make such treaties without their sanction.

They gave him power to pardon those convicted of crime, but denied to him the power to pardon in cases of impeachment.

They gave him the power to appoint all civil officers, but except temporarily, when Congress is not in session, such appointments are of no validity until confirmed by the Senate.

They made him Commander in Chief of the Army and Navy, but they left it to Congress to determine what should be the size and constitution of the Army and Navy, and whether there should be any Army and Navy. They denied him the power to appoint a single officer of either the Army or the Navy, from the commanding officers to the lowest subalterns, unless each of

such appointments should receive the confirmation of the Senate. They gave him no power to equip and maintain either Army or Navy for a day. They gave him no power to make war, nor can he of himself conclude peace. The power to make rules for the government and regulation of the Army and Navy is denied to him and is expressly conferred upon Congress. It is evident that as Commander in Chief of the Army and Navy he is but the Executive arm, and that in that capacity he is himself, in every detail and particular, subject to the commands of the lawmaking power.

Finally, they made the Chief Executive, as well as every other civil officer, from the head of the Cabinet to the most obscure civil official, subject to trial and removal from office, without appeal, upon impeachment by the House and conviction by the Senate—a power, in much conservatism and wisdom, but seldom exercised, but nevertheless a power, resting as it does, without defined limits as to what shall be deemed a high crime or misdemeanor, almost exclusively in the discretion of the House and Senate, which is the great safeguard against encroachment and official misconduct.

Mr. President, the fact is not to be disguised that the actual exercise of power by the executive branch of the Government in this day far exceeds the bounds originally contemplated for it by the Constitution. The correspondence in relative position of a president in a republic, and of a king in a monarchy; the glamour of a great office in which one man among 80,000,000 is chosen as the sole head of a great department of the Government, while in the other departments the honors are divided among many; the gigantic measure of patronage and removal, where he seems to have unlimited power to bestow, or to withhold, or to take away—these and other influences combine to elevate in the popular mind the prerogatives of the President far above the point designed for them in the Constitution.

It is a remarkable fact that in England, a monarchy, the constant progress has been toward restraint of executive power and the enlargement of the power of the legislative branch of the Government, until now practically all political power is in the control of the elected representatives of the people. It is a fact still more remarkable that in the United States, designed distinctively as a representative republic, there has been a no less steady progress in the direction of the absorption of power by the Executive and of its practical surrender by Congress.

Mr. President, Senators are concerned and solicitous about the alleged encroachment of the legislative branch, or of the Senate in its executive capacity, upon the powers of the Executive; but it seems to me there is very much more reason why they should be concerned about the invasion by the executive department of the power conferred in the very first sentence of the Constitution of the United States. What is that first sentence, found in Article I, section 1?

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him right there?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I will yield; but I want to comment upon what I have just read.

Mr. BEVERIDGE. It is merely to call the attention of the Senator to the first section of Article 2 of the Constitution, which says that—

The executive Power shall be vested in a President of the United States of America.

Mr. BACON. Who doubts that?

Mr. BEVERIDGE. Nobody doubts it; but the Senator is arguing against it.

Mr. BACON. No; I am not.

Mr. BEVERIDGE. The Senator said the President had no other power than a limited treaty-making power and the power to see that the laws were faithfully executed.

Mr. BACON. I consider that latter an executive power.

Mr. BEVERIDGE. Certainly it is one of the executive powers; but does the Senator say it is all of the executive power?

Mr. BACON. I say that is the generic meaning of the word "executive." The Senator has diverted me from what I was saying. I want to go back. I will say to the honorable Senator that, when I have finished, if he desires to revert to that branch of the argument, I will return to it with pleasure, provided the Senate has the patience and can be induced to listen to it.

Mr. BEVERIDGE. I regret that I diverted the Senator. I merely wanted to place immediately parallel with his statement about the legislative powers being vested in Congress, which nobody denies, the statement that the executive power is vested in the President of the United States, which nobody denies; and that "executive" powers include the power to make treaties, so that anything said in the Constitution about the making of treaties is not so much the conferring of power as the limitation of power. If nothing had been said about treaties in the Constitution the power to make them, absolute and unlimited, would have been in the President under the grant to him of "executive" powers, would it not?

Mr. BACON. I will not stop to discuss that matter now. I confess that I can not see the pertinency of the Senator's suggestion. If he will permit me to proceed I will simply say to him that the word "executive" comes from the verb "to execute," and it means one who is to execute the laws of the government. He is an executive officer and not a legislative officer. I have just read this section of the Constitution, and I read it again after the interruption in order that it may be in proper connection.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Is that the law to-day? It is the law on the book, but who will say that the legislative power of this Government is exercised in the two branches of Congress? Who does not know that the most influential part of the legislative power of the Government is at the other end of the Avenue—in the White House? I am not speaking only of the present occupant, although I think he is doing his full share of it; but it has been so in all Administrations in greater or less degree within a generation. The Executive has encroached continuously upon the legislative branch of the Government, and it has never been more pronounced in its encroachment than it is to-day.

Why, the time was when one who desired legislation by Congress came to Congress, and with proper or improper means, if you please—certainly with proper means—endeavored to influence Congress in the enactment of certain legislation. How is it to-day? Who is it that wants legislation who comes to the House of Representatives or to the Senate? We see every day in the newspapers accounts of pilgrimages to the White House for the purpose of securing legislation; we see every day in the newspapers forecasts as to whether or not such and such legislation will be passed or can not be passed, according as it may be announced that it will receive the support or the active opposition of the Executive. Absolutely, Mr. President, I saw within the past few days an explanation given that the stock market had gone or up or down—I have forgotten which—in consequence of the announcement of the position of the Executive as to a proposed piece of legislation which would affect prices. And I have seen statements in the papers that Members of Congress had gone to the White House to solicit the aid of the President to secure the passage of certain desired legislation. More's the pity!

Well, Mr. President, as I say, it is not only this President, nor the last one, nor the one before, but it has been going on and increasing for more than a generation. It is better that Senators and Representatives should concern themselves about the question as to whether or not their own prerogatives and rights and powers are being encroached upon rather than be supersensitive as to whether or not in the assertion of our own powers we may be overstepping the mark. Of course, we ought not to transgress the limits set to our powers by Constitution, not by a hair's breadth, but our particular and special duty is to preserve and protect against encroachment our own rights and our own powers in this matter.

Mr. President, the time will come, if this thing continues and increases, when the question of the attitude of Senators and Representatives with reference to any proposed legislation will not be an important matter, and when it will be well understood that such and such legislation is to be enacted or defeated, as the case may be, regardless of the personal views of Senators and Representatives. When that time comes members of each House will cease to discuss measures, because of the absolute uselessness of it. Only "Administration measures" will be enacted, and none others will be attempted from very hopelessness.

Mr. President, I recall an incident in my own experience. I once visited a country which was nominally a republic, and, being interested in legislative matters, I frequently visited the hall of the assemblage, which corresponds to our House of Representatives. While I was not familiar with the language of the country to any great extent, I had sufficient knowledge of it to be able to tell a negative from an affirmative vote, and possibly a little more than that.

Day after day I visited that assemblage, and in no single day did I ever see a member rise and hear him address the Chair, and in no single instance did I ever hear a member of that as-

semblage cast a vote in the negative on a bill which was before it. The votes on bills were always taken by the yeas and nays, so that I could tell how each member voted. Every member present had his name called, and every one of them, in every instance, answered "yes" in the vote on a bill. After I had been there several days and had daily witnessed this performance, the members seeming absolutely dumb, nobody being heard except the presiding officer and the clerk who read the bills, and no sound being heard from a member except to say "yes" to every bill, my curiosity was excited. Not being able to understand the bills as they were read, I stopped at the door as the house adjourned—they generally sat about an hour, passed without a negative vote all the bills that were read to them, and were dismissed and went home—I stopped at the door, and as he came out I addressed a member who looked to me as if he might speak English. Fortunately it did prove to be so.

I narrated what I have said here and told him that it excited my surprise and my curiosity; that I was very much interested in legislative affairs, and that I could not understand how that body—a large body, too; certainly over 100 men—could sit there day after day, with no man ever addressing the Chair, and no man ever saying a word, except in private to one of his colleagues, and no man ever voting in the negative. He rather hesitated in his reply, and I said, "For instance, to-day I saw passed two bills which were read by the clerk and the roll was called, and in each instance every man answered 'yes,' just as to every other bill I have seen put to that house for passage there was the answer 'yes' by every member." "Yes," said he. "Why was it," I said, "that there was no debate, and why was it there were no negative votes?" Said he, "There was nothing to debate about; they were simply appropriation bills which the President had written and sent to us, and there was nothing for us to debate about or to do but to pass them. There was no reason why we should discuss them or why we should any of us vote 'no' upon them."

So, Mr. President, if things continue to progress, it may happen—I think, though, it will be a long time before it does, because our disposition is different from theirs, and such subjection and such servility it is impossible to conceive will ever come to the American people—but in practical result it will be so that the question of what this Congress shall do in any important matter will be a question not decided by their own judgment or the judgment of a majority, but decided by other influences. It is largely so now. More and more the idea will be that, excepting "Administration measures," the only business of Congress is to pass appropriation bills and then disperse. It is notorious right now that most important subjects of legislation, such, for instance, as the revision of the tariff, are receiving no attention, and the question whether Congress will or will not legislate on them depends solely on whether they will or will not be made "Administration measures." That is openly and undisguisedly now recognized in the case of the question of the revision of the tariff.

There can be no condition more dangerous to the maintenance of free government than is found in the concentration in the hands of one man at the same time of both the executive power and practically the power to make the laws he is to execute. Whatever may be the form of government, when these two powers are thus concentrated in the hands of one man the government where that condition exists is an autocracy pure and simple. It makes no difference in practical effect whether that one man himself decrees the laws or whether they are enacted in obedience to his dictation.

Mr. President, I did intend to have something to say about the Algeciras conference and possibly about Santo Domingo, but I have occupied so much time I will not do so, except to call attention to a matter which was the subject of a very short colloquy between the learned Senator from Massachusetts [Mr. LODGE] and myself when he was on the floor discussing the Santo Domingo treaty. The Senator will remember that when he was speaking of the condition of Santo Domingo being such as to warrant and to require our interference I asked him whether or not, in his judgment, if similar conditions should exist in other countries bordering on the Caribbean Sea, it would be likewise the duty of the United States Government to interfere for the purpose of collecting their revenues and settling their indebtedness, with a view, perhaps, to prevent the forcible interference of other countries. The Senator from Massachusetts was rather reluctant to reply categorically, and said that he did not think that such conditions would arise.

I want to read something, Mr. President, to indicate to the Senator and to the public whether or not there are now such conditions in the Central American countries and in the countries bordering on the Caribbean Sea as will bring us again face to face with the same conditions and require of us—if duty now requires of us—again to take the same action with reference to them that it is now proposed to take with reference to Santo Domingo. I have here, Mr. President, a part of the January number of the Monthly Review, an English publication, from which I will read a short extract. Speaking of these Central American and South American states, with reference to their financial condition, this article says:

> Anything like a historical survey of the numerous conversions, unifications, consolidations, and more especially reductions, to which the external debts of the minor Latin-American republics have been subjected could not fail to weary the reader. But it may be of interest to state that the foreign debt of Colombia has been in existence for eighty-three years, during approximately forty-seven of which no interest was paid; the corresponding figures for Guatemala, Honduras, and Venezuela being, respectively, seventy-eight and forty-eight, seventy-eight and seventy-two, and eighty-three and forty-one.

That is, the debt of Guatemala has existed seventy-eight years, in forty-eight of which no interest has been paid; the debt of Honduras has existed seventy-eight years, in seventy-two of which no interest has been paid; and the debt of Venezuela has existed eighty-three years, in forty-one of which no interest has been paid.

> Costa Rica and Nicaragua have benefited by intervals during which they owed nothing to the foreign bondholder. Nevertheless the external debt of the first has been in default for some thirty years out of the forty-seven which represent its total existence, whilst Nicaragua paid nothing for forty-nine years out of sixty-six.

Again, in the same publication——

Mr. MALLORY. What is the paper?

Mr. BACON. It is the Monthly Review.

Mr. MALLORY. For what month?

Mr. BACON. It is for the past January.

> Moreover, there are various reasons for thinking that even in the best-disposed of these Republics the outlook is by no means promising. Two or three illustrations will suffice to justify this assertion. The Nicaraguan debt is small, but owing to the depreciation of her currency every pound sterling she pays abroad represents about $25 of the local money instead of $5. Some two years ago Colombia issued from a protracted civil war, which, if the number of privates killed was in any degree proportionate to that of the generals, colonels, etc., who fell, must have decimated the population. She has since lost Panama, while the expenses of the war were met by the shortsighted expedient of issuing forced currency. As a result she now finds herself saddled with a debt in notes reaching the enormous total of nearly $850,000,000.
>
> At one time the rate of exchange for the paper dollar touched 25,000 per cent; but by legislative enactment the parity between gold and paper was fixed not long ago, in respect of Government transactions, at the relatively moderate figure of 10,000 per cent. Even this means that Colombia's dollar represents only 2d. of our money, and the brain whirls at the thought of the equivalent in currency of the £81,000 which she will in future have to pay each year for the service of her foreign debt.

The article I am now about to read is from the Washington Post of June 24, 1905, in which is given an extract from the South American Journal, of London. It says:

> The South American Journal, of London, in its issue of June 3, voices the joy of the British bondholders in the deal recently consummated between Costa Rica and Messrs. Speyer & Co., in which the Government of the United States is made a party. It says—

Now it quotes from the South American Journal—

> "Fluctuating between 20 as the highest and 17½ as the lowest, and opening this year at 28, Costa Rica 'A' bonds have this week advanced to 58½, much of this improvement having taken place quite recently. Costa Rica has been in default so long that bondholders are to be congratulated on a deal which gives such a high value to their bonds, for which they are greatly indebted to Messrs. Speyer. Of course, this great American firm are not philanthropists, and it is believed that behind them they have at least the moral support of the United States Government.
>
> "Several clauses in the agreement would seem to point to this, for it would appear that the new loan is to be specially secured upon the Republic's customs receipts, which are to be collected through a customs agency to be designated by Messrs. Speyer, but should default take place then designations may be made by the President of the United States, who, in another clause, also has the right to request Costa Rica to submit any disputes or questions arising to arbitration."
>
> The London publication adds this most significant sentence:
>
> "It is believed that Messrs. Speyer have other Central American defaulting states in hand."
>
> Nearly all the bonds of the Central American republics have felt the stimulus of the new Monroe doctrine. The South American Journal prints a list showing the highest prices during 1904 and the latest quotations, revealing a marvelous improvement, and strongly supporting the report that "Messrs. Speyer have other Central American defaulting states in hand."

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. The Senator is a member of the Committee on Foreign Relations, and I presume is informed in regard to these matters. I desire to ask him whether or not he is cognizant of any arrangement by which this Government could properly be called a party to this Speyer agreement?

Mr. BACON. I am not; but I would say this to the Senator——

Mr. TILLMAN. But is the Senator aware that anybody is authorized to deny it?

Mr. BACON. Well, I think I am.

Mr. TILLMAN. In what way would the Senator put it?

Mr. BACON. I will proceed to tell the Senator. I deny that anybody has the right to bind the United States in that way.

Mr. TILLMAN. "In that way;" but I want to know whether anybody has tried—whether we have had another Sanchez-Dillingham protocol down there.

Mr. BACON. The Senator has asked a question and I would ask him to please let me reply, and then I will submit to another with very great pleasure, because the Senator always asks very interesting questions.

There is no reason to believe that there has been any authorization for any such arrangement, at least any authorization which itself had behind it any authority of law; but this fact is true, that this arrangement is in substance practically the same arrangement as that which some creditors of Santo Domingo made with Santo Domingo and which was carried out by the award of certain arbitrators who were named, which award has been sent to the Senate by the President of the United States in a message as a basis for his action in the Santo Domingo matter; in other words, just such an arrangement as has been made by Speyer & Co. with Costa Rica was made between the Santo Domingo Improvement Company and the Government of Santo Domingo, and the effort to carry that agreement out is really the basis of the proposed treaty between the United States and Santo Domingo.

That agreement provided that in case of default in payment by Santo Domingo the customs duties should be corralled and certain officers should be nominated by the President of the United States and should go into office for the purpose of collecting the revenues of Santo Domingo and paying them over in extinguishment of this debt. Under that arrangement there was an agreement as to the amount of the debt, and an arbitration as to the way in which the agreement should be carried out, and the officers were named, and before the proposed Santo Domingo treaty was ever promulgated the officers were put in charge of the custom-houses in the Dominican Government and were engaged in the collection of revenue.

It was under that arrangement, it was at that time——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. In a moment I will, with pleasure. It was at that time, if I understand it correctly, while these officers were thus engaged in the collection of the revenues of Santo Domingo under an agreement between the Santo Domingo Improvement Company and Santo Domingo itself—precisely like this Costa Rican arrangement—that the proposed treaty with Santo Domingo was sent to the Senate.

Mr. TILLMAN. The Senator from Georgia has not answered my question. If the Senator from Nevada will permit me, I wanted to know whether the Senator from Georgia was authorized to state or could state whether or not there is now somewhere lying around in the State Department another Sanchez-Dillingham protocol with Costa Rica?

Mr. BACON. I have no such information. I never had——

Mr. TILLMAN. Yet the Senator says that the Costa Rican condition is on all fours with the Santo Domingo condition.

Mr. BACON. Not at present. I said——

Mr. TILLMAN. You mean it is just ripening. It has not gotten to the point where the Executive is willing to commit the Government, by his own authority and will, without any consultation with the Senate on the subject.

Mr. BACON. I will let my euphemistic friend make his own statement in regard to that.

Mr. TILLMAN. I want to get light, if there is any light lying around.

Mr. BACON. I have not got it, at present, at least, on that subject.

Mr. TILLMAN. Maybe the Senator from Massachusetts has it. He seems to be well posted.

Mr. BACON. I suggest to the Senator from South Carolina that he let me conclude, and then he can ask the question of the Senator from Massachusetts.

Mr. TILLMAN. We do not want to drag this thing in by the head and ears after the Senator is all through. I should like to get that information from anybody who is willing to offer it—whether or not Costa Rica is in a similar condition or situation, or likely to get into it, that Santo Domingo was before the treaty was negotiated.

Mr. LODGE. I know nothing about Costa Rica, but I will merely observe that the Senator does not seem to see any better after he gets light.

Mr. TILLMAN. That is the Senator's opinion, perhaps. There might be difference of view, according to the man who is talking or listening.

Mr. LODGE. I do not expect the Senator from South Carolina to agree with me.

Mr. TILLMAN. Of course not.

Mr. BACON. I simply have read these statements relative to Central and South American countries in pursuance of the colloquy which the Senator from Massachusetts had a few days ago, in which, when the Senator was speaking upon the Santo Domingo conditions as calling for intervention and action by this Government as it is proposed in this treaty, I asked him the question, as stated by me a moment ago, whether, in his opinion, if like conditions arose or presented themselves in the countries bordering on the Caribbean Sea, a like obligation and like duty would be imposed upon this Government as to them.

The Senator from Massachusetts replied that he did not think that a like condition would arise or be presented. I have read this for the purpose of endeavoring to show to him and to the country that like conditions are not only liable to arise, but at present exist, and that when we enter upon this process we will not only ingraft upon this Government this ulcerous sore, this pestiferous cancer of Santo Domingo, for all time, but we shall have entered upon a career where like conditions and like duties and like sacrifices and like calamities are to again befall us.

It is a salutary practice for the President to be advised by the Senate whether there should or should not be an attempt to make a treaty. There are Senators who have been here for a generation and whose advice and counsel would be valuable to any President, however learned and able and patriotic he might be. An election to the Presidency does not ipso facto endow one with all knowledge and all wisdom, and it is not an unreasonable suggestion that in the aggregate of ninety Senators, many of them men of large experience, there is more of knowledge of public affairs, more of correct judgment of the requirements of the public interests than is possessed by any one man in the United States, whoever he may be.

Mr. President, what stronger illustration could be made of the advantage, of the good policy, of having the President of the United States confer with Senators before entering upon treaties than is found in the present situation? If the President of the United States had conferred with the Senators of this body before he took any step with reference to Santo Domingo, if he had conferred with an open mind for the purpose of getting advice and not for the purpose of directing the views of others, is there any man who believes that one-half of the Senate would have advised him to undertake that enterprise? Does any man believe that half the Republican side of the Senate would have advised him to undertake the enterprise? It illustrates the wisdom of the framers of the Constitution.

Mr. President, that is not all. It would have been greatly to the advantage of this country if the President of the United States had been advised by the Senate, as some of us endeavored to advise him, as to the settlement of difficulties with Colombia; and I can conceive of no reason why to-day the suggestion of arbitration is not made to the French Government of the difficulties with Venezuela, it being known that France is consulting the executive department of this Government with reference to what it shall do in Venezuela. I can conceive of no reason why, under the obligations imposed by The Hague treaty, committing us thoroughly not only to the principle of arbitration, but to the principle of offering between two parties the suggestion of arbitration, this Government does not suggest arbitration to France in its dealing with Venezuela, except that our mouths are closed by the fact that we would not arbitrate ourselves with Colombia.

I recognized the position which some Senators took when the question was before us, that there were questions between this Government and Colombia which the self-pride and honor of this Government did not permit to be submitted to arbitration. For instance, the claim of Colombia that this Government had instigated or aided the insurrection in Panama. But there are questions which did not fall within that category. We had a treaty with Colombia, formerly made with Grenada and inherited by Colombia, in which we guaranteed to that Government the sovereignty of the Panama peninsula; and whether it is right or wrong, the claim was made by Colombia that we had violated that provision of the treaty. The question of the violation of a treaty is one distinctively within the contemplation of The Hague tribunal, one distinctively within the ordinary scope of courts of arbitration. When we refused to arbitrate that question and the additional question whether or not by the presence of our troops and of our ships we prevented Colombia from herself putting down the insurrection,

I can understand why our mouths are now closed, so that we can not now break the silence and say to France, "You ought, in common justice, you ought in pursuance of the principle of The Hague treaty, to which you are a party and to which we are a party, to arbitrate this difference between yourself and this weak and comparatively helpless country."

I believe, furthermore, that if the question of advice on the part of the Senate had been sought by the President before he sent delegates to Algeciras more than half of the Senate, if not two-thirds of it, would have advised against it.

Mr. President, I wish to conclude with just one single additional reference. The fact is not to be forgotten that all of this discussion has been precipitated by the effort to ascertain from the executive department what were the instructions, and what were the limitations of the instructions, given to and imposed upon the delegates sent to the Moroccan conference at Algeciras. That was resented not only as an intrusion—but I will not use the words that were used by some of the honorable Senators to designate that effort on the part of some of us in the Senate. It was not always so regarded. There is a notable instance in the diplomatic history of this Government where directly the contrary view was taken by the executive department. It was in what was known as the "Panama conference." There was a conference called by the Latin-American republics——

Mr. SPOONER. A congress.

Mr. BACON. The Panama conference. I think you will find it called in this volume a "conference." But it makes no difference about that—not a particle. The Government of the United States was invited to send delegates and to participate. The Senate of the United States, not taking the view of the honorable Senator from Wisconsin that it would be an intrusion, or possibly something worse, to make an inquiry of the President of the United States as to what invitation he had received and what he would do, adopted a resolution requesting the President of the United States to give information to the Senate on the subject.

So far from taking that as an affront, so far from considering it as an intrusion, so far from considering it an impropriety, the President of the United States returned to Congress not only his reasons, but also copies in full of the diplomatic correspondence, and he went further and in the message submitted the names of the delegates and asked the Senate of the United States to confirm them before he sent them to the conference. John Quincy Adams was President and Henry Clay was Secretary of State. This is found in the Congressional Debates, volume 2, part 2, 1826. Here is the message of the President of the United States, all of which I can not read, but a portion of which I will trespass enough upon the indulgence of the Senate to read:

Message of the President of the United States to the Senate relative to the Panama mission.

WASHINGTON, *December 26, 1825.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of the session it was mentioned that the Governments of the Republics of Colombia, of Mexico, and of Central America had severally invited the Government of the United States to be represented at the Congress of American Nations, to be assembled at Panama, to deliberate upon objects of peculiar concernment to this hemisphere, and that this invitation had been accepted.

The Senate, it seems, was not content to know the fact that the invitation had been accepted. It desired to know in advance what instructions had been given or would be given to the delegates.

Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature; first, by the decision of the Senate upon the nominations to be laid before them; and, secondly, by the sanction of both Houses to the appropriations, without which it can not be carried into effect.

A report from the Secretary of State and copies of the correspondence with the South American governments on this subject since the invitation given by them are herewith transmitted to the Senate. They will disclose the objects of importance which are expected to form a subject of discussion at this meeting, in which interests of high importance to this Union are involved. It will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor to engage in any undertaking or project importing hostility to any other nation.

The President of the United States was not sensitive upon the subject of being inquired of as to what instructions he had given or proposed to give the delegates; he did not regard such inquiry as an intrusion, but, on the contrary, he comes forward to give the assurance to Congress in the most complete and comprehensive manner.

Then, after going on through the narration, the conclusion of the message is in these words:

In fine, a decisive inducement with me for acceding to the measure is to show, by this token of respect to the southern republics, the interest that we take in their welfare and our disposition to comply with their wishes. Having been the first to recognise their independence and sympathized with them so far as was compatible with our neutral duties in all their struggles and sufferings to acquire it, we have laid the foundation of our future intercourse with them in the broadest principles of reciprocity and the most cordial feelings of fraternal friendship. To extend those principles, to all our commercial relations with them and to hand down that friendship to future ages is congenial to the highest policy of the Union, as it will be to that of all those nations and their posterity. In the confidence—

That is in response to the request for information. He not only sends the information, but he winds up the message in this way:

In the confidence that these sentiments will meet the approbation of the Senate, I nominate Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, to be envoys extraordinary and ministers plenipotentiary to the Assembly of American Nations at Panama; and William B. Rochester, of New York, to be secretary to the mission.

JOHN QUINCY ADAMS.

Thereafter follows a copy of all the correspondence with the diplomatic representatives of the other governments, including a letter of the Secretary of State, Mr. Clay, to the President, in which he sets out in detail and with care how scrupulously every point was guarded so that by no possibility could delegates sent to the conference engage in any deliberation or be a party to any compact which would be inconsistent with our absolute neutrality as to all controversies between other nations.

The action of the executive department was very different then from what it is now. And the attitude of the Senate then was very different from what it is now.

And while Senators are so scrupulously guarding what they consider the exclusive prerogatives of the Executive that while they seek the information they will not ask for it officially, what is the situation? There is no question about the fact—every day the dispatches bring to us the knowledge of the fact—that we are there in a powder house which is liable to explode at any time; that we are there engaged in deliberations with parties who are ready to fly at each other's throats in a most terrible war; and, as I said on a former occasion, it is no justification to say that we may not participate in anything which will lead to war, but that we may forsooth participate in preventing war.

The point is this: There can not be a conference called in Europe hereafter that will not be justified as an occasion to which we can send delegates if this is a proper occasion; and if it shall turn out that we have been beneficial in averting war and in securing peace, it will be all the more argument used hereafter why we should for all time to come be mingled in international political disputes in Europe. When it is said by the Senator from Wisconsin that in his opinion we should participate in every conference in Europe where by so doing we may avert war between European nations, the whole policy of noninterference and nonentanglement in European politics and European quarrels is given away and abandoned. If this is to be the precedent and this the principle by which we are to be guided in the future, it marks the beginning of a revolution in our cherished policy in this regard.

The Senator from Wisconsin smiled when I said we were in a powder house. Let me read something, and see whether it is a laughing matter in which we are there engaged.

Mr. SPOONER. I was simply smiling——

Mr. BACON. The Senator was smiling because I said we were in a powder house. I understand that. I do not object to the Senator smiling. It is a very engaging smile.

Mr. SPOONER. I was smiling that those envoys or representatives over there were in such danger.

Mr. BACON. We are speaking of the fact that it is resented as an intrusion that we want to know what those instructions are. That is what we are speaking about; and I am contrasting it with the action on a former occasion when the President not only responded by giving us the fullest information as to those instructions, but went so far as to supplement it by saying "I not only give their instructions, but I will send you the names of the delegates to be confirmed before they shall be allowed to go."

Mr. TILLMAN. I noticed that the Senator read a moment ago what the then President said—that there would have to be an appropriation in order to pay the expenses of the delegates or ambassadors, or whatever they were, to the conference at Panama. Where does the money come from with which to pay the people who have gone to Algeciras?

Mr. BACON. I do not know; I can not speak officially; but I understand there is a provision in the deficiency bill or one of the bills—I think it is the deficiency bill.

Mr. TILLMAN. That is coming. Then they have not yet been paid.

Mr. BACON. I am so informed. I would not like to be authority for the statement, but that is my information.

Mr. TILLMAN. It used to be necessary to ask the permission

of Congress before contracting a debt. Now they contract a debt and come to us to pay it. Is that the way we are doing?

Mr. BACON. I wish to read something to illustrate the question whether or not we are there in the deliberations of a body concerned about commercial relations and trade and all that sort of thing. The Senator from Wisconsin enumerated the treaties, or the Senator from Massachusetts did—I have forgotten which. The Senator from Massachusetts commented on the treaty of 1880, and I have that treaty here. It is right here for anybody to look at. It is not a very long one, but I dislike to read it. But I do state this: Not only the treaty, but the diplomatic correspondence, shows that the sum and substance of that treaty was that the diplomatic representatives of foreign countries in Morocco, a semibarbarous country, if you please, and one dealing very harshly with its own subjects, had largely extended the sphere of their protection beyond what was considered to be the legitimate scope of those who were directly connected with the various legations. Thus it was that one representative of a government—one minister—would extend his protection over hundreds of Moors, subjects of the Sultan, and claim the exemption that members of a legation are entitled to. It had come to be a great abuse; it was one that was increasing; and Morocco itself said to the civilized countries, "We are being treated unjustly in this matter. We have a right to control our own subjects, and it is not proper for the minister of Great Britain or France or Spain to be protecting two or three hundred Moors here and claiming exemption for them from the operation of the laws of Morocco." That is the correspondence, and the Senator will find it so stated, if he will look it up and read it.

Thereupon those Governments met together, and the whole of this treaty, generally speaking, prescribes what people shall be entitled to protection as connected with a legation, in order that people who are not connected with a legation may not be put within the screen of diplomatic protection and thus taken where the Moroccan Government could not reach them.

The only things in the treaty outside of that were some few provisions about what right certain brokers should have there, and a general provision which has lasted from that day to this, and with which, as I understand, the Algeciras conference is prohibited from interfering, which gives to each country all the benefits of the most favored nation.

Mr. President, so much for that. I return now, of course, to this question: Is the present conference for the consideration of matters of that kind? Was there anything in that treaty to be revised by this conference or in the treaty to be made by it? Does not everybody know, is not the whole world absolutely without doubt on the fact that the Algeciras conference has been brought together because of the animosity between Germany and France, and the unwillingness of Germany that France shall have the control of power in Morocco? Does not everybody know that to-day that is the thing which keeps the Algeciras conference in session and the thing about which they can not come to a conclusion, and that in the controversy between France and Germany in that regard the whole of Europe is actually or partially aligned in anticipation of a war which may desolate the whole of Europe and change its map?

Now, let me read a dispatch from London on that subject. I suppose I may read from an English source as to what attitude England occupies in the matter. I read from a dispatch from London, February 3, which I also clipped from the Washington Post, and the authenticity of which is guaranteed by the fact that it appears in the Washington Post under the date line, "Special cable dispatch to the Washington Post, London, February 3:"

Apprehension regarding the outcome of the Algeciras conference has not disappeared. The proceedings in reference to practically noncontentious matters—

Mark that—

The proceedings in reference to practically noncontentious matters imply no increase in the hope of an agreement upon subjects which are really in dispute. It is known that no private understanding has yet been reached between Germany and France in regard to administrative and police reform, and these questions have, therefore, been postponed until the end of the conference. No agreement is possible unless some compromise is privately arranged in advance.

ENGLAND WOULD FIGHT.

In the absence of such an understanding the conference must come practically to an abortive end. This, however, does not mean war. The alarmists argue that Germany will repeat her dangerous bluff of last summer in the belief that the new Liberal government in England, while supporting France diplomatically, will never go to the length of joining in actual hostilities. If the Kaiser acts on this assumption, he will make the greatest mistake of his life. He is right to this extent only, that the present premier is an opportunist who is quite outside the ranks of real statesmen. He will do his utmost to avoid war, as it is his duty to do, but if he fails to fling the navy against Germany the moment she strikes a blow at France, he will find himself confronted by the British nation in anger.

Many sober, conservative Englishmen of all parties are convinced that a struggle with Germany in the not distant future is all but inevitable. They reason with obvious logic that the sooner it comes the better for their country. To allow Germany to crush France and turn the latter into the bitterest enemy of Great Britain would foreshadow nothing less than the destruction of the British Empire as at present constituted.

There can, therefore, be no doubt as to the course of Great Britain in case war breaks out between France and Germany, no matter what man or party may be in power here.

Mr. President, where could a situation be presented more grave than that? Under no conditions could there be a conference where it is more important that we should adhere to the time-honored principle of more than a hundred years that we will participate in no conference, that we will in no manner intermeddle with those things which concern the international politics of Europe, but that we will confine ourselves to our own affairs, to the development of our own industries, to the settlement of our own problems.

Mr. SPOONER. Mr. President, if I had entertained any doubt when I had the honor the other day to address the Senate upon the principal question which has received the attention of the Senator from Georgia [Mr. BACON], I am bound to say that the Senator's argument would have removed that doubt, and that I say with due deference to him. I have derived great gratification from this argument on the question of the relation of the Senate to the Executive in respect of our foreign relations, for I have great respect for the Senator's learning, his power of analysis, his logic, as I have for his fairness and his patriotism. I have listened to him with great care, and that I find myself at the end of his speech confirmed in the correctness of the views which he has attacked is good cause for pride.

Now, Mr. President, the Senator has argued and discussed with great beauty of language and wealth of illustration two or three propositions which are absolutely abstract and which are not in the slightest in controversy between us. If he supposes that I challenge the right, or the propriety under ordinary circumstances and within reasonable limitations, of the Senate to request information as to the making of treaties or as to our foreign relations of the President, he is mistaken. I have done no such thing. If the Senator thinks I challenge the right of the Senate to pass resolutions, as I said the other day in the extract which he has read, either in the open session or in executive session, and I repeat that is a matter of propriety, expressing its judgment upon our foreign relations, he is mistaken. I concede that right. I conceded it in the extract which the Senator did me the honor to read. I would not have challenged the propriety of the introduction of the Senator's resolution if it had been offered in executive session.

Mr. BACON. I will say to the Senator, if he will pardon me, that the question of where offered, is not so important as the question of consideration.

Mr. SPOONER. The Senator introduced his resolution in open legislative session. That it was not considered in open legislative session was not due to the Senator or any doubt of his as to the propriety of introducing it in legislative session or as to the propriety of discussing it in legislative sesson, but it was due to a decision of the Senate, after a discussion in secret under the rules of the Senate.

Mr. President, I may say again, I hope without any offense to the Senator, that I deny utterly the propriety of discussing it in open legislative session, when the President of the United States had, in the exercise of a power which the Senator does not and will not challenge, sent representatives to Algeciras, to a conference which, as the Senator says, was attracting the sensitive interest of all Europe, liable, he says, to result in war. The President having sent representatives to that conference, as I assert again he was bound in the discharge of executive duty to do, ought not, in the presence of all the world, to be arraigned here as to his right, or the propriety of his conduct, or the limitation which he might have placed or might not have placed upon the representatives of the United States there.

Why do I say it was his duty, Mr. President? I call the attention of the Senator from Georgia to the fact that in all human probability it will not occur again that the United States will be situated as to a European conference as we happened to be situated as to the conference at Algeciras. Why? Because we were invited to a conference to be composed of representatives of the governments with which twenty-six years ago we had united in the making of a treaty as to Morocco. That is one thing.

There is another thing I called attention to the other day; and I do not intend to repeat much, if anything, of what I said the other day. The Senator knows—I take it he will not ask me for my authority now, for I judge from an observation which he made that he knows—that two of the great powers—and I will name them, Austria and Italy—refused to attend that conference if all of the signatories, which included the United

States, to the treaty of 1880 did not accept invitations to attend it.

Mr. BACON. If the Senator will permit me, I did not know the fact, because I had not had the means of accurate information. Most of what I knew I learned through the published news. I will say, however, I have not a doubt but what every government of Europe is perfectly delighted at the fact that the United States has intruded itself into a conference which is to deal with peace and war in Europe as to political international matters.

Mr. SPOONER. Very likely, Mr. President. If the governments of Europe are delighted it simply shows that they are controlled by men of wisdom, and that they appreciate the action of the President and the motive which must have led any President in the circumstances to be represented at that conference. But for the action of the President in sending these representatives to Algeciras the conference would not have been held; and *if anything on earth prevents war between two great powers, both in amity with us, it will have been the assembling and the deliberations of the conference at Algeciras.*

Mr. BACON. Then the Senator recognizes the fact that there is a change in this regard, and that whenever there is a threatened war in Europe on strictly European questions, it is a proper thing for us to do, if we think we can avert war, to be parties to that conference.

Mr. SPOONER. Mr. President, that is an absolute non sequitur——

Mr. BACON. I am glad the Senator thinks it is so.

Mr. SPOONER. Of which the Senator from Georgia has given numerous illustrations in the course of his observations. I speak respectfully, but I mean logically a non sequitur. I am stating the case as it exists. The Senator can find no warrant for saying, because of what I say, that I stand for the proposition that all the conferences in the long reach of time which may be called in Europe must be attended by the United States.

Mr. BACON. The Senator, then, will come to this conclusion, that whenever a war is threatened and a conference is called for the purpose of trying to compose a settlement, if any of the European powers simply say to the United States, "We will not go into it unless you do," we will have to go into it.

Mr. SPOONER. Mr. President, that also is a non sequitur. I say nothing of that kind. What gave Austria and Italy the power to reasonably refuse to attend this conference unless the United States attended it? It was, as I said a moment ago, because of the fact that twenty-six years ago the United States, with all of the rest of these powers, made a joint treaty, with reference to Morocco, some of the matters embraced by that treaty being embraced by the programme sent out with the invitation to this conference, and the treaty being still in force.

Mr. BACON. I will ask the Senator, if he has the treaty before him, to point out any provision in that treaty of 1880 which is brought in question or to be brought in question by the conference at Algeciras.

Mr. SPOONER. I have not the programme here, nor have I the papers here which I had the other day, but I say that so far as the invitation is concerned and so far as the programme is concerned I discover nothing in it that did not relate to the subject-matter of this long treaty.

Mr. BACON. I will say it is a very short treaty.

Mr. SPOONER. It is not a very short treaty.

Mr. BACON. It is a very short treaty, and I will say to the Senator I have correctly stated its contents. I had the book on the desk at the time to-day.

Mr. SPOONER. I have the treaty here.

Mr. BACON. If the Senator will read it, he will find that the treaty of 1880 referred to the very matters that I have spoken of.

Mr. SPOONER. I know what it is, and I repeat, Mr. President, that the programme accompanying the invitations to this conference are confined almost exclusively, if not exclusively, to the matters covered by the treaty of 1880.

Mr. BACON. Has that fact been communicated to the Senate in other ways than through the Senator from Wisconsin?

Mr. SPOONER. Ah, Mr. President, the Senator seems there to take my view of the constitutional relation of the Senate to the Executive. On the Senator's view, an individual Senator is a part of the treaty-making and treaty-negotiating power; is a part of the organ of communication between this Government and foreign governments, and it would have been entirely in the line of the Senator's duty, before discussing a matter of this kind in public, to have visited the Department of State and advised himself of such facts as the Secretary of State felt at liberty to communicate. It was proper for me to ask to be shown the programme and the correspondence. No one will challenge that, I take it. It was equally proper for the Senator from Georgia, and in his view of the relation between the Senate and the President I think he ought to have done it before he debated, in the absence of knowledge, some of the questions which he has discussed here.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. BACON. Mr. President, conceding the suggestion of the honorable Senator that it was competent for me to go to the State Department for the purpose of gaining this information, it was also, according to the recognized practice, perfectly competent to call for it to be sent to the Senate, if, in the opinion of the President, it was not incompatible with the public interest so to do. That is done continuously. There may be justice in the criticism of the honorable Senator that that should have been done in secret. I pass that by. But after I had made the effort to have the call made by the Senate, and those who stood nearest to the Administration resented it in terms which everyone on this floor who listened to me will remember, it did not become me then to go to the Department of State upon a newspaper piece of information that if I would call there it would be graciously shown me.

Mr. SPOONER. Oh, Mr. President, if this resolution had been introduced in the first place in executive session, I think no one would have objected to passing it.

Mr. BACON. The Senator had it in private session and did object to it most strenuously thereafter.

Mr. SPOONER. I said this, and I say it now, that the resolution as the Senator worded it was objectionable, and I think would have been regarded, though I know nothing about that——

Mr. BACON. The Senator well knows from our long association here that there was no word in that resolution which was intentionally offensive.

Mr. SPOONER. Oh, I know that.

Mr. BACON. And he also well knows that nothing more than the slightest hint or suggestion would have been necessary on his part to have had me make any modification which would be required in order that it would be in the most respectful terms.

Mr. SPOONER. When it comes to that, I will say this for the Senator: He is never offensive to anyone without adequate provocation. But frankness compels me to say that I think the Senator, upon a little reflection, would have satisfied himself that it was a grossly improper thing in the circumstances to introduce that resolution in the presence of all the nations of the world. Another thing—

Mr. BACON. I hope the Senator will pardon me a minute. On the contrary, I think it was a highly proper thing to do, and it did not have the slightest degree of impropriety in it, for this reason: There is nothing in the strained relations between the parties in that conference with which we have any concern or in which we participate in any degree. If there were matters between us and either of those nations which would lead to tension, then the Senator's position would be eminently correct. But the truth is we were on the outside, and there was not a single question before that conference in which there was anything in the possession of the State Department to embarrass this Government in the communication of it to the Senate.

Mr. SPOONER. Mr. President, the Senator misses my point. The resolution was introduced in the legislative session of the Senate. I think the Senator from Georgia knows as well as any man living that it was not legislative business, and that it ought not to have been introduced in the legislative session of the Senate. I think another thing——

Mr. BACON. I will just state——

Mr. SPOONER. That it was introduced in the legislative session of the Senate, Mr. President, with the intention and with the desire that it should be discussed in the legislative session of the Senate——

Mr. BACON. On the contrary——

Mr. SPOONER. And that it could have no purpose——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. BACON. On the contrary, when I introduced it I had said to others that I did not intend to debate it, and if the Senator from Massachusetts [Mr. LODGE] had not taken the action which he did, I intended simply to say that I had no doubt when those instructions were made public they would be found such as to relieve my apprehension as to our dealings with matters which would complicate us with Moroccan affairs.

Mr. SPOONER. The effect of it inevitably was an apparent attempt in the Senate to bring the President to book——

Mr. BACON. I resent——

Mr. SPOONER. Before the people of the United States upon the conduct of our foreign relations by him, in a matter which the Senator never wearies of characterizing as dynamite, sensitiveness, danger.

Mr. BACON. You mean that conference?

Mr. SPOONER. The conference.

Mr. BACON. That much of what the Senator says is true about the character of that conference, but I most utterly and emphatically deny, and as far as I can do so parliamentarily, I will resent the suggestion of the Senator that I had an improper motive in the introduction of that resolution.

Mr. SPOONER. I do not say that.

Mr. BACON. The Senator can not escape in any such way. It would be an improper motive if I did it for the purpose of bringing the President to book, as the Senator says.

Mr. SPOONER. I say the thing itself brought the President to book.

Mr. BACON. Oh!

Mr. SPOONER. The resolution itself.

Mr. BACON. The Senator spoke of my intention.

Mr. SPOONER. I judge it.

Mr. BACON. I had stated to the Senator before he stated it what my intention was. I knew there was very great dissatisfaction with the fact that the President had sent delegates to a political European convention, involving matters of very grave moment, and likely to produce very grave results, and I would have been delighted to have had a message by the President of the United States, stating what the Senator has stated on this floor, and what the Senator from Massachusetts has stated on this floor, that they were limited in their instructions as to how far they should go into deliberations.

I am only sorry to say, having heard those statements, that it does not appear that the instructions are being carried out, if the newspaper accounts are correct as to what is being done in that conference by our delegates. I mean no reflection on our delegates, for I know one of them personally, and I have the highest regard for him. I refer to Ambassador White.

Mr. SPOONER. I am imputing no motive to the Senator, except the motive which was absolutely apparent on the face of the resolution.

Mr. BACON. No.

Mr. SPOONER. The Senator is a member of the Committee on Foreign Relations; he is a profound international lawyer; he deals constantly, as a member of that committee as well as a member of the Senate, with our foreign relations, and no man in the Senate, or who has sat in this Senate within my knowledge, understands more accurately or sensitively the importance to this Government and to our people that foreign relations, especially of the character involved here, from the Senator's standpoint should be discussed behind closed doors; and if I do the Senator injustice when I state the fact that he introduced the resolution not in executive session—that body between whom and the President, in respect of foreign relations, the Constitution has established a bond—but in legislative session, which has nothing whatever to do with it, in the open, where the world could read it——

Mr. BACON. Will the Senator permit me?

Mr. SPOONER. If I impute thereby something offensive to the Senator——

Mr. BACON. No.

Mr. SPOONER. I regret it.

Mr. BACON. The Senator does not impute by that what he did by what he said before; but I desire to ask the Senator a question. The Senator will remember that I was guilty of a similar impropriety in introducing a resolution at the time of the famous Dillingham protocol, which committed this Government to this Santo Domingan enterprise, with a provision in it that it should go into effect in ten days. That was not a legislative matter. I was so improper in my view of my duty as to introduce that resolution. Will the Senator say that I was again trying to bring the President to book?

Mr. SPOONER. I will not say that, Mr. President, because I have already discovered that that would be offensive to my friend from Georgia.

Mr. BACON. Was it improper for me to introduce that resolution?

Mr. SPOONER. I think it would have been much more proper for the Senator to have introduced it in executive session.

Mr. BACON. I can not agree with the Senator.

Mr. SPOONER. That ends that.

Mr. BACON. Yes; and I am glad of it.

Mr. SPOONER. That is an honest difference of opinion; but I commend to the consideration of the Senator the difference between the Sanchez-Dillingham protocol and little Santo Domingo, over there within 90 miles of where our flag floats in Porto Rico, and the conference at Algeciras over Morocco. They are as far apart as could be conceived of, morally and every other way.

Mr. BACON. The only difference is this: In the case of Santo Domingo, which is so very near to us, within sight, as the Senator has several times said in the Senate, of our flag, our interest in what occurs there may be said to be very much greater than it could possibly be in the conference in the town of Algeciras, in Spain, over a Moroccan matter, where there is not a single interest that we have of a delicate character, or of any character whatever. There is nothing we have, if we had relations with either of the governments which were to be brought into controversy there, as to which the Senator's criticism would be correct; but so far as the fact appeared to the public, so far as I know now, so far as I believe now, there is not a single question to be considered in that conference which has reference to any relations between us and a single one of the European countries which will be there engaged. So there is nothing secret at all.

Mr. SPOONER. The newspapers say that for some time they have been discussing there and disposing of the question of "the open door."

Mr. BACON. But that is a European question concerning an African country. We have the open door there now.

Mr. SPOONER. The Senator makes the proposition which he made the other day—I had hoped he would not stand by it on reflection—that where we have legitimate national interests involved in proposed action at a conference, we shall not be represented there to look after our interests if, forsooth, some of the parties to the conference have political controversies with which we have no concern.

Mr. BACON. The Senator does not correctly state what I said.

Mr. SPOONER. I do not correctly state what the Senator said, perhaps, but I correctly state what the Senator did in his resolution.

Mr. BACON. Well, I will tell you what I stated. I said that it would be impossible for there to be any controversy between governments in Europe of a political character over European questions, but that it would relate to countries with which we had commercial interests.

Mr. SPOONER. Very good.

Mr. BACON. And that that fact would not of itself be sufficient to justify us in intruding ourselves into those conferences; and if it did, it would be an eternal farewell to the policy of nonentanglement and nonintervention, because there could be no question that did not relate to some country with which we had commercial relations.

Mr. SPOONER. Very good. Mr. President, now here is what the Senator proposes—that there will never be any conference held in Europe in which we have any interest which will not also involve political interests in which we have no interest——

Mr. BACON. No; I did not say that.

Mr. SPOONER. And that we are not to go to look after our own interests in a European conference, unless no political interests are involved in that conference.

Mr. BACON. No; the Senator does not correctly state my position.

Mr. SPOONER. The result is, Mr. President—and I do not propose to take any more time on this—that the Senator's argument the other day, and his proposition now, is that the United States shall not attend any more European conferences.

Mr. BACON. If the Senator will allow me to state my position, I will not interrupt him any more. I merely wish to state it in order that I may be correct on the RECORD.

Mr. SPOONER. Very well.

Mr. BACON. I am opposed to the United States Government attending conferences which are in essence and in fact political conferences as to European international matters and where the other pretended interests are mere devices and shams for the purpose of disguising the fact of our presence there.

Mr. SPOONER. Well, Mr. President, that is the Senator's view, and he is entitled to it. He frankly states it. I am in favor of a proposition which goes beyond that. I am in favor of the United States attending any conference to which it is invited by European nations which involves in any degree our interests—first, to look after our interests, and, second, to use the kindly offices and the influence and power of the United States to prevent war between foreign governments at friendship with

us. I am not afraid, as the Senator seems to be; I am not distrustful of the present President of the United States——

Mr. BACON. Now, Mr. President——

Mr. SPOONER. Nor am I distrustful, Mr. President, of anyone who is to succeed the present President. Taking our history from the beginning to this day, we have had Presidents of exceptional prudence and skill in the conduct of our foreign relations; we have had Secretaries of State admirably fitted, with here and there possibly an exception, for the discharge of the delicate functions involved in the discharge of the duties of their office. I think the Presidents hereafter and the Secretaries of State hereafter will know quite as well as the Senator from Georgia or any who are to follow us here whether the interests of the United States demand our representation at a foreign conference and how far we may go as a nation, our interests having been conserved, in the employment of our power and influence and friendship to prevent war between other nations. I put but one limitation, Mr. President, upon the exercise of the constitutional power of a President in that respect, and that is that we shall not attend any conference, for full participation in it, which would involve us to the extent of war or the incurring of international hostility; and I believe I speak in this respect the sentiments of our people. They are not afraid to go abroad; they are not afraid to sit in foreign assemblages, to participate in foreign conferences, not under the limitations put by the Senator from Georgia, which eliminates all such conferences, but on the broader ground and with the larger limitation which I put upon them. So much for that.

Mr. President, I admit—to come back to what I wanted to say to the Senator—his contention that the Senate may in open session, so far as the power goes, adopt a resolution such as he introduced. I challenge its propriety. I admit, as he contends, that it is entirely within the constitutional capacity of the Senate to adopt in executive session a resolution asking the President to inform the Senate whether he is negotiating a treaty, if you please, with Great Britain or with Germany, to advise the Senate upon what subject and with what view he is carrying on the negotiation, to advise the Senate as to its progress—I grant all that. That is not in controversy at all. But what I assert is, that it in no wise binds the President. He may give the information or he may refuse to transmit it. He may refuse to transmit it upon the ground that its transmission would be to the detriment of the public interest——

Mr. BACON. Will the Senator pardon me right there?

Mr. SPOONER. Wait a moment until I finish the sentence.

Mr. BACON. Very well.

Mr. SPOONER. Or he may refuse to transmit it, and may give no reason, if he shall so choose, for his declination. In other words——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. I will wait until the Senator finishes his sentence.

Mr. SPOONER. Mr. President, what I contended, and what the Senator, I think, has not at all weakened is that, as a matter of power, it is entirely in the hands of the President, uncontrolled and uncontrollable, either by the Senate or by both Houses of Congress.

Mr. BACON. Now, Mr. President, if the Senator will pardon me just a moment, I want to say that when we come to talk about a question of power, we mean that we are discussing constitutional powers—the exercise of constitutional powers—we are not talking about physical power or actual power; we are talking about the legal right when we are talking about power.

Mr. SPOONER. Legal right?

Mr. BACON. Legal right, or legal duty, if it is not a legal right.

Mr. SPOONER. Call it that.

Mr. BACON. But what I rose to say to the Senator was this: The Senator will read again, as I know he has read heretofore, the message, to which I alluded in the remarks which I submitted this morning, of President Washington to the House of Representatives, where he declined to furnish them with certain information which they called for. I am not speaking now as to what the President can do, but what he ought to do, and what is recognized in him as proper to do. President Washington said that, while he refused to communicate it to the House, and gave as a reason that such things ought frequently to be kept secret, yet in that case he said it should be communicated to the Senate. He recognized the Senate. He did not say that it should be withheld, but he said the secret should be shared by the Senate with the President.

Of course I recognize the fact that the question of the President's sending or refusing to send any communication to the Senate is a matter not to be judged by legal right, but a question which has always been recognized as one of courtesy between the President and this body, and which the Senate—except, perhaps, in the case in which the Senator took a very notable part and to which I have had occasion heretofore to allude—has always yielded to the judgment of the President in the matter and has never made an issue with him about it.

Mr. SPOONER. I go beyond that.

Mr. BACON. But any resolution which I have introduced could have been easily answered by the President to the effect that, in his opinion, it was not compatible with the public interest; but the Senator and those who thought with him never allowed it to get to him.

Mr. SPOONER. If we had adopted the Senator's resolution, introduced in public, cabled to every court in Europe, coming from a distinguished member of the Committee on Foreign Relations of this body, which is a part of the treaty-making power, and the President had communicated to the Senate in secret session, how would the matter have stood abroad? If we had been honorable men and observed the obligation of secrecy, the communication of the President would have been confined to members of this body; outside there would have been this implied arraignment of the President, or disgust of the President, either as to his power or as to his wisdom, *with no reply whatever from the President.*

Mr. BACON. As it happened in this case, though, the State Department gave it out that there was no cause for secrecy and that anybody who went there could see it.

Mr. SPOONER. That is not what I am talking about.

Mr. BACON. A good many have gone there and have seen it. I have not.

Mr. SPOONER. I am talking upon the principle. The Senator says "legal right" or "legal duty." I admit that we have a right to pass resolutions calling for any information from the President; but does the Senator say it is the legal duty of the President to send it?

Mr. BACON. I do not dispute the fact that there may be occasions when the President would not.

Mr. SPOONER. Who is the judge?

Mr. BACON. The President, undoubtedly. Nobody has ever controverted that; and the very resolution concerning which the Senator is animadverting was expressly conditioned upon the President viewing the transmission of the information requested as being compatible with the public interest.

Mr. SPOONER. Mr. President, it all comes to an entire corroboration by the Senator of the proposition which I made the other day, and which I supposed he had spent some time in attacking, that in the last analysis, so far as the question of constitutional power and constitutional duty is concerned, it is absolutely in the President. He is the sole organ of communication by this Government with foreign governments. At his option he may consult the Senate in advance or he may not. At his option he may send information requested or he may not.

The Senator is mistaken when he says that all there is upon that subject in the Constitution is that line of the sentence which gives the President the power, by and with the advice and consent of the Senate, to make treaties. That is not all there is in the Constitution upon which I rely to sustain the proposition that under our system the President is the sole organ of negotiation and of communication between this country and foreign governments. Under the Confederation the Congress was the sole organ; the Congress negotiated treaties and ratified treaties; the Congress received ambassadors and ministers, and the Congress practically sent ambassadors and ministers.

That was all changed when the Constitution was adopted. It was not changed for any idle reason. It was changed because it was found to be an inherent, elemental, and terrific weakness in the Confederation; and so, Mr. President, when the Constitution was formed they gave to the President, by and with the advice and consent of the Senate, the power to make treaties. That is not all. They vested in the President alone the power to receive ambassadors, ministers, and other diplomatic agents. That is not all. They vested in him the power to appoint, subject to the advice and consent of the Senate as to the person only, ambassadors, ministers, etc.

A foreign minister or ambassador comes to this country. We have no function to perform in relation to his reception. He presents his credentials to the President. The President receives him or not as he may decide. Can Congress compel his reception or prevent his being received by the President? I never heard that contended until the Senator intimated it this afternoon.

Mr. BACON. Mr. President, on the contrary, I said exactly the reverse. I said this——

Mr. SPOONER. The Senator said they could be sent away by order of Congress.

Mr. BACON. The Senator pressed me on that and asked me how it was done. I said the Congress could sunder the diplomatic relations between this country and another, and that that would be the law; but I expressly said that where relations were existing between the countries, so far as the recognition of a particular ambassador was concerned, or another ambassador, that was in the power of the President. If the Senator will notice the stenographic report, he will find that is exactly what I said.

Mr. SPOONER. Could the framers of the Constitution any more clearly have made the President the sole organ of communication between this Government and foreign governments than they did? Of course, the power to receive an ambassador or a foreign minister implies necessarily the power to determine whether the government or country from which he comes is independent and entitled to send an ambassador or a minister. So the President is authorized to determine, and he must determine, when he sends an ambassador or a minister to some other country, whether that country is an independent country, a member of the family of nations, entitled to be represented by an ambassador or minister here and entitled to receive an accredited ambassador or minister from this country. When the ambassador or the minister has any communication to make in relation to foreign affairs, he does not make it to the Senate. If it be in the negotiation of a treaty—and most treaties are negotiated here—he has no communication with the Senate. We will not tolerate that ambassadors or ministers or diplomatic agents from other countries shall communicate in any way with the Senate or with the committees of the Senate.

Mr. BACON. The Senator says that with very great earnestness. Does the Senator understand that anybody has ever suggested such a proposition?

Mr. SPOONER. The Senator implies that almost of necessity——

Mr. BACON. Oh, no.

Mr. SPOONER. When he argues that under the Constitution the Senate as an executive body is as much a factor in the negotiation of treaties as is the President or is any factor at all in negotiation.

Mr. BACON. Yes; with its own peculiar functions to perform. That does not imply that——

Mr. SPOONER. If the Senator does not mean that, then the Senator does not mean anything by his proposition.

Mr. BACON. The Senator is mistaken; the Senator is not justified in that statement.

Mr. SPOONER. Because to say that the Senate is as much a factor under the Constitution in negotiating treaties as the President——

Mr. BACON. I did not say that.

Mr. SPOONER. Then I misunderstood the Senator.

Mr. BACON. I said in the making of treaties, and I distinctly denied that the making of treaties was confined to the function which would succeed the transmission of that treaty to the Senate.

Mr. SPOONER. Mr. President, I certainly am not mistaken. The whole point of the speech, which I had the honor of making the other day, and which the Senator has attacked—was my contention that in the *negotiation* of treaties the President is absolutely supreme and independent of the Senate.

Mr. BACON. The Senator misunderstands me altogether. I differed from the Senator as to what the term "negotiation" included. I said that if by negotiation the Senator means the discussion with the foreign power, or the suggestion to the foreign power, or the receiving of a suggestion from the foreign power—in other words, acting as the organ of intercommunication—if that was what he meant by "negotiation," he was correct.

Mr. SPOONER rose.

Mr. BACON. Pardon me a moment. But that if the Senator meant to include in the term "negotiation" not only that, but everything which related to the framing of the treaty, the determination of its terms, and everything else up to the time when it was sent to the Senate, then his definition of the term "negotiation" was too broad, and I denied that the President had exclusive right in it; but so far as the term "negotiation" could be limited to its being the organ of communication and of discussion and of original suggestion, if you please, to the foreign power, I granted the Senator's position.

Mr. SPOONER. What does the Senator understand by the negotiation of a treaty as contradistinguished from the making of a treaty; dividing the negotiation of the treaty from the point of jurisdiction of the Senate over the treaty?

Mr. TILLMAN rose.

Mr. SPOONER. If you please, one at a time.

Mr. BACON. I said that the Senator's position was that "negotiation" included everything up to the time the treaty was sent to the Senate; I said that "negotiation" was a term which was implied under the term "make;" that the making of a treaty included the entire operation by which a treaty was conceived and framed and brought to its conclusion, and as to all such matters, even before it was submitted to a foreign power, while it was under consideration as to whether there should be a treaty and what its terms should be—that that was a part of the making of a treaty and not a part of what technically the Senator calls the "negotiation of a treaty."

Mr. SPOONER. The difference between making a treaty and negotiating a treaty is as plain as the sunlight.

Mr. BACON. But not one that the Constitution makes.

Mr. SPOONER. If the Senator will permit me——

Mr. BACON. Yes.

Mr. SPOONER. There is no possibility of a discussion over the meaning of the word "negotiation." You "negotiate" a contract. Everybody understands what that means. "One of the definitions of the word 'negotiate' is to conclude by bargain, treaty, or agreement." (72 Mass., 423; 22 Ky. Law Reporter, 877; Anderson's Law Dictionary, 706.) You negotiate a treaty. That is easily understood. Now, what has the Senate to do with the *negotiation* of a treaty, including the *drafting of a treaty?*

It would be nonsense, Mr. President, to talk of the President *negotiating* a treaty and yet of his not having the absolute power to reduce to writing the terms agreed upon at the end of his negotiation. He must have something to lay before the Senate. Is the signing of the treaty a matter that the Senate has anything to do with? Until the President is through the Senate's function does not begin.

Mr. BACON. There is where we differ.

Mr. SPOONER. No; I do not think we do.

Mr. TILLMAN. Will the Senator allow me at this point?

Mr. SPOONER. No. I do not think we do differ.

Mr. BACON. Yes, we do; materially.

Mr. SPOONER. I admit that the Senate may ask to be informed as to the state of the negotiation. The Senate may ask to be informed whether the treaty has been reduced to writing or not. The Senate may ask the President to inform it as to its terms. It may request him to send a copy in order that it may advise him, if it wants to do it, that it should be signed or not, or whether it should be amended before being signed. But the President has the same right to refuse to do it that the Senate has to request it.

Mr. BACON. Yes.

Mr. SPOONER. That has been the practice since the State Department was created by the first Congress under the Constitution.

Mr. BACON. That does not change the fact.

Mr. SPOONER. What can the Senate do in the way of negotiating a treaty or reducing it to writing or signing it? Will the Senator tell me?

Mr. BACON. That is the smallest splitting of small hairs.

Mr. SPOONER. I can not split it so fine that the Senator can not see it.

Mr. BACON. The question is not as to matters of detail; as to whether every "t" is crossed and every "i" is dotted——

Mr. SPOONER. I did not say that.

Mr. BACON. Or even as to the drafting of it. The question is whether the President has in the Senate advisers whom he can bring to his assistance before he submits a treaty to the Senate, or whether the Senate is in a position where, in a case in which it thinks there is a public interest requiring its intervention, it has the right to suggest to him and to advise with him voluntarily, without his request, or whether, as the Senator says in the speech from which I have read to-day, that no right of the Senate attaches and no duty of the Senate begins until the President sends in his message. There is a vast difference between the two.

Mr. SPOONER. I repeat it, the *function* of the Senate begins, under the Constitution, when the *power* of the Senate begins, under the Constitution.

Mr. TILLMAN. Now, will the Senator from Wisconsin let me in?

Mr. SPOONER. Not now. The Senator can give me information on some things, but not on this.

Mr. TILLMAN. I can give it to you on this one point. I have it right here.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. The Senator from Georgia fails to note the distinction between privilege and power.

Mr. BACON. No; I do not.

Mr. SPOONER. Will the Senator tell me what power the Senate has?

Mr. BACON. I shall——

Mr. SPOONER. Wait a minute. Will the Senator tell me what power the Senate has to intervene in the negotiation of a treaty by the President up to the time of its signing?

Mr. BACON. That is the very point I was trying to bring to the attention of the Senator when I tried to differentiate between power, in the sense of a man who can go and compel a thing, and a legal right, as contemplated by the law. The law contemplates that the Senate shall be the adviser of the President, not simply after he has sent us a treaty, but at any time, either at the instance of the President or at the will of the Senate, in no instance having the power to compel the President to formulate, as they see fit to suggest, in the same way that the President has no power to compel the Senate to consent to it. Each of them is supreme in their respective functions.

Mr. SPOONER. If the framers of the Constitution had intended to make the Senate a potential factor in the negotiation of treaties, they would have done it.

Mr. BACON. I think they have done it.

Mr. SPOONER. They would not have left the President entirely at liberty to refuse the Senate any participation, even to the extent of informing the Senate, in response to a courteous request, of the state of the negotiations or the subject-matter of a proposed treaty. They would have given the Senate the right to *demand*, not to request. They would have made it the duty, not compellable by mandamus—no, no; they would have made it the sworn duty of the President to respond to the request for information. They did neither, Mr. President. It would have been a breach of constitutional duty for the President to refuse information which under the Constitution the Senate had a right to demand, and the President would have been answerable on the complaint of the other House. Had they intended not to invest the President with the absolute power of the negotiation of treaties, they would have made the Senate's power efficient. They would not have made it a mere question of "If you please, Mr. President, the Senate would like to be informed of the status of the negotiation, if any exists, between this country and Great Britain." They never would have left it in that way.

Mr. BACON. The Senator forgets that the only power to negotiate is a power implied by the power to make, and that the Constitution, in conferring the power to make, confers it upon two and not upon one.

Mr. SPOONER. But implied powers are as perfect as expressed powers.

Mr. BACON. If the Senator will permit me, he might as well say, as to the failure of the Constitution to give the power of compulsion upon the President, that there was equal failure in the omission to give the President power to compel the Senate to ratify. The one is as logical as the other.

Mr. SPOONER. Not at all. The Senator asserts a relation under the Constitution between the Senate and the President in respect to the negotiation of treaties which he can not sustain, or he imputes a purpose to the framers of the Constitution which they have not expressed, and which they have not in anywise, even by inference, made apparent.

Mr. BACON. There is where we differ. I think it is very evident that the Senator and I are not going to agree.

Mr. SPOONER. In one clause of the Constitution—and the Senator remarked upon that—the *nomination* of a person for office is separated from the "advice and consent of the Senate." It could not have been otherwise. It would have been quite absurd for the framers of the Constitution to have said that the President and the Senate might "appoint" officers. That would have left it open to debate as to who should take the initiative. It would have been unenforceable for its looseness and its stupidity. Some one must select the official. That, of course, being an executive function, was given to the President. That had to be done before the Senate could "advise and consent" to the appointment. That in the very nature of things was a condition precedent. How does the other differ? The Senator saw a difference in the language of the two provisions, in that in the one case they drew the line between the nomination and confirmation; in the other they did not.

The Senator forgot that negotiation is of necessity antecedent to the making of a treaty, as completely as the nomination of an officer is precedent to his confirmation or final appointment. It is as clear as the sunlight that the framers of the Constitution intended the President should negotiate the treaty, for he is the organ of communication with foreign governments. They gave that power to no one else, and the Senate could not advise and consent to the treaty *until it had been negotiated and signed and laid before it.* Somebody must do that preliminary work. If it is not given to the President, it is given to no one. It was given to the President. He has done it from the foundation of the Government. No one has ever challenged it. The Senate, to my knowledge, never has demanded a right to participate in the *negotiation* of treaties. Whenever the President has consulted the Senate it has been entirely in the exercise of an option which the Constitution gives him. He may exercise it or not. He keeps his oath to support and defend the Constitution as faithfully in the one case as in the other. The great sage of Democracy, Mr. Jefferson, did not agree with the Senator from Georgia or the Senator from South Carolina——

Mr. TILLMAN. Will not the Senator allow me to quote him?

Mr. SPOONER. I hope the Senator from South Carolina will please not interrupt me at this point.

Mr. TILLMAN. I have the words of the sage right here, and I want to give you some of his utterances.

Mr. SPOONER. Have you? Read them.

Mr. TILLMAN. Thank you. I have been waiting half an hour here endeavoring to give some light to my friend the Senator from Wisconsin, and, perhaps, the Senator from Massachusetts.

Mr. SPOONER. I can get light from Thomas Jefferson on this question.

Mr. TILLMAN. You did not think I had this book here, over a hundred years old, and was going to give my own views?

Mr. SPOONER. I thought it was a new edition of the Constitution, revised, amended, and annotated by BENJAMIN R. TILLMAN, of South Carolina.

Mr. TILLMAN. BENJAMIN R. TILLMAN knows some little about it. He has learned it from his friend the Senator from Wisconsin. I read:

[Mr. Jefferson, Secretary of State, to Mr. Morris, minister plenipotentiary from the United States to France.]

PHILADELPHIA, *August 23, 1793.*

DEAR SIR: The letter of the 16th instant, with its documents accompanying this, will sufficiently inform you of the transactions which have taken place between Mr. Genet, the minister of France, and the Government here, and of the painful necessity they have brought on of desiring his recall. The letter has been prepared in the view of being itself, with its documents, laid before the executive of the French Government. You will, therefore, be pleased to lay it before them, doing everything which can be done on your part to procure it a friendly and dispassionate reception and consideration. The President would, indeed, think it greatly unfortunate were they to take it in any other light, and therefore charges you, very particularly, with the care of presenting this proceeding in the most soothing view, and as a result of an unavoidable necessity on his part.

Mr. SPOONER. Is that all?

Mr. TILLMAN. Oh, no.

Mr. SPOONER. Will the Senator give me some idea as to how long he will take?

Mr. TILLMAN. Just long enough to give you some light; that is all.

Mr. Genet, soon after his arrival, communicated the decree of the National Convention of February 15, 1793, authorizing their Executive to propose a treaty with us on liberal principles, such as might strengthen the bonds of good will which unite the two nations; and informed us in a letter of May 23 that he was authorized to treat accordingly.

This, you see, was written in August.

The Senate being then in recess—

Now listen, please—

The Senate being then in recess and not to meet again till the fall, I apprised Mr. Genet that the participation in matters of treaty, given by the Constitution to that branch of our Government—

That is, the Senate—

would, of course, delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over till the meeting of Senate. You will be pleased, therefore, to explain to the Executive of France this delay, which has prevented as yet our formal accession to their proposition to treat; to assure them that the President will meet them, with the most friendly dispositions, on the grounds of treaty proposed by the national convention, as soon as he can do it in the forms of the Constitution; and you will, of course, suggest for this purpose that the powers of Mr. Genet be renewed to his successor.

Now, just one comment and I will let you off.

Mr. SPOONER. I have the light the Senator intended to give me.

Mr. TILLMAN. I am very glad he got it, but the point I wanted to illustrate is this: Jefferson, who was certainly familiar with the opinion of the makers of the Constitution—more so than the Senator from Wisconsin—and who was Washington's Secretary of State, recognizes here the principle that the Senate is such an important part of the treaty-making power that he does not feel willing even to enter upon negotiation with the minister from France until the Senate reconvenes.

Mr. SPOONER. That all shows that Mr. Jefferson was a very skillful, adroit, and accomplished diplomat.

Mr. TILLMAN. Just like my friend the Senator from Wisconsin.

Mr. SPOONER. That was a paper which Mr. Jefferson wrote for the eye of the French Government as to a proposed treaty which Mr. Jefferson then did not desire to enter into and which Mr. Jefferson never did enter into.

But I have a few sentences here from Mr. Jefferson. I do not know whether it will be any "light" to the Senator from South Carolina, but in Mr. Jefferson's Opinion on the Powers of the Senate, a very celebrated document, which he gave at the request of the President, this language was used:

The transaction of business with foreign nations is *executive altogether.*

I will read that again:

The transaction of business—

That covers the negotiation of treaties, I should suppose—

The transaction of business with foreign nations is *executive altogether.* It belongs, then, to the head of that department, except as to such portions of it as are especially submitted to the Senate. *Exceptions are to be construed strictly.*

That is what Mr. Jefferson said on this precise question in a carefully prepared opinion for the guidance of the President, whose Cabinet officer he was. To give the opinion was a part of his official duty under the Constitution. I put that against that adroit diplomatic letter for the *eye of the French Government.*

He says another thing on the subject of the powers of the Senate:

The Senate is not supposed, by the Constitution, to be acquainted with the concerns of the executive department. *It was not intended that these should be communicated to them.*

Referring, I suppose, to the same subject of foreign intercourse. Judge Story says (sec. 1510):

SEC. 1510. In the formation of treaties, secrecy and immediate dispatch are generally requisite, and sometimes absolutely indispensable. Intelligence may often be obtained, and measures matured in secrecy, which could never be done, unless in the faith and confidence of profound secrecy. No man at all acquainted with diplomacy but must have felt that the success of negotiations as often depends upon their being unknown by the public as upon their justice or their policy. Men will assume responsibility in private, and communicate information, and express opinions which they would feel the greatest repugnance publicly to avow; and measures may be defeated by the intrigues and management of foreign powers, if they suspect them to be in progress and understand their precise nature and extent. In this view the *executive department is a far better depositary of the power than Congress would be.*

The delays incident to a large assembly, the differences of opinion, the time consumed in debate, and the utter impossibility of secrecy all combine to render them unfitted for the purposes of diplomacy. And our own experience during the confederation abundantly demonstrated all the evils which the theory would lead us to expect. Besides, there are tides in national affairs as well as in the affairs of private life. To discern and profit by them is the part of true political wisdom; and the loss of a week, or even of a day, may sometimes change the whole aspect of affairs and render negotiations wholly nugatory or indecisive. The loss of a battle, the death of a prince, the removal of a minister, the pressure or removal of fiscal embarrassments at the moment, and other circumstances may change the whole posture of affairs and insure success or defeat the best concerted project. The Executive, having a constant eye upon foreign affairs, can promptly meet and even anticipate such emergencies and avail himself of all the advantages accruing from them, while a large assembly would be coldly deliberating on the chances of success and the policy of opening negotiations. It is manifest, then, that Congress would not be a suitable depository of the power.

SEC. 1511. The same difficulties would occur from confiding it exclusively to either branch of Congress. Each is too numerous for prompt and immediate action and secrecy. The matters in negotiations, which usually require these qualities in the highest degree, are the preparatory and auxiliary measures, and which are to be seized upon, as it were, in an instant. The President could easily arrange them, but the House or the Senate, if in session, could not act until after great delays, and in the recess could not act at all. To have intrusted the power to either would have been to relinquish the benefits of the constitutional agency of the President in the conduct of foreign negotiations. It is true that the branch so intrusted might have the option to employ the President in that capacity; but they would also have the option of refraining from it, and it can not be disguised that pique or cabal or personal or political hostility might induce them to keep their pursuits at a distance from his inspection and participation. Nor could it be expected that the President, as a mere ministerial agent of such branch, would enjoy the confidence and respect of foreign powers to the same extent as he would as the constitutional representative of the nation itself, and his interposition would, of course, have less efficacy and weight.

SEC. 1512. On the other hand, considering the delicacy and extent of the power, it is too much to expect that a free people would confide to a single magistrate, however respectable, the sole authority to act conclusively, as well as exclusively, upon the subject of treaties. In England the power to make treaties is exclusively vested in the Crown. But however popular it may be in a monarchy, there is no American statesmen but must feel that such a prerogative in an American President would be inexpedient and dangerous. It would be inconsistent with that wholesome jealousy which all republics ought to cherish of all depositaries of power; and which, experience teaches us, is the best security against the abuse of it. The check which acts upon the mind, from the consideration that what is done is but preliminary, and requires the assent of other independent minds to give it a legal conclusiveness, is a restraint which awakens caution and compels to deliberation.

SEC. 1513. The plan of the Constitution is happily adapted to attain all just objects in relation to foreign negotiations. While it confides the power to the executive department, it guards it from serious abuse by placing it under the ultimate superintendence of a select body of high character and high responsibility. It is indeed clear to a demonstration that this joint possession of the power affords a greater security for its just exercise than the separate possession of it by either. THE PRESIDENT IS THE IMMEDIATE AUTHOR AND FINISHER OF ALL TREATIES; and *all the advantages which can be derived from talents, information, integrity, and deliberate investigation, on the one hand, and from secrecy and dispatch on the other, are thus combined in the system.* * * *

The Senator from Georgia seemed to think that by the use of the word "supreme" the other day as a characterization of the President's power over the conduct of our foreign relations I was exaggerating the power of the President and imputing to him rather a royal attitude, one which would be as offensive to him as it would be to me—no more so.

This is what I meant. I still use the word. I used it advisedly then; I use it advisedly now: This is a Government of enumerated powers. It is divided by the Constitution into three great departments—the executive, the legislative, the judicial.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. In a single sentence the executive power is vested in the President. In a single sentence the legislative power is vested in Congress. In a single sentence the judicial power is vested in one Supreme Court and certain inferior courts.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. In a moment.

In the exercise of the powers vested by the Constitution in the legislative department it is supreme, absolutely independent of the President, whose function in connection with legislation is the power of veto; which means what? Not of necessity the power to pass a law nor even to kill a bill which has been passed by Congress. It is a power to bring about a reconsideration by Congress of a measure which has passed both Houses. It is a power to put to Congress a locus penitentiæ, and when the bill comes back to Congress with the President's reasons for challenging further consideration of it it may become a law notwithstanding, if the legislative department so wills. It is his function to recommend legislation; to approve or disapprove bills *after* they have passed the two Houses of Congress. In his functions, under the Constitution, he is supreme, uncontrolled and uncontrollable, not answerable to us or to the other House; answerable to a different constituency from any to which individual Senators are answerable. So as to the courts—the Supreme Court and other constitutional courts of the United States. They derive the main body of their jurisdiction and powers from the Constitution, in law and in equity. They exercise other powers conferred by statute. Some of those which have been conferred by statute may be taken away by statute. But it does not rest in the power of the whole people, except by amendment to the Constitution, to take away from the Supreme Court of the United States or other constitutional tribunals one shred of the jurisdiction conferred upon them by the Constitution. That is what I meant.

Mr. TILLMAN. Will not the Senator let me get in?

Mr. SPOONER. I am trying to give the Senator some light.

Mr. TILLMAN. Yes; but the Senator——

Mr. SPOONER. That is what I mean.

Mr. TILLMAN. I will not use the offensive phrase "special pleading" any more.

Mr. SPOONER. I wish you would not.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. If this is special pleading, nothing that ever can be uttered in this Chamber with which a Senator disagrees will be anything aught than special pleading. If a devotion, frankly expressed, to the Constitution as the fathers made it; if a vindication of the powers of each of the departments conferred by the Constitution, and a protest against any invasion by either upon the other is special pleading——

Mr. TILLMAN. Will the Senator allow me?

Mr. SPOONER. We have fallen upon unhappy times.

Mr. TILLMAN. Will he permit me now?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator has gotten a little away from the point we were on. I will try to get him back to it.

The other day in his eloquent speech I took occasion——

Mr. SPOONER. A large part of which you made, I notice, by looking at the RECORD.

Mr. TILLMAN. I will be egotistical enough to say that my part was not less interesting than that of the Senator, though it may have been less instructive.

Mr. SPOONER. That depends upon the locality.

Mr. TILLMAN. Of course.

In that speech I asked him to define what was meant by the term "advice"—"by and with the advice and consent of the Senate"—but he never elucidated the point. We must construe English words as other people use them, not as some lawyer has wrenched the language out of all ordinary interpretation and has made it to fit his case. The word "advice" simply means you are going to tell a man something or give him counsel before he does anything. When he has acted rightly or wrongly in accordance with your advice or not, then you can consent or refuse to consent.

Mr. SPOONER. I have the question.

Mr. TILLMAN. No; that is not the point.

Mr. SPOONER. What is the point?

Mr. TILLMAN. The Senator did not satisfy me that his interpretation of the word "advice" was correct, and I want to bring him——

Mr. SPOONER. It does not follow from that——

Mr. TILLMAN. I want to bring him to a personal illustration of it.

Mr. SPOONER. Yes.

Mr. TILLMAN. From my conception, as a matter of common sense, I think the word "advice," taking it in the matter of the appointment of officers, for instance, with which the President is charged, it was supposed by the fathers would convey the meaning that when the President was going to make an appointment in a given State—for instance, Wisconsin—he would confer with the representatives from that State in the Senate, who would finally have the veto anyhow, if they could persuade their fellows to stand with them, and that the President would get their opinion as to the fitness of certain men. But that has gone clear away, except as a matter of politics.

Now, the Senator is strenuously contending for the Executive prerogative and is announcing the doctrine that the President is supreme, which as a technical meaning I will acknowledge. I saw in the papers about two weeks ago or ten days ago that two Senators from a State up around Lake Michigan had called at the Executive Office to see the President, and when they came out these par nobile fratrum, Arcades ambo, one of them, who happened to be my friend the Senator from Wisconsin, said: "Nothing but a little appointment; not worth mentioning." Did the Senator go to the President and "advice" him or advise him, or what did he go there for?

Mr. SPOONER. Mr. President, I will say this. It absolutely is none of the Senator's business [laughter]; but——

Mr. TILLMAN. When the Senator from Wisconsin begs the question like that it shows that I have got him up a tree, and that is all I wanted. [Laughter.]

Mr. SPOONER. If the Senator had contained himself until I finished the sentence he would have discovered his mistake.

Mr. TILLMAN. All right.

Mr. SPOONER. I have no objection, and I know my colleague will not object to saying why we went there. We disagreed——

Mr. TILLMAN. What did you have to do with it, however? I thought the President had the whole thing in his charge and that he had no obligation to confer with Senators or anyone else.

Mr. SPOONER. Will the Chair be kind enough to keep the Senate in order?

The VICE-PRESIDENT. The Senator from Wisconsin has the floor.

Mr. SPOONER. We agreed to state our respective contentions to the President and let him decide upon the division of a piece of territory. He decided. We both acquiesced. It was all in good feeling and good temper and we came out and went off in amity. My colleague went his way and I went my way.

Mr. TILLMAN. Now, will the Senator allow me to intrude into the privacy——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield?

Mr. SPOONER. No; the Senator will not yield.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. If it is anything relating to this debate I will yield.

Mr. TILLMAN. It is relating to this question which the Senator said he would answer. I will not intrude if the Senator does not wish me to do so.

Mr. SPOONER. If the Senator will finish his question, I will yield.

Mr. TILLMAN. It is simply this: The Senator said there was a division of territory. Now, I am a little curious to know whether the patronage in Wisconsin has been divided along geographical lines and the Senator who now speaks has certain territory in which he will advise the President and the other Senator will take the balance of it.

Mr. SPOONER. Mr. President, that, also, is not a South Carolina affair.

Mr. TILLMAN. Of course not.

Mr. SPOONER. It is a Democratic district.

Mr. TILLMAN. Then a Democrat ought to have some representation or say-so in it.

Mr. SPOONER. The Democrats are better represented in that district by my colleague and myself than they might be if somebody else represented them; and they are perfectly satisfied with the way we administer our functions.

Mr. TILLMAN. So you say.

Mr. SPOONER. Well, I think I know more about it than the Senator.

Mr. TILLMAN. Undoubtedly.

The VICE-PRESIDENT. The Chair would call the attention of Senators to the rule, which requires Senators to rise and address the Chair before proceeding.

Mr. TILLMAN. I beg the Chair's pardon.

Mr. SPOONER. Now, on this matter of advice and consent, I will take but a moment. The words are not susceptible of the easiest possible construction. Take them in connection with the confirmation of a nomination, would not the word "consent" have been entirely adequate? "Advice and consent" in that connection would seem to involve the use of two words when one, and either one, would have answered the purpose.

When it comes to a treaty it may be different, because all the Senate can do in acting upon a nomination is to confirm it or reject it. It can not strike out the name sent in and insert another. When it comes to the function of passing upon a treaty, the Senate may reject, the Senate may ratify, the Senate may ratify with amendments and advise the President to endeavor to secure acquiescence in those amendments. In the one case the action is absolute against the treaty; in another it is absolute in its favor; in the last it is qualified ratification of the treaty, and it amounts to an advice that the President shall secure acquiescence in the treaty as amended and then exchange ratifications. But aside from technicality, all it means (and no one can make it mean any more or any less) is that the Senate consents, either with or without amendment, to the treaty.

Now, Mr. President, the Senator from Georgia and the Senator from North Carolina——

Mr. BACON. The Senator from South Carolina.

Mr. SPOONER. The Senator from South Carolina. I apologize to neither State.

Mr. TILLMAN. As I said the other day, North Carolina might not want to own me.

Mr. SPOONER. These Senators seem to think that the President is obliged to consult Senators about appointments. I have heard that said on this floor——

Mr. BACON. Obliged to consult?

Mr. SPOONER. Yes; that it is a part of his constitutional duty. I have heard it said on this floor more than once. My friend from Iowa [Mr. ALLISON] I doubt not has heard it a great many times. There is nothing in it. There is no constitutional duty resting upon the President to consult me or to consult my colleague as to an appointment in Wisconsin. The President has a constitutional right to choose the men for himself. The custom has grown up for obvious reasons because convenient and helpful to the President to consult the representatives of the people—those who are familiar with the inhabitants of the State. But the Constitution says that the President shall nominate and by and with the advice and consent of the *Senate*, not of Senators, appoint. So the President may make treaties, by and with the advice and consent of the Senate—my good friend from Georgia, the *Senate*—two-thirds of the Senators present being under the Constitution to make a Senate competent to act upon a treaty.

Mr. BACON. The Senator sticks in the bark.

Mr. SPOONER. I do not stick in the bark. When I make an answer to something that is urged by the Senator from South Carolina I am indulging in a specious, special plea, and ingenuity. When I attempt to make an answer to my friend from Georgia I am seeing with too fine an eye, I am indulging in metaphysics, or I am sticking in the bark. Do I stick in the bark when I say that in its relation to the ratification of treaties the Constitution deals with the Senate as a body. It says that. Does it not mean that? There is nothing in the Constitution, Mr. President, which implies a duty or even a right, ex-

cept that word "advice"—misconstrued, I think, in that relation—upon the part of the President to consult Senators about treaties in advance of the document being sent to the Senate.

I deprecate, and would deprecate the habit of consulting individual Senators as to the negotiation of treaties. Why? For the same reason in part that I hope again to vote for a bill which shall render it impossible for any member of this body to serve in the negotiation of a treaty. Why? Because that man comes here handicapped. He comes here having negotiated, as the agent of the President, a treaty which should have his absolutely independent judgment, apart from any element of favoritism or special partisanship for the document because he drafted it.

That is the interest of the people. I was caught myself once. I was consulted as to a treaty, hastily, as it always is, and I found afterwards, when I wanted some amendment put into that treaty for the protection of the Government, it was suggested that I had agreed to it in advance. I believe the President ought to be left free, as he is under the Constitution, to negotiate treaties. If he can call to his aid the advice of a Senator, who chooses to give it, let it go. That is a matter for each Senator to decide for himself. But it is better for the popular interest that Senators should hold to their function, so that when a treaty is negotiated and sent into this body every man goes to its consideration with a free mind—with no committal outstanding, expressed or implied—ready to study it impartially and to listen impartially to the debates upon it in the frankness of executive session.

That is clear to me, as it is clear to me, Mr. President, that under the Constitution in this unique relation every Senator owes it to himself under his oath and in the dignified and faithful discharge of his duty as a Senator to vote for or against a treaty with a foreign power as his brains and his conscience dictate.

I am not in favor of intermeddling in the discharge of the functions of the different departments. A man who has control under the Constitution of the negotiations must be free. The Senator from Georgia read from Hamilton. What he read from Hamilton I have seen criticised by more than one commentator. I find I quoted in a former speech what I shall read from Hamilton, in one of the Pacificus letters, for the Senator will remember that later Hamilton as strongly contended, I judge on maturer reflection, for the control over negotiations for which I contend. Hamilton said:

> The right of the Executive to receive ambassadors and other public ministers may serve to illustrate the relative duties of the executive and legislative departments. This right includes that of judging, in the case of a revolution of government in a foreign country, whether the new rulers are competent organs of the national will and ought to be recognized or not.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. I had before me at the time——

The VICE-PRESIDENT. The Senator from Wisconsin has not yielded.

Mr. SPOONER. Yes; of course I yield.

Mr. BACON. I had before me a comment of Madison on that very utterance, in which Madison (frequently called the father of the Constitution, and certainly no man was more attentive to its deliberations and few men more influential in its conclusions), as to that very utterance, refuted and condemned it in most unmeasured terms, and stated that if such a thing had been suggested at the time of the convention it would have been absolutely scouted. I have not that here—the Reporters have it—it is from some papers that I read from in part, and with the permission of the Senate, when I come to revise the notes, I will put that in in conjunction with what I quoted before, so that it may all appear.

Mr. SPOONER. Mr. President, there has not been from the beginning of this Government, so far as I have ever been able to learn, a single commentator or writer on the Constitution who challenges the proposition which I announced the other day and for which I am contending here to-day. Kent stated it as broadly and strongly as it could be stated. Mr. Justice Story, when a judge of the Supreme Court of the United States, stated it explicitly.

Mr. BACON. No.

Mr. SPOONER. Did he not?

Mr. BACON. No; he said it would be binding upon the judicial department of the Government, and that is true, but that does not meet the proposition.

Mr. SPOONER. Is that what he said?

Mr. BACON. That is my recollection of it. I am quoting it from memory simply.

Mr. SPOONER. The Senator does not recollect it.

Mr. BACON. Read it and see. I will say to the Senator it is the case he quoted the other day. I referred to it, and that is what I understood him to say.

Mr. SPOONER. No; this is what he said. In Williams *v.* The Suffolk Insurance Company (3 Sumner, 272 et seq.) Justice Story said:

> It is very clear that it belongs *exclusively to the executive department* of our Government to recognize from time to time any new governments which may arise in the political revolutions of the world; and until such new governments are *so* recognized they can not be admitted by our courts of justice to have or exercise the common rights and prerogatives of sovereignty.

So Mr. Justice Story states, and it ought, it seems to me, to need no exposition, to need no judicial determination. What is it? It is a matter of independence. It is a status. It is a fact. That is what it is; no more, no less. It is whether a people with defined boundaries govern themselves without coercion or intervention or repression by extraneous power. I do not state it well, but I state it sufficiently. The Supreme Court of the United States affirmed this judgment in Williams *vs.* The Suffolk Insurance Company, 13 Peters, 420, Mr. Justice McLean delivering the opinion, in which it is said:

> And can there be any doubt that when the *executive branch of the Government, which is charged with our foreign relations*, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to *him*, it is obligatory on the *people and Government of the Union*.

Now, whether independence exists or not is what? *It is a question of fact.* It may be one way this week. It may be an entirely different thing as a fact three months from now.

Tell me, some one, in what possible sense the recognition of independence is a legislative act? It is not the function of legislation to declare facts. What is a law? As I recollect Blackstone's definition, it is "a rule of civil conduct prescribed by the supreme power in the State, commanding what is right and prohibiting what is wrong." It is a rule of conduct, and when that rule is once laid down it binds the people until it is changed by the power that made it.

How about this function of recognizing independence? If that is a legislative function and the Congress passed an act the effect of which was to require the President to recognize the independence of a particular State, to receive the ambassador or minister from that State, that law must be obeyed until the Congress meets again and modifies it. In the meantime a revolution occurs and the erection of a part of the territory into another nation.

Would that act be still effective? Where would it leave the President of the United States? Must he call a special session of Congress to "reenact" this fact of independence, to enable him to receive a minister from a new country or to send one to a new country? It is impossible. Justice Story speaks of the contention of the Senator as having been long mooted, but he states explicitly that it has been discussed as a mere abstraction, and that all the practice of the Government from the beginning has been against it; and so it has.

Suppose the Congress passes an act fixing the value of coin in a certain country, naming it; that is a recognition sub modo. Would that require the President to send an ambassador or a minister to that country? Would that require the President to receive an ambassador or minister from that country? Not at all. But leave that. Mr. Seward, a great lawyer, said:

> It is, however, another and distinct question whether the United States would think it necessary or proper in the form adopted by the House of Representatives at this time. *This* is a practical and purely executive question and *a decision of it constitutionally belongs not to the House of Representatives nor even Congress, but to the President of the United States.*

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. BACON. I stated to the Senator that I did not propose to go into any argument on that question. I have made an argument in the Senate on this subject, in which I did go through all those grounds.

Mr. SPOONER. Oh, no; I have passed that on. I am going on to the negotiation of treaties.

Mr. BACON. I beg pardon. I just wanted to say——

Mr. SPOONER. I say my friend from Georgia has no authority, and I venture to say he can find no authority, which in anywise impeaches the proposition which I made the other day, and which I suppose he intended to demolish, that the absolute control of the negotiations which lead up to a treaty laid before the Senate is in the President under the Constitution.

Mr. BACON. The difference between the Senator and myself is what the term "negotiation" implies or includes.

Mr. SPOONER. Well, I will tell the Senator that I understand negotiation to mean negotiation.

Mr. BACON. That is clear.

Mr. SPOONER. There are some things so plain that they can not be made plainer. That is a word of everyday use. It is so fixed in its meaning in every man's mind that to attempt technically to define it confuses one. What does it mean to negotiate a loan? What is meant by negotiating a contract or negotiating a sale? Negotiating a treaty? It means all the steps which lead up to the meeting of the mind, whether it involves nations or men, for it is a compact or contract or agreement between this and another government; and it includes writing down the agreement as it has been negotiated, because, after it is drafted it is still subject to negotiation, and it is often changed—modified by one or the other—and when the negotiations have all ended, when it has been signed, then it comes to this body, and then—I repeat what I said the other day, standing, Mr. President, as religiously in favor of each of the departments of the Government in its own sphere as any man who ever sat in this Chamber does—it is solely when it comes to this Chamber, our constitutional function, not to inquire, not to ask questions, but to make treaties, begins and not till then.

A resolution demanding of the President information as to the negotiation of a treaty would be an insult. Nobody could debate that.

Mr. BACON. Well, the Senator has been rather free in the use of the word "insult."

Mr. SPOONER. The Senator does not take that as referring to him. The Senator——

Mr. BACON. The Senator has used that word before.

Mr. SPOONER. I probably, in the course of my life, which I hope will be a long one, will use it many times.

Mr. BACON. I mean in connection with this very matter.

Mr. SPOONER. I am not discussing Algeciras. I said the other day that for the Senate to adopt that resolution either in open session or in secret session and send it to the President was, in my judgment, an insult.

Mr. BACON. I distinctly take issue with the Senator.

Mr. SPOONER. I did not impute any purpose to the Senator to be offensive to the President, but I think a resolution which assumed that the President either does not know what his powers are or disregards them——

Mr. BACON. I can only say again, Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. BACON. I can only say again that when the Senator in the discussion of a legal proposition has to resort to the suggestion that it is an insult, it is a confession, on the part of one of his resources and abilities, of the weakness of his argument.

Mr. SPOONER. Why, Mr. President, it would be the tawdriest, cheapest, and most stupid of resources.

Mr. BACON. I agree with the Senator.

Mr. SPOONER. Now, let the Senator refer for a moment to what elicited this observation. I was arguing an abstraction, and I, thinking of the relative position of the Executive and the Senate, and the contention that the Senate is a factor in negotiations and there was the legal right and the legal duty, because the legal right on the one hand would involve the legal duty on the other, they are correlative—I was testing it by suggesting that so far from its being true that a resolution passed by the Senate demanding—using that word——

Mr. BACON. I did not demand it.

Mr. SPOONER. I am not talking about the Senator's resolution.

Mr. BACON. That is what the Senator said about my resolution, and he said it more than once.

Mr. SPOONER. I am not talking about your resolution. I will enter into a solemn agreement with the Senator in writing—it will not take more than a moment to negotiate it—that I will not.

Mr. TILLMAN. Would not the Senate have to advise and consent to it?

Mr. SPOONER. I am not referring to the Senator's resolution, and I will not refer to it. I say again, then, if the Senate should pass a resolution *demanding* that the President should furnish any information in regard to foreign relations, that would be an insult to the President. That is all I have said.

Mr. BACON. Well, Mr. President, who has ever contended for any such demand?

Mr. SPOONER. I do not say the Senator has.

Mr. BACON. No; but who has contended for it?

Mr. SPOONER. Well, a Senator who contends that the Senate, under the Constitution, is a factor in *negotiating* a treaty and talks of legal rights on the part of the Senate and legal duties on the other hand—if I can understand the fair inference from words, the inevitable conclusion from a major and a minor premise—certainly has it in his mind that it might be done properly, because what we have a right to ask it is of necessity the duty of the President to grant. The best argument I know of to refute that is to bring to the attention of Senators the fact that a resolution in strict exercise of that supposititious right would be very offensive to a President. That is all.

Mr. BACON. The Senator is ingenious, but not logical.

Mr. SPOONER. Mr. President, the Senator could not at all afford to admit that I am logical.

Mr. BACON. For that reason the Senator in the beginning of his remarks this evening was particular to announce that he had not been converted by what I had said.

Mr. SPOONER. I see that offended the Senator——

Mr. BACON. Oh, no.

Mr. SPOONER. And I regret it.

Mr. BACON. No; I am too familiar with the habit of lawyers to be offended about such a matter.

Mr. SPOONER. It was not that. The only reason in the world that the Senator has not convinced me is, first, my own incapacity——

Mr. BACON. Oh, no; we all recognize the Senator's capacity.

Mr. SPOONER. And, second, his power of reasoning, because I freely say that if the Senator was sustainable in logic, in history, in the practice of government, or by authority, he would have at once overwhelmed and convinced me. As I said, I thought it was a compliment, but it seems not to have been so regarded, that it would be my pride for many years, that the Senator had not been able, with all his logic, ability, and frankness, to do more than confirm me in the strength and correctness of the position which he was assaulting.

Mr. President, I have finished.

REGULATION OF RAILROAD RATES.

Mr. LODGE. Mr. President, I desire to give notice that on Monday next, with the permission of the Senate, immediately after the morning business, I shall ask leave to address the Senate upon the subject of railroad rates in connection with the resolution lying on the table offered by the junior Senator from Georgia [Mr. CLAY].

The VICE-PRESIDENT. The notice will be entered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, February 7, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1906.

RECEIVER OF PUBLIC MONEYS.

Elof Olson, of Bassett, Nebr., to be receiver of public moneys at Valentine, Nebr., vice Albert L. Fowle, resigned.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 3d day of February, 1905, to fill vacancies existing in that grade on that date:

John S. Abbott.
Thomas H. Taylor.
Charles E. Brillhart.

The following-named boatswains to be chief boatswains in the Navy from the 25th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904:

Martin Fritman.
John McCarthy.
Henry C. Jarrett.

APPOINTMENT IN THE NAVY.

Samuel Gordon, a citizen of New York, to be an assistant civil engineer in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE ARMY.

Maj. William T. Wood, detailed inspector-general, to be lieutenant-colonel of infantry from February 3, 1906, vice Roach, Twentieth Infantry, retired from active service.

Lieut. Col. George H. Roach, United States Army, retired, to be placed on the retired list of the Army with the rank of colonel from February 3, 1906.

WITHDRAWAL.

Executive nomination withdrawn February 6, 1906.

William C. Bristol, of Oregon, to be United States attorney for the district of Oregon.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1906.

GOVERNOR-GENERAL OF THE PHILIPPINES.

James F. Smith, of California, to be governor-general of the Philippine Islands.

DISTRICT ATTORNEYS.

Charles A. Boynton, of Texas, to be United States attorney for the western district of Texas.

George G. Covell, of Michigan, to be United States attorney for the western district of Michigan.

Charles J. Hamblett, of New Hampshire, to be United States attorney for the district of New Hampshire.

MARSHALS.

Edgar S. Wilson, of Mississippi, to be United States marshal for the southern district of Mississippi.

Eugene Nolte, of Texas, to be United States marshal for the western district of Texas.

William M. Hanson to be United States marshal for the southern district of Texas.

Grosvenor A. Porter, of Indian Territory, to be United States marshal for the southern district of Indian Territory.

PENSION AGENT.

Grosvenor A. Curtice, of Contoocook, N. H., to be pension agent at Concord, N. H.

POSTMASTERS.

DELAWARE.

David O. Moore to be postmaster at Laurel, in the county of Sussex and State of Delaware.

NEW YORK.

Fred M. Askins to be postmaster at Schaghticoke, in the county of Rensselaer and State of New York.

Charles W. Penny to be postmaster at Patterson, in the county of Putnam and State of New York.

OHIO.

Edward B. Roemer to be postmaster at Zanesville, in the county of Muskingum and State of Ohio.

PENNSYLVANIA.

E. Wesley Keeler to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania.

Eliza Kirkpatrick to be postmaster at Spangler, in the county of Cambria and State of Pennsylvania.

Daniel S. Knox to be postmaster at Tionesta, in the county of Forest and State of Pennsylvania.

David L. Laughery to be postmaster at Vanderbilt, in the county of Fayette and State of Pennsylvania.

Charles W. Zook to be postmaster at Roaring Spring, in the county of Blair and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 6, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS of Pennsylvania. I have here a resolution purporting to be introduced in the House of Representatives January 27, by Mr. VAN DUZER. I have endeavored to obtain some information about this resolution, and the result of my inquiry is the ascertainment of the following facts: Mr. VAN DUZER asked leave of absence after the Christmas holidays. He has not been here since. He asked indefinite leave of absence, on account of sickness in his family. He has not been here since that day. The day the resolution purported to be introduced, January 27, he is recorded as absent and paired. This resolution, therefore, sir, in my judgment, is not properly before the House, and I send the following motion to the Clerk's desk.

Mr. WILLIAMS. Mr. Speaker, I do not know what the motion is, but before it is read I wish to say that Mr. VAN DUZER was caught in a wreck on a train on its way to Washington, was crippled in that wreck, and is now at home—I suppose at home—or elsewhere, at a hospital where the wreck occurred, one or the other. He is in Hazelton, Pa., I am told, now; and that accounts for his absence. Will the gentleman let me see the original resolution?

Mr. ADAMS of Pennsylvania. I desire to state that there is no desire on my part to pass the slightest reflection upon Mr. VAN DUZER. The object of this motion is this: The resolution has now become a privileged question, and it can be called up by anybody; and to-day we have the anomaly that a resolution that is not before this House under parliamentary rules has become a privileged question, and can be called up; and it is to cure that situation that I offer this motion.

The SPEAKER. It occurs to the Chair that the motion better be read.

Mr. WILLIAMS. Mr. Speaker, before the motion is read, I would like to state that my object in rising was to suggest to the gentleman from Pennsylvania, that whatever the motion may be, it would be better, as a matter of courtesy, and I think better all around, if he would wait until Mr. VAN DUZER returns.

Mr. ADAMS of Pennsylvania. In answer to that, I will state that it will give me great pleasure so to do. I have endeavored to find Mr. VAN DUZER, tried to find his clerk, addressed letters to his clerk, which have remained unanswered. I think my friend from Mississippi will see that here is a privileged resolution which can be called up by any Member of the House at any time, and that it is not properly before this House; it could not have been introduced by the gentleman from Nevada [Mr. VAN DUZER], for he was absent then, and has been absent ever since. It is a matter that is generally known, and this action casts no reflection upon the gentleman from Nevada whatever. The only intention is to cure the parliamentary status of this resolution, which, in my judgment, is necessary.

Mr. PAYNE. Mr. Speaker, I think if the resolution should be read, we might get at it more easily.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor. It seems to the Chair that the proposed action to be moved by the gentleman from Pennsylvania ought to be reported to the House. It may or may not be privileged. The Clerk will read.

The Clerk read as follows:

Ordered, That the said resolution, No. 197, be canceled as a resolution of the House, and that the copies in the document room be removed and destroyed.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I wish to ask what the resolution is that is sought to be repudiated?

Mr. WILLIAMS. I have the resolution here and I will read it.

Mr. ADAMS of Pennsylvania. I beg the pardon of the gentleman from Mississippi, but I have charge of the resolution.

Mr. WILLIAMS. Very well; I will ask the gentleman to read it.

Mr. PAYNE. Would it not meet the views of all parties to have the resolution and the motion lie over until the return of the gentleman from Nevada [Mr. VAN DUZER]?

Mr. WILLIAMS. That is just what I suggested to the gentleman from Pennsylvania, and I hope the suggestion of the gentleman from New York will go further with him than mine.

Mr. PAYNE. That was before the motion to cancel the original resolution was read.

Mr. ADAMS of Pennsylvania. If any guaranty will be given that no Member of the House will call up the resolution under the privilege, I have not the slightest objection to it. I do not desire to be discourteous to the gentleman from Nevada.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If some Member should try to call up the original resolution, would not that also call up the motion offered by the gentleman from Pennsylvania in regard to it?

The SPEAKER. The Chair can not pass upon that question until it is presented. It would not necessarily do so, as it seems to the Chair, although if that question comes before the House, the Chair will rule upon it when it becomes necessary.

Mr. WILLIAMS. Now, if the gentleman from Pennsylvania will yield to me——

Mr. ADAMS of Pennsylvania. Certainly.

Mr. WILLIAMS. Mr. Speaker, the proposed action is predicated upon the assertion that at the time the original resolution was introduced the gentleman from Nevada [Mr. VAN DUZER]

was not in Washington. That, of course, depends upon evidence aliunde, which can not come before this House. I do not know whether it be true or not that the gentleman from Nevada was not here upon the day that this resolution was introduced. The gentleman says that there is no reflection cast upon Mr. VAN DUZER by his motion. There is a reflection cast upon somebody. Somehow or other this original resolution got here, and it bears the name of Mr. VAN DUZER. Somehow it got into the box. I know nothing about the matter, never saw the resolution until this morning, but I think it is nothing but fair and right that this matter should go over until the gentleman from Nevada can be present. I have told the gentleman from Pennsylvania and the Speaker of the House, and the Members of the House, what had happened to him and where he is. When we needed him here on the statehood vote a telegram came that he was caught in this wreck and was seriously hurt. He has not been able to attend the House since, and I insist that this matter ought not to be taken up for action now. I think we would save the time of the House if the gentleman from Pennsylvania were to withdraw the motion and let this entire business go over as unfinished business until the return of the gentleman from Nevada.

Mr. PAYNE. I think it should be understood that the original resolution offered by Mr. VAN DUZER is to go over with the resolution or motion of the gentleman from Pennsylvania.

Mr. WILLIAMS. Let the matter go over in its present status.

Mr. ADAMS of Pennsylvania. I am not attacking the gentleman from Nevada [Mr. VAN DUZER], but the gentleman from Mississippi admits the fact that he is not here, and has not been here, and could not have introduced this resolution. This is a matter to protect the House itself against unparliamentary procedure. If bills and resolutions bearing the name of a Member can be tossed into the basket in his absence, it is a very serious parliamentary situation.

Mr. WILLIAMS. The House has no evidence of such fact.

The SPEAKER. The Chair will suggest that this is a privileged question, there having been no point of order raised against the resolution. The gentleman from Pennsylvania rises in his place to a question of privilege and suggests that what purports to be a record of the House is not a record of the House, and states that the gentleman from Nevada was not present in Washington upon that day. The gentleman from Mississippi states that on the day before—the 26th—having been caught in a railroad wreck, he was not here. This seems to have been introduced on the 27th. Now, so far as the Chair is concerned, the Chair does not care, if it is for his information, to have an argument as to whether this question is privileged or not. The House can take such action as it sees proper to take.

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Pennsylvania [Mr. ADAMS] will yield to me for a moment——

Mr. ADAMS of Pennsylvania. I yield.

Mr. WILLIAMS. The gentleman knows, and I hope the Speaker knows, that I am as little disposed to take up the time of the House unnecessarily as any Member upon the floor, but in the absence of the gentleman from Nevada [Mr. VAN DUZER] I could not permit this action to be taken unless it were taken with a quorum of the House and under all the guards that the rules extend. I know nothing about the matter. Now, I again repeat the request. I ask the gentleman from Pennsylvania [Mr. ADAMS] to let both of these matters go over without prejudice; let this matter in its present status go over until the return of the gentleman from Nevada [Mr. VAN DUZER].

Mr. ADAMS of Pennsylvania. Mr. Speaker, if the gentleman from Mississippi [Mr. WILLIAMS] can give me assurance that no Member will call this up under the House rule on privilege, that is agreeable to me.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Pennsylvania knows that if the gentleman from Mississippi were reckless enough to make that assurance the gentleman from Mississippi could not assure himself even that the assurance would be observed.

The SPEAKER. The Chair will suggest, with the permission of the gentleman from Pennsylvania and of the gentleman from Mississippi, if the House desires to do so, it seems to the Chair that unanimous consent might be given that the motion of the gentleman from Pennsylvania and the resolution purported to be offered or that was offered, as the case may be, by the gentleman from Nevada [Mr. VAN DUZER] shall go over until the further action of the House, and no action be taken upon the resolution until the House has acted further as to its consideration.

Mr. WILLIAMS. And without prejudice.

Mr. ADAMS of Pennsylvania. Then, Mr. Speaker, I make that request.

The SPEAKER. The Chair is of opinion that that amounts to an agreement that a motion to discharge the committee should not be privileged pending the proceedings.

Mr. ADAMS of Pennsylvania. That is my only object in bringing this up at this time.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

RAILROAD RATE REGULATION.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12987) for the regulation of railroad rates. Pending that I ask unanimous consent that all general debate upon this bill be closed on Wednesday, to-morrow, at 3 o'clock and 30 minutes p. m.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate shall be closed upon the bill H. R. 12987 on Wednesday, to-morrow, at 3.30 o'clock p. m. Is there objection?

Mr. ADAMSON. Mr. Speaker, reserving the right to object, when the gentleman from Iowa [Mr. HEPBURN] and I were discussing the termination of general debate and trying to end it on this afternoon, we saw we could not finish with the number of requests for time that we had, and my understanding, as I remember it, was that we would try to get through by 4.30 o'clock to-morrow afternoon, in order to begin the reading of the bill to-morrow afternoon. Will that be satisfactory to the gentleman?

Mr. HEPBURN. Yes, Mr. Speaker; that is satisfactory.

The SPEAKER. The gentleman modifies his request, fixing the hour of 4.30 p. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Iowa, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987—the railroad-rate bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987, with Mr. VREELAND in the chair.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, in the brief time allotted me for the discussion of this important measure I can not present it in the elaborate manner that I would like to do.

I congratulate this House and the country that is under the leadership of the strenuous gentleman who occupies the White House, the Republican party has at last been "able to sit up and take notice" and to hear the demand of the people for legislation along the line of this bill.

Unwillingly, it is true, have they listened to the muttering storm of indignation as it rose higher and higher, until, fearing the results of that indignation, their sodden conscience has at last been quickened to the necessity for action.

Now, with that peculiar facility of Republicans to claim the earth and the fullness thereof, they even claim the paternity of the infant, and the gentleman from Wisconsin [Mr. ESCH], in his eloquent non sequitur speech the other day, seemed to work himself up to the point of believing that he was partly the father of the bantling himself. But fair-minded gentlemen on the other side of the Chamber know that to the Democratic party belongs the honor of inaugurating the movement which is about to culminate in the passage of the pending measure.

When the doctrines of this bill were ten years ago being advocated by the leader of the Democracy it was denounced as socialism and anarchy. When the Democratic platform of 1896 made demand for this character of legislation it was called the enemy of progress and the foe of prosperity. At least two gentlemen on the Republican side of this Chamber have been fair enough to call it a Democratic measure, and to even try to frighten their friends from its support by this admission. The gentleman from Massachusetts [Mr. MCCALL] said the other day: "He [Mr. Bryan] looked upon it as his own child, and not long ago as he was starting around the globe, in almost the last words he uttered upon American soil, with a paternal solicitude, he commended the bantling to the tender care of the President." If the distinguished gentleman means by this that the Democratic party only took it up after the President in his message advocated it, he is mistaken.

Here are the platforms of the Democratic party for the last three Presidential elections. See how they read:

[Declaration from Democratic platform, 1896.]

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a strict control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce

Commission, and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression.

[Declarations from Democratic platform, 1900.]

CORPORATE INTERFERENCE IN GOVERNMENT.

Corporations should be protected in all their rights and their legitimate interests should be respected, but any attempt by corporations to interfere with the public affairs of the people, or to control the sovereignty which creates them, should be forbidden under such penalties as will make such attempts impossible.

INTERSTATE COMMERCE COMMISSION.

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

[Declarations from Democratic platform, 1904.]

TRUSTS AND UNLAWFUL COMBINES.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

For ten years the leader of Democracy has been proclaiming the doctrines of these platforms from the hilltops and amid the valleys, and back of him was the great Democratic party. Now, gentlemen, point to any platform of your party that has ever squinted at rate reform. Point to any President or great leader of your party that has ever advocated its principles till now.

Not till after the election under which your President was seated in the White House did he hint to the railroads or to the country that he would lead the crusade for rate reform. Not till after the election, and you ceased to need campaign contributions, did one of your great leaders in Congress or on the hustings declare for this legislation.

But now, when the voice of the people is heard demanding the passage of this bill you tumble over each other to get on the band wagon. But, gentlemen, we welcome you to our aid. I am not one of those who believes that no good thing can come out of Nazareth, and when we see you coming to us on the Philippine tariff, on rate legislation, and, I hope, on some other great questions, we well may say:

While the lamp holds out to burn,
The worst standpatter may return.

[Applause on Democratic side.]

Mr. Chairman, I have no desire to be unjust to the railroads or to railroad interests. I can do no better than to quote from a speech that I had the honor of delivering in this House one year ago on this same question. I said:

I regard them as one of the greatest harbingers of progress of any human agency, and I have no feelings of unkindness for them. In my district we need more of them. In some portions of the district they have made the country blossom as the rose. They have climbed the mountain tops, and along their wake splendid towns have sprung up like magic, and prosperous people greet the shriek of the locomotive. Some of the most fertile lands in these same counties need but the iron horse to make them fivefold more valuable than they are. In some of these counties a single railroad pays more than one-fourth of the entire taxes of the county.

Mr. Chairman, I have the honor of representing a rural people. Many of them and their children have not had the advantages of profound literary training. But they are an honest people; a people who fear God, revere justice, and uphold the law. They would not regard me as their faithful Representative were I on this floor to rave like a howling demagogue against railroads or other corporate interests or demand the destruction of these great adjuncts of development and progress. The effort has been made each time that I have been before the people for election to this House to array them against me because of my relation to railroads, but each time it failed, and the last time by a more emphatic majority than ever. Each time I have told them that whenever the interests of my people clashed with that of corporate power they would find me on the side of the people whose commission I bore. My people believed me, they trusted me, and now, as their Representative, I shall raise my voice and cast my vote for what I believe to be their best interest. They are not unjust or unreasonable in their demands. They do not ask a pound of flesh from next to the heart. They do not seek to confiscate or destroy the holdings of these great corporations, but they do ask, Mr. Chairman, that these corporations, to whom so much has been granted by the people, should be required to do that justice to these people which they demand for themselves.

For several years after the creation by Congress of the present Interstate Commerce Commission it was thought that it had the power to regulate freight rates. Railroads prospered then, and under the legislation proposed by both these bills they will continue to prosper. The Commission assumed to regulate rates until the Supreme Court of the United States held that they had no such power, and yet the restraining hand of the courts were always ready to see that no such rates should be fixed as were unreasonable or destructive of their property.

The power of review by the courts is ingrafted in this bill, and should the time ever come when a political commission, as described by the gentleman from Maine [Mr. LITTLEFIELD], should deal unjustly by the railroads, then, Mr. Chairman, the strong arm of our courts is ever ready to lend them aid. This power of regulation, not of rate making, as some assert, should be lodged somewhere.

Under section 8 of the Federal Constitution it can not be lodged with the States. That section says among other things:

The Congress shall have power to regulate commerce with foreign nations and with the Indian tribes.

Thus we see that the power to regulate interstate commerce is taken from the States, and we have the spectacle of sixteen States of the Union having commissioners to regulate rates on commerce within State borders, and yet, when its destination is a foot beyond State lines, the commission is impotent to give relief. Gentlemen tell us that the bill confers upon seven men the power of confiscating the property of the railroads, and that, if it should pass, it would be a deathblow to railroad expansion and enterprise. No such results as have been predicted will follow. Stringent laws of this kind have been in force in many States for years, and yet new railroads have been built and old ones extended in these States just as in others.

There are many reasons why there should be some regulation, and, as a sequence, why the power of regulation should rest in some tribunal. All corporations as well as all people should be amenable to law. Individuals throughout the land are restrained by the old common-law maxim, "So use your own as not to injure another's." Then is it unreasonable or unjust that this same great principle of law and benign safeguard of society should apply with equal vigor to corporations as well as individuals?

Railroads, of all other entities, ought to be willing to abide by this wholesome doctrine. They enjoy many concessions that are not made to ordinary individuals. Their very existence is ushered in by concessions that no private individual can exercise. In their very construction they have the right of eminent domain, by which they can raze to the ground the most valuable structures and appropriate the most fertile lands. These important concessions and valuable privileges are granted to them for the very reason that they are public utilities and operated for the public good. Congress itself has conferred upon them the right to appropriate a part of the public domain for rights of way and depot facilities, on compliance with certain easy formalities. To many of them have been granted vast areas of land to aid in their construction, and many homes that would have been settled by the poor of the land have passed into the hands of these great corporations. Then is it not right that as a partial compensation for such vast concessions they should be willing to exercise their functions in the interest of all the people as well as in the promotion of their own selfish aims?

The progress and development of the age necessitates their use. There is a kind of duress upon everyone living in civilized and progressive communities to use them. The very nature of these vast aggregations of wealth and power is essentially that of a monopoly, and such a monopoly as must be made to bow to law—not the law of confiscation, nor even of oppression, but a law which will say to corporations when they themselves are seeking to oppress, "Thus far shalt thou go, and no further."

This is all my people ask; this is all this bill proposes; and under its benign influence I expect to see the railroads prosper and the people prosper, and without friction or antagonism to move forward hand in hand till within a few years both will rise up to proclaim this Congress blessed for having given this benediction to the country. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman, the continued demand of the people of this country is about to be recognized. This fact is forcibly demonstrated by the action of the Committee on Interstate and Foreign Commerce in completely ignoring political lines for the time and reporting unanimously to this House a bill to regulate railroad rate charges.

The wonderful growth of the railroads in the United States is unprecedented in the history of the world. They have grown until they have reached in value the enormous sum of $16,000,000,000. The many small and independent systems of railroads have almost disappeared, for the reason that from time to time they have been bought up and in different ways merged into larger systems, and these larger systems have been continually forming into still more gigantic ones until they have reached a position of organized and tremendous power for good or for evil.

These great and expanding corporations have learned that they must cultivate harmony among themselves; that they must work together in unison, for they know that for them to compete with each other would mean greatly decreased earnings, hence they have destroyed real competition among the roads and have made it a thing of the past, in consequence of which the most powerful compact or pool among the railroads of this country ever known in the history of the world has resulted. Now, with this gigantic and all-powerful combination of the transportation facilities of the country to contend with, what is to become of the people—the patrons of these roads? The

truth is, they are perfectly helpless and completely at the mercy of the railroads.

THE PEOPLE MUST BE PROTECTED.

The people must and will have protection. Then what is the remedy for this evil? There can be but one answer, one solution of the question, and that is place all railroads under National Government control. Congress has the power to do this, and, in my opinion, the Hepburn bill now before the House, giving the Interstate Commerce or Railroad Commission the right to say what are reasonable and just rates and providing for an appeal to the Federal courts when the railroads are dissatisfied with the judgment of the Commission, very wisely compasses the solution of the problem.

Mr. Chairman, for the Government to regulate the railroads in their rate charges does not and should not mean to destroy or even to harm the railroads. No one could desire that. They represent too much capital, contribute too much to the support of the Government, and too much and too many are dependent upon them; and they are too great a factor in the growth and industrial development of this rapidly expanding country. But the rapid growth and the colossal wealth of the railroads, by their scheme of combinations and other devices, have conferred such power on them as to render them dangerous to an unprotected people. While we do not desire to destroy the railroads, we intend to see that the railroads shall not destroy the people.

MANY FAVORS EXTENDED RAILROADS IN PAST.

Many franchises have from time to time been given to the railroads by National and State governments and by the people at large, with the view and the implied agreement that fair and just treatment would in return be accorded by the roads, but that expectation has been broken to the hopes, and the people and the roads are daily drifting farther and farther apart, until the roads have ceased to consider the interests of the people and the public have come to regard the roads as selfish and a natural enemy to their welfare.

The railroads in their tremendous power, ever ready to invite litigation and commanding the best legal talent to be had, have continuously evaded and at times defied all laws enacted with reference to their regulation and the control of their management, rates, etc.

Prior to the enactment of the interstate-commerce act of 1887 the friends of remedial legislation had before them two plans: One advocated by a distinguished Representative from Texas, Mr. Reagan, proposing certain prohibitions and requirements and penalties that the carriers should be subjected to, but providing no additional methods for their enforcement and no new aids for the discovery of wrongdoing or for securing the punishment of the wrongdoers. The law proposed was to be administered by the judicial system then in existence. The other scheme, presented by a distinguished Senator from Illinois, Mr. CULLOM, contemplated the creation of the Interstate Commerce Commission as it now exists, with the duties and powers now imposed by law, with substantially the same prohibitions, requirements, and penalties to be imposed upon the carrier. The powers of the Commission enabled them to hear complaints, to investigate facts concerning them, to search for violations of the law, and to aid the courts, through their discoveries, in enforcing the law. This latter system was established by the act of 1887; was somewhat improved by the amendments of two years later, and is retained in the bill reported with the powers enlarged and made more definite.

The act known as the "Elkins Act" of 1903 gave additional strength to previous legislation through its more specific prohibitions relating to rebates, discriminations, and preferences. Yet the ingenuity of some of the carriers and shippers has resulted in avoiding the provisions of that act through the use of joint tariffs, involving, in some instances, a railroad and a mere switch owned by a shipper; through arrangements whereby excessive mileage was given to the shipper of products who owned his own cars; through the use of refrigerator cars; through the permission given to independent corporations to render some service incident to the shipment, as the furnishing of ice in the bunkers of the car; by what is known as the "midnight tariff," a method involving an arrangement with a shipper to assemble his freights, have them ready for shipment at a particular date, whereupon the carrier would give the necessary three days' notice of a reduction in the rate—competing carriers and shippers would know nothing about this arrangement—the freight would be shipped at the new lower rate, and then there would be a restoration of the old rate; and by other means and devices.

The railroads, in violation of all these laws, continued the practice of rebates, secret and preferential rates, and favoritism. By their unlawful conduct they have built up one section of country to the injury of another, have given certain favored cities advantageous rates over those of a less favored one. They have bestowed on large shippers advantages in rates over the smaller ones; have helped the cities to the detriment of the towns, and, by their unfair treatment, have made the strong stronger and the weak poorer.

Railroads have added much to the wealth and strength of the commercial trusts of this country by such practices as secret rebates, joint tariffs, and other methods in violation of existing law.

Under such a deplorable condition of affairs as this, can there be any astonishment that the people should rise and demand that they be protected against such unfair and unlawful practices?

RAILROAD RATE REGULATION A DEMOCRATIC IDEA.

The President of the United States realized that the all-powerful railroad interests must be controlled by an impartial commission to the end that the people, the patrons of the roads, might have justice; hence he strongly urged upon Congress the absolute necessity at this session of such legislation in his annual message.

While it is true the Republican party has heeded the demand of the people, I am going to maintain that this is a Democratic victory, for that party has for years urged in its platforms the necessity for government of railroads, and it is to the credit of a distinguished Democrat and then a Representative from Texas, Mr. Reagan, that he suggested, first in 1887, a plan for Federal regulation and control of railroads.

Yes, this is a Democratic victory, and several distinguished gentlemen on the Republican side of this House have in their speeches suggested the correctness of this contention. However, I am glad to see a virtually united front of the entire House on this great question. In fact, to be successful in this undertaking fraught with so much good to the people politics for the time must be laid aside.

I am informed that the railroads have felt until lately safe from any legislation on this line, depending upon their great influence to stifle all effort, but they now are feeling some alarm, for they begin to realize that they have been overconfident.

Mr. Chairman, I now heartily congratulate the entire country on the splendid prospect of this bill being enacted into law. It augurs well for the people. It means that the time has come when the Government must and will regulate all of the powerful trusts and combines formed for the purpose of destroying competition and putting the consumers of the country—the people—under the merciless power of their avarice. The passage of this bill to regulate railroad rates will be the first firm and positive step in the direction of Federal regulation of interstate commerce, and the country may hopefully and happily look forward to further relief from monopolistic injustice and greed. As I have said before, no injury is intended by the bill to the railroads, and it does seem to me that every honest management of such corporations should approve of this legislation.

POWERS OF THE COMMISSION.

The Interstate Commerce Commission is to be composed of seven good and experienced men. While the Commission will not have the power to make rates for the railroads, it will have the authority to pass upon the rates as published by the railroads, and will have the right to say whether such rates are just and reasonable. When in the opinion of the Commission a given rate, against which complaint has been lodged with the Commission, is unjust and unreasonable, the Commission can then fix the maximum or highest rate that the railroads will be permitted to charge. If the railroad is dissatisfied with the ruling, an appeal can be taken to the Federal courts, the rate fixed by the Commission remaining in the meantime or pending the appeal the controlling rate until the court resorted to has passed upon the issue. While the bill does not go as far as I would like it, in that it does not confer as much power as it should on the Commission, yet it is drawn on conservative lines and should commend itself to the approval of everybody. Yet the railroads are opposing this fair legislation.

There are now in operation in the United States 217,000 miles of railroad, representing a capital of $16,000,000,000 in stocks and bonds. A political economist of distinction, one of the professors of Yale, who has given much study to the cost of railroad building, states that they can be built for $35,000 per mile. If that be true, and certainly it is a reasonable proposition, the total cost of all the railroads in the United States would be $10,000,000,000; then $6,000,000,000 of the capital stock of all the railroads of the country must represent a fictitious value, or what is known as "watered stock," having no value and representing nothing. Now, is it not unjust to the people for the railroads to insist on a profit on $16,000,000,000 capital when, in point of fact, the actual capital represents only $10,000,000,000?

To state the proposition more clearly, the railroads are entitled and should have a fair and reasonable profit on $10,000,000,000 actual capital, but never on $16,000,000,000 capital, of which $6,000,000,000 represents absolutely nothing but a speculative vision.

PUBLICITY.

The power of the Commission to compel railroads to make statements of their condition will go far toward effectively regulating this evil. Publicity is one of the strong features of the bill. In fact, there is no greater corrective and deterrent agency than publicity. It is said by those charged with the prevention of crime in New York City that six electric arc lights are worth more than a hundred armed custodians of the peace in the suppression of lawlessness.

The railroads and their defenders argue that by reason of the complications growing out of the relations of the different roads, the great mileage they cover, and the almost endless classifications of rates, the task and responsibility of regulating and adjusting such vast and intricate questions are too great to be confided to a commission composed of seven gentlemen. Such a contention is not well founded, when the fact is the rates for all the railroads in the United States are at present made by less than a dozen men.

THE PRIVATE CAR SYSTEM.

The private car system, including all refrigerating and icing privileges, is also placed under the supervision of the Interstate Commerce Commission. The growing fruit interests of my district, undoubtedly larger in acreage and production, relative to territory, than that of any other part of the South, will gladly welcome this legislation. While this service has lately been greatly improved over the past by these private car companies, still their service and rate charges have not at all times been satisfactory to the shippers; therefore the passage of this bill will mean better service and fairer rates, thereby encouraging and fostering the growth and prosperity of this great and valuable industry of the South.

THE WIDOWS AND ORPHANS.

The railroads and their advocates have endeavored to create sympathy for the interests they represent by claiming that a large amount of the capital stock of these corporations is held by the widows and orphans and have argued that any mode of Government control of rates would result in a decrease in the value of their property, and, consequently, in the amount of their income. The fact is, that class of stockholders is small—indeed, but a trifle—compared with the many wealthy owners of such stock. But, I repeat, the honest railroad management and the roads that are not overcapitalized can not be injured by the acts of a fair, honest, and intelligent Commission whose duty it will be to see that justice is meted out equally to the people and the roads.

RAILWAY EMPLOYEES.

Much has been said and many articles from numerous contributors written expressing the apprehension that Government interference with railroad rates would decrease the earnings of the employees of the roads. I presume many Members of Congress have received petitions from some of these employees protesting against any legislation on this line for that reason. Nevertheless, I take the position with the greatest confidence of its correctness that the employees of the railroads will in no wise suffer. Their salaries will not be decreased. Does the salary of the railroad employee rise and fall with the changing financial condition of the roads? I answer, no.

Mr. Chairman, let me call the attention of the House to the wild fluctuations in the market values of stocks and bonds of the railroads in the past two years. It is a fact that the common stock of many of the roads has increased in value over 100 per cent, while I doubt if there has been the least advance in the salaries of the employees during all this period of great prosperity enjoyed by the railway companies. In the meantime the cost of all food products and other necessaries of life have steadily advanced in price.

Wage-earners are entitled to fair pay and should and will continue to receive it. The salaries of railway employees is now and will ever be based more on the amount of hauling or business the road does than on the prosperity of the road or the rate charges made by the roads, for so long as the roads have business they will be compelled to have employees. When the roads find themselves short of business, the result will be not the reduction of salaries, but the shortening of the hours of work.

Mr. Chairman, I am going to close my remarks feeling assured that this bill will pass the House and with a strong conviction that it will pass the Senate. We are told by the President in his own forceful words that he is extremely desirous of an opportunity to approve it. When the law is put in operation, forcing as it will the railroads clearly to understand that they must respect and consider the welfare of the people, I freely predict that the common carriers of the country will willingly give far greater consideration to the rights and the interest of the shipper and the public than ever in the past, and on the other hand that the people will place more confidence in the railroads, all contributing to the happy situation that the two forces heretofore estranged will be more reconciled in their relations with each other, thereby further stimulating and fostering the rapid growth and development of our beloved country. [Applause on the Democratic side.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. GUDGER].

Mr. GUDGER. Mr. Chairman, in obedience to the general demand of the masses, we are now engaged in the enactment of a law which embodies one of the cardinal principles of Democracy. We are all practically agreed that legislation is needed to prevent rebates and other discriminations in favor of one shipper as against another, and which will result in so regulating freight rates that justice may be done alike to the shipper and the consumer, and which will at the same time permit of a reasonable profit to the carrier. I congratulate my friends on the other side of the House upon the patriotism they are displaying in thus rallying to the support of this good old Democratic doctrine. [Applause.] I do not wish to be understood as attempting to minimize in the least the importance to the country of this great measure. I shall give it my most hearty support, and I am gratified at the prospect of its early enactment, notwithstanding the obstacles that are being thrown in the way of its passage by those who are profiting by its absence from the statute books. But I desire to call attention to another great question confronting the nation, which has not received that degree of consideration from Congress that its importance demands. It is even of greater consequence than the rate question, because it is wider in its scope and more far-reaching in its effect upon the general welfare of the country. I refer to the question of immigration. Rate legislation involves primarily the question of how much money should be charged for transportation, while the question of immigration involves considerations which in my judgment reach the very foundation of the Republic itself. [Applause.]

A review of the statistics of immigration discloses an increase in the number of foreigners annually coming to our shores, which is appalling when the character of the immigrants is considered. In the year 1820 they numbered only a little over 8,000. In 1860—forty years later—they numbered more than 133,000. In 1900—the end of another forty-year period—the number increased to nearly 450,000. During the fiscal year 1905, only five years later, there were more than a million of them. Think of it, gentlemen! At the rate they are now coming they would equal the population of North Carolina in less than two years, and a Congressional district as large as my own in a little more than two months. The annual immigration has more than doubled in the past five years. At the same ratio of increase it would require only a little over one hundred years for our country to reach the limit of the density of population. By that time we would have eight or nine hundred millions of people, or a territory as densely populated as the Empire of China. This of itself is enough to arouse us to a full realization of the importance of checking this swelling tide of immigration. But this is by no means the gravest phase of the question. I concede, of course, that a great many good citizens have come and will still come to us from other countries, but statistics show that in more recent years a very large part of our immigration comes from a strata of civilization far beneath our standard; that they are composed in a great degree of the vicious and ignorant elements of foreign countries; that they are lacking in comprehension of the principles of our form of government and have no sympathy with them, and that they do not possess the mental or moral qualifications which should be insisted upon as a prerequisite to clothing them with the rights and privileges of American citizenship. [Applause.] Moreover, the percentage of this class of immigration is now rapidly increasing. This is doubtless due in a large measure to the fact that the great steamship companies are sending their agents throughout foreign countries, where they gather up the indigent and illiterate, who are willing to come across the water as steerage passengers; and it is reputed that they are making millions of dollars out of this nefarious business. In our warfare to protect the public weal against trusts and combinations we might with profit devote some of our time to legislating so as to limit the operations of these companies.

As a result of our lax system of immigration laws, we are permitting our country to be flooded annually with a horde of

undesirable aliens, who come here to incite strikes and resistance to organized authority and to infuse into our body politic the spirit of socialism, communism, anarchy, and other evil influences which sap the lifeblood of a nation. [Applause.] If it is permitted to continue unchecked, it can hardly mean less in the end than a change of our nationality.

But putting aside for the moment the question of the effect of this immigration upon our Government and civilization, I desire to call attention to another phase of it. The Republican party seeks to pose as the champion of American labor, and points to its tariff legislation as an evidence of its desire to protect the industries and the laboring interests of this country from the products of the pauper labor of foreign countries. I shall not take time to discuss now the question as to the utility of such legislation to that end, but I challenge the consistency of their course in building a tariff wall around this country for the avowed purpose of keeping out the products of pauper labor when they, although having unhindered control of every branch of the Government for many years, have not lifted their hands to close the flood gates through which the pauper laborers themselves come in. [Applause.] Surely the importation of the products of pauper labor can not do as much harm to American labor as does the presence of the pauper laborers themselves. The competition is more direct and, necessarily, more disastrous. On the other hand, it is a benefit to the employers of laborers, because it enables them to obtain labor at a lower rate of wages. So that whatever benefit the American laborer might otherwise obtain as a result of the protective tariff, it is more than offset by the failure of the Republican party to enact effective legislation to keep out the pauper laborers themselves, and in the end the employers of laborers—the captains of industry—are the only ones who are benefited.

The Commissioner-General of Immigration in his last annual report calls attention to the fact that during the last decade the percentage of immigration arriving at the southern ports, as compared with those arriving at other ports, is increasing. This is said to be due, in part at least, to the concerted action of certain railroad interests with a view to diverting immigration to the South in the hope, of course, of ultimate profit to their business. This significant fact brings the question directly home to the Southern people. I have no sympathy with the views of some of my Southern friends, that we need more immigration there of the kind now coming to this country. The men who cultivate their hundreds and thousands of acres of cotton; the men who employ large numbers of laborers, may need them, but the small producer and the small business man does not. It might be better to have them if we considered the question solely from the standpoint of the present and of the men who desire to make money regardless of future consequences, but we are not legislating for the present alone. We are legislating for our children and our children's children. [Applause.] The South is growing richer every day. It is filled with resources yet undeveloped, and it is capable of developing them without entering upon the untried experiment of introducing aliens to assist in that development. It is filled with a God-fearing, law-abiding, patriotic people, and its standard of citizenship is equal to that of any other country or section of country in the world. [Applause.] It would be far better to let some of its mills and factories remain idle and some of its cotton plantations remain unproductive than to introduce this alien element into its population, which must ultimately lower its standard. Those engaged in the production of cotton are now directing their attention to the question of the reduction of acreage in order to maintain the price of that staple. What better method is there of reducing the acreage than that of curtailing the number of laborers available for employment?

Speaking for my own State, and more especially for the district I have the honor to represent, I say to you that we do not want any more immigrants from the low, vicious classes. I have in mind one of the counties of my district in which four large mill towns are located—Forest City, Caroleen, Henrietta, and Cliffside. They are all within range of the ringing of a single bell. The owners and employees are in perfect sympathy and accord. There are no foreigners there, who hold the law in contempt, and consequently no strikes. They have good schools and churches and are as good citizens as can be found anywhere in the State. I have been there on Sundays, and have seen them attending the Sunday schools, some of the employees acting as teachers and some of the employers as pupils. They are American citizens—American born and bred—and typical of the good citizenship now existing throughout the South. [Applause.] They do not want any foreigners to help them in their business. They are able to take care of it themselves. We are too prone in these days of prosperity to say, "Let well enough alone." But we know from the history of the past that the hour of adversity must come, and when hard times come and depressions upon us and there is less demand for the employment of labor, capital will seek it where it can get it the cheapest. Then shall we see the folly of our inaction, and then the American laborer, whose interest it is our first duty to protect, will be the sufferer. I feel that I am voicing the predominant sentiment, not only of the Democracy of North Carolina, but of the entire South, and representing her best interests regardless of political considerations when I appeal to you, gentlemen, to join us in the enactment of some measure to meet this impending danger. [Applause.] I shall not stop to discuss the question as to what specific character of legislation would be most effective to that end. It might be done by a head tax or an educational test or in some of the other ways that have been suggested. Perhaps all of these restrictions could be applied with beneficial results.

What needs to be accomplished, however, is to arouse Congress and the country to a full consciousness of the fact that something should and must be done, and the remedy can easily be found. But that some remedy is needed, and needed immediately, can not be gainsaid. If we would keep our country in the place it has now fully earned—that of the foremost Republic, aye! the foremost nation of the earth—we must shield it from those baneful influences which have always operated to the detriment of other nations, and which sooner or later bring disaster to us. If we would have the mighty current of our national power move onward unchecked toward the fulfillment of its mission, we must preserve that standard of American citizenship from the contaminating influences that are now crowding in upon it. The majestic Anglo-Saxon character must be preserved; the Celtic and Teutonic blood that helped to make our splendid citizenship must not be mingled with that of the lower types of mankind. We can best accomplish this by standing firmly for the policy of "America for Americans." [Applause.] Let the balance of the world call this selfishness if it will; but, after all, national selfishness is the highest type of patriotism.

Mr. Chairman, in conclusion, I trust that the importance of this subject may be felt to that degree that we will give it the most careful and thoughtful consideration. Action is necessary to success. Restriction of foreign immigration must be had in order to protect our American wage-earner against the vicious, ignorant, criminal pauper labor that is now being permitted to enter our ports.

The demand is for a strong and effective law strictly enforced in order to maintain the high standard established by our American laborer. This right to such wages as to enable him to have a comfortable home, money to properly educate his children and maintain his dignity as an American citizen must be upheld. They are the men that produce the wealth, defend our country in time of war, and represent the good citizenship of this country. It is therefore our duty to protect them along these lines with such legislation as will preserve in the future America for Americans. [Great applause.]

Mr. MANN. Mr. Chairman, I yield to the gentleman from Illinois, my colleague [Mr. DICKSON], such time as he may desire.

Mr. DICKSON of Illinois. Mr. Chairman, I am convinced that it is impossible for me to add much of interest or information to the masterly expositions of distinguished Members in the matter of the proper regulation of rates as treated in the bill now pending before the House.

I feel, however, that coming from one of the largest districts in the great State of Illinois, traversed by many miles of railroads, between whose right of ways there thrives the varied industries of shop and field; a district populated by almost 300,000 honest, loyal citizens, it might seem meet and proper that their voice, through their Representative, be recorded in this council.

I can not hope to enter the realm of discussion touching the intricate ramifications of this bill, nor shall I presume to expound the constitutional questions involved, but rather view it as it appeals to one who has at heart the welfare of his people and the idea of a "square deal" to all interests.

In my judgment, the pending measure is an honest effort to correct the discrimination, rebates, and other abuses that at the present time exist in our railroad traffic.

This bill is just to all, in providing that charges for transportation of passengers and freight shall be reasonable, all unjust and unreasonable charges being prohibited.

It affords publicity—that implacable foe of indirection and dubious method—by providing that every common carrier shall print and keep posted for the inspection of the public schedules, showing rates, fares, and charges; all classification of freight;

all "icing charges," and charges for that most potent agency of evasion, the "private car line" and the "terminal."

Every carrier is compelled to file with the Interstate Commerce Commission copies of all schedules, promptly notifying the Commission of any changes therein, and filing all joint tariffs between connecting lines. For the purpose of compelling compliance it provides that any carrier refusing to file a schedule as provided, may be mandamused and punished for contempt and enjoined from transporting property until such time as they may be prepared to obey the law.

It is provided that common carriers shall each year make a complete exhibit of their financial operations.

The Commission may require carriers to keep a uniform system of accounts, prescribing the manner in which they must be kept, the Commission having at all times access to all records of every kind belonging to the carrier.

This bill stands for a "square deal," in providing that the Commission must, when shown that a rate is unjust, or a practice unjustly discriminatory, preferential, or prejudicial, prescribe instead, a fair, reasonable, and justly remunerative maximum rate, following this with an order that the carrier shall not collect any rate in excess of the one prescribed. Such rate, when prescribed, to become effective within thirty days.

This bill not only furnishes redress for existing wrongs, but provides a penalty for the violation of administered remedy, in that any carrier neglecting or refusing to obey the lawful order made by the Commission shall forfeit for each day's refusal $5,000, and further provides effective procedure for the collection of such penalty.

These, together with the many other features of the bill touching the matter of "secret rebates," "discriminations," further details of publicity, the increase of the membership of the Interstate Commerce Commission from five to seven (remedial features that have been so fully explained on this floor) will by their operation overcome many existing transportation evils.

I can not subscribe to that doctrine heard on the floor during this debate, that the railroads of the country are wholly culpable and their officers and managers go "about the earth seeking whom they may devour."

I do not forget that there have been no corporations in this country which have done more to increase the wealth, happiness, and prosperity of our people than the railroads.

They have entered unexplored and arid areas and made possible their population by an earnest, industrious citizenship. In the main, they have exhibited rare foresight and great judgment in promulgating measures for the general benefit of our country and its people, yet it is equally true that they have oftentimes lost sight of the welfare of the communities and ignored the rights of individuals.

We know that when they have found it necessary or expedient from a view-point of business to favor certain localities or certain shippers with discriminatory rates, they have not hesitated so to do.

Large shippers dictate the price at which their product shall be carried. This unrighteous dictation has for its most striking example that fungous growth—the private car lines—which, at first encouraged and nurtured by the railroads, has so grown and thrived that the railroads themselves are to-day bound, gagged, and helpless in their grasp.

Mr. John L. Pickering, of Illinois, one of the most capable newspaper men of the West, spent a great amount of time and energy in compiling facts and figures for publication in connection with the recent investigation of this matter by the Illinois railroad and warehouse commission. In speaking of the evils of the "private car system," Mr. Pickering says:

> Eight railroads, including the principal systems doing business in Illinois, for the year ending June 30, 1904, make affidavit, through their general officers, that they paid to the owners of private car lines for the preceding twelve months the enormous sum of $2,000,000. This vast sum was charged to operating expenses in some cases.
>
> The private car "graft" is a companion of that other evil, "rebates returned to favored shippers."
>
> Instead of buying cars in which to transport the freight that is offered to them, the railroads pay a rental to a corporation not organized as a common carrier, but owning private freight cars. This rental is based on the number of miles the car travels over each line, and the price varies with the influence of the corporation owning the cars and the anxiety of the railroad to secure the business controlled by the car lines.
>
> PRIVATE CAR GRAFT.
>
> For example, the Chicago and Eastern Illinois presented the Armour car lines with only $4,553 in the year ending June 30, 1904, while the Chicago, Burlington and Quincy handed them $101,990. But the Burlington gave the Swift lines $64,573, Cudahy a total of $35,209, and Morris $14,427.
>
> The Illinois Central paid Armour $89,421, Swift $27,802, Cudahy $8,952, and Morris $5,807. The Big Four divided about even between the two kings, giving Armour $14,590 and Swift $13,817. With the Chicago and Northwestern Armour and Cudahy were the favorites, the first receiving a total of $50,820 and the latter $50,110, while Swift got only $25,987. The Rock Island's donation to the Armour lines was $89,443 and to the Swift lines $43,018.
>
> The Union Tank Line, a branch of the Standard Oil Company, received enormous sums from all lines for the use of its cars, the Burlington paying it over $33,000 and the Illinois Central nearly $23,000, while the Northwestern contributed $17,000, the Rock Island $15,700, and the Santa Fe nearly $21,000.
>
> I have not included in the Swift summary the amounts paid to the Continental Fruit Express, which is popularly supposed to be owned by the Swift Company. The Continental Fruit Express Company received from the Illinois Central $5,085, from the Northwestern $15,000, and from the Rock Island $27,425.
>
> BEEF TRUST OWNS 90 PER CENT.
>
> These private car lines—I refer particularly to the lines owned or controlled by the great beef trust—are called "the greatest trust in the world" in a series of interesting papers now appearing in Everybody's Magazine. It is estimated that there are 54,000 refrigerator cars in the country and that Armour owns 25 per cent of the total. Ninety per cent of the total are owned by the beef trust.
>
> The products shipped by railroads in cars owned by other corporations include fruit, live stock, provisions, oil, beer, molasses, coffee, furniture, asphalt, stone, coal, agricultural implements, soap, dairy products, poultry, and meats.
>
> The immense sums paid annually by Illinois railroads to these private car lines are worthy the attention of the State authorities. It must not be forgotten that the thousands of cars owned by this class of corporations pay no taxes to the State of Illinois. The State board of equalization made an attempt one year, I believe, to reach them, but did not succeed, because the effort was not serious or earnest.
>
> The capital stock of one or two stable car lines is mentioned in the reports of the board, but not real assessment is made against them. The stable car lines are included in the above total, and receive their share of the railroads' surplus. Some of the amounts paid to them for the last year are given herewith:
>
> Mather Stable Car Line: Chicago and Eastern Illinois, $26,187; Illinois Central, $11,009; Rock Island, $3,489.
>
> STREET'S CAR LINE.
>
> Street's Stable Car Line: Atchison, Topeka and Santa Fe, $39,907; Chicago and Alton, $13,612; Burlington, $16,799; Illinois Central, $35,191; Big Four, $12,468; Northwestern, $26,535; Rock Island, $27,969.
>
> In treating this subject I have only considered eight Illinois roads. I have no present means of obtaining the statements of all the roads in Illinois.
>
> Eight Illinois systems paid $2,000,000 for private car service in one year.
>
> What did all the Illinois roads pay?
>
> Probably $8,000,000 or $10,000,000.
>
> The net earnings of the lines are reduced just that much, and the burdens upon the small shipper and country merchant are thereby increased.
>
> Let me summarize three elements that have entered into the cost of transporting freight during the past ten years in this State—elements that are ignored by the railroads themselves in estimating for the public the cost of transportation.
>
> THREE COSTLY LUXURIES.
>
> First. Overcharges returned to shippers—illegal rebates.
>
> Second. Bounties to private car lines, which ought not to be tolerated for a day. If the common carrier authorized by law to transport commodities is short of equipment, it should be compelled to purchase sufficient cars to handle the traffic that is offered.
>
> Third. Special classifications, commodity rates, and ruinously low tolls to favored shippers or communities.
>
> Here are three elements of dead expense in transporting freight in Illinois. And every one of them increases the tonnage and decreases the average amount received per ton per mile.
>
> These are important features in Illinois railroading. They have been entirely overlooked in discussing the question, so far as I have been able to learn. There is some palliation for neglecting them, however, for no one suspected that the rebate evil had grown to such proportions. The private car evil has been notorious for the past three years, yet it would astound a man outside the railroad circle to show him that $8,000,000 or $10,000,000 had been paid by Illinois roads in one year for a service that should be performed by the common carriers themselves.

While the owners of the private car lines and other large shippers are favored by lower rates, the small shipper, the man who can not ship by train-load lots, or even in car lots, or who lives at noncompetitive points, has been compelled to pay whatever was demanded by the carrier, in order that the great reduction or rebate given to the larger shipper might be recouped and no loss to the railroad result therefrom.

A rebate under the form of "icing charges," "damages to shipment," or in whatever guise it may be, is a form of unjust discrimination, and has for its result bankruptcy to individuals, stagnation to communities, and destruction to healthful competition.

Mr. Chairman, I am not one who believes in arraying class against class. I do not subscribe to that creed which tends to set friend against friend, or brother against brother. I do not condemn legitimate wealth, but the existence of those mammoth fortunes, secured by unfair competition and by unjust practices and favors; fortunes which in their accumulation have piled upon the scarred shoulders and bowed heads of the common people, burdens beyond their power to bear.

I maintain that we are now confronted with the duty of depriving the favored few who have waxed fat at the expense of the labor of the common people, of the power longer so to do; giving to each citizen of the land a "square deal;" affording to each an equal opportunity in the race of life; recognizing in legislation not only the rights and interests of the railroad magnate and capitalist, but the rights of the farmer, the

laborer, the everyday honest, earnest citizen, they who form the bone and sinew of the nation; safeguarding by this legislation the interests of the man who, throughout the struggle of life, has been made to realize that—

> The path which leads to a loaf of bread
> Winds through the swamps of toil.

[Applause.]

It is the duty of this membership to go on record in favor of this bill, declaring the doctrine that no combination of corporate interest may ever become so powerful that they may disregard the law of the land; that the most humble citizen shall be entitled to and receive like treatment under like conditions at the hand of the common carriers, to the end that none may be discriminated against or oppressed.

Mr. Chairman, many speeches have been made upon this bill by Members distinguished both for service and ability. Some have pointed out alleged grave defects and insisted upon amendment to render the bill more effective. I take it that the bill under discussion is not so perfect in detail that it will afford a remedy for all the evils incident to the subject-matter. It is impossible to believe the bill meets all the demands. It would be almost a miracle were it so complete and perfect as to cover every present situation or future contingency; but, do the gentlemen contend that this membership could justify itself in rejecting it because, perchance, it may not be perfect in every part?

Upon the canvas of the centuries is a grand picture, framed and painted by the master artists of the world. For one hundred and thirty years, stroke by stroke, the warm and the beautiful colors have been laid thereon, until to-day we behold a nation's progress such as has never before been dreamed of men, or seen in all this time-scarred earth. Here some gnat has crawled across it, here and there some artist has daubed it, and again, at a different point, some political sign writer has used it as an advertising medium. What shall we do with the world's masterpiece? Destroy it? Run the brush of black paint over it to express despair? Paint it over with red as symbolizing our hatred? Ah, no! Where the gnats have defiled it; where the dauber has defaced it; where the political sign writer has marred its harmony and spoiled its outlines, we will draw the brush of obliteration over those parts alone, and in their stead, in brighter colors, with defter fingers, and broader conceptions of the good, the beautiful, and true, represent the spirit and genius of America and her institutions. [Applause.]

And, so, Mr. Chairman, let us adopt the pending measure, which is a step in the right direction, going far toward providing an equitable solution of the transportation problem confronting us; and, as time moves on and experience teaches, we will not destroy, but in wisdom and fairness draw the brush of obliteration through discovered imperfections, correcting and perfecting this measure until we shall have given both the railroads and the people a just and adequate law, which will at once amply protect all interests and give to every man, rich or poor, powerful or weak, to the fullest extent a "square deal." [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, some Members who have arisen to speak on this question have been careful to express their fears that this bill goes too far. I desire to express my fear that this bill does not go far enough. [Applause on the Democratic side.]

I wish to call attention just for a few moments to the noncompetitive condition of interstate railway traffic that makes this legislation necessary. There are two ways in which to regulate rates—one is through the manner undertaken in this bill and the other is by the natural competition that ought to exist between the common carriers of the country. I do not hesitate to say, Mr. Chairman, that if we had competition it would be the most effective and the best remedy that we could offer to the people of this country. I do not hesitate to say this: That if this legislation is to have the effect of putting our people to sleep and say to them that they can find a full remedy in this legislation and they may let competition be destroyed, it will be an evil day for this country when this bill becomes a law. We are told here that we should fear socialism, anarchy, and all of those evils. I wish to state this: That the men who insist upon turning the destinies of this country over to the so-called "captains of industry" that are responsible for the great railroad combinations and the destruction of competition, are the advance agents of socialism. They are bringing about a condition in this country that makes possible Government control and ownership; that makes possible all that we fear from socialism, and I agree that that condition is un-American and that if we ever do embark upon that sea it will mean a revolution. But, I repeat, the men who say that these claimed "captains of industry" ought to be allowed to control the commercial conditions of this country, that they ought to be unrestrained in bringing about these noncompetitive conditions, are the advanced agents of socialism, because they are making a condition that makes honest and patriotic men stand and think. What shall we do if we are forced to the choice between public ownership, where those in control, at least, have patriotic intentions—though inefficiency in public control may be conceded—if we are to choose between this public control and private control, where the prompting or the motive is personal greed, how will the American people settle the question? Our people are going to tear from their throats the hand of private monopoly. They can't do otherwise and retain a decent claim to being free American citizens.

Now, what is the situation in this country? To my mind this illustrates it: It is just like walking into many of the towns of this country where the State laws prohibit gambling, prohibit prostitution, and the violation of the Sunday law; and yet when you walk into that town you find it wide open—the law openly and notoriously violated. You go up to the prosecuting attorney, and what does he say to you? "Well, do you know anything personally?" You say, "Why, no; I see the things all around me; I know that this condition exists, and I want you to put into operation the machinery of the law in order to destroy this evil in this community." The prosecuting officer would wheel around in his chair and reply contemptuously: "Don't come to me without the proof." You go into a clothing store and talk with the merchant about it, and what is his reply? It is, "I sell clothes to these fellows. It is business; let it alone." Go into a furniture store and they say, "These are good buyers. They buy fine furniture. Let them alone." And also you soon find out that corrupt politics is responsible.

That reflects a condition in this nation to-day with regard to these illegal combinations. Every man in this House that I have talked to on this subject knows that this condition exists; that these illegal combinations right under the shadow of the Capitol are carrying on their work of destroying competition between the common carriers of this country. We all know it. When you suggest putting into motion the machinery of the law, what are you met with? "Party!" "My party will be injured." Mr. Chairman, in all the corruption revealed lately in bossism and insurance scandal, what do you see? The politician and captain of industry locked in each other's arms—both drunk; one on ambition for place in the financial world; the other for place in the political world. They say, "Look here, you will injure the prospects of our party; you will destroy business; you will unsettle business conditions. Let us alone."

Why, look at the reports sent in here yesterday evening by the President from the Interstate Commerce Commission. It clearly reveals the necessity for instant action on the part of the Government. I will here insert the report. I say it is an insult for those in control of the power of this great Government to allow these things to continue without putting into motion the enginery at their command in the interest of competition and for the purpose of destroying these enemies of the American people.

I will incorporate as a part of my remarks the facts that I believe would be revealed if this House were to offer a thorough investigation of that condition of affairs in this country.

1. That the railroads carrying bituminous coal to the Atlantic ports of the Pennsylvania Railroad, New York Central and Hudson River Railroad, the Baltimore and Ohio Railroad, Chesapeake and Ohio Railroad, Norfolk and Western Railway Company, and the Philadelphia and Reading Railroad.

2. That the board of directors of the Chesapeake and Ohio Railroad Company is composed of a majority of persons who are directors or officers or both of the Pennsylvania Railroad Company and the New York Central Railroad Company.

3. That the majority of the board of directors of the Baltimore and Ohio Railroad Company are persons in the interest of or under the control of the Pennsylvania Railroad Company.

4. That a majority of the board of directors of the Norfolk and Western Railway Company is composed of persons who are officers or directors or both of the Pennsylvania Railroad Company.

5. That a very large part of the stock of the Philadelphia and Reading Railroad Company, and sufficient to practically control that company, is owned by the Baltimore and Ohio Railroad Company and by the Lake Shore and Michigan Southern Railroad Company, which in turn is owned by the New York Central and Hudson River Railroad Company.

6. That a very large part of the stock of the Chesapeake and Ohio Railroad Company, and sufficient, with that owned by affiliated interests, to control the company, is owned by the Pennsylvania Railroad Company or its subsidiary company or companies in which it is interested or controls, and by the New

York Central and Hudson River Railroad Company, and it is believed that investigation will develop some understanding, agreement, or arrangement between the Pennsylvania Railroad Company and the New York Central and Hudson River Railroad Company for the control of the Chesapeake and Ohio Railroad Company.

7. It is believed that an investigation will show that a very large proportion of the capital stock, and sufficient to practically control, if not, in fact, a majority of the stock, of the Norfolk and Western Railway Company is held by the Pennsylvania Railroad Company or its subsidiary companies, or companies, railroad or otherwise, in which it is interested or controls.

8. It is believed that investigation will show that a majority of the stock, or at least an interest operating to control the management, of the Baltimore and Ohio Railroad is owned by the Pennsylvania Railroad Company or its subsidiary companies, or companies, railroad or otherwise, which it is interested in or controls.

9. It is believed that investigation will show that the above-indicated common control of the bituminous-coal-carrying roads has resulted in the allotment to each coal-carrying road of certain territory to be served by it with bituminous coal, and that the railroads carrying bituminous coal are prevented from allowing the above coal-carrying roads to compete with each other in the markets by means of rate adjustments, agreements, and combinations.

10. It is believed that such investigation will show that the Pennsylvania Railroad Company and the New York Central Railroad Company, by means of their influence through their stock ownership aforesaid and representation upon the several boards of the other railroad companies, have prevented coal from the Norfolk and Western Railway and Chesapeake and Ohio Railroad from being offered in the markets of Washington and New York, or anywhere on the Atlantic coast above the Virginia capes, except in New England, and thus competition between railroads carrying bituminous coal to Atlantic shores has been destroyed.

11. It is believed that it will further develop that the Pennsylvania Railroad Company has the power to curtail shipments at any time from the territory served by the Baltimore and Ohio and Chesapeake and Ohio Railroad Company and the Norfolk and Western Railway Company, and thus destroy competition between the coals from the bituminous fields of Pennsylvania and the coals from the bituminous fields of West Virginia.

12. It is believed that upon investigation it will be shown that the Baltimore and Ohio Railroad Company, through stock ownership or otherwise, is interested in or owns a majority of the coal carried over its line from points in West Virginia, and that the officers of said company, or those in the employ of said company and charged with the distribution of cars or furnishing facilities to shippers, are interested in coal companies or coal operations along the line of the Baltimore and Ohio Railroad, and that the Baltimore and Ohio Railroad, by reason of its interest or the interest of its officers or agents in preventing competition with coal companies in which it is interested, or in the product of which the Baltimore and Ohio Railroad Company or its agents or officers are interested, declines to allot fair proportion of cars or give to independent shippers, and declines to allow any new company or person (independent of the companies in which it or its officers are interested) to open up new mines and to become shippers over the line of the Baltimore and Ohio Railroad Company, and thereby destroys competition.

13. It is believed that investigation would show that the line of the Pennsylvania Railroad Company and officers of such company are interested in coal companies mining and shipping coal over the line of said railroad, and that coal mines in which the officers or agents of the company are interested are furnished cars and facilities for shipment far in excess of what they are entitled to upon any fair and equitable distribution.

14. Almost all of the coal traffic aforesaid is interstate traffic.

Those of you who fear governmental control, if you are honest in it you will favor this investigation; if you are not honest in it, you will not only oppose the legislation seeking Federal control but you will oppose any legislation seeking to get at the facts for the purpose of breaking up and destroying the noncompetitive condition of the interstate commerce of this country.

What are they doing? Turn your eyes toward the coal fields. The gentleman from Ohio [Mr. GROSVENOR] told the House in his speech here yesterday what the conditions are as to coal in Ohio; but go to West Virginia, go to Pennsylvania, go to the coal regions and find what high-handed schemes these plunderers have resorted to, and how they are holding up the great American consumers of this necessary article, coal. They have even laid out the territory. One of these captains of industry can go up to a certain line; down to that line another captain comes. They are fixing the prices. They are destroying the independent coal miners, and these people are organizing and seeking relief from the powers that be.

It is not a party question, but it is the question of all questions. No honest man can lay it to the principles of the party founded by Abraham Lincoln and the statesmen of his day; nor can it be attributed to the principles of the Democracy of this nation. God knows you can not mention Democracy and this unlawful combination in the same breath. But corrupt politics is responsible. What are they doing? Not only the coal industry is under their grasp, but the steel industry.

Now, we want to buy rails to build a railroad across the Isthmus of Panama. What would we pay for them? Here is Mr. Ramsey's statement before the Senate investigating committee, where he says:

> Why, Europe will lay us down steel rails at American ports of entry for $20 a ton, but the tariff of $8 a ton makes us pay $28; and if we buy right at the factory rails for use in Canada, we get those rails at the same place for $20 or $21 a ton, and yet when we buy these identical rails to build a railroad in America we have got to pay $28.

Now, it is revealed that the Government is paying this steel trust $26.45 a ton. It is true that is less by the difference between that and $28 than the home consumer of that product would be required to pay, but yet it is $6.45 more the Government of the United States is paying to this enormous trust—$6.45 more for the identical product than the very concern will sell to a foreign purchaser.

That is the condition; and yet when this great problem of rate legislation is up in this House and a remedy far too mild, in my opinion, is being discussed—too mild because I do not believe the provisions of this bill are coextensive with the evil it undertakes to handle—I believe the Commission ought to have power conferred to handle what is called the "relation of rates" over the differential. Why is not that power included in this bill? Why, the bill appears upon its face to give that power, but the report from the committee says the bill on its face is a misstatement, that the power is not conferred in the bill. Yet, Mr. Chairman, when this mild remedy is up, the railroads leading to the great Atlantic States have whispered this: "You eastern fellows better look out; the South and West are trying to rob you." The southern railroads have come to us with the identical proposition, only they state: "You of the South look out; these easterners are going to rob you." We hear this suspicion, which is injected into this problem by the railroads themselves, expressed by Members on this floor: "Look out! Watch out! The fellow down South is trying to destroy your industries—trying to ruin your country." We of the South are told, "Look out! The men from the East are trying to rob your country." Is not that the argument made before the committees by the presidents and officers of these different railroad systems? And yet that damnable, cowardly fear or suspicion is reflected upon the floor of this House to that extent that men are absolutely afraid to put that power in this bill that ought to be here for the purpose of doing exact and entire justice toward this entire country. [Loud applause.]

The gentleman from Maine [Mr. LITTLEFIELD], if his speech is properly reported in the Washington Post this morning, says this: "Within two weeks gentlemen favoring the pending bill had told him they hoped, through the control of the differential given in the bill, to destroy the cotton industries of New England in favor of those industries located nearer to the raw material." If a Member from the South made that suggestion, he himself, in my opinion, is an enemy of the legislation, and he was trying to create this devlish suspicion in the mind of this Easterner. I can speak for the people of my district. They are not enemies of railroads; they are patriotic, loyal citizens of this country, and they do not want to destroy the business of New England, but they have the common instincts of self-preservation that belong to every man. They know that their interests would be safer; that more justice would be dealt out to them from the hands of a tribunal, put there and sworn—intelligent men—with no personal interest in the outcome, but standing there to do justice. That is all that my people want, and they ought to have that. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, the pending measure is beyond question the most important that will be considered by the Fifty-ninth Congress. Whether it be viewed in the light of the public interest that it has evoked, the great and almost universal demand for some remedial legislation along its lines, or the important and far-reaching effects which must certainly follow its passage and fair administration, it is without doubt the one supreme and overshadowing issue of the hour. The transportation question is the greatest industrial problem confronting the

people of America or any other country. Transportation is the life of commerce, and the utilities by which it is carried on are the arteries through which the lifeblood of traffic and business flows. Just in the same proportion that transportation is developed, facilities multiplied, and highways bettered and increased, the general business and prosperity of the whole country advances. The existence of safe, convenient, and economical means of carriage will rapidly develop any section or industry, while the denial of these conveniences, or the imposition of charges unjust, unreasonable, or greater than the traffic can bear, will, of necessity and inexorably, destroy those who suffer under them.

Modern transportation has practically resolved itself into two methods and two alone—rail and water. Because of the fact that a great part of the country is interior and is not penetrated by navigable rivers or other streams, the railroads furnish the only means of carriage to this great area, and as to inland transportation generally, they are largely the greatest and most important factor. I shall waste no time here on the proposition that railroads are from their very nature monopolies. The public is of necessity restricted in the matter of patronage to those lines which have been established, and which, in the nature of things, are restricted in number. That they are public highways is too firmly embedded in the jurisprudence of this country to admit of doubt. It is only necessary to refer for a moment to their origin to understand how and why, early in their history, they were so denominated by law. The original railway was simply a track or roadbed with rails, over which any person had the right of passage, with their vehicles of carriage suited to its style and character, upon the payment of reasonable tolls for the use thereof. It was open to all the public and each had an equal right to use it upon the payment to the owner of a reasonable toll. None could be excluded, and the charges, as well as all other charges for the use of all public utilities, were, by common law, required to be just and reasonable. In the evolution of this important and greatest factor in the transportation problem, the owners of the highways extended their ownership not only to the highways, but to the vehicles of carriage, by providing their own vans, cars, and motive power, until it culminated in the modern system in which not only the roadbed, track, and rails, but also all of the equipment and motive power necessary and incidental to its use are owned by the carrier.

In this evolution from the primitive to the modern railway we must not lose sight of the fact that with the coming of the ownership and control of the cars and the equipment by the carrier, there came with it an incidental right to the exclusive use of its roadbed and tracks, and the right to exclude any and every other person therefrom. As a necessary incident to this change and to this right of exclusion, it follows that not only the roadbed, track, and rails, but also all of the conveniences and paraphernalia used in connection with the carriage over this public highway, of which the owner possessed a monopoly, were also impressed with the public use, and the character of a public highway became stamped not only upon the road itself, but upon all the utilities incident to it.

Nor will I more than pause upon the proposition that all public highways, and for that matter all public utilities of every character, have been from time immemorial, because of their quasi public nature and of the fact that they were to a great extent monopolies, the subject of governmental regulation and control. As above indicated, their charges have always been by law required to be reasonable, and anything in excess of reasonable tolls and compensation has been by law extortion. While this is true, it is also true that, until the passage of the railroad supervision acts in the various States and by Congress, the carrier had, or at least exercised, an unlimited right to fix his charge, the only remedy of the shipper and the public being an appeal to the courts for redress against the payment of any given charge on the ground that the same was excessive and extortionate. Many years ago it became manifest that this remedy was insufficient and did not meet the requirements of the increased and rapidly multiplying trade, and because of that fact and of the need for a better and more satisfactory method, and in response to a great public demand, the various States of the Union began to adopt laws providing for the supervision and regulation, by commission and otherwise, of the charges and practices of common carriers, and finally, in 1887, the interstate-commerce law was passed. Nearly twenty years' experience with that act has demonstrated that while great good has been accomplished by and under it, and while it has done much, not only to regulate the tolls and usages of the carriers and to bring about a better agreement and understanding as to rates by both the public and the roads, it is still insufficient, and the points on which it fails to present a cure, for evils which all concede exist, are well known and understood. It is to meet these conceded insufficiencies of the present law, and in response to a demand, greater and more universal perhaps than was ever made upon this body by the public on any one proposition in the history of our Government, that this measure has been presented, and in considering the questions involved in its passage it may be well to resort to the method laid down by law books for construing statutes, viz, to examine the old law, the mischief, and the remedy.

Briefly stated, the law of 1887, as amended by the act of 1889, declared who were common carriers and what common carriers should be subject to the jurisdiction of the Commission; provided that all persons should be treated alike and served upon the same conditions and for the same price; prohibited discriminations and rebates; required that all schedules or tariffs of fares and charges should be made public and open to the inspection of all; prohibited any changes in the said schedules, except upon ten days' notice in case of an advance and three days' notice in case of a reduction; forbade poolings and combinations, and provided for a review by the Commission created by the act, upon a complaint made to it, of any rate, charge, or tariff made by a carrier, and of any practice, regulation, or custom in the transaction of its business. These are, succinctly stated, the salient features of the present interstate-commerce law. I have not essayed to do more than to state them in the most concise terms possible, because the scope and effect of the act is well known, not only to this body but to the public at large.

It will be noted that I have stated that the Commission possesses the right to review any rate fixed and to make an order requiring the carrier to desist from charging the said rate, or to desist from pursuing the practice complained of, but I would not leave this subject without further remarking in passing that for many years after the formation of the Commission that body claimed, and indeed exercised, and the public generally understood that it possessed, the right not only to declare that a given rate was unjust and unreasonable, but in the same order to prescribe what rate was reasonable for a given service, and to require that the carrier should in future conform himself thereto to the extent of not exceeding the charge found by the Commission to be reasonable. The existence of that power in the Commission was finally denied by the Supreme Court of the United States, and it is, in my judgment, because of this denial, and because of the fact that by it the Commission has been practically emasculated of authority over rates, that the present and universal demand for an enlargement and perfection of its powers has grown up.

Having stated the present condition of the law, let us for a moment dwell upon the existing evils and mischiefs which we are called upon to remedy. As just stated, the lack of power in the Commission to declare a just and reasonable rate is the one most complained of. In the present condition of things the shipper makes his complaint to the Commission that a given rate, charge, or practice is unjust, excessive, extortionate, or unreasonable. The matter is inquired into, and at the end of an elaborate, exhaustive, and expensive hearing, the Commission finds that the complaint is well founded and the rate or practice excessive and unreasonable. The complainant has had his day in court and has won his case, but has accomplished nothing by his victory. An order is made to the carrier requiring him to desist from charging the rate assailed, but that order is of no effect except as an admonition to the offender. He is not bound to obey it if he is willing to take the risk of a lawsuit, and as I shall proceed further in this discussion to show, that risk, while theoretically dangerous, is, in practical operation, nil.

The Commission possesses no powers to enforce its decrees by any process whatever, and if the carrier remains obdurate or contumacious the only remedy is by a suit instituted in the circuit court of the United States by the Commission to enforce its orders, and the complainant must try over again, at great expense and delay, the case which he has already fully thrashed out before the tribunal specially constituted to try and determine the question at issue. In the meantime he is being subjected to the excessive charge, and when the judgment finally comes, if, indeed, it is ever reached, it in all probability finds him either dead, bankrupt, or out of business.

But let us suppose, on the other hand, that the carrier is not willing to risk litigation with the Commission and at the same time is not willing to yield substantial compliance with the order and put in a reasonable rate. In that case it is only necessary for him to reduce the rate which has been condemned by the smallest fraction, thereby obeying the letter but not the spirit of the order, and promulgate a new rate an infinitesimal fraction smaller than the rate prohibited, and the shipper, if he desires any substantial relief, is compelled to go again to the Commission with a complaint that the new rate, while a shade smaller, is really as unreasonable as the old, and try his case

over and over again ad infinitum, or as often as the carrier may by these transparent but perfectly competent tactics delay him of his redress and his rights.

But, again, let us assume that the carrier has refused to obey the order and the Commission has instituted its suit and prosecuted it to a decree, the court upholding the order of the Commission and declaring the rate assailed to be unreasonable and excessive, and reiterating the Commission's order that the carrier should desist any longer from charging or collecting it, the court, under the present law, is as powerless as the Commission to say what rate the carrier shall in future charge, and nothing substantial has been gained except that the old rate has been stopped. The carrier may obey and put in a new rate, one-eighth, one-tenth, or one-hundredth part of a cent lower than the one enjoined by the courts, and absolutely no relief can be had, as there is nothing to be done except to begin anew before the Interstate Commerce Commission. Let me stress this point and make it clear beyond misunderstanding. Under the law as it now stands there is no power anywhere except to enjoin a given rate, and after that is done the carrier may comply with the order by the slightest and most insignificant reduction in his tariffs, leaving the party injured utterly without redress and with only a barren and fruitless victory. Manifestly the present law, in so far as it seeks to remedy the evil of excessive rates, only "keeps the word of promise to our ear, and breaks it to our hope."

That there are many excessive rates and evil practices of this character which ought to be remedied is admitted. I have heard no gentleman who has addressed the committee on this subject on either side of the debate deny the existence of these evils. The only point at issue in all of this discussion seems to be the remedy.

It is apparent that the common-law remedy of a suit to recover the excess paid over a reasonable rate is entirely inadequate and insufficient. A sufficient answer to any suggestion of the adequacy of the common law is the fact that while it is conceded that millions of cases of excessive charges exist, it is practically impossible to find a single case of a recovery. The truth is that a suit for such overcharge is too tedious and fraught with too much expense, delay, and uncertainty to be regarded for a moment as a practical or practicable remedy.

The provisions of the act of 1887 I have shown, or attempted to show, are insufficient to meet the case, and the only remedy that remains or that is worthy of consideration is to vest in some body or commission the power to fix a rate beyond which the carrier may not go, but within which he may fix his charges to suit himself.

I am aware of all the objections that are urged to this method of supervision, but none of them seem to me to be sufficient to prevail over the urgent necessity for legislation and the crying need for relief. It is insisted that it would be unwise to make the railroad commission the general freight agents for all the railroads in the country, and with this idea I am in full accord, but the manifest reply to that complaint is that this bill does not provide, and it has never been seriously insisted, at least in this body, that the Commission should be given the initiative in rate making or the power to initiate freight schedules for any or all the roads. It is not contemplated that this Commission shall, upon the passage of this act, take up the rate schedules of the railroads for revision and promulgate new schedules in their stead. The bill under consideration does not give the Commission jurisdiction, of its own motion, to revise generally the schedules and tariffs of the carriers. Its scope on that point is merely to authorize the Interstate Commerce Commission, in cases where complaint has been made before it and where after a full and fair hearing it is determined that a rate charged is unreasonable or more than it ought to be, to vitalize the order which it makes to require the carrier to desist from charging the unlawful rate by providing a reasonable rate, beyond which the carrier may not in the future, or until the further order of the Commission, go.

It is to be observed that this right exists only in cases where complaint has been lodged before the Commission and where the Commission has, after acting upon the complaint, found the charge to be excessive and commanded its discontinuance. It is manifest that this power, and nothing short of this power, will cure the evils to which we have before alluded and remedy the deficiencies in the present law.

But it is objected that the Commission while perfectly competent to say that a certain rate is unreasonable is not competent to say what charge is reasonable. This, to my mind, is nonsense and fallacy too apparent to be answered. If a body is competent to say that a given rate is too high, it is of necessity competent to determine what is the highest rate that would be reasonable and permissible. The finding that a given rate is too high of necessity comprehends a decision that it is above the point at which reason ceases and extortion begins, and in order to find what is unreasonable we must first find what is reasonable, and then that the given figure exceeds that point. In other words, the finding that a rate is unreasonable can not be made until the body which makes the decision has found what is a reasonable rate. The same mental operation which ascertains the fact that a given rate is unreasonable ascertains and fixes, at least in the mind, what is reasonable and proper for the service.

Again it is contended that the power to revise rates and determine what is a reasonable or unreasonable rate ought not to be lodged in the Commission, but in some other body. I submit that this is equally unreasonable and fallacious. The power must be lodged somewhere. It is apparent, nay conceded, that there must be some restraining, supervising hand to shape and direct the charges of these public agencies so that they may not become unreasonable. It is useless to argue that these things will regulate themselves; that like other matters of commerce and trade they will adjust themselves, as it were, automatically, by the law of competition and the commendable strife and emulation for success. The fact that competition in railroading has practically disappeared, that consolidations are daily occurring, and that the vastly greater part of the railroad interests in this country are in the hands of a comparatively few, disposes of all idea of regulation by competition and brings us sharply face to face with the proposition that as all regulation by competition is passing the demand, nay, the absolute necessity, for governmental regulation for these now relative monopolies, which are fast becoming absolute, is imperative, both for the protection of the people and of the monopolies themselves. I say for the monopolies themselves because I believe that unless some wise, adequate, and effective provision for the supervision of common carriers is enacted into law, and into a law which will prove effective and satisfactory in its administration, the demand for governmental ownership of these utilities will be so great it will be impossible for this Government to resist it. If I had no other reason for the support of this bill, and I have them in abundance, this fear of Government ownership of railroads, to my mind a calamity too great to be contemplated, would be sufficient to compel me to give it the weight of my voice, my influence, and my vote.

What governing body can be more safely trusted to pass upon a reasonable rate after a fair, full, and complete hearing than a commission of high-class men, selected not only because of their knowledge of the law, but also because of their fitness for this particular work, and whose sole duty it is to deal with these questions of transportation and with them alone? And the fact that the Commission is to be an absolutely nonpartisan body, divided almost equally between the two great political parties, that their terms are long, that the salaries provided by the pending bill is sufficient to attract the service of the best men in the country are additional guaranties of the wisdom, conservatism, and patriotism that ought to, and we believe will, characterize their findings and decisions.

The rate-fixing power has been possessed and exercised by nearly every State railroad commission in the country in a much broader measure than here conferred. I know of no State where the exercise of this power has seriously damaged the railroads, and I have heard no intimation at any time during this debate that such is the case. In my own State this jurisdiction has existed and been exercised for over twenty years, and yet our greatest era of railroad building and progress has been since 1884. Surely this should answer all objections along this line.

Difficulty in the administration of a law does not furnish a sufficient reason against its passage. It may be persuasive to a certain extent where the necessity for remedial legislation is not, as in this case, great and overwhelming. The human factor must enter into every equation where law is concerned, and all laws of every sort must be administered by human beings. So long as beings are human some mistakes, inaccuracies, and, mayhap, injustices will arise in their administration. This however, furnishes no reason why we should abandon law. We can do nothing except by the interposition of human agencies, and because humanity has not been brought to the point of perfection does not excuse us from adopting legislation that is needed. This matter can not be committed to any agency except man, and I respectfully submit that the provisions of this bill offer every guaranty that can be conceived to secure an able, honest, and efficient body.

The second evil which I will notice—and it is akin to the one which I have just discussed—is that of private car lines, a subject that has been so much in the public eye for the past several years, so thoroughly discussed in all the prints of the country, and so thoroughly ventilated in the hearings before the House and Senate Committees on Interstate and Foreign Commerce

that I deem it unnecessary to do more than mention it in passing. Everyone knows how they grew up and the history of their development, and everyone equally knows how their pernicious practices have outraged not only the shippers, but the carriers themselves. They deny that under the present law they are subject to the jurisdiction of the Commission and can be regulated by it, and it is apparent that something should be done, and that vigorously and effectually, to prevent their further encroachments.

Not the least objectionable feature of these instrumentalities of commerce as they are at present administered—and it is with their administration rather than their existence that I deal—is the fruitful source and opportunity which they offer for rebates and unlawful concessions, favoring one shipper at the expense of the other, the most pernicious and inexcusable of all the evils that now surround the question of transportation. They should and must be corrected.

Terminals and switch tracks are also convenient devices under which to conceal rebates, and they, too, are, and should be, made the subject of legislation and regulation.

I turn now to the present bill and will try to point out where it remedies the evils existing under the present law, as I see and conceive them.

Section 1 amends the corresponding section of the existing interstate-commerce act so as to include within the term "railroad," as used in the act, and subject to the supervision of the Commission and to all the provisions of law, "all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property," and "all freight depots, yards, and grounds used or necessary, etc.," and all "cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto."

To my mind this effectually includes the private car lines, switch tracks, and terminals, affords a fair guaranty for their supervision and proper regulation, and, in a great measure, if not entirely, provides for existing evils so far as they are concerned. It strikes a blow at rebating in that it puts their charges under the supervision of the Commission, provides for publicity, and gives that body an opportunity to correct any inequalities and improper practices.

Section 2 of the pending bill amends section 6 of the present law so as to require all classifications to contain, in addition to all transportation and terminal charges, all icing and other charges incident to the manipulation of private cars, and, in fine, all other charges of every nature whatever which the Commission may see fit to require to be published. This is a further guaranty against oppression, abuse, and rebates by private car lines and similar agencies.

The section is further amended by providing that no change whatever, either by way of increase or decrease, shall be made except upon thirty days' notice. The same provisions are made with reference to joint rates as are specified as to single tariffs.

These changes are manifestly aimed not only at excessive charges, but also at the practice of giving rebates under various guises. It is well known that a practice has grown up by which certain carriers have by secret arrangements granted special concessions to certain of their shippers in the shape of agreements that they would at a given time make and promulgate a reduction in their rates, which reduction was to exist only for a short time, but long enough to enable the favored shipper to move such of his freight as he desired under the reduced rate.

The fact that the rate was changed was to be known and was actually known to but few. It is true that the Commission was notified, but practically at the same time it was notified of the reduction it was advised that the rate would be raised at a given date, and this was in reality a special rate given only to the favored one or few who were notified in advance, in order that they might assemble their freight and take advantage of the reduction. Only three days' notice of a reduction is required by the existing law, and in this way the consummation of the unlawful scheme was perfectly easy. The present bill requiring thirty days' notice will render any such practices impossible.

Section 4 amends section 15 so as to give the Interstate Commerce Commission the power in any case where, after a hearing upon a complaint filed, it has been found that the rate complained of is unjust, unreasonable, unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of this act, not only to declare that the said rate is unlawful and direct the carrier to desist therefrom, but also to fix a rate or practice which is fair, just, and reasonable under the circumstances of the case, which rate shall not thereafter be exceeded by the carrier. Or if it be a regulation which is the subject of the order, the regulation as prescribed by the Commission shall be conformed to by the carrier. These orders shall go into effect thirty days after notice, and shall remain in force and be observed by the carrier until or unless suspended or set aside by the Commission, or suspended or set aside by a court of competent jurisdiction. In cases of joint rates, where the carriers can not agree among themselves, the Commission is authorized to fix divisions between them.

The Commission is authorized to create through lines of carriage and through routes upon complaint and after hearing wherever, in their discretion, they are necessary. This section specifically provides that if an owner of any property transported shall himself perform any service toward its transportation or carriage the charge therefor shall be no more than a fair compensation for the service or a fair proportion of the whole rate.

By section 6 the orders of the Commission are put into effect within thirty days, and provision is made for the institution of suit by the carrier to set aside or suspend such order, and severe penalties for any violation of the orders of the Commission are provided.

It is unnecessary for me to discuss the effect of these provisions at any great length. I have heretofore shown that some legislation of this character is necessary and how and why such provisions would meet the evils which confessedly exist at this time. The bill as presented by the committee is, on this point at least, full and complete; indeed, it may be said it is in some respects drastic, but it is believed, and I concur in the belief, that it will meet the exigencies of the case and remedy many of the evil practices which have grown up and flourished under the law as it now is.

In order to meet the increased labor which has been placed upon the Commission by this measure, the number of the members is increased from five to seven and the salaries to $10,000 each. The wisdom of these provisions will be apparent. As the Commission often sits in several places at the same time, they will be enabled by the increase in their numbers to cover more territory and to perform this duty more satisfactorily. Men who are called upon to deal with the intricate questions which will arise in the investigation and determination of controversies between carriers and the people should possess the highest ability and receive the most liberal compensation.

The bill reported is the product of much study, investigation, and consideration by the Committee on Interstate and Foreign Commerce. During the last session of Congress exhaustive hearings were held and the Senate committee took evidence long into the vacation. This measure is the product of the best ability and judgment of our committee and is reported unanimously by that body. It goes without saying it would be very difficult, if not practically impossible, for anybody to agree upon a bill that would suit the varying ideas of each Member of this House. I can not say that if I, following my own ideas as to the way to reach the evils which I have endeavored to point out, were drawing a bill that I would draw one exactly along the lines of that presented here. There are some lines along which I believe I would go farther and some perhaps in which I would not desire to be so drastic. I confess that I believe I would have extended the right of resort to the courts and that the bill carries some penalties which seem to me to be severe, and perhaps harsh, but in the consideration of that matter I am reminded that penalties may always be escaped by an obedience to the law and by refraining from doing the thing upon which the penalty is visited.

Again, in the matter of rebates I would have restored the former law punishing such practices by imprisonment. So long as the only risk taken by the shipper is the payment of a money penalty, which in many instances would be less than the amount received by him in the shape of a rebate, and so long as the carrier may bid for business by secret and dishonest competition at the expense of his fairer neighbor who is seeking to obey the law, risking only the loss of a sum of money which may or may not be equal in amount to that which he has gained by the unlawful act, it will be found that both will be willing to take the chance, because as a rule it will be found that after deducting the penalty they have only disgorged a portion of their ill-gotten gains. If, however, in addition to this they risk incarceration for a suitable term and the contract is made void in the sense that a rebate so unlawfully paid may be recovered in a suit by the carrier who paid it, or in case he fails within a

reasonable time to sue for it, by the Government in a suit instituted in its name by the district attorney, the shipper as well as the carrier will pause before he takes the risk of a violation of the law.

It is especially fitting that the money so unlawfully paid should be recovered by the Government. It is well known that many who control large shipments practically put their business up for sale, declaring that they will give it to him who pays the highest rake-off or rebate. The railroad manager, who is but the servant of his corporate employer and who must get business, achieve success, and show results or lose his position, seeing or feeling that those around him and who are his competitors are getting business which is offered him for the granting of a rebate and which he can not obtain except by conforming to such unlawful demand, is, to my mind, much less to blame if he yields to the coercion of the shipper in order to get a portion of the business for his line than the man who, owning the tonnage, invites a violation of the law and announces practically that no one can obtain his patronage except at the price of becoming a law breaker and engaging in an unlawful practice for his benefit and advantage.

I think this bill could be materially strengthened by such provisions as I have suggested by requiring the imprisonment of the offender in every case of rebating and by directing, as a part of the penalty against him who sought and obtained the rebate and in addition to the other penalties fixed by law, that the ill-gotten gains should be paid over to the court for the benefit of the Government. Such a provision would, in my judgment, go farther toward stopping these practices than anything that I have heard suggested either upon this floor or elsewhere.

The honest shipper who seeks to obey the law and who is not looking for an unfair advantage over his competitor is first to be considered in this matter of rebates. If his neighbor has an advantage over him in freight rates, by rebate or otherwise, he can undersell him in the market, and mayhap drive him out of business and to ruin. Let the conditions between the two be equalized by taking from the violator of law, not only the penalty for the broken statute, but also the fruits of the unlawful adventure.

This is a great and important question and should be approached in a spirit not only of conservatism and patriotism, but of justice to the railroads as well as to the public. No other factor has contributed so much to the development of America as have the railroads. The great West, with all its boundless resources and wealth, could never have been connected with the balance of the United States except through the medium of these swift-winged messengers of commerce and carriage. My own State, and particularly the district which I have the honor to represent upon this floor, owes much in the matter of the development of its resources to the railroads and the recent railroad building in my own section, making marketable the vast wealth of timber and the great agricultural resources of that part of the State; and the consequent cheapening and increasing of the means of carriage, not only of the products out but of the necessities in, have more than any other factor contributed to the splendid prosperity, now high in its zenith, which now blesses my own people.

He who approaches this problem with the idea that the carriers are all thieves and plunderers, bent only upon drawing from the territory which they serve the last available penny and the last available ounce of substance, will fall as far short of comprehending the true merits of the question as he who treats the just demands of the public for legislation along the lines that I have pointed out as the cry of the socialist and demagogue. The situation as it exists, and which I deplore, is the result in many cases of environment, of conditions and surroundings, and in others of the natural tendencies of human nature striving for supremacy in business, which the experience of all the ages demonstrates should be restrained and regulated by the supervising hand of government.

As was well remarked by the eloquent gentleman from Ohio [Mr. BURTON], we of America have been much inclined to enthrone success and to magnify and glorify him who outstrips his fellows in the commendable strife for the lead. The dominant spirit of Americanism and the desire to excel has done much to bring about the conditions which now exist, and in addition to all this there always has been and always will be a disposition in human nature to seek the shortest route to success and to profit, if necessary, at the expense of others, which must and can only be defeated by suitable and sufficient provisions of law. In my judgment the measure now under discussion will prove suitable and sufficient. As a whole it meets my approval. I regard it as a step, a considerable and effective step, in the matter of a very much needed reform in railway-rate legislation, and because it will, in my judgment, accomplish much if fairly and properly administered, and because it is the only bill on that subject that I will have an opportunity to vote for or against, I shall cast my vote for it and cheerfully accord it my support. [Applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Chairman, much has been said of the danger of the proposed railroad legislation. Gentlemen, in their dread of the direful results that are to follow from what they call this novel departure, have allowed themselves at times to be carried literally off their feet by the hysteria of eloquence or fright. Is it true that this is a novel departure? Is it true that in proposing to regulate the rates charged by a common carrier or the tolls upon a public highway we are for the first time wandering off in the devious ways of populism and anarchy?

Why, Mr. Chairman, the doctrine of this bill is as old as the common law itself. For centuries the right of the legislature, and the right of the courts, to place restrictions upon those who operate a public highway has been acknowledged and enforced. A railroad is inherently and in every sense a public highway—nothing more and nothing less. It is a common carrier; it is a public servant, and because it happens to be worth in all of its ramifications $16,000,000,000, it is none too big still to be a public servant of the American people. [Applause.] It is governed by the law that governs the public servant and the public highway. From time immemorial the courts and legislatures have taken jurisdiction of tolls charged upon highways or exacted by ferries, where the other side of the question was presented and the carrier discharged a public function. There is no difference in law, there is no difference in morals, between the legislature of a State saying to a man operating a ferry upon a river half a mile wide, "You shall charge no more than a certain sum for carriage of persons and teams across that stream," and saying to a man who operates a locomotive along a few miles of steel rails, "You shall only charge so much and no more for transportation of passengers and freight."

"A railroad established and existing under an act or charter of incorporation, like a turnpike or a plank road, is a public highway, but only to be used in a different mode." (Angel on Highways, p. 13.)

A great jurist of Massachusetts has thus stated this elementary principle:

"We think that a turnpike road is a public highway, established by public authority for public use, and is to be regarded as public easement. The only difference between this and a common highway is, instead of being made at the public expense at the first instance, it is authorized and laid out by public authority and made at the expense of individuals at the first instance; and the cost of construction and maintenance is reimbursed by a toll levied by public authority for the purpose Every traveler has the same right to use it, paying the toll established by law, as he would have to do to use any other public highway." (Commonwealth *v.* Wilkinson, 16 Pick., p. 175.)

If it was necessary for the protection of the public that the old turnpike road and the frail boat propelled by oars should be under the wise supervision of the law, a jurisdiction unquestioned for centuries, in order that one individual should not be preferred to another, and that all, upon the payment of a just and reasonable compensation therefor, should receive fair and absolutely impartial treatment, with how much more force does the reasoning and the rule apply where the highway, by virtue of its vast extent, and the carrier, by reason of its colossal wealth and power, are necessarily vested with a practical monopoly, and with infinite capacity for mischief if it betrays or perverts its manifest duty to the thousands of helpless shippers along its right of way, as said in Tiff *v.* Southern Rwy. Co. (123 Fed. Rep., 789–791):

> It has been from time immemorial the basic obligation of a common carrier to receive and transport all goods offered, upon receiving reasonable compensation * * * having undertaken that duty, it was settled by the common law that the common carrier must carry for all to the extent of its capacity, without unjust or unreasonable discrimination, either in charges or in the facilities for actual transportation.

And, further:

> If this was true at common law, how much stronger is the obligation upon those vast public corporations of modern times, which, in consideration of valuable franchises granted by the public, are engaged in the stupendous business of transporting freight and passengers? So universal is the reliance of the public upon these instrumentalities of modern commerce that their operation is indispensable to the very existence of our modern social life.

Jeremiah Black, twenty years ago, in the greatest effort of his life, completely exploded the time-worn sophistry that a cor-

poration can exercise an absolute and unrestricted control over a public highway simply because it may own the means by which that highway is operated. He declared in an address, delivered before the judiciary committee of the Pennsylvania legislature in 1883, that—

On the other hand, the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of the power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape, with more or less distinctness of outline. In whatever language they clothe their argument it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: "Sirs, ye know that by this craft we have our wealth."

* * * * * * *

I aver that a man or corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain, he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingles his own business with that intrusted to him by the Government, and uses one to promote the other. If a judge excuse himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect, and puts the surplus in his pocket, is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general weal. When the officers of a city corporation make a business of running it to enrich themselves at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former, as much as the latter, are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other.

I am propounding no new and untried theory. The legislatures of nearly every State in this Union have, in fact, long assumed jurisdiction and exercised a control of railroads operating entirely within their boundaries and have, in fact, named a maximum rate for the carriage of passengers and freight.

There is one and only one reason why the various State legislatures have never exercised any control over interstate carriers. By the terms of the Constitution all power over interstate and foreign commerce was expressly delegated to Congress. Now it has been repeatedly decided that Congress has complete and exclusive control of interstate carriers. The various States did not lose or abandon any part of their power or jurisdiction. They simply delegated it. They did not and could not invest the Federal Congress with any greater or less authority than that which they originally exercised.

Then Congress is to the common carriers doing an interstate business exactly what the legislatures of the various States are to railroads operating entirely within the several States.

Why, the railroads of this country in their effort to escape every character of State supervision have defined, enlarged, and elucidated this position with a learning and skill I can never hope to emulate. They are the people who have preached to every legislature, into the ears of every State court, into the ears of every complainant, that they were the especial wards of the Federal Government and answerable only to the Federal Congress. [Applause.] For fifty years they have proclaimed the doctrine that they could always take refuge behind the ægis of the Constitution. I say to the common carriers of this country, who are kicking and squirming at the prospect of obedience to the provisions of this bill, you have appealed to Cæsar, and to Cæsar you must go. [Applause.]

Now, strange to say, the Federal Legislature has refused to exercise this authority, and the States can not, and during several decades the railroads have been practically immune from any restraint, State or national, and they are the only common carriers in the whole world which are now or ever have been free from any control or supervision, State or national, absolutely free to charge what they please, where they please, whom they please, and when they please.

Now, have the common carriers of this country abused this power? It has been anomalous; it has been unique; it has been tremendous. They have been left to work out their own salvation without any restraint, for it will be remembered that the wrongs they committed are "mala prohibita," and not "mala in se," and without the aid of statutory enactment the common law as interpreted by the Federal courts was helpless to restrain them. Let us see. With their 200,000 miles of railroad, with their sixteen billions of dollars of capital, they come before the bar of this House. Do they come with a record that they themselves claim is clean and honest? Do they come with a story of fair dealing between man and man or between carrier and carrier? Why, gentlemen, your very defense of the railroads, the men who themselves most loudly protest against the exercise of the authority conferred by this bill are the men who admit that they have been continually guilty of secret rebates, discriminations, and of private-car abuses, and more than one of them have said that such offenses should be punished by imprisonment and a felon's stripes. And the roads admit they have done these things; admit they are guilty of the offenses which their own defenders claim should be a felony. Oh, the railroads say, "You should give us the right to charge such rates as we please and you should not interfere or fix a maximum freight rate. We gave secret rebates, it is true, but the reason why the private-car abuse has grown throughout the country is that we were forced to do it; we were afraid of the packing companies." God help the corporation or the man whose integrity is not proof against his cupidity and his fear! [Applause.]

Mr. Chairman, let us take for instance the story of these private-car evils.

About thirty years ago a shrewd Connecticut Yankee conceived this idea: Meats and berries and perishable fruits can be preserved indefinitely in almost all climates, under almost all atmospheric conditions, if you will give them an even temperature. All you have to do is to get a good refrigerator and you can keep for any length of time almost anywhere in this country your meats and your berries and your fruits. The idea was sublime in its severe simplicity, as all great conceptions are, and he determined to put a refrigerator on wheels. That was all. He went to these wise railroads whom you say know so much more than all the judges and all the courts and commissions and congresses since the day of Adam, and he proposed that they should build such cars. These wise men laughed him to scorn. Then Mr. Swift said to them—for he was this Yankee and at that time poor as a church mouse: "I will raise the few hundred dollars and build a car myself, if you will haul it." They said they would haul it.

From that humble beginning, from the genius of a Chicago butcher shipping a few thousand pounds of dressed meat in a car of which he was in part the inventor and entirely the promoter, within a few years this car system grew, this simple method of transporting fruit and vegetables in a moving refrigerator, until at the present day one gigantic trust owns 80,000 cars. The effect of this new means of transporting perishable products was electrical upon all fruit and vegetable producing sections of the country. Georgia melons were hawked in the streets of New York, and North Carolina furnished strawberries to the markets of Montreal.

The profits from this novel invention far outstripped the phenomenal growth of the business, till at last these 80,000 cars, costing only about $700 apiece on an average, were actually clearing $324 per annum each in mileage alone to the men who operate them.

In order to keep their contents at a given temperature, these fruit cars are provided with "bunkers," which are filled with ice by the carriers at stations established at fixed points along their lines, at which quantities of ice are stored for that purpose. The cost of renewing the ice in these cars is found to be about $2 a ton. The private car companies found in this so-called "icing charge," first, an opportunity for wholesale graft, and then they employed it as the means of absorbing the entire profit from this great industry. Mr. J. W. Midgley in his testimony before the Interstate and Foreign Commerce Committee (hearings, p. 258), in order to illustrate by a special instance—this concealed method of wholesale larceny—

He referred to the fact that Armour, Swift, and other big packers had of late gone into the fruit and produce business, and he gave abundant instances from his personal experience to show that the packers rapidly were securing absolute control of the commission business of the country; that they were able by illegal methods to stifle competition, and that private car lines had an improper and unholy alliance with railroad companies.

Out of his personal experience the witness showed that in 1900 the price for icing a car of peaches from Michigan to Boston was $20. Then, the Armour Company secured an exclusive contract for doing all the icing on the Pere Marquette Railroad. The Armours immediately put the price up to $33 and finally to $70. According to the witness, Armour & Co. proceeded to buy up practically all the peaches in Michigan at their own figures, because they found it convenient to refuse cars to other shippers or to be unable to ice anything along the line of the Pere Marquette Railroad until after the fruit had rotted, thus forcing all competitors out of the field entirely.

I desire to call the attention of this committee to an instance cited by Mr. E. M. Furgeson, one of the greatest commission merchants in the United States. On February 4, 1905 (hearings,

page 21), he gave to the Committee on Interstate and Foreign Commerce a still more striking proof of the manner in which these commercial brigands divide their pluder secretly, wrung from a long suffering and victimized public. Says Mr. Furgeson:

In the following year, 1903, the Grand Rapids and Indiana and Grand Trunk were won over and taken into the secret compact. Then and there ended the commercial freedom of the Grand Rapids fruit industry, and all shippers but one at that point are now yielding up tribute to the system. One shipper there, who happened to own 30 refrigerator cars that he had operated for years on the mileage basis alone, was at first denied the privilege of using his own cars in making shipments, but in order that this shipper might not become troublesome, as his protests indicated he might, this shipper was privileged to use his own cars in making shipments to his customers on one condition only, to wit, that he become a party to the secret compact and agree to charge his customers the Armour rate, which the railway companies kindly offered to bill as advance charges against all shipments so made, collect from the consignee at the destination, and rebate this shipper the difference between the Armour charges collected and the actual cost of ice, based upon the total amount used at the rate of $2 per ton in the bunkers. And it will be noted in this case that the railway company undertook to do the icing itself, or rather arranged for its being done by the connecting lines over which the shipments might travel.

It will be remembered that these same refrigerator cars, costing as I have said about $700 apiece, each clear on an average $324 per annum in mileage alone to their owners. The icing charges are more remunerative in the fruit cars than the mileage. The railroads are forced to make all necessary repairs, so you have each of these cars practically paying for itself in a year.

When we consider the effect of this private-car abuse upon the vast cattle interests of this country, and the cold conscienceless plunder of eighty million of people who have been forced to pay tribute to these bandits upon every pound of meat consumed, the wonder is not that there is to-day a demand for relief from ocean to ocean, but that a long suffering and patient people have endured this outrage so long.

Six gigantic packing houses—Armour & Co., Swift & Co., Morris & Co., the National Packing Company, Schwarzschild & Sulzberger, and the Cudahy Packing Company—to-day fix the price of every steer, every hog, every sheep slaughtered in the United States, and then they hold an iron monopoly upon every pound of beef and mutton and pork consumed by the American people.

From a total of less than 7,000,000 cattle slaughtered in 1903, 5,521,697 passed through the hands of this all-controlling combine, commonly known as the "Big Six," and the following statement, prepared by an able and conservative expert, tells the sad story of multiplied millions, wrung from the hungry mouth of helpless toil.

Mr. Cuthbert Powell, of Kansas City, * * * makes the following estimate, based on one year's records in great western packing houses:

Native steers on the hoof average 1,205 pounds, and dressing 58 per cent in killing make, each, 700 pounds of clear meat. They sell in the Kansas City markets for 4¼ cents a pound, at which the live weight cost is $57.23.

Beef, 700 pounds, at 7¼ cents	$52.50	
Hides (average value)	7.32	
Fats (average value)	5.56	
Offal (average value)	2.26	
		$67.64
Deduct live-weight cost	57.23	
Cost of killing	.50	
General expenses of plant	2.50	
		60.23
Profit		7.41

Mr. Powell says:

Applying the average profit of $7.41 on cattle, 20 cents on hogs, 50 cents on sheep, and 50 cents on calves, to the total number of head killed in a year by the "combine" packing houses, gives a total profit of $47,727,412. Figuring upon the total capitalization, undoubtedly heavily watered, of $110,500,000, we have 43 per cent profit on the stock. (The Greatest Trust in the World, by Chas. Edward Russell, pp. 161–162.)

A few years ago and the great Northwest, with its vast plains and mountain ranges, extending from the Mississippi to the Pacific Ocean, was one illimitable cattle ranch. The prosperity and happiness of multiplied millions of sturdy farmers and ranchmen was absolutely dependent upon this great industry. To-day this broad empire has been literally enveloped in the tentacular coils of a remorseless octopus and strangled to death. In three years, ending January 1, 1905, the value of beef cattle in the United States declined $163,000,000. The ranchman of the West, at the mercy of the beef trust, like the tobacco planter of Kentucky and Tennessee under the domination of the American Tobacco Company, found but one purchaser for his product; all competition was destroyed and cattle were sold year after year at less than the cost of production. As is always the case, the farmer, rendered destitute, like a blind Samson in the temple, brought the whole superstructure down upon his head; every other business felt in its very vitals the effect of the ruin which had been visited upon the tiller of the soil.

In Iowa alone, in the years 1903–4 there were 32 bank failures involving the loss of millions to depositors. The banks had loaned to the cattle raisers and they had been devoured by the beef trust. Conditions in Iowa are but illustrative of the wholesale disaster which was thus visited upon that whole country.

Mr. Charles Edward Russell, who has given this subject the most exhaustive investigation, thus describes the scope of this monster monopoly, which has sprung up almost in a night and now threatens the peace and prosperity of a nation:

Of some of the most important industries of this country it has an absolute, iron-clad, infrangible monopoly; of others it has a control that for practical purposes of profit not less complete. It fixes at its own will the price of every pound of flesh, salted, smoked, or preserved meat prepared and sold in the United States. It fixes the price of every ham, every pound of bacon, every pound of lard, every can of prepared soup. It has an absolute monopoly of our enormous meat exports, dressed and preserved. It has an absolute monopoly of the American trade in fertilizers, hides, bristles, horn and bone products. It owns or controls or dominates every slaughterhouse except a few that have inconsiderable local or special trade. It owns steam and electric railroads, it owns the entire trolley car systems in several cities, and is acquiring the like property elsewhere. It owns factories, shops, stock yards, mills, land and land companies, plants, warehouses, politicians, legislators, and Congressmen.

It defies Wall Street and all that therein is. It terrorizes great railroad corporations long used to terrorizing others. It takes toll from big and little, it gouges millions from railroad companies, and cent pieces from obscure shippers. To-day it is compelling a lordly railroad to dismiss its general manager, to-morrow it is black listing and ruining some little commission merchant. It is remorseless, tireless, greedy, insatiable, and it plans achievements so much greater than any so far recorded in the history of commerce that the imagination flags in trying to follow its future possibilities. (The Greatest Trust in the World, p. 2.)

It is not to be expected that any such an opportunity for exploitation and plunder was to be overlooked by that international outlaw, the Standard Oil Company. Like the Beef Trust and the Fruit Transportation companies, it made all its shipments of oil in its own private cars.

Now these great concerns formed a daring design which has no peer or parallel either in the annals of business or larceny. They determined not only to fleece the public, but to hold up the railroad companies themselves. With their 80,000 private cars, like the tank lines of the Standard Oil Company, they determined to use this vast quantity of freight as a huge club to beat the transportation companies into submission to their inordinate demands, notwithstanding the fact that the carriers controlled and operated over 200,000 miles of railway, aggregating in value over $16,000,000,000.

"The combine" had the routeing of these cars absolutely at their own disposal. They could say over just what road they would ship the whole or any part of them. They first demanded that there should be no charge for hauling their empty cars; then the system of secret rebates—the deadly hidden power to destroy all competition—then more mileage, till at last the roads were forced to pay for the privilege of hauling these private cars loaded or empty, three-quarters of a cent a mile on each car from all points east of Chicago; one cent a mile west of Chicago as far as El Paso, Albuquerque, and Ogden, and three-quarters of a cent the rest of the westward haul.

The roads protested. Then came the threat, "All our business goes to a rival line;" "Meet these terms or you haul not a car or a pound of this immense traffic." And in every case the roads surrendered. Then they demanded that the roads should keep the cars in repair, and forced the concession. At last came that crowning iniquity, the "icing charge," by which the road furnished ice at $2 a ton, and the combine made such charges for that same ice as their cupidity dictated, demanding the last dime which could be wrung from the plundered shipper. Then the final crowning infamy, that these charges should be concealed as part of the freight charge, and where the shipper refused to be plundered to be collected in advance or further shipments would be refused, thus blackmailing their hapless victims into compliance.

Thus they played upon the cupidity of the most eager and greedy organizations in all the world. They said, "Watch the hangman hang," and they arrayed railroad against railroad, robber against robber. Thus were the betrayers of the public in turn themselves betrayed. They said to one railroad, "You must give us this advantage or you get none of the traffic." In their eagerness to secure the carriage of these 80,000 cars the railroads themselves basely surrendered to the owners of these private car companies, basely agreed to conceal the robbery they were perpetrating upon the American people, basely agreed that their waybills should become the foul cloak of the most gigantic system of robbery ever known since bandits ceased to go about with mace and mail. [Applause.]

And now they come to us, whining that "we had to do the

stealing or the other fellow would have gotten our trade." That is the defense. [Applause.]

Why, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Pennsylvania [Mr. SIBLEY] and the gentleman from Massachusetts [Mr. MCCALL] show an anger, an acrimoniousness, a viciousness in their assault upon this bill that amazes me from men usually so learned and so serene. I admire all three of those gentlemen; but I am amazed at the sinister, sacrilegious, and almost profane simile by which they seek to damn the unanimous voice of the people and an almost united effort of this House to save the industries of this country. The gentleman from Pennsylvania [Mr. SIBLEY] has compared the endeavor of the public servants of the American people to stop this robbery with that foul plot which culminated in the crucifixion of my God. He has compared an agreement made in the open day and approved by the President of the United States with a secret conspiracy concocted between a cowardly Roman pretor and a murderous Jewish priest. [Applause.]

I quote his exact words:

> I heard expressed to-day by a gentleman who served on the Interstate and Foreign Commerce Committee a profound regret that the gentlemen could not agree among themselves. They are all agreed upon one issue. I do not want to repeat myself, but I can recollect a similar instance when there was an agreement between men, about the time that one of the greatest wrongs was perpetrated that ever was perpetrated in human history, and it is recorded in these words: "And Pilate and Herod were made friends from that day."

I want to say to you gentlemen on that side of the House that the figure may have some propriety there, but I thank God there is no conscience-stricken Pilate here washing his hands of this legislation on the Democratic side. [Applause on the Democratic side.] If you want to carry the simile further, I will do it. Pass this law and execute it rigorously against the railroads and the private-car companies alike and we will have two more thieves on the cross. [Applause on the Democratic side.]

Now, they admit that the legislature has the right to control common carriers. They do not attempt to show that we are straining any constitutional power, not one of them. They do not say it is unconstitutional. They dare not as lawyers say it is unconstitutional, but they say it is unwise. Why? The people have been robbed; millions have been filched; the trust alone receives $72,000 a day from its private-car lines. Over $50,000,000 a year is being taken alone in icing charges and rebates. You all admit that trusts and monopolies are the curse and the menace of the age, and I here and now declare there is not a single insatiate and law-defying combination of capital in all the land that does not owe its being, growth, and power to one or both of those twin iniquities, alike in operation and in principle—a secret rebate and a protective tariff. Why, you take Iowa, Ohio, Illinois, and Indiana; they talk so much about them, and in those four great States the population in the country has actually decreased during the last ten years. Where is your boasted cattle interest of the West? Dead. The West is full of bank failures in the face of your boasted prosperity. Why? In every part of it is the sad story of defalcation and bankruptcy. The price of cattle has continually gone down and the price of beef at the same time has gone up. The consumer has suffered and the producer has suffered.

Whenever you deprive the American laborer of his beef, whenever you say he shall not eat meat, you have reduced him to the very condition which you claim obtains in Europe, for the European laborer is unable to eat beef. It is that meat that gives vigor to the Army; it is that meat that gives power to the mechanic. It is because we are building up a nation of meat eaters we are able to dominate the world, and yet you admit the price of cattle has gone down in three years from 5½ cents to 4½ cents, while dressed beef has increased in the same proportion at the same time. Nothing but a trust can produce such a result. It is abnormal; it is absolutely impossible to account for it under any law of supply and demand. It is the throttling of supply and the domination of demand that does it. [Applause.]

You learned lawyers, I want to call your attention to one thing. No man from the West has raised his voice against this bill; no man from the South has raised his voice against this bill. The gentleman from Maine [Mr. LITTLEFIELD] protests against it; the gentleman from Massachusetts [Mr. MCCALL] protests against it; the gentleman from Pennsylvania [Mr. SIBLEY] protests against it. We have much to learn from those three wise men of the East. [Applause.] Do they tell us it is unconstitutional? No. Do they tell us that we are violating any basic principle of law? No. The gentleman from Maine says, "Ah, my God, you can not afford to do it because Bryan is not dead and the country is full of Populists." [Applause on the Democratic side.] Why, the gentleman from Massachusetts, that learned gentleman, compares us to hyenas and bears and hounds:

> Mr. MCCALL. There may be evidence of a sense of justice in all this, but, if so, it is the sense of justice not of man, but of the hyena and the bear. The philosophy of it is that you may run for your life, but you are eaten if you stand, and you will be eaten if you are caught. Compared with the scheme of this bill there is a certain nobility in the policy of government ownership, wrong as I believe that policy to be. You carve our magnificent railroad system, not as a feast fit for the gods, but hew it as a carcass fit for hounds.

Now they have called us "kuklux" in the South. They have called us "wild and woolly" in the West, but I will swear we are neither hyenas nor hounds. [Applause on the Democratic side.] The gentleman from Maine [Mr. LITTLEFIELD] discusses at length this wild hysteria, this cry of the mob, and yet they all admit that a great majority of the American people favor this legislation. Oh, my wise friends from the East, there is one thing you can not see, and that is the oppression of your kind. There is one thing you never heard from Hamilton until now, and that is the cry of the poor. You have never been able and you never will be able to distinguish between the American people rising in their majesty and their might and the insane clamor of a crazy mob. [Applause on the Democratic side.]

I confess that I must unlearn all I ever knew before I can sit at the feet of these three wise men who follow a golden light from Wall street. [Applause on the Democratic side.] A star that will set as well as rise in the East. I will have to unlearn the teachings of Jefferson when he declared that all governments derive their just powers from the consent of the governed. I will have to unlearn the theory that we are the servants, not the masters, of the people. [Applause on the Democratic side.] I will have to forget that principle almost as old as civilization that I have followed, and in my foolish fatuity will follow until I die, that "the voice of the people is the voice of God." [Applause on the Democratic side.] Treat them as an insane mob if you will. Treat them with scorn, contumely and contempt if you will, but the American people, serene, undaunted; unmindful of your carpings and your contempt are still the masters of this Republic, are bigger than courts and congresses and senates, are unpurchasable by wealth, and are not to be daunted or frightened by the wild clamor of its chosen sponsors. [Applause on the Democratic side.]

Oh, you say, it is Democratic. Well, I agree with you. It is the most Democratic thing, gentlemen, on the other side of the Chamber, that you ever did since you were baptized. [Applause on the Democratic side.] Yes; it is Democratic. It is Democratic, not because the leader of this House, JOHN SHARP WILLIAMS, preached it at St. Louis, as he only can. [Applause on the Democratic side.] It is Democratic not because for nearly ten years it has found a place in our platforms. The platforms demanded railroad legislation because it was Democratic. We did not make it Democratic. JOHN SHARP WILLIAMS proclaimed it because it was Democratic. It was Democratic before you were born, so old as you are. [Applause on the Democratic side.]

It is the dogma of Jefferson applied to present conditions. It is equal rights to all and special privileges to none [applause on the Democratic side], uttered in a way that the common carriers shall understand.

Oh, they say that this is Bryan's baby. I do not mean to reflect upon its paternity, but it is what you would call, gentlemen, a child of the people. It belongs to the Democratic party, and it is no baby. If it had not been for the tender nurturing care of that long-haired anarchist, William Jennings Bryan, it would have been run over by a train long ago. I want to say for Mr. Bryan that he is not only the idol of Democracy and the defender of the poor, but the utterance of his name to any unpenitentiaried thief on Wall street, without regard to his profession or his party, makes him shudder. He is the winged Nemesis of graft and plunder everywhere. [Applause on the Democratic side.] You may well fear him. These private-car companies in 1896 gave $400,000 in three checks to keep him in private life, and they may well dread to see the prospect of a Daniel come to judgment.

Oh, it is so Democratic. I look over there on that side of the House. You talk about insurrections? Why, how the conqueror of the conquerors is conquered over there. The fellow who gave the dose is now trying to take it, and what a mouth he makes. Why, if you look at the wheel horse of the Republican party, the gentleman from New York [Mr. PAYNE], the weight is all on the breeching and not on the tugs. [Applause on the Democratic side.] Half of your leaders are insurgents, and there is many a stand-pat, stalwart Achilles, who was wont to lead the unterrified hosts of Republicanism from Ohio, Pennsylvania, and New York, now sulking in his tent. [Applause on the Democratic side.] There is only one reason on earth why you swallow this

bill, and that is because your President wants it. I have never gone into hysterics over President Roosevelt, and I never will, but I believe he is fairly honest and a fine judge of human nature, and that is the reason he is favoring this Democratic measure, and you are afraid when he shows his teeth and you squirm and cower when he cracks his whip. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHEPPARD. Mr. Chairman, I am so deeply interested in the gentleman's speech that, with the consent of the gentleman from Georgia [Mr. ADAMSON], I ask that the time he promised to give to me be yielded to the gentleman from Kentucky [Mr. STANLEY]. [Applause on the Democratic side.]

Mr. ADAMSON. Mr. Chairman, the gentleman from Kentucky [Mr. STANLEY] may proceed under that understanding.

Mr. STANLEY. Mr. Chairman, I dislike very much to differ with my learned friend from Pennsylvania [Mr. SIBLEY] anywhere, for to know him is to love him. Genial and affable, I was surprised to hear him cry that anarchists and the Populists and the nihilists would get us if we didn't watch out.

He warns us—

So the forces have swept on until they are in the throes of state socialism, and they are going to make a glorious success of it just as long as there remains in pockets of thrift and industry one dollar to be wrung out in the form of taxation. Then there comes, as the sequence to the socialistic state, the state of anarchy, and then the reign of terror, and then the swing of the pendulum to the other side, and the strong man on horseback. In all human history that has been the experience, and society has been forced to rebuild its shattered superstructure upon those foundations which guarantee the rights of persons and of property.

I was surprised to hear a man raised in this land of liberty and enjoying the fruits of freedom preach here that you could have too much of it.

Ah, my genial friend from Pennsylvania, if you will excuse the almost familiar way in which I address you, I have not so read my country's history. In a thousand years no scion of the Saxon race has ever betrayed the boon of too much liberty. The commune has triumphed, yes. But come and review with me the story of its ravages.

Do you believe it was because the English people were too free that they took a perfidious and cowardly Stuart out yonder at Whitehall and led him to the fatal block? Do you believe that it was too much freedom that hurled the red-capped Jacobin, wild and fierce, into the streets of Paris? Nay, nay! Anarchy and nihilism are protests; they are not principles. They are but another side of the horrible picture. The cause of anarchy, the cause of nihilism, the cause of a revolution—they all come from the weight of oppression, not the abuse of freedom.

"The man on horseback" was not the creature of the commune—he was the necessary, the inevitable evolution of an age of despotism.

Centuries before, vainly endeavoring to obscure the dawn of a new era, a Richelieu and a Mazarin filched the scepter from the palsied hand of a weak and decaying medieval chivalry, and then they endowed a tyrant's throne with all this purloined power. All the weight of this cunningly woven fabric of oppression was placed upon the backs of a helpless people, a people who were outraged and plundered, until the burden became too heavy for human shoulders and human hearts, and crushed them in the mire.

At last "the mud took fire, and a dirty rag became a banner;" then riot and brutality, rapine and massacre; then the mob in its blind fury made victims of its masters and wiped out its wrongs in blood. The commune has triumphed; it will triumph again; but it has triumphed only at the scaffold of a king. No constitutional government need ever dread its rage.

The people of this land are free, and they cherish their freedom.

Why, our Government is predicated upon the idea of all republics, that the greater the refinement, the greater the culture, the greater the patriotism of the people the greater measure of liberty you may give them; and when you preach, and when the gentleman from Maine preaches, and the gentleman from Massachusetts preaches, that to give the people the right to rule is surrendering to the mob, you are proclaiming an old and detested fallacy as foul and as false as the history of kings and as cruel as tyranny. The American people are still capable of governing themselves. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 54. An act to provide a public park on Georgetown Heights, in the District of Columbia;

S. 1669. An act for the establishment of an additional recording district in the Indian Territory, and for other purposes;

S. 134. An act establishing an additional recording district in Indian Territory;

S. 676. An act granting an increase of pension to Joshua W. Tolford;

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company;

S. 3321. An act granting an increase of pension to Olney P. B. Wright;

S. 2783. An act to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes;"

S. 2625. An act for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. R. 12. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution; and

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. HEPBURN. Mr. Chairman, I yield now to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, there are two sections in this bill that are not frequently mentioned which are potent. One provides for the uniformity of railroad accounts and the other for their inspection. It will be interesting to watch the tribulations of those two provisions before this legislation is finished. I have been a patient listener to all the arguments made here for the last six days—none more so than I. On its economic side four assertions have developed in the debate and four answers, as follows:

First assertion: Average rates showed for years a decrease and are still below those of other countries. The answer: Reasonable average rates do not preclude the existence of excessive charges in particular instances.

Second assertion: Rates are governed by natural laws, competition being the regulator of prices. Answer: Railroad competition exists only in particular places, and as consolidations continue less and less in those places. Railroad services are not private, and for that reason economic principles can not be wholly relied upon. Natural laws do affect the average rate, with but little effect upon a particular charge.

Third assertion: The power given to make any rate is the power to make all rates, because of the interdependence of rates. Answer: Traffic managers constantly change their rates without creating disorder.

Fourth assertion: It is impracticable for public authority to make rates, because there is no standard of reasonableness. Answer: It is impossible to show that a rate is unreasonable per se; but it is legitimate to make comparisons, and rates are so made.

The gentleman from Massachusetts [Mr. MCCALL] termed this a rash and reckless method of regulation. I would suggest to him that over forty years ago Charles Sumner introduced the first bill in the American Congress to regulate interstate commerce. I would suggest also to him that thirty-two years ago the House of Representatives passed a bill to regulate commerce, which, by the way, died in the Senate, and that of the eighteen causes that were cited before the Senate committee twenty years ago, as causes of complaint, sixteen are clamorous to-day. So the measure is not rash, nor is it reckless.

There are railroad managers and railroad managers. There are men who realize the injustices in the situation, who are proud of the accomplishments of transportation, who desire further to perfect it. Theirs has been a hard struggle. They have had conditions forced upon them by stock-gambling magnates which have been obnoxious. They have suffered from situations brought on by the Wall street gamble as much as the public.

I believe that the independent railroad man is going to have more to do with the solution of the problem than anybody else.

His concern to-day is over the greed of the Wall street magnates, who are intent upon absorbing all lines. Ours ought to be, if for no other reason than this: That nowhere is belief in American ideals weaker than in the minds of the stock-gambling magnates of Wall street who are seeking to control the railways of the United States.

Illustrating this, I desire to read a few lines—lines which no independent railroad president or manager would indorse, but which are fairly typical of the Wall street gambler. They first appeared in the North American Review and were snatched up, presumably by the Wall street publicity bureau, in December and sent broadcast:

> Create the proposed commission, with power to establish rates, and the future of the railroad would be largely in their control. A Presidential election is approaching, and the railroads are asked to contribute to the party funds. They refuse to comply or to give as much as the party managers desire. Would a railroad dare decline, after receiving an intimation that it would be well to contribute more liberally? A railroad president, in his anger, refuses, says he belongs to the other party, or does not like the candidate or his methods. Forthwith some shipper makes his complaint, that he is paying an unreasonable rate. The president soon discovers that he is in a net, with only one way to get out; the desired contribution is given, the party beggar calls off the shipper, and the difficulty is over. Will the railroads be kept out of national politics when a commission, composed of a few men, has its firm grip on them, with power to squeeze out of them contributions, or to influence the suffrages of their numerous employees? Create this commission and the future of every Presidential election can be foretold.

This charge of so mean, so miserable a motive, and its threat are characteristic of the attitude of Wall street, and I, for one, hope that when the contest with Wall street comes, as it will, that the House of Representatives will go to battle as one fighting uncompromisingly for a principle, and not as a champion who, in the frenzy of doing or dying, first tucks away in his pistol pocket as a measure of precaution a flag of truce. For the conservatism which has its day of triumph will have its day of defeat—for the day of defeat will be forced upon it. I hope to live to see the day. I shall rejoice when defeat comes to the conservative who, had he lived in the days of rush lights, would have stood out firmly against the introduction of candles, or if it had been a legislative matter, at least would have approached the tallow dip cautiously, "step by step."

Traffic results do not always harmonize with traffic theories. I have gone into the matter of local rates. Increasing volume of through traffic, according to traffic theory, goes to a reduction of local rates. The great mogul locomotive, the larger car, the reduced grade, the straighter track, and the heavier rail have all gone to the reduction in cost of transportation. The rate per ton per mile has fallen in the United States from 9.41 mills in 1890 to 7.8 mills in 1904. But I can not find that the local rates have shared in all this. In a large majority of the cases I have examined they have remained unchanged or increased. There are some reductions. I append a few tariffs with a summary.

SUMMARY.

Nashville, Tenn., to 11 interstate points (1893–1906), 6 increases, 115 unchanged.

Points in Alabama to points in Georgia, Mississippi, and Tennessee (1895–1906), 36 unchanged.

Arkansas points to Missouri and Kansas points (1892–1906), 3 increases, 77 unchanged.

Denver, Colo., to 8 interstate points (1896–1906), 3 increases, 18 unchanged, and 57 reductions.

Abilene, Kans., to Oklahoma, Ind. T., and Texas points (1892–1906), 53 increases, 6 reductions, 1 unchanged; jobbers' rates are less.

New Orleans, La., to 13 interstate points (1893–1906), 1 increase, 31 reductions, 111 unchanged.

Dalton, Mass., to 5 interstate points (1881–1906), 20 increases.

Alexandria, Minn., to points in North and South Dakota, mileage rates (1893–1906), 1 increase, 2 unchanged, 87 reductions.

Concord, N. H., to 9 interstate points (1887–1906), 23 unchanged, 30 reductions.

Hartford, Conn., to 10 interstate points (1887–1906), 41 increases, 6 reductions, 11 unchanged.

Jacksonville, Fla., to 7 interstate points (1896–1906), 41 increases, 24 reductions, 12 unchanged.

Pensacola, Fla., to 6 interstate points (1893–1906), 36 class rates unchanged.

Wallace, Idaho, to 6 interstate points (1899–1906), 15 increases, 45 unchanged.

Springfield, Ill., to 4 interstate points (1889–1906), 29 increases, 1 unchanged.

Indianapolis, Ind., to 9 interstate points (1896–1906), 54 unchanged.

Dubuque, Iowa, to 9 interstate points (1890–1906), 89 unchanged, 1 increase.

Freight rates from Springfield, Ill., to points named.
[Rates in cents per 100 pounds.]

From Springfield, Ill., to—	Year.	Classes.					
		1.	2.	3.	4.	5.	6.
Logansport, Ind	1889	33	30	23	16	12½	11
	1906	38½	33	24½	16½	14	11
Defiance, Ohio	1889	40	34	26	18	15	13
	1906	44	37½	28½	19½	17	14
Napoleon, Ohio	1889	40	34	26	18	15	13
	1906	45	39	30	21	18	15
Whitehouse, Ohio	1889	40	35	26	18	15	13
	1906	45	39	30	21	18	15
Toledo, Ohio	1889	40	36	26	18	15	13
	1906	45	39	30	21	18	15

Freight rates from Jacksonville, Fla., to points named.
[Rates in cents per 100 pounds.]

From Jacksonville, Fla., to—	Year.	Classes.									
		1.	2.	3.	4.	5.	6.	A.	B.	C.	D.	E.
Fetteressa, S. C	1896	64	55	47	41	33	27	20	23	17	16	33
	1906	94	86	68	56	43	38	29	33	20	19	43
Drayton, S. C	1896	77	66	56	46	34	29	22	23	18	17	40
	1906	94	86	68	56	43	38	29	33	20	19	43
St. Andrews, S. C	1896	81	69	59	48	36	30	24	25	19	18	42
	1906	94	86	68	56	43	38	29	33	20	19	43
Ponpon, S. C	1896	85	72	62	50	38	31	25	27	19	18	42
	1906	91	85	67	55	42	36	28	32	19	18	42
Burroughs, Ga	1896	74	62	55	43	35	29	29	26	14	13	35
	1906	59	50	43	31	26	21	20	19	14	13	29
Fleming, Ga	1896	72	60	54	42	34	28	28	25	14	13	34
	1906	59	50	43	31	26	21	20	19	14	13	29
Screven, Ga	1896	58	50	44	37	29	23	23	21	12	11	29
	1906	58	50	43	31	26	21	20	19	12	11	29

Freight rates from Hartford, Conn., to points named.
[Rates in cents per 100 pounds.]

From Hartford, Conn., to—	Year.	Classes.					
		1.	2.	3.	4.	5.	6.
Woonsocket, R. I	1887	21	18	15	13	11	10
	1906	21	18	16	13	11	10
Pawtucket, R. I	1887	24	21	18	16	15	14
	1906	21	18	16	13	12	10
Providence, R. I	1887	20	17	14	12	11	10
	1906	21	18	16	13	11	10
Cranston, R. I	1887	20	17	14	12	10	10
	1906	21	18	16	13	11	10
Hyde Park, Mass	1887	22	19	16	14	12	10
	1906	24	21	18	15	13	11
Norfolk, Mass	1887	21	18	15	13	11	10
	1906	22	19	16	13	12	11
Wadsworth, Mass	1887	21	18	15	13	11	10
	1906	22	19	16	13	12	11
Douglas, Mass	1887	19	16	14	12	10	9
	1906	21	18	16	13	11	10
Worcester, Mass	1887	20	17	15	13	11	10
	1906	21	18	16	13	12	10
Springfield, Mass	1887	12	10	7	5	4	4
	1906	14	12	10	8	7	5

Freight rates from Dalton, Mass., to points named.
[Rates in cents per 100 pounds.]

From Dalton, Mass., to—	Year.	Classes.			
		1.	2.	3.	4.
Canaan, N. Y	1881	9	8	7	5
	1906	10	9	8	6
Chatham, N. Y	1881	10	9	8	6
	1906	11	10	9	7
Ghent, N. Y	1881	12	10	9	8
	1906	13	11	10	9
Claverack, N. Y	1881	13	12	10	8
	1906	14	13	11	9
Hudson, N. Y	1881	14	12	10	8
	1906	15	13	11	9

Freight rates from Abilene and Ellsworth, Kans., and other Kansas points to points named below.
[Rates in cents per 100 pounds.]

Abilene, Ellsworth, and other Kansas points to—	Miles.	Year.	Classes.									
			1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
Oklahoma, Indian Territory, and Texas points	25	1892	23	19	17	14	10	10	9	7½	7	5
		1906	25	21	19	18	13	14	11	9½	8½	6½
Do	50	1892	34	29	25	21	15	15	14	10	9½	6
		1906	35	30	26	23	18	19	16	14	11	9
Do	100	1892	52	44	38	31	27	25	19	15	14	8
		1906	54	46	40	35	28	29	24	21	16½	13½
Do	200	1892	84	67	60	52	47	39½	29	25	22½	13½
		1906	89	77	67	59	47	48	38	32	25	20
Do	400	1892	124	104	85	80	70	59	46	36	33½	23½
		1906	125	111	98	85	67½	69½	55	44	34	26½
Do	500	1892	144	124	105	96	82	71	56	45	42½	28½
		1906	135	121	108	95	72	74	59	48	38	28

Comparison of local freight rates charged by the Union Pacific Railroad from Kansas City, Mo., to stations named during 1883, 1887, 1890, 1895, and 1900.

[Governed by western classification.]

Distance.	From Kansas City, Mo., to—	Year.	Classes (rates in cents per 100 pounds).									
			1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
Miles.		1883	55	50	45	40	35	30	20	15	15	----
		1887	55	49	43	36	32	28	19	15	15	----
139	Junction City, Kans	1890	50	45½	37	28	24	23	18	14	11	7½
		1895	50	45½	37	28	24	23	18	14	11	7½
		1900	50	45½	37	28	24	23	18	14	11	7½
		1883	65	58	50	45	42	35	22	18	18	----
		1887	65	55	50	43	38	33	22	18	18	----
186	Salina, Kans	1890	56	50	42½	34	29	27	21	17	13	10
		1895	56	50	42½	34	29	27	21	17	13	10
		1900	56	50	42½	34	29	27	21	17	13	10
		1883	126	114	101	86	84	62	47	40	35	----
		1887	92	84	77	71	66	51	41	32	32	----
420	Wallace, Kans	1890	89	80	72	60	54	47	30	30	23	19
		1895	89	80	72	60	54	47	30	30	23	19
		1900	89	80	72	60	54	47	30	30	23	19
		1883	240	200	175	135	125	100	75	65	50	----
		1887	210	170	140	115	100	100	75	65	50	----
639	Denver, Colo	1890	160	130	110	90	75	85	65	55	45	40
		1895	125	95	80	65	50	55	45	40	35	30
		1900	125	100	80	65	50	60	45	40	35	30
		1883	200	170	155	135	125	100	75	75	50	----
		1887	210	170	140	115	100	100	75	65	50	----
746	Cheyenne, Wyo	1890	160	130	110	90	75	85	65	55	45	40
		1895	140	120	100	80	65	75	55	45	40	35
		1900	125	100	80	65	50	60	45	40	35	30
		1883	263	228	210	160	160	136	123	99	99	----
		1887	257	218	200	155	150	131	118	92	80	----
938	Rawlins, Wyo	1890	250	215	175	145	125	110	92	78	67	52
		1895	250	210	175	145	125	110	92	79	67	53
		1900	220	189	149	124	101	106	86	71	57	45
		1883	300	250	200	175	----	150	135	125	125	----
		1887	300	250	200	175	160	150	135	125	100	----
1,656	Butte, Mont	1890	250	215	175	145	125	110	92	82	72	62
		1895	250	215	175	150	125	115	100	90	75	65
		1900	250	215	175	150	125	115	100	90	75	65
		1883	315	285	210	160	----	180	145	115	83	----
		1887	300	250	200	155	150	150	135	110	80	----
1,259	Ogden, Utah	1890	250	215	175	145	125	110	92	82	72	62
		1895	250	200	170	143	118	108	93	85	70½	62
		1900	250	200	170	143	118	108	93	85	70½	62
		1883	340	305	265	225	220	245	175	150	125	----
		1887	317	264	211	164	158	158	142	116	84	----
1,393	Pocatello, Idaho	1890	250	215	175	145	125	110	92	82	72	62
		1895	250	215	175	150	125	115	100	90	75	65
		1900	250	215	175	150	125	115	100	90	75	65

NOTE.—The rates shown for 1900 were in force on June 30, 1902.

Comparison of local freight rates charged by the Chicago, Milwaukee and St. Paul Railway from Chicago, Ill., to stations named during 1883, 1887, 1890, 1895, and 1900.

[Governed by western classification.]

Distance.	From Chicago, Ill., to—	Year.	Classes (rates in cents per 100 pounds).									
			1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
Miles.		1883	70	55	45	35	27½	32½	27½	25	20	----
		1887	60	50	37	25	20	25	20	16	13	11
228	Marion, Iowa	1890	55	45	32	22	16	20	16	13	12	10
		1895	58	47	35	24	19	24	19	16	14	11
		1900	58	47	35	24	19	24	19	16	14	11
		1883	75	60	45	35	30	35	30	25	20	----
		1887	70	56	41	27	20	25	20	16	15	12
282	Tama, Iowa	1890	58	48	36	23	17	21	17	15	13	11
		1895	61	50	39	25	20	25	19	16	14	12
		1900	61	50	39	25	20	25	19	16	14	12
		1883	75	60	45	35	30	35	30	25	20	----
		1887	73	58	43	28	20	25	20	16	15	12
309	Melbourne, Iowa	1890	62	52	37	25	19	24	19	16	14	12
		1895	65	54	40	27	22	27	22	18	16	13
		1900	65	54	40	27	22	27	22	18	16	13
		1883	77	62	47	37	32	37	32	26	20	----
		1887	76	61	46	32	27	30	27	21	19	15
365	Perry, Iowa	1890	65	55	38	27	20	27	22	17	15	12
		1895	69	58	41	29	24	29	24	20	17	14
		1900	69	58	42	29	24	29	24	20	17	14
		1883	87	70	56	40	35	40	35	30	24	----
		1887	90	75	50	55	30	32	29	23	20	16
417	Manning, Iowa	1890	70	58	42	28	21	28	23	18	16	15
		1895	80	65	45	32	27	32	27	22	18½	16
		1900	80	65	45	32	27	32	27	22	18½	16
		1883	90	75	50	32	28	37½	32	23	23	----
		1887	90	75	50	35	30	32½	29½	23	20	16
487	Council Bluffs, Iowa	1890	70	58	42	28	21	28	23	18	16	15
		1895	80	65	45	32	27	32	27	22	18½	16
		1900	80	65	45	32	27	32	27	22	18½	16

NOTE.—The rates shown for 1900 were in force on June 30, 1902.

These rates are taken from regular tariff schedules on file. They may not be complete upon their face in some instances. Special tariffs may have torn some of them to pieces, change of classification may have modified them: but they are regularly filed tariffs and repose among the 2,600,000 tariff schedules on file here in Washington, in vindication of the not wholly successful policy of publicity, and they are interesting as tending to show the increasing toll local traffic is paying and will continue to pay until some practical working modification of the fourth section of the original act becomes law and, without undue injury to through traffic and market necessities, protects it.

This, the Hepburn bill, in its provision for uniformity of railroad accounts, for their inspection, in its proposal to empower the Commission to establish through routes and fix the rate thereon, and to amend an unreasonable rate, will, I hope, do great good; it could be made to do more by putting into law that which would prevent the traffic man from levying an unjust rate in the first instance, and it should have a provision giving supervision over classifications and greater power over unjust discriminations and more direct reference to private cars.

These local rates I have given are but incidental manifestations, showing, in the major portion of the local rates selected, of the evil principle and the more evil practice beneath. Seven or eight men are now said to control a major portion of our railways. One-tenth our wealth is in our carrying system. Once a day a $5,000,000 toll is exacted. These magnates are magnates, captains of industry indeed. They have been extolled on this floor. I gave in the beginning the Wall street magnates' estimate of the probity of a Federal commission. At the risk of offending the sense of practicality of this House, I would shadow forth a railroad magnate in keeping with the benefits of transportation; would limn him as the benignant genius of magic that brings everything near, makes everybody immediate, that enlarges the producer's market, touches with infinite variety the consumer's supply, lifts the cheapening pressure of a glut here, fills the mouth of famine there, and has turned the luxuries of yesterday's few into the necessities of to-day's many. See the magnate in keeping with that, a gentle figure, a figure of power, of power always with justice.

Consider him as he exercises a fatherly regard for the system, his employees, and the territory he serves. Imagine him as conscious of his power, with the brake of moderation always down, requiring uniformity of treatment among his patrons, justice to locality, giving no concession to the powerful, no preference to the grasping, exacting no undue tribute from the weak, garnering everywhere honor, gathering everywhere acclaim, inspiring in subordinates affectionate imitation, and winning from the people the private regard which in the aggregate makes for the highest public esteem—one knowing the duties of a common carrier, instinct with allegiance to the public interests, quick with the high impulses of a righteous public servitor.

Among our Wall street magnates you will not find him. But let us justify ourselves to an emancipated future at least to the extent of daring to hope for his coming. Such a man would never seek in the law's delay, in its making, its interpretation, or its execution escape from the law. Disdaining to displace, as a common carrier, public interest with a private interest, inspired and actuated by the foresight which reveals always the personal interest best conserved in the end by a broad regard for the general welfare, this magnate would come at last to a realization of the plenary degree of his power—the realization which no subsidy through favor, no submission through fear, no sycophancy through fear or favor can ever bring to him.

This man would suffer no manipulation of railway accounts, would refuse to share in industries making him a preferred shipper on his own line, would collect no toll except as a common carrier, but, requiring justice, exercising impartiality, this man would enter into the enthusiasms of the smallest town upon his line as well as the ambitions of the largest cities, and would come to share in popular esteem, with all the benefits of modern transportation, and to be blamed for none of its delinquencies; and he would win for his children's sake that which no Wall street magnate has to-day, that which would surely be honey to the surfeited palate of his power, that which he can not buy, force, or cajole—the privilege of being extolled as transportation is extolled in the lines of permanent literature.

All this he might have and might hold if he would accept the demand of the nation upon him to-day—that he exercise a lesser concern for his interests as a magnate and a greater concern for his interests as a citizen.

We were assured yesterday by the gentleman from Ohio [Mr. GROSVENOR] that the men who control from New York do not make rates—know nothing about them, in fact.

The traffic manager is supposed to make rates. But he does not. But, under directions, he orders how they shall be made. For a year or two now the traffic manager has hovered over the situation like a specter. We are asked to look upon him as a wizard sitting in the midst of a maze of commercial intricacies which nobody but himself can understand. He is a man of might. He stands accused here and elsewhere of having—

Dodged from national regulation behind the road's State charter and from State regulation behind his interstate rights.

Ignored the requests of the helpless and connived with the powerful in concessions.

Decreed that this city prosper and the progress of another be impeded.

Built up one merchant and torn down his neighbor.

Put forth the dogma that there is no science is rate making.

Approved the maintenance of the science of the three shells and the ball, the science of sleight of hand, pleasurable always as entertainment, but fraud in commerce; of eliminating distance in one locality's toll, using it as a basis in another's; pleading cost of service in one instance, value of service in other; publishing a tariff sheet as an evidence of stability and tearing it away with special tariffs, and of permitting indulgence in the manipulation of minimum car weights, midnight tariffs, rebates, underbilling, participating terminal lines, private car allowances, icing charges, and commissions.

Invaded the precincts of a national policy—with his import rate doing openly and indirectly what the smuggler does in secret and straightway—overcome the barrier of a protective tariff.

It has been denied here over and over again that there is any demand for this legislation.

But the country knows the demand, and knows how it has been met by the great transportation power, as one who stands exercising a great public trust without public responsibility, wielding great power without limit to his pleasure, ordering, with sublime certainty in his security, that the storm of a national instinct, distinguishing between right and wrong, asking only uniformity when it pays, and a place for expeditious redress when it is wronged, ordering that such a storm be dammed out and dammed back by a sophist's tract and a phamphleteer's convention.

In closing I will quote from Senator's Palmer's speech in the Senate twenty years ago:

Railroads are no longer joint stock companies alone; they are dynasties. They are already outlined and in a few years, if not supervised and controlled by legislation, they will become as firmly fixed in their grasp upon continued power, commercial, social, and political, as the Hapsburgs, the Hohenzollerns, or the Guelphs. These reigning houses were born of force. They were the triumph of the strong over the weak. These modern dynasties will have been born of law and of concession and will be the triumph of the creature over the creator.

Mr. Chairman, this is a conservative measure, born of a conservative time and of a conservative body, hard to prick through the thick callous of a profound prosperity; and while I know that if I had gray hairs and a solemn face I could say it with a greater grace, I sound this warning to those here so comfortably cushioned in the luxuries of the safe side—that the day will come when the needle will reach the quick. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, I appreciate the manner in which the gentleman from Kansas, who is a very thorough student, has discussed this question, and for that reason I want to ask him this question: Would not every word of the peroration of his remarks apply with equal, if not greater, force to the free-silver craze that went over the country ten years ago?

Mr. MURDOCK. I think not.

Mr. HEPBURN. Mr. Chairman, I yield such time as he may need to my colleague from Iowa [Mr. CONNER].

Mr. CONNER. Mr. Chairman, it is unfortunate that certain Members who are opposed to the passage of the rate bill should in debate make the criticism that those who favor the measure are driven into supporting it by an intemperate public sentiment said to exist in its favor in the Middle West. It is quite unfortunate that some who favor it should charge the opposition with being under the influence of Wall street. I readily accord to every Member on this floor the right to decide for himself and to say whether he is for or against this or any other measure without having his motives called in question. My estimate of the character of the membership of the House is such that I do not for one moment entertain the belief that either charge has any foundation whatever to support it. Insinuations of this character but detract from the dignity or the House, and furnish no aid toward the solution of the great questions involved in the discussion.

Our friends on the Democratic side of the Chamber have not been content to permit the debate to proceed along business and economic lines, but have sought to inject politics into the discussion by repeatedly asserting that this is a Democratic measure and that the principles of the bill had their birth in Democratic councils. They even charge that the Republican party is driven to take up the legislation by an irresistible public demand. Everyone will concede that the Democratic party has met in conventions and adopted platforms which at the time may have been in favor with the people and which it conceived would add to the popularity of the party. It is characteristic of the party to adopt high-sounding platforms rather than to formulate policies which may with safety be enacted into legislation. Notwithstanding it may have placed itself on record in the manner claimed, it does not seem to have won the confidence of the people of the country, for they have preferred to trust the Republican party without platform declarations rather than the Democratic party with them. If something effective is to be done, the people naturally turn to the Republican party for its accomplishment, as they have, in order to secure legislation on this question. The record of the Republican party is secure in the fact that all the important laws on the Federal statute books were placed there by it.

If our Democratic friends desire to know the record of their party in the enactment of legislation against trusts and illegal combinations, it will only be necessary to go back into history to the time when both the President and the House of Representatives were Democratic. In his annual message to Congress in December, 1887, the President called the attention of Congress to the fact that trusts were then in existence, and that others were constantly forming and were becoming a menace to the welfare of the country. The House authorized one of its important committees to investigate the question of whether or not trusts were then in existence and others in process of formation. An investigation was instituted which continued over a period of several months, when the committee reported to the House that it had found trusts to be in existence and that others were being organized. After this report was made the committee continued to further investigate the question, but refrained from making its final report until two days prior to the expiration of the Democratic Administration and the inauguration of a Republican President, when it came into the House and reported that it was unable to deal with the question, and that on account of the difficulty of the members of the committee to agree upon a plan of action the whole matter was referred to the next Congress for its consideration.

The next Congress, as well as the President, was Republican, and within a short time after it convened a law was passed against trusts and illegal combinations, which is known as the "Sherman antitrust law." This law was passed by a Republican Congress and signed by a Republican President. Since its enactment trusts and illegal combinations of capital have been and are being successfully prosecuted. I say this, not alone with a view to eulogizing the Republican party, but to show our Democratic friends the distinction between adopting platforms and enacting wholesome legislation. [Applause.]

Mr. Chairman, I am in favor of this measure and shall vote for it, but shall not do so in order to get rid of it and to hurry it to another forum, in the hope that there it may undergo a destructive surgical operation. I trust that when it is returned to this body it will not be in such a distorted condition that its identity can not be recognized. I do not contend that the measure is perfect, for, as I view it, it is not, but the principle of the bill meets with my hearty approval, and, in addition, it contains features which are highly desirable.

The legislation which is sought to be secured is of the highest importance and worthy of most serious consideration; it may be regarded as progressive legislation. It goes one step further than has yet been taken by the General Government in the direction of remedial legislation intended to regulate common carriers engaged in interstate commerce. It is not new in its provision for the creation of a commission to investigate the reasonableness of rates of common carriers, for the law now in force provides for such a commission; but it is new in that it confers upon the Commission greater powers than it has heretofore possessed.

It has been frequently asserted during the debate and not seriously disputed that for several years after the Cullom law of 1887 was enacted it was generally understood by the people that the Commission was clothed with authority to substitute a rate where, upon complaint by the shipper, the one then in force was found to be unjust, unreasonable, or unjustly discriminatory, and the rate which the Commission should thus prescribe should become the legal rate to be charged by the carrier unless and until set aside by a proper tribunal.

In 1897 the Supreme Court of the United States in what is known as the Maximum Rate case, reported in 167 United States Supreme Court Reports, held that the Cullom law did not confer upon the Commission the power to substitute a rate in place of the one condemned, and that the order of the Commission in prescribing a rate for the future amounted to nothing more than a recommendation to the common carrier. It is needless to say that since that time the orders of the Commission have neither been respected nor obeyed.

This want of power on the part of the Commission to fix a rate in the place of one condemned is recognized as the

weak spot in the interstate-commerce law. Personally I have believed, and now believe, that an amendment of a few words to the law of 1887 expressly restoring to the Commission what has been termed "this lost power" would go far toward correcting the evils complained of. One of the features of this measure, and in my judgment the main one, is intended to strengthen the law by giving to the Commission the power which the people of the country generally believe was conferred upon it until this decision of the Supreme Court of the United States was made. It was because of the attempt to remedy this defect in the Cullom law and to confer upon the Commission this power that the intense opposition on the part of the railroad companies, which for several months the country has witnessed, was organized, and which has been "instant in season and out of season" endeavoring to defeat the legislation. Here is the battle ground between the people on the one side and the corporations on the other. The issue is clearly defined and is well understood. The purpose is not to deprive the carriers of the right to fix rates in the first instance, nor is it to give the Commission power to initiate rates.

The question is, Shall the Government be authorized by a law of Congress to regulate the great transportation companies in the United States to the extent that the Commission, where, upon complaint and investigation, a rate fixed by the carrier is found to be unjust, unreasonable, or unjustly discriminatory, shall have the right to prescribe what it determines to be a just, reasonable, and fairly remunerative rate, and to put it in force in the future in the place of the one condemned? If the bill in question is enacted into law, then this power will be given to the Commission. If it fails to become a law, then the effort to secure rate legislation will have been waged in vain, and the evils which now exist will continue. If this bill becomes a law, it will be a triumph for the people and will vitalize the provision of the Constitution conferring upon Congress the right to regulate commerce among the States by placing in the hands of the Government a power to say that the rate to be charged by the common carrier for the transportation of persons and property shall be just and reasonable and to confer upon a commission of its own creation the power to condemn as unjust and unreasonable a rate fixed by the carrier and to substitute in lieu thereof a rate for the future which the Commission determines to be just, reasonable, and fairly remunerative.

What are the objections urged against this legislation? It is contended by some gentlemen that Congress has not the power to prescribe a rate to govern the carrier in the future. It is asserted by a larger number that if this power is conceded Congress has not the authority to create a commission and clothe it with power to prescribe a rate to govern the carrier in any sense.

Speaking for myself, I am fully convinced that as a matter of law Congress itself can prescribe a maximum rate of charge for the carrier, and I am just as fully convinced that it may commit to a commission of its own creation the power to prescribe a rate in the manner provided for in this measure.

The Supreme Court of the United States, in the case of Munn *v.* Illinois, held that "under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other and, when necessary for the public good, the manner in which each shall use his own property." This language states a proposition which has been good law as long as common carriers have had an existence, and is good law at this time. The owner of private property, used in a strictly private way and so as not to interfere with the rights of others, can use it free from legislative regulation or control, but when it becomes affected with a public interest and is devoted to a use in which the public has an interest the public acquires an interest in such use and the owner can be compelled to submit to regulation by the public to the extent of such interest.

This is not a new doctrine. In the exercise of this power it has been the custom in England for centuries and in this country from the earliest times to regulate ferries, hackmen, warehousemen, millers, and the like, and to fix a maximum charge to be made for services rendered or accommodations furnished. It is held by the Supreme Court of the United States that the legislature has the same control over business and property of corporations that it has over that of individuals.

A large number of States in the Union have enacted laws creating commissions for the purpose of fixing rates and freights to be charged by common carriers within the State, and in some States the commission is given the power to initiate rates. The right of States to enact such legislation has been most vigorously assailed in the courts, but in all the cases which have been submitted to the Supreme Court of the United States the power of the State to enact the legislation has been fully sustained, and to-day no respectable lawyer is willing to question this power on the part of the State. No reason can be urged for claiming that if a State can legally enact such legislation to regulate its domestic commerce that Congress can not do the same thing respecting commerce of an interstate character.

In the Maximum Rate case heretofore referred to the court, in considering the question as to the extent of the power conferred upon the Interstate Commerce Commission under the Cullom law, and whether the act conferred upon it the power to prescribe a rate for the future in lieu of the one which it condemned, uses this language:

> There are three obvious but dissimilar courses open for consideration: Congress might itself prescribe a rate, or it might commit to some subordinate tribunal this duty, or it might leave with the companies the right of fixing rates subject to such regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

This language is susceptible of but one construction, and that is that Congress has the power to say that the rates to be charged by a common carrier shall be just and reasonable, and to create a commission and to clothe it with power, not only to investigate a rate complained of, but, if found to be unjust, unreasonable, or unjustly discriminatory, to prescribe a rate to take its place in the future, and that the rate thus prescribed shall become the legal rate unless and until set aside by a proper tribunal.

Mr. Chairman, the pending measure is limited rather than general in its scope; it is reasonable rather than radical; it does not purport to remedy all existing evils. A bill framed to correct all abuses in interstate commerce would stand but little show of becoming a law. There may be disappointment because the bill does not include express companies, Pullman companies, and some other public agencies which it is desirable to regulate, but it must be borne in mind that to secure any relief the bill must first pass both Houses of Congress, and the danger is that if it embraces too many features, however meritorious, it will encounter such opposition that its defeat will be encompassed. For this reason it is better to omit some of the features which invite opposition than to entirely defeat the legislation.

This measure seems to have been framed with the chief purpose of conferring upon the Interstate Commerce Commission the power which the Supreme Court, in the Maximum Rate case, held was not given to it by the Cullom law; that is, the power to prescribe a rate for the future in a case where, upon investigation, the rate in force is condemned as unjust, unreasonable, or unjustly discriminatory. This power is clearly given in the pending measure and is its crowning feature, and if nothing else were included, the law, when enacted, will be worthy of all the efforts which have been made to secure its adoption.

But there are other provisions in the bill which, if not so important as this one in solving the problem of rate control, will prove of great aid in restraining an evil which has obtained and still continues in spite of the Elkins law against rebates, and which results in discriminations in favor of the large shipper as against the small one. I refer to the mischief which comes from the use of the private car, private car lines, switches, terminal facilities, and charges for services rendered by the shipper as a means of securing and enabling the payment of rebates. It is a matter of common knowledge that frequently the shipper, by reason of owning a spur or track connecting his plant with the main line of railroad, or by owning the cars in which his products are carried to market, or because of services rendered by him, is enabled to make claims for exorbitant offsets in settlement of transportation charges, which the carrier willingly, sometimes unwillingly, allows, and the shipper thus favored is able to have his produce carried at a much lower rate than his competitor, who must take his choice of retiring from business or facing bankruptcy. This bill furnishes a remedy against the further practice of this abuse, and, in my opinion, a remedy which will effectually prevent a continuance of this evil for which there is no defense in law or morals.

The publicity feature of the bill is desirable and should not only aid in discouraging rebates, but in preventing other abuses which have obtained in the past.

Mr. Chairman, the proposed legislation is not sought in a spirit of hostility, but in a desire to recognize and secure the rights of both the transportation companies and the people. No one could justify a motive less exalted. The interests involved are too great, and the consequences of what may be done will be too far-reaching to excuse anything short of the exercise of the highest intelligence and the loftiest purposes in dealing with the matter. On the one hand are the common carriers, with billions upon billions invested in their properties, with over 200,000 miles of railroad, earning more than $2,000,000,000 annually, paying expenses amounting to nearly $1,500,000,000, employing more than a million and a quarter of men, and whose

wages aggregate almost a billion of dollars each year. These vast interests are warning us against the dangers of interfering with existing conditions. On the other hand are more than 80,000,000 people, with an aggregate wealth of a hundred billion dollars, greater than that of any other nation, and practically equal to that of any other two nations, who of necessity must avail themselves of the use of the railroads in transporting passengers and freights and in moving the immense commerce of the country, who demand not as a favor, but as a right, that these great agencies of commerce shall not be permitted to continue the abuses which all admit have existed in the past, and that the Congress of the United States shall accept the responsibility which, under the Constitution, devolves upon it and enact such legislation as will cure existing evils and promote the interests of both the carrier and the shipper alike. With a full realization of the importance of the obligation which rests upon us, we can not fail to strive to deal fairly with all interests, and thereby carry out the suggestion of President Roosevelt that "the highways of commerce must be kept open to all on equal terms." This is our highest duty and should be our highest pleasure. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, the most stringent indictment of existing conditions in railway rates and the most powerful arguments which I have so far heard in favor of this measure are those coming from the gentleman from Maine [Mr. LITTLEFIELD], the gentleman from Massachusetts [Mr. MCCALL], and the gentleman from Pennsylvania [Mr. SIBLEY]. The gentleman from Maine [Mr. LITTLEFIELD] tells us, under plea of economic law, that the cotton manufacturers of Maine exist only by virtue of discrimination in railroad rates in favor of those manufacturers; that they have arisen, not because of the superiority of their industry, not because of their water power, but that take away from them the upholding power of discriminatory rates and they will be throttled to death. Preach that to the gentlemen from the South with their growing manufactures of cotton. Again, the gentleman from Massachusetts [Mr. MCCALL], in the name of natural economic law, tells us of the West that by virtue of these discriminatory rates our fields have arisen in value, while theirs have become depopulated and their agriculture has almost ceased. It is indeed noticeable and indeed pitiable that as you approach these New England cities you find the people concentrated in manufacturing cities; you find their farms abandoned; you find agriculture almost dead. They tell us, again, that in the fields of Pennsylvania the same phenomena have occurred; that by reason of discriminatory rates in favor of the West their fields have become abandoned, their values have decreased; and so in New York, that the values of lands have decreased and agriculture sunk to a low ebb. Now, Mr. Chairman, this is a most pitiable condition, if true, and one which we should seek, if possible, to avoid. It is not a healthful and desirable condition to have the farm abandoned and the city crowded. It is not wise to foster conditions which destroy agriculture in the East and manufactures in the West. I desire, and I believe this House desires, to look at this matter from a higher standpoint than the manufacturer of Lewiston or the cornfield of Iowa. We desire to look at it from the standpoint of our country and our whole country, not from the standpoint of some limited corner or portion of the country. [Applause.]

This is the very proposition that is fatal to your contention, gentlemen of Maine, Massachusetts, and Pennsylvania. You ask not the free play of economic law, but that unnatural discriminations shall build and destroy in spite of natural economic law. You appeal to natural economic law. That which you demand is the removal of that law. What is the natural economic law of transportation? It is that he who has an advantage shall keep it; that he who has an advantage shall reap the advantage; that he who has the advantage of a fertile soil shall reap that advantage; that he who has the advantage of water power or nearness to markets (or cheapness of raw material) shall reap that advantage. You would destroy the economic law and have a condition of affairs continue to exist which, instead of distributing industry naturally and uniformly the country over, would and has and does concentrate it. You would have enforced a law which, by the very force and nature of its being, concentrates capital; a law which exists for the sake of the individual rather than for the sake of the community, which lifts the wealth of the tens and destroys the wealth of the thousands.

What is the king's highway, the natural law of transportation? It is that every man shall be given an equal, a fair, and an open chance upon the king's highway. That is the law of transportation, and it is that law which has been persistently transgressed. I believe, sir, that a square deal is a fair deal, fair to all alike, fair to us of the West. We ask for no pap. We ask for no discriminatory railroad rates to help our industries. Our cornfields laugh at you, our wheat fields smile golden beneath the sun and ask not your help. We will take care of ourselves. Give us a square deal. You will continue to eat our bread and meat. You may favor more farming, we more manufactures. It is asked, What is a square deal? It means a deal from the top and not from the bottom of the pack. It means a deal in which every man gets his own hand, in which every man who sits in the game is not expected to have cards up his sleeve, in which the whole table is dealt to fairly, and there are no marked cards in the deck. [Applause.]

Mr. HEPBURN. Mr. Chairman, I yield to my colleague from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, while this bill does not go as far as I would like to have it, and I fear that it will not accomplish all the desired results and all that is anticipated by the committee, and while I fully appreciate, as does the gentleman from Ohio [Mr. GROSVENOR], the impossibility of amending it, coming as this one does backed up by a unanimous report of the committee, yet I have no criticism to make. I fully appreciated the difficulty, the impossibility of drawing a bill that would meet the approval of all; and the committee and the country are to be congratulated on the successful and happy termination of this all-important question by this committee bringing in such an excellent measure.

In my estimation it is the strongest and best measure, and one that will give the most effective results, if enacted into law, of any bill brought into this House.

Section 1 provides:

The term "railroad," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Section 15 provides:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates or charges whatsoever demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged, and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, etc.

Section 16 provides:

It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

The forfeiture provided for in this act shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office or in any district through which the road of the carrier runs.

The bill not only gives the Interstate Commerce Commission the power, after full investigation and hearing, to determine what just and reasonable rates are; but it gives that Commission that most important power, the power which the distinguished gentleman from Maine [Mr. LITTLEFIELD] and others

have so vigorously objected to, that which I have contended for, and which was provided for in a bill which I introduced a year ago, the very thing which the conventions, the jobbers, the petitioners have been asking, and that which other bills reported last year did not provide for—that is, it gives the Commission exclusive power to enforce its findings; and whenever a change in a rate has been ordered by the Commission it must go into effect within thirty days; and if this order is not obeyed by the carriers they are subject to a fine of $5,000, every distinct violation to be a separate offense, and in case of a continued violation each day shall be deemed a separate offense; the said order not being subject to judicial review and temporary restraining orders, as provided in other bills reported to this House, except where the rate is unlawful—that is, if the rate is confiscatory or deprives the carrier of property without due compensation, in which case the carriers have a right to appeal to the courts under the Constitution, and nobody would or can deprive them of that right. This bill, then, does away with the expensive and slow court machinery provided for in other measures, thus avoiding delay and expense to the shippers, which is, of course, very essential. In this connection I reiterate what I said here a year ago:

> In considering this question there are a few things we are agreed on. First, that it is a question of vital importance to all the American people; second, that some remedy should be given for this universally admitted wrong; third, that Congress has the power and the only power to prescribe the remedy—that is, that the regulation of transportation rates is a legislative function, a function delegated to it under the Constitution, "to regulate commerce with foreign nations and among the several States." That power being delegated to it by the Constitution, Congress can not delegate it to the judiciary or any other branch of this Government. The judiciary has no power to fix rates, nor can it be invested with that power by Congress without a change in our Constitution; and Congress can not change the Constitution. All it can do is to propose amendments to the Constitution, and the amendments must be ratified by the legislatures or conventions of three-fourths of all the States. Nobody has proposed to amend the Constitution, so there is nothing for Congress to do but to shoulder the responsibility; to do its duty; to exercise it prudently, honestly, and with a spirit of justness and fairness to all concerned.
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> Being agreed, then, that Congress has the power, and being conscious of our duty to give the desired and just relief, the question is, how shall it be done; how shall we proceed? Of course, everybody fully appreciates that it is a physical impossibility for Congress as a body to examine, investigate, determine, and prescribe transportation rates, but we are agreed that Congress may delegate that power to a commission and not to a judiciary. This seems to be the only feasible plan that has been suggested. The question, then, is to what commission; the next, how much power shall be given the commission? I think the Interstate Commerce Commission is the proper one, a commission, I believe, made up of men of integrity, intelligence, sound judgment, who have had extensive experience, and who are more competent to deal with the question than any new commission or tribunal. In fact, they are experts. If they were not such when appointed, they have become such through long service. They are men learned in the law. We have this Commission, maintaining it at large expense, and, as somebody has suggested, it is now more ornamental than useful. In view of its experience and ability, I believe this Commission should be given exclusive power, after full investigation and hearing, to determine and prescribe what to them seems just and reasonable rates.
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> It should be given mandatory power, so that when it has once determined what a reasonable rate is, and has so ordered, it can enforce its findings. I believe that its findings should be final so far as the question of reasonableness and justness of rates is concerned, and not be subject to judicial review, except as to its lawfulness.

Mr. Chairman, in view of the fact that this bill comes to us with a unanimous report and will probably pass with practically a unanimous vote, it would hardly seem necessary to argue this question at length. However, this is an old bedfellow and a subject which I have given considerable thought and attention, and, in view of the importance of the question, I may be pardoned for briefly referring to this important subject. It is a broad subject. Viewing it from a financial and business standpoint, I believe it to be one of the greatest questions confronting the American people to-day. It is vital, as it concerns the progress, prosperity, and happiness of the American people. You can not buy or build a barn, fence, sidewalk, or house, or procure a week, month, or year's subsistence except a large portion of the cost goes to pay for transportation; in fact, the price of everything you have to buy or sell is affected by the cost of transportation. The last year or two we have heard a great deal about the tariff, reciprocity, and other questions. These are indeed important and are worthy of the most careful, conscientious, and friendly consideration; but in my opinion at the present time they are of small import as compared with the regulation of transportation rates.

The total customs duties collected in any year is less than $300,000,000. Add to that, if you will, the internal revenue—something over $200,000,000—and in all we will only have about $500,000,000. The preliminary report made by the Interstate Commerce Commission for the year ending June 30, 1905, gives the gross receipts of 752 operating companies, representing a mileage of 214,477.82, which is presumably about 99 per cent of the mileage that will be subsequently covered by returns in final report for the same year, at more than $2,000,000,000. The gross earnings of these railroads were: Earnings from the passenger service, $572,109,366, or 27.60 per cent; earnings from the freight service, $1,449,183,702, or 69.90 per cent; other miscellaneous earnings, $51,885,257, or 2½ per cent, a total of $2,073,177,325, or an average of $9,666 per mile of line. The gross receipts then of the railroad companies are about four times the total customs duties and internal revenues.

There are nearly one and one-half times the amount of our exports, twice the amount of our imports, and almost equal to our foreign commerce. They are two times the amount of our public debt, and nearly three times the amount of our annual appropriations by Congress.

Our able and distinguished Speaker, in assuming his duties as Speaker of this House, I believe called our attention to the fact that we have 512,000 manufacturing establishments in the United States, employing 6,000,000 people, and paying them annually $3,000,000,000 in wages, and turning out products annually valued at $13,000,000,000, which is 34 per cent of all the manufactured products of the world. The gross receipts of the railroad companies in a single year are over one-seventh of this amount. They are five times the value of the total output of the gold mines of the world last year.

A few years ago the American people, especially our Democratic friends, were much alarmed about our money circulation. We then had a billion and one-half in circulation. The circulation has increased to $2,680,629,932. It is now $31.88 per capita, a large amount indeed; but the gross receipts of the railroad companies for fifteen months, or their net profits for two and one-half years, would absorb every dollar of it. The American people are proud of this nation's rapid increase of wealth, and of the fact that we have 25 per cent of the wealth of the world. The increase from 1860 to 1900 was from $16,000,000,000 to $94,000,000,000. It is now believed to be over $100,000,000,000, an increase of $84,000,000,000 in forty-six years. The gross receipts of the railroads for a single year, or the net earnings for two years, exceed the average increase of the wealth of the United States for the last forty-six years. The total exports of the world are $10,000,000,000. The gross receipts of the railroad companies are one-fifth of this amount.

The gentleman has just referred to the bank failures and bankruptcy in Iowa and the depressed agricultural conditions. Let me say the tillers of the soil in that great Commonwealth, the greatest agricultural State in the Union, gives to the wealth of the world annually upward of $400,000,000. The net earnings of the railroad companies is more than two and one-half times this amount. According to the Federal census of 1900, in the United States there are nearly 6,000,000 families engaged in agriculture; and out of the 29,000,000 people engaged in gainful occupations more than 10,000,000 are engaged in agriculture; farming lands valued at $13,000,000,000, with improvements valued at $3,500,000,000, or all farm property valued at $20,500,000,000. According to the Interstate Commerce Commission's report, only 1,296,121 persons are employed by the railroads. The value of all railroad property is probably not more than $7,000,000,000.

Turn to the report of the Secretary of Agriculture for 1905. First, he calls our attention to this year of unsurpassed prosperity of the farmers of the country. Production has never been equaled. Its value has reached the highest figure yet attained. Corn has reached its highest production, with 2,708,000,000 bushels, valued at $1,216,000,000; wheat, 684,000,000 bushels, valued at $525,000,000; oats, 939,000,000 bushels, valued at $282,000,000; barley, 133,000,000 bushels, valued at $58,000,000, a total of $2,081,000,000. Add to this, if you will, the hay, valued at $605,000,000; cotton, including seed, valued at $575,000,000; potatoes, valued at $138,000,000; tobacco, $52,000,000; sugar cane and sugar beet, $50,000,000; rice, $13,892,000; dairy products, $665,000,000; poultry products, half a million, and we have a grand total of $4,180,392,000.

The gross receipts of the railroad companies for two years is equal to the value of these products. We find seven men employed on the farms to every one employed in transportation services; $3 invested in agriculture to every dollar invested in railroads, yet the gross receipts of these roads is equal to one-half of the estimated value of these products of the farms during this year of unsurpassed agricultural prosperity and high prices.

But you say that gross receipts have nothing to do with this question. Well, you must deal with gross receipts before we know what net profits are. The same report gives the operating expenses at $1,383,584,404, or $6,451 per mile; thus the net earnings, or income from operation, was $689,592,921. To this should be added $114,636,642, income from investments, such as stocks, bonds, and other miscellaneous sources, which makes a total of $804,229,564.

This amount will probably be largely increased when you deduct from the operating expenses and add to the net earnings items charged to operating expenses and which are not legitimate operating charges—for instance, the amount appropriated for permanent improvements, new concrete and iron bridges, better and new equipments, new turntables, side tracks, stations and roundhouses, lowering grades, straightening curves, which are not proper charges against operating expenses. When the money thus appropriated has been credited to the net earnings there would then probably be a billion dollars profits. Some have estimated the net earnings of all the railroads much higher, but we will proceed along conservative lines, and for the sake of argument will assume the net earnings of the railroad companies to be $1,000,000,000.

Now, a word as to valuation of railroad property. I do not agree with statements made on this floor by some distinguished gentlemen, and statements made by college professors and others in literature furnished us by railroad companies, fixing the valuation at from ten to fourteen billion dollars. This same report gives the par value of railroad property outstanding June 30, 1904, at $13,213,124,679, which represents a capitalization of $64,265 per mile. This includes all negotiable securities, such as stock and funded debts issued by railroad corporations. It reports $6,339,899,329 as stock, of which $5,050,529,469 was common, $1,289,369,860 preferred, and the remaining part, $6,873,225,350, funded debt. Deduct from this two and one-quarter billion stocks and bonds owned by railroad companies and we will have a capitalization of only about $11,000,000,000, and everybody, of course, knows that this is in excess of the real value of railroad property, and know that many of these stocks and bonds contain more wind, printer's ink, and water than they do cash. Experts and reliable and conservative men estimate the real value of railroad property at from ten to twenty-five thousand dollars per mile, and the most liberal from $25,000 to $35,000 per mile. If it be, say, $30,000 per mile, and there are 220,000 miles of main-line road, the value of all railroad property would be about $6,600,000,000, and the net profits on railroad investments would be about 15 per cent.

I submit to you, Is this a fair division of profits—that is, giving to railroad companies a profit equal to one-half of the amount of the average increase of wealth of the United States for these years, an amount equal to one-fourth of these farm products referred to, an amount equal to two-fifths of our money circulation, an amount almost equal to one-half of our foreign commerce, while their property is equal to only about one-fifteenth of the wealth of the United States and they employ only one person for every thirty-two employed in the United States? If so, then you may contend that there is no immediate necessity for legislation. Or if you believe that the earnings of the roads should be increased in order to pay dividends and interest on all watered stocks and bonds, and that the managers of the roads are more considerate, generous, fair, and just in fixing rates than an impartial commission would be that can and will be accomplished by giving the roads, as they have had in the past, full swing and power to fix rates. On the other hand, if you believe that the railroads are getting more than their share, and more than they ought to have, and that they should receive just and fair treatment, and no more, then we should delegate the power of fixing rates to an impartial commission.

Mr. Chairman, I want to enter a protest against this salary grab—increasing the membership of the Commission to seven and increasing the salaries from $7,500 to $10,000. This is, in my estimation, unnecessary, unwarranted, unjust, and extravagant.

At the rate we are building up stalls in the public crib and providing soft berths, as has been stated, for superannuated Senators, for friends and broken-down or antiquated politicians, where are we going to stop? Our annual appropriations already exceed $800,000,000. It has been more than $6,000,000,000 the last four Congresses—an amount equal to one-half of all the farm property in the United States or one-fifteenth of the wealth of the United States in 1900, according to the Federal census. The appropriations for the last five Congresses in the aggregate is more than one-half the total value of our manufactured products. It is in excess of the total present value of all railroad property. What has become of these promises to restrict appropriations? Where does retrenchment and reform come in? Where are these men who profess to be the dear and near friends of the people, who proclaimed so loudly during the campaigns and their stay at home "down with excessive expenditures; apply economy in making appropriations?" Are you going to remain here in your seats, as you have in the past, silent as the grave, forget your promises, and keep on voting for every increase? If so, what is the limit? The fact that the regulation of rates by the Government is important does not make the work difficult, and is no reason for increase of salary. The fixing of rates it not a difficult task. President Stickney, of the Great Western, one who knows more about this subject than all of us put together, says the making of rate schedules is the function of clerks and not of high-priced traffic managers or directors. Let me read to you what he says:

I also take issue with the committee's conclusions about the requirements of exact knowledge in making such a schedule. This is also a point which is strenuously urged against conferring the rate-making authority upon the Commission at this time. The assumption seems to be that there are only a few men who possess the exact knowledge required, and presumably, owing to the relation of the supply to the demand, such exact knowledge can only be obtained by paying extraordinary salaries, far in excess of the salaries which Congress would be willing to provide.

A Government commission in making rates would be untrammeled by competition or a desire to secure tonnage for any particular line, and would therefore be able to frame its schedule by square rule, instead of scribe rule. That it does not require high-priced exact knowledge to make a schedule of square-rule rates is conclusively proven by the fact that fourteen years ago the railway commission of Iowa, consisting of unskilled men, each drawing a salary of about $3,000 per annum, in a few months' time, mostly occupied in hearing the protest of the railway companies, made a square-rule schedule of rates in Iowa, and in the same year the commissioners of Illinois, like unskilled men, made a square-rule schedule of State rates for Illinois, both of which schedules have been used during all these years, practically without change.

Here is an example of practically one schedule of rates made by State commissioners, covering two great States, having more junction and competitive points than any other equal area in the world, which has been satisfactory, without change for more than fourteen consecutive years. While, on the other hand, the interstate schedules, made by traffic experts, under the stress of competition and a desire on the part of each to get some advantage over the other, which affected the interstate traffic of the same two States, have been changed, during the same time, by filing with the Interstate Commission probably not less than eight to ten thousand schedules.

I repeat what I said a year ago:

Why increase the membership and salaries of this Commission? Gentlemen, I venture the assertion that Uncle Sam now has among his thousands of employees more than a hundred men working at a salary of less than half what these Commissioners are now paid, any five of whom are capable of doing the work of this Commission. As stated by President Stickney, the making of rate schedules is the function of clerks, and not high-priced traffic managers or directors. Some fourteen years ago the Iowa legislature created a railroad commission, consisting of three members, unskilled men, and in a few months, the largest part of that time occupied in hearing the protests of the railroad companies, fixed rates for that State. Illinois did the same. A schedule of rates was made by the commissioners covering two great States having more junctions and competitive points than any other equal area in the world, which has been satisfactory without change for more than fourteen consecutive years.

The whole work of the Iowa commission was practically completed in a very few months, relieving it from official duties and enabling the members to remain at their homes and direct and attend to their own business affairs, leaving the office duties to a clerk. In fact, the commission has had so little to do that the Iowa legislature reduced their salaries from $3,000 to $2,200; and it has been suggested that if the amount of salary is to be considered in connection with the amount of work it would be safe to reduce it another thousand dollars, and that they would then be paid more per hour for the hours given to the work than Members of Congress, and I believe it would be safe to say more than the President of the United States. I do not bring this up to reflect on the commission. But they are men, I believe, of ability, energy, and integrity. But I bring it up to show that the work is not there, and to show that neither experts nor high-priced men are required. It requires men of integrity, sound judgment, energy, and ability.

Much has been said about this legislation affecting the wage-earners employed by transportation companies. The contention is that if Congress will delegate the power of fixing rates to a commission, that the wage-earner will suffer thereby by having his wages reduced by the carriers. Of all the absurd objections raised this is certainly the most absurd of all. To begin with, no bill, to my knowledge, has been introduced or considered proposing to give the power of fixing wages to any commission. Even if that were the proposition, I believe the interests of the wage-earners of this country would be as well subserved by an uninterested commission as they would at the hands of the railroad companies. I believe that they have confidence in our great and worthy President—that he will appoint a commission composed of men of ability, judgment, integrity, with pure motives, and whose ambition and desire will be to do justice to all concerned. But they say the Commission will reduce rates, thereby reducing the profits of the roads, and that the railroad companies will in turn reduce the wages of employees in order to make up the loss in profits.

Let us see. The bill provides that rates must be remunerative; the Constitution protects the carriers against confiscation or taking of property without compensation; the courts have held that the railroads are entitled to a reasonable profit on their investment; so the Commission in fixing rates must make allowances for a reasonable profit to the carrier. If wages are reduced and profits thereby increased, the rates must be reduced. If wages are increased and profits thereby reduced, the rates may be increased.

Before the Commission can determine what just and reasonable rates are, what will be necessary for it to ascertain? First, the valuation of railroad property, the gross receipts, the actual and legitimate operating expenses, and the net profits. It must also determine what is a reasonable profit. Deduct that from the net profits of the roads and you have the excessive profits; and a reduction of rates will be ordered accordingly. For instance, the Commission finds the value of railroad property to be six billion, the gross receipts two billion, actual and legitimate operating expenses one billion, leaving as net profits $1,000,000,000; and suppose that the Commission should decide that the railroads would be entitled to 10 per cent on this valuation, or $600,000,000.

Deducting this $600,000,000 from $1,000,000,000 net profit, it would leave $400,000,000 as excessive profit. Four hundred million dollars being 20 per cent of the $2,000,000,000 gross receipts, the Commission would order a reduction of 20 per cent of the present rate, such reduction reducing the net profits to $600,000,000, the amount decided by the Commission to be a just and reasonable profit. The railroads in turn would reduce the wages of its employees $100,000,000, and at the end of the year the railroad would have $700,000,000 profit, but according to the Commission's decision they are entitled to only $600,000,000. What would be the result? The Commission would say to the carrier, "Reduce your rates $100,000,000." Is there any question in the mind of anybody what the railroads would do in this event? They would certainly restore the wages and not reduce rates. They would have nothing to lose by increasing the wages, but would have much to gain. It would enable them to secure the most skilled and efficient labor, which is conducive to the safety of the public and best interests of the railroad companies.

Again, suppose after the Commission has determined upon this $600,000,000 as a reasonable profit and on a reduction of $400,000,000 excessive profit that the railroad companies should say they proposed to increase the wages of their employees $100,000,000. The Commission would then be compelled to make this $100,000,000 allowance, as it has no jurisdiction over the fixing of wages, and in place of ordering a reduction of $400,000,000 it could only order a reduction of $300,000,000, as the Constitution provides that a railroad company can not be deprived of its property without compensation, and the courts have held that they are entitled to a reasonable profit on their investments. With the safeguards under this bill, and with the protection the carriers have under the Constitution, and as there would be nothing to gain in decreasing wages, but much to gain by increasing them in securing more efficient and reliable service, there can be no question but that the tendency would be to increase instead of decrease wages.

The fact of the case is the Government, exercising its power to regulate rates, takes away the very incentive to reduce wages by transportation companies.

The distinguished gentleman from Pennsylvania [Mr. SIBLEY] and others have spoken of the railroads and the part they have taken in the development of this country. But this country has done something for the railroads also. How about the right of eminent domain, the land grants—concessions made to the Great Northern, Northern Pacific, and other roads? Truly it can be said that this Government—the Congress—has been kind and generous to the railroads. How about Congress granting a charter to the Union Pacific Railroad Company, or its promoters, giving the right of way through public lands, stone, timber, and other material for the construction of the road; the 23,000,000 acres of land, the iron and coal found within 10 miles of the track, and other donations and concessions aggregating $80,000,000?

It loaned the credit of this Government to the extent of about $52,000,000, or sixteen, thirty-two, and forty-eight thousand dollars per mile, taking a first mortgage on the line, rolling stock, fixtures, and other property. The franchise and donations granted by Congress aggregated $80,000,000. The road was built for less money than the money realized out of the bonds, giving these enterprising and patriotic promoters some $30,000,000 profit. They were not satisfied with this, but two years later appeared before Congress, saying, "You have been very kind and generous to us; you loaned us more money than was required to build our road; but we are in need of some more money; we can borrow this money on a first mortgage; will you be kind enough to release your claim, and authorize us to mortgage our road for an amount equal to the amount you loaned us, and you take a second mortgage for the amount due you?" This request was also promptly and cheerfully granted. The Government then held a second mortgage on a piece of property mortgaged in advance largely in excess of its cost and value. So Congress and this Government have been generous, accommodating, and liberal with railroads. It is true that the Government has been recouped to the extent of the amount of the bonds. Every dollar has been paid into the United States Treasury, but who paid it? The people patronizing the road and those living along the line. Yet we hear a great deal about what the railroads have done for this country, and what would the country be without the railroads. That is not the question. You might as well ask the question, What would the railroads be without this country? The question is, What is right or wrong in the matter, and what are the rights of the people as well as of the railroads? Everybody concedes that the railroads have been a great benefit to this country in the building up of our towns, villages, farms, our cities, factories, and mills; in fact, the whole country; but these are not altogether the achievements of the railroad companies. The 80,000,000 American people have contributed something toward the upbuilding of this great and glorious country. Are not those who have built our public works, our roads, our bridges, who have constructed the vast system of public schools, those who have built our State and national institutions, our temples of religion and charitable institutions, worthy of some consideration. Those who in poverty, in distress, in sickness, in health, in prosperity and adversity, each sympathizing with the other's woes and sharing each other's joys, step by step have advanced along the lines of civilization, accumulation of wealth, and refinement? Some of these achievements are certainly due in a large degree to their pluck, energy, brains, foresight, and good judgment. Truly it can be said that the citizens of the United States rank among the most successful, practical, and most enlightened of any country. Their onward march to true greatness has placed them in the foremost ranks of modern civilization and refinement. These towns and villages, farms, manufactories, great institutions, societies, our public schools, the morality and industry of her citizens, are not altogether the achievements of the railroads; they are results due to the energy, integrity, sound judgment, and profound wisdom of the American people. They bear upon them the impress of the most enlightened views and policies executed with the greatest prudence, firmness, and wisdom. They are the trophies of freedom and the grandest monument to our national glory.

These are the people who, for their self-protection and interest, are asking for this legislation. Are they and those who favor the passage of this bill to be characterized as socialists and charged with a desire to confiscate railroad property or destroy this great industry? Without reflecting on the integrity or motives of those opposing this measure, I trust they will be liberal enough to concede that those supporting this measure possess the same degree of integrity and respect for property rights. I yield to no man in this respect.

I deprecate any and all efforts to destroy property, to deprive railroads or any legitimate enterprise of their rights and what is fair and just. I take as much pride in these railroads, in the splendid equipment and excellent service they give, as anyone.

We all take a just and pardonable pride in this nation's growth and greatness; in the fact that we live in this age of such marvelous expansion and are moving forward at such a mighty pace; that the wheels of industry are moving, every spindle spinning, the anvils ringing, the forges blazing in such large numbers, and that every energy is employed all over this land; and that progress and prosperity are in evidence everywhere. Every man's duty, no matter what his political affiliation, his creed, or occupation, or whatever his prejudices may be, is to strive to benefit this country, protect the weak, relieve the distressed, uplift humanity, advance civilization, progress, and happiness; to promote and perpetuate true greatness. Let us all give thoughtful and careful consideration to secure the full benefit for our natural resources, our developed mechanical appliances, the skill and genius of our wageworkers; let us see to it that the American farmer, the shipper, the jobber, the merchant, the manufacturer and his workmen are not discriminated against and imposed upon, but that they are given adequate protection against this invasion of unscrupulous and powerful interests, which compel them to pay involuntary tribute to the common carriers which in the aggregate amounts to hundreds of millions of dollars. All shippers, small dealers, large dealers, all towns, villages, cities, manufacturers, merchants, farmers, and jobbers should receive like treatment; that is, common carriers should charge a like amount for like services under similar conditions.

I believe, in view of the importance of the question, in view of the provisions of the Constitution, the decisions of the courts, the opinions of the Attorneys-General, the power which Congress has under the Constitution to regulate rates, and the fact

that our present Commission has no power to fix rates and enforce its findings, the law having been made ineffective, competition eliminated, and that a few—less than a dozen men—have in the past and do now exercise exclusive power in fixing rates, and that they have abused that power to an alarming extent, Congress will be justified in enacting some just law that will give effective results, a law protecting the rights of the people as well as the railroads, dealing with the question judiciously and in a broad and comprehensive manner, in a spirit of fairness and justice to all concerned. Not legislation such as has been represented to conservative, honest, and upright people to frighten them and to enlist them in opposition to legislation; but conservative, judicious, and sound legislation. Not to destroy or confiscate railroad property, or to meet the demands of those who would destroy both property and government, and have no respect for property rights; not to meet the demands of demagogues, socialists, or those howling in and out of season for any and all things that might further their individual interests or gratify their ambitions; but to meet the demands of those who believe in proceeding in a dignified manner to promote commerce, farming, justice, advancement, advantage, blessings, happiness, comfort, convenience, progress, and prosperity to all the people, to all communities, and to all legitimate enterprises; and to meet the demand of those who contribute to and believe in maintaining this nation's growth and greatness; those who insist that their rights should be respected; that equal rights be given to all so far as possible, as provided for in the Constitution. We want no legislation to retard growth, progress, and prosperity, but to promote it; not a step backward, but forward. Legislation that will promote happiness and give equal rights to all people, such as is advocated by those who believe in stability, dignity, peace, this grand and glorious Government and its splendid and magnificent institutions. We want legislation, such as this bill, that will give to the people stable and equitable rates, do away with discriminations, rebates, unreasonable rates, abuses in private cars and car lines, terminals, and terminal charges, and compel the furnishing of equal facilities to all, in order that we may have the fullest development of all worthy and legitimate business enterprises. [Loud applause.]

Mr. HEPBURN. I yield sixty minutes to the gentleman from West Virginia [Mr. GAINES].

[Mr. GAINES of West Virginia addressed the committee. See Appendix.]

Mr. ADAMSON. I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I avail myself of this privilege of recognition for the purpose of making only one brief observation. I had intended to content myself with registering my vote in favor of this bill, together with the large majority of the membership of this House upon both sides. The members of the majority and of the minority of that important committee which has jurisdiction of this question has discharged its duty with fidelity and with loyalty to the subject-matter which they had in hand and with the due consideration of its importance which it deserved.

There has, however, been one proposition emphasized in this debate which has induced me to make a brief observation. My distinguished colleague from my own State [Mr. PAGE], with others, has given expression to the idea that if the laws upon the statute book already existing, which have been enacted from time to time, had been given efficacy, if prosecutions had been instituted upon them—in other words, if the executive department, including, primarily, the Department of Justice, had at all times discharged their duty, then there would not be the same demand for legislation of this character, looking to the regulation of rates as they exist to-day. This statement is absolutely true, in my judgment. I have heard panegyrics passed upon the distinguished occupant of the Presidential chair. I, with these gentlemen, entertain a natural pride, a pride that should be common to every American citizen, in the true Americanism, in the integrity, in the faculty of initiative, and the zeal and diligence with which he endeavors to carry into effect every policy which he espouses; but these encomiums, Mr. Chairman, have at the same time carried with them something of disparagement of the legislative department of this Government. I believe, Mr. Chairman, that there is no legislative body upon earth which is more easily responsive to public opinion, where the individual members with greater loyalty and zeal endeavor to interpret correctly the views of their constituents than is the case with the House of Representatives.

At all times I believe the membership of this House, representing as they do a diversity of interests and sections, are at all times ready to respond and mold and to enact into law that which shall truly represent and which shall be a true response to the public sentiment of the country at large. I believe, therefore, that when there is occasionally an occupant of the Executive chair, in a moment of patriotism and loyalty to his duty, who takes into his mind to execute a law, or to press upon the attention of Congress an amendment of the existing law, while praise should be due to such Executive, yet at the same time it should be remembered that the legislative department of our Government is never recreant to their duty, but always ready to respond to public opinion and to sane and healthy public sentiment upon every occasion. This legislation which is before this committee is an illustration of this proposition. It is fortunate, I think, that this legislation was postponed until this session. This bill of the committee is a wiser bill than was presented, either by the majority or minority members of the committee, during the last Congress. It is more comprehensive in its scope, more widespread in its effect, and will be more beneficial in its results. It shows the wisdom of delay and of taking into conference the people of the United States and of giving them due and careful consideration in a question like this.

What I desire to say may be summed up in this expression: That in giving praise to the Executive we ought at the same time to recollect the fact that upon every occasion where public duty has demanded its effort the legislative department of our Government, represented in this House, has never failed at the proper time and in a proper way to discharge its duty. [Loud applause.]

Mr. ADAMSON. I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the bill under consideration is one of very great importance both to the railroads and to the American people. For more than thirty years the subject of rate legislation has engaged the attention of the country to a greater or less extent.

In the early days of railroad building it was not supposed that the time would ever come when it would be necessary to enact laws in order to protect the people from the railroads.

Seventy-five years ago railroad building in the United States was in its infancy, and thirty years ago railroad mileage only amounted to about 75,000 miles, and there was little agitation looking to the regulation by law of railroad transportation rates.

The following table shows railroad development in the United States:

Mileage of railroads in operation and annual increase of mileage, 1832 to 1904.

Calendar year.	Miles in operation.	Annual increase of mileage.
1832	229	134
1833	380	151
1834	633	253
1835	1,098	465
1836	1,273	175
1837	1,497	224
1838	1,913	416
1839	2,302	389
1840	2,818	516
1841	3,535	717
1842	4,026	491
1843	4,185	159
1844	4,377	192
1845	4,633	256
1846	4,930	297
1847	5,598	668
1848	5,996	398
1849	7,365	1,369
1850	9,021	1,656
1851	10,982	1,961
1852	12,908	1,926
1853	15,360	2,452
1854	16,720	1,360
1855	18,374	1,654
1856	22,016	3,642
1857	24,503	2,487
1858	26,968	2,465
1859	28,789	1,821
1860	30,626	1,837
1861	31,286	660
1862	32,120	834
1863	33,170	1,050
1864	33,908	738
1865	35,085	1,177
1866	36,801	1,716
1867	39,050	2,249
1868	42,229	2,979
1869	46,844	4,615
1870	52,922	6,078
1871	60,301	7,379
1872	66,171	5,878
1873	70,268	4,097
1874	72,385	2,117
1875	74,096	1,711
1876	76,808	2,712
1877	79,082	2,274

Mileage of railroads in operation, etc.—Continued.

Calendar year.	Miles in operation.	Annual increase of mileage.
1878	81,747	2,665
1879	86,556	4,809
1880	93,267	6,711
1881	103,108	9,846
1882	114,677	11,569
1883	121,422	6,745
1884	125,345	3,923
1885	128,320	2,975
1886	136,338	8,018
1887	149,214	12,876
1888	156,114	6,900
1889	161,276	5,162
1890	166,703	5,427
1891	170,729	4,026
1892	175,170	4,441
1893	177,516	2,346
1894	179,415	1,899
1895	181,115	1,700
1896	182,769	1,654
1897	184,591	1,822
1898	186,810	2,219
1899	190,818	4,008
1900	194,262	3,444
1901	198,743	4,481
1902	203,009	4,266
1903	207,604	4,595
1904	214,000	----------

Seventy-five years ago transportation facilities were exceedingly limited, confined largely to water transportation, wherever possible, and to wagon service.

The total tonnage, passengers carried, and average receipts per ton and per passenger per mile since 1882 is shown in the following table:

Year.	Passengers carried.	Passengers carried 1 mile.	Average receipts per passenger per mile.	Freight carried.	Freight carried 1 mile.	Average receipts per ton per mile.
			Cents.	*Tons.*	*Tons.*	*Cents.*
1882	375,391,812	10,484,363,728	1.85	360,490,375	39,302,209,249	1.24
1883	312,686,641	8,541,309,674	2.42	400,453,439	44,064,923,445	1.22
1884	334,570,766	8,778,581,061	2.36	399,074,749	44,725,207,677	1.13
1885	351,427,688	9,133,673,956	2.20	437,040,099	49,151,894,499	1.06
1886	382,284,972	9,659,698,294	2.19	482,245,254	52,802,070,529	1.04
1887	428,225,513	10,570,306,710	2.28	572,074,752	61,561,039,996	1.05
1888	451,353,655	11,190,613,679	2.25	560,857,353	65,423,005,988	.98
1889	494,808,421	11,964,723,015	2.17	619,165,630	68,677,276,992	.97
1890	520,439,082	12,521,565,649	2.17	691,344,437	79,192,985,125	.93
1891	556,015,802	13,316,925,239	2.18	704,398,609	81,210,154,523	.93
1892	575,769,678	13,584,343,804	2.17	730,605,011	84,413,197,130	.94
1893	597,056,539	14,979,847,458	2.07	757,464,480	90,552,087,290	.89
1894	589,660,216	13,600,531,635	2.06	674,714,747	82,219,900,496	.86
1895	529,756,259	12,609,082,551	2.07	755,799,883	88,567,770,801	.84
1896	535,120,756	13,054,840,243	2.08	773,868,716	93,885,853,634	.82
1897	504,106,525	12,494,958,000	2.03	788,385,448	97,842,569,150	.80
1898	514,982,888	13,672,497,664	1.99	912,973,853	114,506,173,191	.76
1899	537,977,301	14,859,541,965	2.00	975,789,941	126,991,703,110	.73
1900	584,695,935	16,313,284,471	2.03	1,071,431,919	141,162,109,413	.75
1901	600,485,790	17,789,669,925	2.03	1,064,066,451	142,950,303,492	.76
1902	655,130,293	19,706,908,785	2.01	1,192,136,510	156,624,166,024	.76
1903	696,908,994	20,895,375,853	2.05	1,299,684,081	171,290,310,685	.78
1904	----------	----------	-------	1,275,321,607	173,613,762,150	-------

In 1882 the total gross receipts of the railroads in the United States was $764,231,399.

In 1905 the gross receipts exceeded $2,000,000,000.

A half century ago railroad mileage was comparatively insignificant, and now every section of this country is traversed by more than 214,000 miles of railroad.

The prosperity and welfare of the people of the United States depends to a greater extent upon securing proper transportation rates than on any other one thing. An increase of 25 per cent in the transportation charges by railroads would bankrupt one-half of the farmers, and even a larger per cent than this of the manufacturers and other business interests of the country.

Unrestrained by law, as at present, the railroads have it in their power to produce financial and industrial paralysis at any time.

Of course it is argued, and properly argued, that the railroads will not do this; but it is also true that the policy of railroads in recent years has been to increase rates, and wherever an excuse could be found for so doing, and often an increase has been made when apparently there was no reason for it other than that the money was wanted.

Railroads are not private corporations. On the contrary, they have always been denominated quasi public, and by many late writers are called "public corporations."

The entire business of a railroad corporation is with the public. The rights and privileges granted to them are numerous and valuable, and amongst the most important of the rights exercised by railroads is that of eminent domain.

I hope that I may be excused for stating here that a great deal of the fault for existing conditions, making it necessary that Congress take action, is to be laid to the individual States. Practically all of the railroads are creatures of the States in that they hold State charters. No one doubts that if the States in granting charters had imposed conditions on the railroads such as would safeguard the interests of the public, and particularly in the matter of preventing overcapitalization, improper issues of stocks and bonds, and providing for publicity, that many of the evils now complained of could not exist.

The right of a State to control freight and passenger charges within the State is supreme, it being understood, of course, that no State has the right to impose such conditions as will amount to confiscating the property of the railroads.

In practically all of the States statutes have been passed looking to the control of railroads, and in many States giving to boards or commissioners the power to fix rates; and I call attention to the fact that in no State, to my knowledge, has the action of the State authorities in regulating the rates to be charged by the railroads for transportation proven confiscatory or in any serious sense harmful to the railroads.

In 1892 the general assembly of my State passed a law creating a board of railroad commissioners, conferring plenary powers on the board in the matter of rate making.

I was a member of the State senate at the time and remember that the argument was made that if this power was given to the commission that the railroads would be denied their rights, robbed of their property, and railroad values destroyed in South Carolina. I was a member of the committee having the bill under consideration. This argument did not impress me, although the majority of the committee was impressed. I was one of the minority making a favorable report.

The bill was passed and no harm has resulted to the railroads on this account.

State control, or regulation, as is well understood, can not affect interstate commerce. Statistics show that about 25 per cent of the railroad traffic is within the States, and something like 75 per cent is interstate, so that if there is a necessity for State control over transportation rates within the States the necessity for control of interstate transportation should be three times as great.

The table cited by me shows the gross traffic earnings of the railroads from 1882 down to and including 1903; and in this connection I wish to call attention to the fact that the table relative to passengers and freight carried by the railroads shows that since 1898 the average receipts per passenger per mile and the average receipts per ton per mile for freight have increased annually, so that the contention is correct that the tendency on the part of the railroads has been to increase rates.

Mr. Chairman, I have listened with a great deal of interest to the arguments of the distinguished gentlemen who opposed the passage of this bill on the ground that it is revolutionary, a step in the direction of socialism, sans-culottism, and eventual government ownership.

In answer to this I suggest that state control has not produced any growth of sentiment in favor of government ownership.

The evils to be corrected are, briefly speaking, discriminations as between shippers and between communities, rebates granted to favored shippers, refrigerator and icing charges, the private car line abuses, and, in many instances, high rates.

These abuses may be said to be confined to freight transportation. There is an abuse, however, relating to passenger carriage which, in my judgment, can not be condemned too strongly.

It is estimated that nearly 20 per cent of the passenger traffic is carried free—that is, that one-fifth of the passengers, in miles traveled, ride on free passes or free transportation.

The railroads can and should correct this abuse. It is not to be expected that the railroads can carry 20 per cent of their passengers free without imposing the cost upon the 80 per cent who pay.

To illustrate, if this abuse should be corrected, the 80 per cent who do not ride free would pay 20 per cent less than they now pay. The railroad companies would perform the same service now performed, and their passenger receipts would be the same as at present.

The charge has been made by some that any law giving to a

commission the right under any circumstances to fix rates will in its operations prove confiscatory to the railroads.

Any argument of this character must necessarily be based on the proposition that ownership of railroad property is entitled to be treated, under all circumstances and in all respects, the same as ownership of any other property; that the owner of a railroad should be no more restrained than the owner of a farm, store, or factory.

This argument is untenable and not for a moment to be seriously considered in this the beginning of the twentieth century, no matter how reasonable the argument may have been fifty years ago. Conditions have changed.

Then the population of this country was 23,191,876; now it is about 83,000,000. Then the total wealth was $6,024,666,909; now the aggregate wealth of the United States exceeds $100,000,000,000. In 1850 the value of all farm property amounted to less than $4,000,000,000, and now to more than $23,000,000,000. So that we have the States, each controlling the operations of railroads within its jurisdiction, and section 8, subdivision 3, of Article I of the Constitution of the United States expressly confers upon Congress the power to regulate commerce among the several States.

It is worthy of note that section 8 also gives to Congress the power to provide for the general welfare of the United States, and I am of the opinion that, without the numerous decisions of the courts, the two provisions taken together are broad enough to amply answer in the affirmative all questions of doubt as to the right of Congress to pass the bill now under consideration, giving to the Interstate Commerce Commission the power to fix the rate for the transportation of passengers and freight under certain circumstances.

Hence it is we have a uniform line of decisions, too numerous to mention, that Congress has such power.

We have, then, in the consideration of the bill, to decide: First, is the legislation necessary? Second, is the proposed legislation within the power of Congress to pass? And the first two questions being answered in the affirmative, is the bill under consideration ample in its provisons to correct evils and abuses practiced by common carriers?

There has been some contention to the effect that it would be better for Congress to provide a court to take the place of the Inerstate Commerce Commission. This, it seems to me, in the light of the decisions, is an untenable position, for the reason that rate making is a legislative and not a judicial act.

Some who have advocated this believe that then a resort to the courts for a review of the rates fixed would, to a large extent, be avoided.

Believing this view to be erroneous, I am satisfied that the Supreme Court of the United States would adhere to the doctrine that rate making does not belong to the judiciary, and if so, then all legislation enacted by Congress, on that theory, would fall to the ground.

Mr. Justice Brewer, in the case of Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362), held, as a general proposition, that rate making by a governmental agency to be observed by common carriers is a legislative or administrative rather than a judicial function, and he further decided that the courts can not revise or change the rates imposed by legislature or a commission.

Mr. Chairman, I am unable to add much if anything to what has been said in this Congress and the last in the discussion of this great question. I do not claim to be an expert in the matter of rate legislation.

I believe, however, that when the present bill has been in operation for a year the verdict of the American people will be that Congress has not gone far enough, that sufficient power has not been lodged in the hands of the Commission.

It will be observed that the bill under consideration does not give the Commission power to initiate rates. This power will be found necessary to secure satisfactory results.

I am also of the opinion that it does not include express companies and Pullman cars, and why it should not has not yet been answered. This defect should be cured by amendment. Section 15 of the bill under consideration contains the only provision for rate making by the Commission.

The Commission is authorized, after full hearing upon a complaint charging that the rate is unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of the act, to decide what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter the maximum rate.

It will be observed that any rate fixed by the Commission must be fairly remunerative. It is a matter of common knowledge that many rates imposed by railroads require regulation, because they are unjust and unreasonable, etc., when at the same time the rate complained of could probably be proved to be unremunerative.

I have not time to go into a full analysis of the bill, but I am satisfied that it confers, practically speaking, minimum power upon the Commission in the matter of rate making.

I desire to say now that if this bill shall be found inoperative, practically speaking, because in its provisions power enough is not granted to the Interstate Commerce Commission, the fault will be found in the language quoted, because it may be that a railroad will have a rate in practice that is unjust and unreasonable and discriminatory, but at the same time a rate higher than that would not be a fairly remunerative rate. I believe that the language of the bill in this respect might be improved. I hope that I am wrong. If I am, time will show it.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to ask the gentleman a question. I am trying to get that word "remunerative" defined by us at least. Suppose a rate is reasonable and just to the people and under the present law reasonable and just to the railroads.

Mr. FINLEY. Yes.

Mr. GAINES of Tennessee. That is, that the railroad gets paid for the quality and amount of work it does and is paid a reasonable and just rate, but this law is passed and that rate becomes unreasonable and unjust to the people, and a less rate than that would not be fairly remunerative. Will the gentleman tell me now what the Commission would do under this law and what the courts would do in defining the judgment of the Commission in such a case?

Mr. FINLEY. I am apprehensive that in a case like that, when the Commission investigated the matter and found the rate to be unjust and unreasonable but that a higher rate would not be fairly remunerative, the Interstate Commerce Commission would be powerless to do anything. I am afraid of that.

Mr. GAINES of Tennessee. That is what I have had in mind all the time, that the rate is reasonable and just to the people, and yet it is not fairly remunerative, and therefore it has got to be raised to take care of the railroad.

Mr. FINLEY. Yes.

Mr. GAINES of Tennessee. Now, I do not see how the expressions "reasonable and just" and "fairly remunerative" or "remunerative" can be paralleled so as to work, you may say, with any congeniality. It is imperfect.

Mr. SULZER. Mr. Chairman, if the gentleman from South Carolina will pardon me a moment, I would suggest to the distinguished gentleman from Tennessee that he propound that question to the gentleman near him, the gentleman from Iowa [Mr. HEPBURN].

Mr. GAINES of Tennessee. He has not yet taken the floor. I hope I shall have the opportunity of having him explain that when he does take the floor, because I want to say that I have gone and looked at all the dictionaries and none, with the exception of Burrill and Bouvier, undertake to give a definition of it. Burrill defines it as "compensation and salary."

Mr. FINLEY. I am inclined to believe that any rate, that all rates, put into force by the Commission provided for in this bill must be such rates as will be fairly remunerative to the railroads. That is my impression; that is my belief. If that is right and if I am correct in that, then they have no power to promulgate any other rate.

Mr. GAINES of Tennessee. It must be fairly remunerative even if it is unjust and unreasonable to the people.

Mr. HEPBURN. Why, how can it be?

Mr. FINLEY. That is something, I have no doubt, the courts of this country will be called upon to decide in the years to come in the event that this bill becomes a law. [Applause.]

Mr. MANN. Mr. Chairman, I yield to my colleague from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, the Committee on Interstate Commerce is to be commended upon the conservatism displayed in the presentation of the subject-mater now before the House. It is evident that the consideration given to it has been along the lines of justice. It seems to me that they have endeavored, in preparing this bill, to do equal justice to every interest. The men who own the railroads are citizens of the country, and their interests are as important as those of the citizens engaged in other lines of endeavor. There is no man anywhere to be found who believes in confiscating the property of the railroads. No man to whom I have talked desires any unjust legislation. The only thing that is desired, so far as I have been able to ascertain, is that the interests of the public be safeguarded against the possible unjust use of the power centered in the railroads of the country.

The time was when everybody was for everything the rail-

roads wanted. When the railroads were first constructed in short lines, they in a measure served the people's needs, and when the short lines were extended into great trunk lines they increased the service to the people, and everybody was overjoyed because pioneer railroad builders had sufficient enterprise and confidence in the country's future to invest money in their construction.

But when a few men became the owners of all the railroads and they were directed from Wall street, the people began to fear that the power thus centralized might be used arbitrarily; that the men who controlled this power might become arrogant, impudent, and oppressive, and to prevent this the present legislation was evolved.

We all realize that but for railroads the incomparable resources of our soil and the superior ingenuity of our people would never have been realized. As President Roosevelt well said in his message to Congress December 3, 1901:

> They are the arteries through which the commercial lifeblood of the nation flows.

But if by unwise care and management some of these lifeblood-bearing arteries have become impaired we should not, in applying remedies for their betterment and for their future regulation, administer doses so potent and unnatural as to cause a paralysis of the entire system. We should deal with the patient justly but firmly. To begin with, he should be made to understand that total abstinence from those indiscretions which brought on the disease must be adhered to, and that any future attempt to violate, even in the slightest degree, rules laid down for his observance and obedience will be summarily dealt with.

I do not favor rate regulations, Mr. Chairman, which will prove confiscatory, but I would, by some fair and effective method, deal with the question so as to do justice to all concerned.

The fact that railroads have given to the country blessings which are great and salutary does not justify their devotion to all kinds of rate discrimination in order that their intemperate appetite for dividends may be satisfied, and Congress should not longer delay righting the evils which exist because certain great railroad managers possess a frantic desire to control the universe.

I fully realize my inability to suggest the proper legal remedy, and it is with hesitancy and no little embarrassment that I become a participant in the discussion of a subject so complicated as to perplex and bewilder our most learned and experienced statesmen, and did not the people's interests seem to be threatened by railroad rapacity, I would content myself with a quiet and peaceful reflection upon the subject, and comply strictly with that precedent which so wisely suggests to a new Member of Congress the importance of a mute participation in affairs.

My intrusion upon the time of the House is therefore prompted by the very highest of motives, for dumb in fact is the man who would not raise his voice, weak and powerless though it be, in defense of the people when they cry aloud for the enjoyment of those blessings vouchsafed to them by a wise and beneficent Constitution.

Mr. Chairman, rebates, secret devices, unjust discriminations, and unreasonable rates should be forever prohibited, and some simple but sure way of dealing with questions of this character should be devised and speedily enacted into law.

The power of the Interstate Commerce Commission should be enlarged so as to enable it, subject, of course, to review by the courts, to fix maximum rates that would not be extortionate. I believe that Congress can confer power upon the Commission to determine what the maximum rates should be without violating the Constitution; that is, Congress can, in my opinion, delegate that authority to the Commission.

Of course such power, when exercised by the Commission, would only be valid until set aside by the courts.

But I am no lawyer, Mr. Chairman, and it is not my purpose to enter into a discussion of the legal side of the question.

It is my desire to call attention more particularly to the abuses and burdens the people are compelled to suffer in order that a favored few may wax fat under the pernicious system of rate discrimination. I do not mean those people who hope to obtain, through the aid of Congress, success, which lack of energy, honest effort, and ability have failed to secure for them. Such men are neither honest nor just, and they are ever ready to assert whatever suits their own individual purposes. But I refer to those honest people who, dealing fairly with others, demand that they in turn be fairly dealt with. Men who believe in honest competition and who are far more interested in the welfare and protection of property interests in general and in the maintenance of public honesty and decency than they are in the building up of their own business through the aid of rebates and other discriminations to the detriment of others.

Mr. Chairman, it costs 27 cents per hundredweight to ship bacon by freight from Chicago to Lynchburg, Va., a distance of over 1,000 miles. From Lynchburg to Danville, a distance of 65 miles, it costs 40 cents per hundredweight, a difference of 13 cents per hundred pounds.

Matches by the carload, Detroit to Lynchburg, are rated at 24½ cents per 100. The Southern Railroad makes a rate of 47½ cents per 100 on matches to Danville, thereby charging 47½ cents for hauling the same shipment 65 miles which is hauled by other roads over ten times as far for 24 cents.

Why does the Southern Railroad inflict these unreasonable burdens upon the city of Danville? Are they not unreasonable rates? If they are unreasonable rates, why are they tolerated?

Vinegar in carload lots, Chicago to Hot Springs, Ark., a distance of 686 miles, it rated at 33 cents per hundredweight. Vinegar in carload lots, Chicago to Wichita, Kans., a distance of 686 miles, is rated at 48 cents per hundredweight.

Wheat consigned to New York from Lincoln, Nebr., is 38½ cents per hundredweight, while wheat consigned for export through New York is 34 cents per hundredweight.

Paint in carload lots Chicago to Spokane is rated at $1.21 per hundredweight, but the same article Chicago to the Pacific coast, nearly 500 miles farther, is but 90 cents per hundredweight.

The rate on iron from New York to San Francisco is 60 cents per hundred pounds, but if billed to Hongkong via San Francisco the amount received by the railroad is considerably less. The rate from Omaha to Kearney, Nebr., is 30 cents. It is 3,000 miles from New York to San Francisco. The distance from Omaha to Kearney is 200 miles. From New York to San Francisco the traffic passes over the same road that the traffic billed to Kearney does. I am informed that the rate from ocean to ocean is the lowest in the world, and I do not question the truthfulness of that assertion; but I can not quite understand why Kearney should be made to pay an unreasonable rate.

Cotton piece goods from New England to Denver is rated at $2.24 per hundred pounds. Carload lots New England to San Francisco, going through Denver, 1,500 miles farther and passing over two mountain ranges, is rated at $1 per hundred pounds and $1.50 in less than carload lots. The Supreme Court has decided that the Interstate Commerce Commission has no power to correct this condition. Is the Congress of the United States powerless to confer that power?

I have read with considerable interest the decision of the Supreme Court in the so-called "party-rate case." The Baltimore and Ohio Railroad Company made a rate to a party of gentlemen which was a much lower rate than they would give to a single individual on the same train. The Interstate Commerce Commission held that the rate was illegal, but the Supreme Court decided that the act to regulate commerce did not prevent the application of the principle of wholesale and retail to railroad tariffs. What would the army of small dealers of this country say were the railroads bold enough to apply that decision to the shipment of freight? Does anybody think even for a second that the protest of a few Senators would be sufficient to cause the President to defer calling the Congress together in extraordinary session for the purpose of stopping such an evil? I hardly think so. Under such a decision the small operator would not stand as much show as a grasshopper in a turkey pen.

But, Mr. Chairman, there are discriminations and there are discriminations. Some one has said that exclusive contracts for private car privileges affords the most fruitful source for rate discrimination, and if the statement of Mr. George A. Mead, who appeared before the Interstate Commerce Committee on May 17, 1905, can be relied upon, I am constrained to believe that there is some truth in the assertion. After having proceeded for some time, Mr. Mead called the attention of the committee to the following instance merely as an illustration of what certain dealers must contend with that the greed of the fortunate contractor may be satisfied. Mr. Mead said:

> A receiver in Chicago received a carload of tomatoes from a point in Tennessee. I have the exact facts here in a pamphlet, if I can find them. Perhaps I can give them as well as to read them. This party received a carload of tomatoes over a road having an exclusive contract with a private car line. The distance was something like 522 miles, I think, from Gibson, Tenn., and the icing charge for the car was $73.92.
>
> Senator CULLOM. That was a separate item, so you know what that was?
>
> Mr. MEAD. We know what that was, because the party refused to pay the charge, and a lawsuit was begun.
>
> Senator FORAKER. How long was that car in transit?
>
> Mr. MEAD. I can not tell you. I am not familiar with that section.
>
> Senator KEAN. You said you were familiar with the case.
>
> Mr. MEAD. I am familiar with the facts of the case, but I am not

familiar with the distance between these points. My business is in the East, and this case occurred in Tennessee.

Think of it for a moment; under the Armour exclusive contract, from Gibson, Tenn., 522 miles, $73.92; from Memphis, Tenn., 527 miles, practically the same distance, under free refrigerator competition, $15. Now, the difference between $73.92 and $15 is $58.92, and what does that $58.92 represent? It represents an imposition upon the public so intolerable and a traffic situation so unendurable that the exclusive contract which makes these horrible conditions possible must be destroyed and replaced by free and natural competition under the operation of just law.

Senator KEAN. We have had that same instance before.

Mr. MEAD. I think so. That is one of the difficulties under which we have to work. We have to pay the bill in a lump sum, without knowing whether there are any correct refrigerator charges upon it or not.

Senator FORAKER. Can you give the date when that charge was made?

Mr. MEAD. This was brought out at the June hearing last year in Chicago.

Senator FORAKER. Was it shortly prior to that time, or is that some old case?

Mr. MEAD. Oh, no; it was last season.

Senator FORAKER. Something recent?

Mr. MEAD. Yes, sir.

Senator FORAKER. Something in last season's business?

Mr. MEAD. Yes, sir.

Senator CULLOM. Do you know what kind of a car that was—what its capacity was?

Mr. MEAD. It was an Armour car.

Senator KEAN. What was its capacity?

Mr. MEAD. I could not tell; their capacity does not vary very much.

Senator KEAN. What is the capacity of the other car?

Mr. MEAD. About the same.

Senator KEAN. So that you know the capacity of the Armour cars?

Mr. MEAD. They do not vary to amount to anything.

Senator CULLOM. What was the icing capacity? Do you know anything about that?

Mr. MEAD. I do not know about that. But in answer to the Senator's question I am just reminded:

Again referring to the Ellis car of tomatoes, that we may still more fully understand the effect of the Armour exclusive contracts, we have to know that the distance from Gibson, Tenn., to Chicago is 522 miles, and from this point the Armours charged the Messrs. Ellis $73.92 for icing, while the icing charge by the Illinois Central Railroad from New Orleans to Chicago, a distance of 923 miles, is only $30 per car, so that in this instance the Armour exclusive contract enabled the Armour lines to charge $43.92 more for the refrigeration for a distance of 522 miles than the Illinois Central, upon whose lines there are no exclusive contracts, charges for a distance of 923 miles; but if this statement shows an intolerable state of affairs, what shall we think when we are made aware that upon the selfsame day in which the Messrs. Ellis received this car of tomatoes from Gibson, upon which they paid the $73.92 icing charge, they received a like car of tomatoes from Memphis, which is a few miles farther from Chicago than Gibson, and upon this Memphis car the icing cost was only $15, and, to make matters worse, the car used from Memphis, upon which the icing cost was $15, was an Armour car, but hauled over a road where no exclusive Armour contract exists.

Senator CULLOM. One charge was $15 and the other was $73.92.

Mr. MEAD. Yes, sir. One road had an exclusive contract with the Armour Car Lines and the other had not.

Mr. Chairman, wouldn't you like to be the iceman?

Now, gentlemen, if this statement of Mr. Mead's is true, how long are these private car contractors to be permitted to perpetrate their outrages upon the people? I do hope that there is no combination of men in this land of ours so formidable as to cause our leaders to make peace with them. Why, Mr. Chairman, this land of the free and home of the brave belongs to all of the people. There is nothing in the Constitution permitting a few wealthy monopolists to manage it for their own gratification, the fact that the absorbing sentiment of their souls seems to be that the country belongs to them to the contrary notwithstanding.

In his statement before the Committee on Interstate Commerce, United States Senate, Thursday, April 20, 1905, Mr. Lucius Tuttle, president of the Boston and Maine Railroad, of the Maine Central Railroad, of the Washington County Railway, and some others, during the course of his remarks took occasion to impart to the committee the following information in justification of rate discrimination.

In the northern part of Maine there are perhaps hundreds of thousands of acres of spruce lands. Up to within a few years, say within ten years, in certain portions of northern Maine there were no inhabitants. At a certain place there was a primeval forest, not containing even a hundred cabins. A railroad was put into that territory—the Bangor and Aroostook. An opportunity was given to develop the timber industries of that section. Certain capitalists discussed the question of establishing a pulp and paper mill in that region. They selected a place, and called it Millinocket, and found that they could bond a large quantity of timber land, with good available water power, and the conditions for manufacturing paper and pulp were very satisfactory. But before the could do anything more than bond it, it became necessary for them to go to the railroad and find out what it could do for them in the distribution of their product. In order to establish a profitable industry up there they had to manufacture an enormous quantity daily. That involved the problem of distribution of that product, which was largely paper upon which to print newspapers. They could sell a portion to Boston, certain portions to New York, and perhaps some to Philadelphia papers, and all those places could be reached easily in competition with paper and pulp sent from other sections of the country, because the distances were comparatively short. But they found that that would not use up all their product. It was necessary for them to manufacture upon a scale sufficiently large to make the product cheap, so that their production would be very much in excess of that which they could get used in the nearer markets. So they came to the railroad and said: "We want to know what rate you will charge us to carry these products to Boston and New York and Chicago and all about for us, and then we can determine whether we can build that mill."

Then the railroad had to take into account the fact that perhaps in Chicago paper was received from mills not more than 500 miles away, and so it became necessary, in order to meet that competition, to carry that paper from Maine to Chicago, a distance of some 1,400 or 1,500 miles, so that it could be sold to the Chicago newspapers at the same price that they would have to pay for paper that came only 500 miles. The railroad did equalize its rate and gave the company such a rate that they could put their products into the markets of the United States; and in consequence of that has arisen that place of Millinocket in the last ten years, a place which has schools, churches, streets, electric lights, and a population of 3,000 or 4,000, who live as comfortably as they do anywhere in the world—a place where ten years ago it was primeval forest. Those 2,000 or 3,000 people receive practically all their supplies by rail—their food, their clothing—and they travel; they make business where before that it was forest or desert; and the railroads leading into that place get reasonable rates for that travel and get enough out of those people so they can afford to give those mills the low rates to Chicago, and nobody suffers. If the railroad had said, when that subject was first brought up, "No, we can not give those rates," there would have been no such place as Millinocket.

Now, Mr. Chairman, this rate, which transformed a primeval forest in northern Maine into the thriving city of Millinocket in order that the Bangor and Aristook Railroad might increase its business, was, I am constrained to believe, a wise and beneficent one. It not only furnished a way whereby Millinocket pulp manufacturers could compete for the business of the greatest daily newspapers in the world at Chicago, but it had a tendency to further the growth of the railroads over which the citizens of Millinocket must ship and receive their daily supplies. That is business, and a kind of business against which no fair man can justly complain. But why should Mr. Tuttle divert the minds of the committee from the real cause of complaint, and why did the committee permit him so to do? The rate given to the Millinocket concern was not so low as to annihilate similar concerns nearer the point of competition. The rates against which the people are crying out so vociferously are those rates which enable one business concern to thrive while others must languish—a low rate given to one concern as against a high rate given to another concern engaged in the shipment of the same commodities from and to the same points.

Now, Mr. Chairman, whatever excuses the railroads may give to justify themselves they can not deny the facts. Unreasonable rates, rebates, and rate discrimination have been granted and wrongs have been perpetrated, too, in defiance of all constitutional authority and against all laws. The question then arises, What legislation is necessary to correct these evils? That there is a sure and efficient way there can be no intelligent contention. All wrongs can be righted when the lawmaking power makes up its mind to right them, and the concensus of opinion is that the time to act has at last come. Let the action, however, be wise and conservtaive, but none the less effective.

Confiscatory legislation can not be enforced, and an attempt to pass such legislation should be rejected. Let us pass some measure, my friends, which will do complete justice to all concerned—a measure which will do injustice neither to the railroads nor to the shipper nor to any community. No railroad official of any consequence has, to my knowledge, objected to the passage of such legislation, and the people are asking for nothing more and will accept nothing less.

In conversations I have had with many gentlemen upon this all-absorbing question I do not recall a single instance when a wish has been expressed that rates which would be prohibitive upon the prosperity of the railroads might be imposed. On the contrary, the hope has frequently been expressed that reasonableness and fairness might prevail among the representatives of the people whenever they are called upon to enact legislation regulating interstate commerce.

To the railroads we owe in great part not only the prosperity but the happiness of our people. Upon them depends the continued success of agriculture, commerce, and manufactures. Without their beneficent aid we could not to-day hold the first place among the producing nations of the world. They are our greatest benefactors. Let us, then, do justice to the railroads, to the shipper, and to the people. Let us not weaken the charm of the word "honor," upon which is based the stability of our country.

Mr. MANN. Mr. Chairman, I yield to the gentleman from New York [Mr. WALDO].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. WALDO. Mr. Chairman, in the first place, I believe, there is no one in this House and no one in the country who desires to do any injury to the railroads. We all know and believe that the prosperity of the whole country depends almost entirely upon our transportation system. There is no one who

would take away any right from any road or in any way oppress any railroad corporation. In fact, I have never known of any attempt that was successful in this country to oppress any railroad corporation, and it is very doubtful if there ever will be.

Under the law, as it now exists, the Interstate Commerce Commission has every power, except one, granted by this bill, and that is to fix maximum rates. The only addition is to extend the control of the Commission to terminal facilities, private car lines, and private switch facilities, so that there shall be no special charges on these accounts that will make rates that are unjust or unreasonable or reductions that shall give undue preference to any particular person or favored shipper.

The gentleman from Maine very much feared that one provision of section 13 of the old law might, in some way, in connection with the provisions of the amendment, give the Commission power to initiate a schedule of rates for any or all the railroads of the country at any time that the Commission saw fit.

It seems to me that there is nothing in section 13 and nothing in this bill that can be construed to have any such effect. Section 13 of the present law provides for complaints by shippers and others to the Commission of violations of the interstate-commerce law by any common carrier, and—

That the Commission may institute any inquiry on its own motion in the same manner and to the same effect as though a complaint had been made.

Section 15, as amended by the bill now before the House, empowers and directs the Commission, after a hearing on a complaint, made as provided in section 13, or upon complaint of a common carrier to determine and prescribe "just and reasonable and fairly remunerative rate or rates to be thereafter observed in such case as the maximum to be charged."

Here is a direct grant to the Commission of power to make maximum rates upon a complaint, and how in any way that can be construed in connection with the latter part of section 13 as a power to fix rates upon their own initiative is something that I can not understand. The gentleman from Maine himself is very doubtful if it does give any such power. The grant of power that this bill gives to the Commission is plainly that to fix maximum rates upon a complaint. That is exactly what the Commission has recommended, it is what the committee of this House on Interstate and Foreign Commerce has recommended, it is what the President has recommended, and it is what the House intends to do. And it seems to me that the language of the bill gives the power to the Commission, and no further power than to fix maximum rates upon a complaint made to it.

It is urged that there is no occasion for the grant of any such power, and I understood the gentleman from Ohio [Mr. GROSVENOR] to state that there was no occasion and no demand from the country for the grant of any such power. In the first place, before the Interstate Commerce Commission during the last year there were filed 568 complaints. These include 65 formal cases and investigations, and these involve directly the rates and practices of 321 railroads and common carriers in all parts of the country. After hearing these cases, the Commission were authorized only to find that the rates or practices were unjust, and that was their finding in most of these cases, but they had no power to state what was just or reasonable. And there was no one that had any power to state it except the corporation that made the unjust charge.

Many cases of unjust rates charged by railroads, known to the people of all sections of the country and still persisted in, have never been before the Commission. There is one practice of the Pennsylvania Railroad that obtains every year which is clearly an outrage upon the rights of the people. The coal railroads start every April with a fixed price for coal delivered at tide water, and with the announcement that the rate will be increased 10 cents per month for five months, until the time when the poor must have coal, and then they have to buy coal at the highest rate during all the rest of the year until the next April. There is no justification for any such a practice as that. The coal railroads of Pennsylvania have fixed the freight for carriage of coal to the seaboard at such a rate that the coal has been advanced from a dollar to one dollar and a half in price ever since they made their combination and forced the independent operators to come in with them, and it has remained at that ever since. Before they made their combination and forced the independent operators to sell all their output to the combination, the price of coal delivered to the Atlantic seaboard was only $4 a ton. To-day it runs from $5 to $5.50 a ton, and has been so continuously ever since that combination of the roads in Pennsylvania.

These railroads own to-day 90 per cent of all the coal mines in Pennsylvania, and have control substantially of all the coal that is used in the great cities of the East, New York, Philadelphia, Baltimore, and, to a considerable extent, of this city. In this city coal is to-day a dollar a ton higher than it ought to be, on account of the unlawful combination and unreasonable freight charges of these roads.

There have been two cases just decided by the Interstate Commerce Commission of unreasonable charges, and these are only two of thousands. The rate on cotton goods from New York to San Francisco, they find in these cases, is $1 per hundred pounds in carload lots, and in less than carload lots $1.50 per hundred pounds. To Denver they will make no rate on carload lots, but they charge $2.24 per hundred pounds from New York to Denver, while they carry it in less than carload lots to San Francisco, nearly 2,000 miles farther, for $1.50 per hundred pounds. The rate from New York to the Mississippi River is 64 cents; from the Mississippi River to the Missouri River, 35 cents; and from the Missouri River to Denver, $1.25, making the $2.24. The Commission found that this was unreasonable, and that in their opinion the rate ought not to be over $1.50.

The Commission assumed that the rate from New York to San Francisco must be at least the cost of carrying, and find that a charge of $2.24 for two-thirds the service they are ready to render for $1.50 is unjust. They go further in this case than I have known in any of the cases decided lately, and say that the railroad has no right to carry goods at less than cost and charge the loss to the other parts of the country. That is the very thing the railroad presidents, managers, and traffic managers testified before the Senate committee they had a right to do, that they intended to do, and that they believed was just that they should do.

This practice, it seems to me, is one of the wrongs the railroads have perpetrated upon the country, and which has occasioned the most indignation among the people, namely, that they claim a right to and do transport freight to one community at less than cost and charge the loss in increased rates up to some other community that they do not look favorably upon.

A special demand has been made upon Congress by 418 memorials from forty-four different States by 418 organizations of shippers, fruit growers, and others, who protest against this and other unjust practices of the railroads and ask Congress that the Commission be given power to fix rates, so that they may be treated justly. Sixty-two national and sectional organizations of shippers and producers have petitioned Congress to give the Commission power to fix rates. And lastly, according to the testimony before the House Committee on Interstate Commerce at the last session, there were eight legislatures that had sent memorials to Congress asking it to give the Interstate Commerce Commission power to fix rates.

It would seem that there is no great trouble with the railroads for a lack of profit. According to the testimony before the Senate committee, in the last four years ending June 30, 1903, the railroads of this country, after paying dividends on their stock running from 5 per cent to 23½ per cent in one instance, have laid up a surplus of $358,444,000 and applied on permanent improvements $92,500,000, showing that after having paid dividends that were in some cases exorbitant they had made a surplus of $550,000,000. All this enormous profit was made over and above dividends, rebates, the allowances to private car lines, the enormous allowances, as in the city of New York, for terminal facilities, and the vast private freight lines that eat up the income properly belonging to the railroads.

We can hope for no relief from the railroads themselves. Such competition as did exist between interstate and through lines has almost entirely disappeared. Mr. Prouty, of the Interstate Commerce Commission, states that half a dozen men control all the railroads in this country, with a few exceptions, and that those exceptions are entirely in the hands and at the mercy of this combination. This afternoon one gentleman read here part of the combination agreement between the great railroads, which provided that there should be no competition. In the hearings before the House committee at the last session and before the Senate Committee of Interstate Commerce during last spring and summer the railroad traffic managers and presidents admitted that there was no longer any competition in this country except where water transportation was possible.

The objection to a proper regulation and control of railroad rates arises from the misunderstanding of the real status of a railroad company or railway. A railway is not at all a piece of private property like a house or a horse or a farm. A railroad is a public highway, and it does not belong to the railroad company in the same proprietary sense that a house or a farm belongs to its owner.

It is a public road and franchise that belongs to the public, and it is loaned or put into the hands of a corporation for the

benefit and use of the public and not for the purpose of enriching beyond the dreams of man any particular person. Members here from the East do not realize that so much as people in the West. During the years I lived in the West I saw in the immediate neighborhood where I lived a great railroad corporation with enormous assets secure a franchise from the people, a free franchise, a free gift, then send its shrewd agents throughout the country, and by working on the feelings of the farmers and those who desired to secure transportation for offers of assistance toward the construction of the proposed road, until they secured from the hard-working farmers a vote of bonds sufficient in amount to build the railroad. So the railroad company received first a franchise as a free gift, then they received a railroad fully built as a free gift, and in some instances they received also a free gift of the rolling stock and equipments.

Such cases show precisely what a railroad is. It is nothing more than a public highway. It is put in the hands of a corporation to control and conduct, not for the benefit of the stockholder, not for the benefit of the officers, but for the benefit and convenience of the public; and the officers of that corporation have no more business to treat that railroad as a private enterprise from which they have a right to gain as much profit for themselves and stockholders as possible than has a public official to so conduct his office as to gain for himself and his friends great emoluments and rewards. Yet the whole system of the fixing of rates by the railroads has been upon the basis of securing for its officers and stockholders from the people every cent that they can possibly obtain and still allow the people to do business. That is what the railroad officials themselves say. That is what they all testify before the Commission and at all times, that their basis of rate fixing is "all the traffic will bear."

You can see this exemplified in the late case just decided by the Interstate Commerce Commission before referred to, where the railroads charged between New York and San Francisco only $1.50 per hundredweight because there is water transportation, and the railroads would only get a small share of the business unless they came down to a reasonable rate. But when it came to the case of Denver, where the railroad combination has sway and there is no competition, then they charged $2.24 a hundred, although Denver is only about two-thirds of the way across the continent.

There is not a place in this country that is in the hands of the railroads, where there is no water transportation, that the same thing does not occur, unless some official of the railroad is interested in that particular place. In Iowa they have adopted a mileage rate, and the result is, they say, that the whole country is prosperous; that the towns all over the State are growing enormously; that manufactories instead of being brought together in some few towns that the railroads are interested in, are springing up all over the State, and it leads to the prosperity of the whole country, and prevents the enormous growth of cities, which is really one of the greatest dangers that this country now faces. It probably would not do to fix rates for interstate commerce on a purely mileage basis, but certainly rates should be in some reasonable proportion to services rendered, instead as now—solely upon the question of how much can be extorted from the shipper.

There is every reason why we should pass this bill. There is no one that objects to it except the railroad corporations and their owners, who are taking from this country a much larger per cent of profit than they are entitled to, and who not only take from the country a larger per cent than they are entitled to, but give cheap rates to favored localities and make up the loss by taking extortionate rates from others. There is no way to remedy this injustice unless we put in the hands of the Interstate Commerce Commission power to say what shall be the just and impartial rate for all.

It seems to me it is a most remarkable proposition—certainly to the people of the West, where the roads have been given free—that they should give the right to the corporation to build the road, furnish them the money to build and equip it, and then have the road say to them that they have no right whatever to say what charge they shall pay upon their own highway.

It is to me a most remarkable circumstance that any considerable number of people who are not interested in securing the largest possible pay for the railroads, who are not the owners of the railroads, should for one moment be deceived by any talk of socialism or anarchy.

Gentlemen, the only way we can prevent socialism and anarchy is by controlling the great corporations in this country. The one thing that creates the greatest discontent in this country is that we have allowed such enormous corporations to grow up and be substantially without any control at all. I am not in favor of socialism or of anarchy, for that matter, any more than the gentleman from Maine or the gentleman from Pennsylvania or anyone else in this country. I do not fear the result to the railroads or to the country if we pass this bill, no matter who shall be President. No commission will ever be appointed, no commission can exist in this country, that will oppress the railroads so that the prosperity of this country will be affected disastrously. There will never be a time so long as this country exists when the railroads will not get all they ought to, and in many instances a great deal more.

The evil of uncontrolled conditions of traffic in this country is felt by all the people. The people are in favor of its control; they want somebody in this country that will have a right to say how much they shall pay besides the man who is going to get the money. All the people in this country see the right and justice in a case of that kind, where we have granted to the great railroad corporations a substantial monopoly, and where they have come into a combination so that there is no longer any real competition. It has now become necessary that some disinterested tribunal should be in power to decide what is a just rate to charge the people of the country for carrying their products upon these, their own great highways. [Applause.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I would not undertake at this stage of the consideration of this measure to go into any extended discussion of the legal questions involved, or the expediency of the policy which is presented by the bill now pending before the House. Really, so far as I have been able to investigate, and I have devoted considerable time to the subject, the decisions of the courts of last resort, both of the State and of the United States, have upheld the power of the States to regulate railroad rates within the States, and the power of the United States to regulate railroad rates in interstate commerce by a commission created for that purpose. The Constitution confers the power upon Congress to regulate interstate commerce, and the courts have held by an unbroken line of authority that Congress can by legislative authority exercise that power through a commission. Only 25 per cent of the commerce is within the States and 75 per cent is interstate, and hence the importance of the Government exercising effectively this constitutional power conferred for the protection of the people.

Upon the first day of this session of Congress I introduced a bill to confer upon the Commission power to regulate rates, which was referred to the Interstate Commerce Committee, and I congratulate myself that in the report the distinguished chairman of that great committee made to this House in reference to this bill he mentioned the fact that that bill was introduced by me, with quite a number of others, and states that from all the bills so introduced some of the provisions of this bill were obtained. It is a source of congratulation, not only to this House, but to the country, that this bill received the unanimous approval of all the members of the Interstate and Foreign Commerce Committee, both Democrats and Republicans, and that it is a source of additional gratification that it has met with such universal approval on the floor of this House. So far, of all the many speakers who have addressed themselves to the question, there are only three gentlemen—the gentleman from Pennsylvania [Mr. SIBLEY], the gentleman from Maine [Mr. LITTLEFIELD], and the gentleman from Massachusetts [Mr. MCCALL]—who have opposed this bill and urged that it ought not to become the law of the land.

These gentlemen are ingenious and resourceful, and they present what to their minds, I presume, are satisfactory reasons to govern their action in opposition to this important measure. But the fact, Mr. Chairman, that this bill receives the unanimous indorsement of all the members of this great committee and that it has met such universal approval on the floor of this House on the part of the representatives of the people is evidence of the fact that behind it is a great demand on the part of the people of this country who are vitally interested in this great subject.

From time to time different manufacturing, financial, commercial, and industrial interests have applied to this House for relief from evils of which they complained. They all received attention and have had legislation adopted here which brought about at least some of the relief sought by these various interests. The great producers of this country now come before this body asking this legislation. It is in their interest and for their welfare; and because of the fact that they are prone to bear their burdens without complaint is a strong indorsement to us that this legislation, coming in obedience to their universal demand, is righteous and just.

This bill, it seems to me, is conservative from every point of view. All interests have been considered and justice under its provisions meted out to all. Taking into consideration the

great interests that are involved, the thirteen or fourteen billions of dollars that are to-day invested in the 217,000 miles of railroad in the country, the fact that something like 2,000,000 people are interested as owners or as employees of these great corporations, and further taking into consideration the great interests of the 80,000,000 American people which are vitally involved in the issues presented by this bill, looking at it from every standpoint, it is a conservative measure and one that should commend itself not only to the Members upon this floor, but to the country at large. [Applause.] It is comprehensive in its scope. In the first section of this proposed act it provides that—

The provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory aforesaid.

Thus including in its provisions all kinds of carriers in interstate commerce and in the proviso reserving to the States the control of passenger and freight traffic within the States. Not only does it provide for the control of these different characters of carriers in this country, but it gives a specific definition of what shall be included in the term "railroad" as used in the act, and provides as follows:

The term "railroad," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property.

Then it defines in specific terms the meaning of the word "transportation," as follows:

The term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

And then declares that—

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Now, with the definition clear and distinct as to what carriers are included in the provisions of this act and what shall be meant by the term "railroad" and by the term "transportation," and that all rates shall be reasonable, in my judgment, the provisions of this act can not be construed away, and that is important, because the courts have held that the Interstate Commerce Commission can only exercise the powers specifically conferred in the act and that nothing shall be done by implication. Hence, the importance of these provisions.

There is one provision in the bill which I introduced which I fear is not in this bill. It is possible that it is covered by the provision in this act where the Interstate Commerce Commission is given power to govern all "regulations and practices" of the railroads. The provision in the bill I introduced provided specifically that they should have the power to revise classifications as well as rates. I hope the provisions of this bill cover that, because it is an important feature, in my judgment, to be considered. Another provision in my bill, Mr. Chairman, which I would be glad to have in this bill, was a provision which required that the railroads, whether they proposed to carry the shipment the entire distance or whether they proposed to transmit it through another carrier to the final destination, should be required to give a through bill of lading, and in that bill of lading specify exactly what the rate should be, and that then they should not be permitted to deviate from that rate.

That provision may also be covered in this bill by the general power conferred to revise rates, and I hope it is; but I would be glad if it was specifically included, and then there could be no doubt about it, for I consider it very important. This bill also confers the power to substitute and put into effect a reasonable rate in place of an unreasonable and therefore unlawful rate. Now, then, Mr. Chairman, the question presented to us is whether or not these rates shall be revised by a Commission to be appointed by the President, and who will act under oath, or whether or not the rates shall be fixed by people who are not responsible to any governmental control or to any appointive power, and not even to the people themselves.

In this country there is no longer any real competition, for three traffic associations fix all the rates. One north of the Ohio and the Potomac rivers fixes rates for that section of the country; one on the Pacific slope and another south of the Ohio and the Potomac rivers fix the rates for those sections, and each of these rate-making boards are composed of four men. Hence the railroad rates of this country are fixed by twelve men. The question is whether they shall continue to fix absolutely the railroad rates of the country or whether the rates shall be revised and made reasonable by officers of the Government under oath, who are disinterested and who will give just and honest consideration to both sides of the question when presented, and do equal-handed justice to all parties. The issue is up to us as the representatives of the American people, and it is an issue between the corporations of the country and the people of the country.

The question is whether the country and the people shall be dominated by the great corporate influences or whether they shall have relief through the law administered by the officers of the law under oath. The issue is sharp and well defined, and the people are aroused and waiting with interest the result of our acts, and they will hold him responsible who may flinch or show the "white feather" in this crucial hour. [Applause.]

Mr. Chairman, I had hoped I might have opportunity to discuss this bill and this great question fully, but on account of very serious illness in my family during its pendency before this House, I have not been able to get together the data I had collected so as to properly present it to the House, or to cogently collect my thoughts.

But I desired to say this much in order that I might express my intention to vote for the bill which is now pending before the House, as I believe it is a very great improvement upon the legislation which now stands upon the statute books, and if enacted into law, as I hope it will be, that it will bring some measure of relief to the people. From their honest hearts they believe they have a just cause of complaint, and are demanding that they be given some legislation to vitalize the powers and the authority of the Interstate Commerce Commission and give to them a tribunal where they can go and, at least, present their causes, and where wrongs have been done have them righted. This bill will do that, and I hope to see it become a law. I thank you, my friends, for your very kind attention. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, it was not my intention to speak during the general debate on the pending measure, because I did not expect to get the time. However, by the courtesy of my friend from Georgia [Mr. ADAMSON], and quite unexpectedly, and I might say quite unpreparedly, I am afforded at this inopportune time the privilege of having my say on this all-important subject—a matter of much moment to all the people of the land, and affecting more or less intimately every section of our country—the question of the fixing of railway rates and the regulation of railroad and other transportation companies doing an interstate-commerce business in the United States.

I thank my friend from Georgia for his kindness in yielding to me his time, and I grasp the opportunity to use some of it, because I realize that if I did not take advantage of it now, I might not get a chance to speak to-morrow, when the debate on the bill will close; and I know by sad experience in this House that when the bill is to be read and is open for amendment, the day after to-morrow, there will be little or no debate permitted by those having this measure in charge. The bill, I am informed, is going to be rushed through the House—railroaded, as it were—regardless of its defects and its omissions and its incompleteness, and all amendments that Members desire to offer to strengthen the measure are to be quickly voted down, and the bill just as it came from the committee passed on to the tender mercies of the sacrific Senate.

Mr. Chairman, in my opinion, this matter of just and reasonable railroad rates and the governmental regulation of transportation companies doing an interstate-commerce business is one of the most important questions now before the American people. It is a live question, and no matter what we do now, or say now, you know and I know that it is here to stay until

it is settled and settled right; and the problem never will be solved, and the issue will never down, until it is solved and settled for the best interest of all the people, and not in the interest of the selfish few.

I have given much careful study to this great subject. I know something about it. As a legislator trying my best to do my duty as I see it to all the people, I have given, and will continue to give, my very best efforts to help in the solution of the many problems we are called upon in these matters to determine, and they should be solved and determined by us in a spirit of fairness and equality and equity to all concerned. The highways of commerce, the avenues of industry, the byways of trade must be open to all; and every shipper and every producer must be treated exactly alike—no midnight tariffs, no rebates, no discriminations, and no favoritism. Equal rights to all and special privileges to none must be our watchword. [Applause.]

Now, sir, we all realize, I believe, that the great interstate-transportation agencies of our country are here to stay. They are essential to the business of the country. They can not be dispensed with nor destroyed. They are as fixed in our commercial life as the hours of the day, and as immutable in our industrial existence as the medium of exchange. Their mileage, and their equipment, and their wealth, and their power, and their influence will not diminish, but will increase more and more as the years come and go. They will continue to dominate the people if the people do not take action to control and to regulate them. The people of the country are aroused on this question. They will keep up the fight until it is won. You can beat the people to-day, you can deceive the people to-morrow, but the contest between right and wrong will go on, and sooner or later the people will win. I am with the people in this fight. It is either Government regulation now, or Government ownership hereafter—take your choice. [Applause.] As the President said on this subject in his message to the Congress in December, 1904, the Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

I read not long ago, Mr. Chairman, that more than 80 per cent of the enormous railroad mileage which to-day gridirons the United States has been constructed since the civil war. We have over 215,000 miles of main railroad tracks, and the giant spider is still spreading its web of steel in every and all directions. And when we take into consideration the second, third, and fourth tracks, and sidings and terminals, the total foots up to nearly 300,000 miles of steel railroad tracks. Just think of that! Sufficient to go twelve times around the earth, or make a journey to the moon, if such a thing were possible, and have miles and miles to spare. We are indeed the greatest railroad country on earth, and will continue to be for a century to come. And if we pause to consider these marvelous figures and facts we must be impressed with the consciousness of the far-reaching power and effect of the railway influence in every line of human industry, and if we stop to analyze the volume of traffic handled we can not fail to realize how greatly the railway systems of our country enter into every phase of modern life.

In 1894 the railroads carried 638,000,000 tons of freight. In 1904 the figures more than doubled and reached the enormous total of 1,309,000,000 tons, with aggregate traffic earnings amounting to the enormous total of $1,977,638,713. Last year they did a largely increased business, and the figures for 1906 will greatly exceed those of last year. In 1895 the records show that 527,421,000 passengers were carried; in 1904 the figures increased to 715,419,000, and when the reports for last year are at hand a much larger increase will be evident. The figures are bewildering and the facts as startling as they are astonishing; and the end is not yet.

To transport this vast number of passengers and gigantic amount of freight, including all varieties of foodstuffs, there were utilized 47,000 engines, 40,000 passenger cars, and 1,760,000 freight cars. In the operation of this great network of railways more than 1,250,000 men are directly employed, of which 52,000 are engine drivers, 55,000 firemen, 40,000 conductors, and 106,000 trainmen.

Of course, I know figures are usually uninteresting; but these figures are alive with human interest and full of flesh and blood activity, because they have to do not only with men and measures, but also with our national commercial life and our fundamental political and industrial institutions, which should safeguard the interests of all the people—but more often do not—and the home life, and the very existence of every man who works for a livelihood and earns his bread in the sweat of his face. [Applause.]

The rapid growth of our interstate common-carrier systems during the past quarter of a century has been simply marvelous, and the tremendous power they wield to-day in the intimate political and social and economic life of the country is truly inconceivable. The average man who rides on a railroad train in comfort and in luxury to a distant point has little conception of how the railway affects even the most intimate details of his existence. It is the power that dictates political conventions and makes nominations; that seats its well-paid lawyers in the courts of justice; that rules legislatures; that subsidizes the press; that dominates the National Congress, and that compels all of us, who must eat to maintain life, to pay the price for food which the big transportation interests fix directly or indirectly.

From a systematic investigation of existing conditions and a careful examination of governmental statistics, I fearlessly assert that the time is now at hand when the Government must take decisive action to regulate the great railways and great public transportation utilities of the country doing an interstate-commerce business, or they will ere long absolutely own and control the Government, and, through their great tentacles stretching out in every direction, they will be able to strangle competition, crush commercial endeavor, paralyze individual industrialism, and create the trust of all trusts and the monopoly of all monopolies.

These giant public utility transportation companies, traversing as they do every part of our national domain, are so vital a part of our complex industrial and economical and political life that their influence affects all things which go to make up our existence from day to day. I believe the people are just awakening to the consciousness of the real facts and the true situation, and in the study of the problem of the cost of living are finding out for themselves what recent economic writers have shown conclusively, and that is how the control and the power and the operation of railroads in this country overshadow every other factor of human existence.

And so, sir, knowing what I do about the facts and the conditions, and feeling as I do on this subject, I welcome remedial legislation, and shall favor any bill that will correct the abuses and remedy the evils incident to the subject-matter now under consideration. [Applause.]

Mr. Chairman, I have carefully listened to the several clever speeches which have been delivered during the consideration of this measure. These brilliant forensic efforts, however, have failed, to my mind, to greatly illumine the subject or to impart to us very much valuable information. The time consumed in this debate, nevertheless, may not have been altogether wasted. Far from it; but it does seem to me strange that no two Members who have discussed the bill agree as to just what it means and as to just what it will do. In justice to myself I want to say that I do not agree with all that has been said in favor of the pending bill, and neither do I concur in all that has been said against the bill. We all appear to agree that the measure under consideration is not a perfect bill, intended to remedy every evil incident to the subject-matter. I do not think that even its distinguished author, for whose abilities in these matters I have great admiration, will seriously assert such a claim. Take this bill all in all, and the best that can be claimed for it, in my judgment, is that it is only a feeble effort to correct, in a doubtful way and to a limited degree, long-standing and patent and glaring abuses. Will the bill in its present shape even do this? I indulge the hope that it will to some extent, and if it does it will accomplish something; and believing that it will do some good, that it will remedy some evils, that it will correct some abuses, I shall vote for the bill; because with all its faults, with all its doubts, with all its omissions, with all its defects, I sincerely hope, and I want to honestly believe, that it is a step in the right direction—a legislative advance—a Congressional stride forward along right lines for the benefit of the many against the selfish interests of the few. [Applause.]

Now, Mr. Chairman, as I said, there are some things about this bill that I do not like, and that I would change if I could have my way. I trust I will be forgiven by the sponsors of the bill if I indulge in a few criticisms of the measure, and, by way of suggestion, point out some glaring defects that should be cured by amendment to make the legislation more effective. The bill is a long one, but not a very comprehensive measure. It is an amendment to the interstate-commerce act, and purports to enlarge the powers of the Interstate Commerce Commission. The committee reporting the bill generously admit that in its preparation they were aided by the study of all the

bills introduced by Members on this subject, and I want to say that I introduced at the beginning of this session what I believe to be a bill in the right direction, a bill that I seriously believe if enacted into law would, to a very great extent, effectually put a stop to railroad rebates and transportation discriminations. It is a short bill and a simple bill and a comprehensive bill. I do not know what consideration it received from the committee reporting the bill before us, but I do know that if it were a part of the law not a transportation company in the land would dare violate its provisions, because if it did the doors of a felon's jail would open to receive the officials of the company granting the rebate or discrimination, as well as the shipper receiving the gratuity and the favoritism. I have no vanity in the matter. I am seeking results for the best interests of all the people.

I do not claim perfection for my bill, like some of the zealous advocates of the pending bill claim for the measure now before us; but I do claim that my bill, to say the least, will go very far toward the serious solution of the many problems confronting us, and, in my opinion, have a beneficial tendency to correct present interstate transportation abuses. I believe that one of the greatest evils complained about in all these matters is the rebate abuse, by which an unjust discrimination is made between shippers and a rebate given back to one shipper, or to several shippers, which all the others must contribute to by paying an exorbitant rate.

This bill, sir, which I introduced (H. R. 8414) to amend the interstate-commerce act, and which is referred to in the report of the committee, would, in my opinion, effectually put a stop to rebates by making the rebate, if one is given, the maximum rate—that is to say, the rate paid minus the rebate would stand as the highest rate. If this bill were a law I am satisfied that no railroad or other transportation company could give a rebate without the fact being quickly found out by some shipper who was discriminated against, and just as soon as the fact of the rebate was established the Commission would fix the rate charged minus the rebate as the maximum rate. I believe if some provision of that kind were put in the bill now under consideration with a criminal penalty clause for its violation, it would effectually do away with rebates; but I would go further in this matter and make it a felony for any official connected with a railroad company, or other transportation system, doing an interstate commerce business, to grant a rebate, or for any shipper over the line to receive a rebate. If this were the law I am satisfied there would be no more rebates and that the evil would cease for all time to come. [Applause.]

We should make the punishment fit the crime, and if we do I believe there will be no more railroad rebates. Put in the bill a provision making the giving or the receiving of a rebate a criminal offense, punishable by a long term of imprisonment, and I say to the Committee on Interstate and Foreign Commerce and to the Members of this House, and I say to the country, that there would not be a railroad or interstate transportation company that would give a rebate, and no shipper would dare receive a rebate for love or money. [Applause.] You will never stop this iniquitous system of rebate favoritism and discrimination until you point to the prison doors. If this bill were intended to carry out the recommendations of the President it would contain a provision of this kind and the problem, so far as secret rebates are concerned, would be solved, and you never again would hear a shipper complain about a railroad or any other great public-utility transportation company doing an interstate-commerce business giving a secret rebate. [Applause.]

But here we have the unanimous report, the concentrated wisdom, of all the members of the Committee on Interstate and Foreign Commerce, and after laboring industriously for a year [laughter] they bring forth this remarkable document [laughter], this bill of twenty-six long pages of uncertain phrases, that a Philadelphia lawyer can not comprehend [laughter], and which, I undertake to say, if placed on the statute books in its present shape and ultimately held to be constitutional, will not accomplish the purpose desired by the people of the country who have been complaining for the last quarter of a century against these unjust and unreasonable rates, these railroad favoritisms, and these interstate transportation discriminations. [Applause.]

I can demonstrate it, I think, in a very few words. If the gentlemen interested will glance at page 11 of this bill, section 15, they will find there what may aptly be termed the weak link in the chain of this measure. [Laughter.] On page 11, line 5, section 15, the bill prescribes the procedure of the Commission to fix and establish "a fair and just and reasonable rate." Then follows this significant language:

"That such order shall go into effect thirty days after notice to the carrier, and shall remain in force and be observed by the carrier unless"—mark the language. Here is what I believe to be the little joker in this bill [laughter]—"unless the same shall be suspended or modified or set aside by the Commission, or suspended or modified or set aside by a court of competent jurisdiction." Here is the committee's little black man. [Laughter.] This is the African in the railroad wood pile. [Laughter.] Can these words be misunderstood? I think not. I believe the railroads of the land and their lawyers are aware of their significance. I believe they know the import of this section, and I want to submit in all candor [laughter] to the railroad lawyers of the country how they interpret these words in the last line, to wit: "Or be suspended or set aside by a court of competent jurisdiction?" They know now what these words mean. I think I know what they mean, but the people who want railroad-rate legislation will find out later what they mean. [Laughter and applause.]

The word "suspended," if I am not mistaken, is used in this section of the bill advisedly, and it was put in there to baffle the efforts of those most anxious to accomplish something for the relief of the shippers of the country from unjust railroad rates and discriminations. I am aware that the word "suspended" has a well-known definition. [Laughter.] I am inclined to believe, however, that some of us just now fail to grasp the real significance of the word [laughter]; but if this bill becomes a law in its present shape those now crying at the doors of Congress for relief against railroad extortion will soon find out the fatality and the significance of the word "suspended." [Laughter.] Then some of us will be "suspended" by our trusting constituents. [Laughter.] The whole object sought by this remedial legislation may "hang" on this ominous word "suspended." [Laughter and applause.] And when the poor and injured shipper complains to the Interstate Commerce Commission created by this bill, consisting of seven members hereafter to be appointed for a term of seven years, at an annual salary of $10,000—and I can imagine the struggle of the railroads to get just the right kind of men on this new commission—when the shipper makes his complaint, and the Commission fixes the rate—that is to say, makes its order establishing a fair and just and reasonable rate—I can see in my mind's eye the temporary joy of the shipper, until the railroad lawyer rushes into court and during the thirty days allowed gets an injunction "suspending" the order of the Commission, and then what is the poor shipper to do? Why, go on paying the old railroad rate just the same as before. That is the way it will be done. [Applause.]

Let us, for the sake of argument, assume a case and follow it to its logical end. This bill in its present shape becomes a law. The new Commission, we will assume, has been appointed and a shipper who has been discriminated against for years, or who has been injured by rebates, who has been getting poorer and poorer while some other favored shipper, who has been profiting by his misfortunes, is getting richer and richer, makes complaint before the Commission and establishes that the rate he is paying is unjust. The Commission, on all the testimony adduced, is satisfied his complaint is justified and thereupon makes an order fixing a just and reasonable rate. That order will not go into effect for thirty days, and before it can go into effect—that is, during the thirty days, if the order is not satisfactory to the railroad company—the railroad lawyer will go into a court of "competent jurisdiction" and get an injunction "suspending" the order. Then the shipper will have to pay the old extortionate rate, and if he wants to fight the matter he must hire an experienced lawyer to carry the case up on appeal, and before the court of last resort adjudicates the matter between the railroad company and the shipper to see whether an injustice has been done or not, the shipper's business will be "suspended" [laughter] or in the hands of a receiver, and unless the shipper is a well-to-do and a shrewd and a sagacious and a pertinacious business man he will be "suspended" ere the final judgment of the case in the United States Supreme Court. [Great laughter and applause.]

With all due respect to the erudite authors and distinguished sponsors of the pending bill, I am inclined to think that this provision can be materially changed for the better by an amendment I shall suggest. If the bill becomes a law in its present shape, I am afraid it will accomplish very little of lasting benefit to the shippers and producers of the country, and will have a tendency to cause endless delay, and interminable litigation, and perhaps be the means of defeating the very object desired and sought to be accomplished. I am in earnest about this matter. I want to be fair. I do not want to create discord. I have no desire to find fault. I shall not be captious in my criticism of the pending bill. I am in favor of it, but I want to make it effectual—I want to make it really reach the evils involved and permanently cure them in the speediest possible way. [Applause.]

I am with the people in this railroad fight for justice. I

have great personal regard for the distinguished chairman of the committee reporting this bill, but I would be false to myself and to this great cause if I did not honestly say that I believe that he and all the members of the committee could have presented to this House, under all the circumstances, a very much better bill, and I trust I will be pardoned if I am impelled by my sense of duty, and my conception of the gravity of the situation, and the importance of the subject-matter, to point out in the kindliest way some of the serious defects, some of the glaring errors, and what I consider after all the vital weakness of the pending measure. [Applause.]

Hence, Mr. Chairman, I regret to say that I can not and I do not altogether agree with some of my colleagues who are congratulating themselves, and the committee, on the unanimity of the report in favor of this measure, and that the bill in its present shape is going to pass the House by a practically unanimous vote. It is true that the bill comes before the House with a most harmonious report; but a unanimous report from a committee on an important piece of legislation like this against great centralized corporate interests is not an evidence to my mind that the bill is a perfect measure and a complete remedy for existing evils. As an old and experienced legislator, having served for some time in two capitals, it is my opinion that in a great many instances where the report of a committee is unanimous in favor of a bill, especially a bill of such great magnitude as the one under consideration, which affects so many intrenched and powerful interests and which has met with so much opposition heretofore from the very interests affected—I say that the unanimity is susceptible to the construction that the bill is so drawn that somebody is going to be fooled. I do not know whether it will be those who want this legislation or those who do not want it, but I am inclined to think, that if this bill becomes a law in its present shape, that those who want it will be, to say the least, disappointed.

I believe that if the great interstate transportation companies were opposed to this bill their power and their influence would be so far-reaching that there would be a great deal more opposition to the bill than at present is evident. It is a fair assumption to believe that if the railroads of this country were opposed to this bill the measure would not meet with a practically unanimous vote in the House of Representatives. I do not want to go into details. It is unnecessary for me to elaborate the proposition. I have no desire to be a carping critic. Far be it from me to disturb the placid waters existing at present in this body. Of course I assume that the great transportation companies of the country have felt for some time that the demands of the people for the enforcement of the laws, for the abolition of rebates, and for more just and reasonable railway rates would have to be acceded to sooner or later, and perhaps they are willing to accept this weak and doubtful measure rather than run the risk of further arousing public indignation and the enactment of more drastic legislation to curb the power of these great interstate transportation companies.

Everyone familiar with the subject is aware of the fact that for years there have been secret rebates and unlawful discriminations by railroad companies and other transportation corporations to favored shippers. These discriminations and these favoritisms are criminal and must be stopped, and if the laws on the statute book now are not strong enough to put a stop to them, then we must make new laws rigid enough to put an end to them in this country forever. Whether this bill will stop them or not I do not now undertake to say, but I do hope that the bill will be materially amended ere it becomes a law, with the object of more effectually stopping them. I know of no greater injustice to the producers of our country than to have a transportation company give a rebate to one shipper at the expense of all the others. There should be no favoritism; the rate should be the same for all shippers and for all producers; equal rates, equal rights, and equal opportunities for all should be the rule. But we know the history of the past, and we do know of many cases where one shipper has been favored at the expense of all the other shippers until the favored shipper controlled the product or the industry, drove out of business every competitor, and ultimately secured a complete monopoly.

If you will read the testimony which has been adduced in several investigations heretofore held at the instance of the Government you will readily comprehend the truth of this proposition. But I do not care at this time to go into details or to be too critical. I am an optimist and not a pessimist; I hope for the best; and I trust the bill will be materially amended and become a law and accomplish some good. I shall do my best to improve the bill by amendments, if they will be permitted; but I can not refrain now from telling what I actually believe and to voice my convictions and say that the bill in its present shape is not satisfactory to the real friends of Federal regulation. It is a good deal of a makeshift; it is weak; it is apologetic, and the railroads are not opposing it. That puts me on inquiry. The unanimity with which it is going through this House also lends color to the suspicion that the railway interests of the country see no danger in its wishy-washy provisions.

It looks to me as if the fight for a square deal from the railroads is far from won, and the friends of rate reform and governmental regulation of interstate transportation companies must keep up the fight and fight harder than ever. [Applause.]

It is apparent to me that if this bill were intended to compel the railroads to live up to the law now on the statute books, if it were a bill to force the transportation companies to give fair and just and reasonable rates to every producer and to every shipper, you would find these halls filled with railroad lawyers and transportation lobbyists protesting against the passage of the bill; and I am frank to say that the bill would not meet with so very little opposition. But I have not heard of a railroad protesting against the passage of this bill. I have yet to learn of a transportation company sending to the House objections to the enactment of this legislation; and I have not seen nor heard of a single railroad lawyer who has been sent here to argue against the progress of the bill; and so, as I say, I am inclined to be doubtful as to the effectiveness of the remedy proposed in the pending measure. [Applause.]

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. SULZER. Yes; I always yield to the gentleman.

Mr. GROSVENOR. Would the gentleman from New York know a lobbyist when he saw one?

Mr. SULZER. Well, that depends. There are lobbyists and *lobbyists*, and I do not pretend to be very familiar with either class; but I think I do know a few railroad lawyers when I see them. [Laughter.] I have been a practitioner of the law in an humble way for a number of years, but I have never been retained by any of the great interstate-commerce railroads and corporations. I have been retained, however, now and then by a few honest and sensible clients [laughter] to institute suits against railroads and other interstate-commerce corporations, and my clients will inform those desirous of knowledge concerning the matter that I have generally succeeded in securing for them a speedy trial, justice, and a square deal. As a legislator my sympathies have always been with the under dog, with the poor and the oppressed, with the toiler and the bread winner; and whenever an injustice was committed by some powerful corporation against the weak and the helpless I have been on the latter's side; and as a lawyer my field of professional endeavor has been along the lines of helping the poor and the humble and the distressed; and I suppose I am so constituted that I will continue to do so all the rest of my life, to the loss no doubt of my bank account, but with the approval of my conscience. [Applause.]

I could have been a railroad lawyer had I desired to enter that field of human activity; in fact, I have received one or two offers in my time to devote my energies to that branch of the law. I recollect a very flattering offer made to me a few years ago of $25,000 a year; but I never was very anxious to make money, with me money is a secondary consideration; and I have preferred to pursue the even tenor of the simple life, to work out my professional salvation in my own way and my political career along my own lines. [Laughter.] I work pretty hard here in the Halls of Congress, day in and day out, week in and week out, trying to do the right thing for my constituents and the square thing for the good of the people generally throughout the country. I am content with my work; I rather like it. I would not exchange places with any of the opulent members of "the system." I have cast my lot along the pleasant sunshiny highways of humanity; but sometimes it seems to me that almost every man in the land who has a grievance, or thinks he has a grievance, comes to me to set things right and to secure him justice. I spend a great deal of valuable time investigating some of these complaints, and it takes much labor to do so conscientiously; but whenever I find a case that is really and truly a worthy cause I do not fear or hesitate to take up the burden of the fight and do the best I can. This may be altruistic, and I know that often my efforts are unappreciated, derided, misconstrued, and futile, but I suppose, nevertheless, that I will go on doing so to the end of my time. [Applause.]

I know that the world, that the great big world,
From the pauper up to the king,
Has a different tale from the tale I tell,
And a different song to sing;
But for me, I care not a single fig
If they say I'm wrong or I'm right,
For I'll always go in, if I go in at all,
For the under dog in the fight.

[Applause.]

Now, Mr. Chairman, I want to give credit in this debate to whom credit is due. I want to say that I have been an interested listener to several of the excellent and eloquent speeches which have been delivered for and against this measure, not only an attentive and interested listener, but I have been edified, instructed, and highly entertained. I listened with great interest, as I always do, to my genial friend from Pennsylvania [Mr. SIBLEY]. He ridiculed the bill and arraigned its effectiveness, and I was much amused by the serious earnestness of his incisive and epigrammatic and eloquent remarks. The gentleman nearly convinced me that I ought to vote against the bill of my distinguished and erudite friend from the classic fields of Iowa. [Laughter.] I was greatly interested and listened with rapture to the studied periods of my always eloquent and distinguished friend, the gentleman from Maine [Mr. LITTLEFIELD]. He seemed to prove to his own satisfaction the inability of the people to govern themselves. [Laughter.] His argument was an indictment of free institutions—an arraignment of the power of public opinion. [Applause.] I can not follow the gentleman from Maine. I believe in the people. I trust the people. I know the people are capable of self-government. [Applause.] I was much impressed with the beautiful diction and the eloquent words of the scholarly gentleman from Massachusetts [Mr. MCCALL], who has given a great deal of study and consideration to every phase of this whole subject; and if I did not know a little about it myself, I think I would be inclined to take his pessimistic view of the results that will follow if this bill should become a law in its present shape. [Laughter.] With these three eminent statesmen against the bill, I began to ponder whether I could conscientiously give it my vote and my support. [Laughter.] I always try to be right, but I know I am not infallible, and I concluded to wait—to hold my peace—to content my soul in patience—until I could listen to the wisdom and the dulcet voice of my dear old friend and philosopher the learned and experienced gentleman from Ohio [Mr. GROSVENOR]; and lo! he began to speak; and to my amazement I heard him call the bill a fake—just think of it—a fake! [Laughter.] Is it any wonder we are bewildered? [Laughter.]

But, then, it is only fair for me to say that although I do not often agree with the gentleman from Ohio regarding the merits of proposed legislation, I do, in this instance, however, agree substantially with him regarding the significance of the omission in this bill of express cars and palace cars and sleeping cars. I do not know of any good reason why these railway cars should be carefully omitted from the grasp of the provisions of this bill, but perhaps we shall be enlightened about this later on by some of the speakers for the bill. [Laughter.] I think these palace and sleeping and express cars should be amenable to the plan and the scope and the possibilities of this bill, and I would amend the bill to bring them within its provisions, together with all the other private cars and car lines of the country. The private-car line system is one of the most iniquitous frauds in the transportation business and should be wiped out. I am with the gentleman from Ohio on these propositions. I shall be glad to vote with him to put all these cars under the provisions of this bill. I commend the gentleman from Ohio, and I assure him I shall vote for his proposed amendment——

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. SULZER. Certainly.

Mr. GROSVENOR. I did not state that I would offer any such amendment as that.

Mr. SULZER. I thought that is what the gentleman wanted to do. If I remember correctly, the gentleman was complaining because he could not——

Mr. GROSVENOR. I pointed out the care that had been taken in the drafting of the bill. But my amendment is a matter of very much more importance, in my judgment. That is the one relating to the commingling of the corporation that produces the goods that are shipped on the railroad and the corporation that handles the railroad.

Mr. SULZER. Very good; I am with the gentleman on that proposition, too. [Laughter.] But I understood the gentleman from Ohio to complain about the omission from the provisions of this bill of palace, sleeping, and express cars, and I concur with the gentleman and justify his complaint, and think it is a mistake that these cars, doing an interstate-commerce business, should be omitted from the provisions of the measure we have before us. They should be included in this bill, and the gentleman from Ohio was quite right in what he said in this connection. But he went further and complained most bitterly that the House was going to stand by the Committee on Interstate and Foreign Commerce and pass this bill just as it is now, just as it came from the committee, without the crossing of a "t" or the dotting of an "i," and vote down every amendment that will be offered by any Member to strengthen the bill and make it a more perfect measure. [Laughter.]

I was astonished when I heard the gentleman make this complaint. It was a great surprise to me to hear him protest about the majority standing by its own committee. I am making no complaint, because I know it is useless, and I am not surprised that the majority will stand by the bill of the committee and vote down all amendments. I am surprised, however, that we are granted the poor privilege—for the sake of the record—of offering amendments at all to make the bill better, more perfect, more complete, and more effectual. I am surprised that the Committee on Interstate and Foreign Commerce did not go to the Committee on Rules of the House and have that committee, of which the gentleman from Ohio is an active member, bring in a rule, as it usually does, making this bill a special order and precluding a Member from offering an amendment, allowing him only the right to do one thing, and that is to vote for the bill or to vote against it. So the gentleman from Ohio complains that he is only allowed to offer an amendment with the knowledge that it is understood and agreed between the majority and the members of the committee that all amendments are to be voted down; and that the bill is to be railroaded through the House just as it came from the committee. [Applause.]

It is some consolation, however, to me to know that the gentleman from Ohio realizes once in a while that Republican chickens come home to roost. [Laughter.] But I inferred the gentleman as a last resort intended to vote for the bill. So shall I; but I do so with reluctance and many misgivings, and only because I know that it is not the best bill, but the one bill that the real and sincere friends of railroad-rate reform and governmental regulation of interstate common carriers can get for the people at the present time. [Applause.]

Mr. Chairman, I have earnestly studied the various bills which have been introduced thus far in this Congress regarding railway-rate legislation and the regulation of interstate commerce transportation companies, and briefly referred to by name and number at the beginning of the report of the Interstate and Foreign Commerce Committee which accompanies the bill now under consideration. It will be of considerable interest, in my opinion, for the industrious Members of the House to get these respective bills and read each and every one of them carefully.

One of the best of these bills, in my judgment, is the measure introduced by my friend and colleague, Mr. HEARST, H. R. 469, entitled "A bill to increase the powers of the Interstate Commerce Commission and to expedite the final decision of cases arising under the act to regulate commerce by creating an interstate commerce court." This is a brief and simple bill, but a very comprehensive measure, and goes further to correct these abuses and remedy these evils than any of the bills which have heretofore been introduced, and if Mr. HEARST'S bill were a law I believe that it would effectually stop the abuses we are seeking to prevent. I am sorry the bill can not be brought before the House and voted for on its merits. It has many excellent features, and it seems to me that there are many provisions in it which the Committee on Interstate and Foreign Commerce could to much advantage have incorporated into the bill which they reported, and if they had done so they would have made the bill now before us a very much stronger, and a very much better, and a very much more comprehensive measure in every respect; and one about whose constitutionality there could be absolutely no question.

There is to my mind no doubt about the effectiveness and the constitutionality of Mr. HEARST'S bill, and there would be no question about the constitutionality of the bill now under consideration if the provision regarding the fixing of the rates by the Interstate Commerce Commission and the creation of the court to review the orders of the Interstate Commerce Commission were taken from Mr. HEARST'S bill and embodied in the bill of the Interstate and Foreign Commerce Committee. I think it is a matter of regret that this was not done. I go further and say I think it was a mistake that the Hearst bill was not reported to the House instead of the committee bill. There should be no politics in this matter. There should be no rivalry and no personal vanity. We ought to all strive to accomplish the results so earnestly desired by the people of this country. This is one of the great questions of the day, affecting every man, woman, and child in the land, and we should all rise superior to petty politics and personal glory and try to accomplish results; and if that had been done I believe the Hearst bill would now be under consideration instead of the pending bill; or, at all events, that many of the pro-

visions of Mr. HEARST's bill would have been put into the bill now presented to the House, and that would have made the bill before us a very much stronger, a very much better, and a very much more comprehensive measure in every way, so far as the solution of these problems are concerned, and there would have been no question of doubt as to its constitutionality.

I believe, and I assert, that if Mr. HEARST's bill were substituted for the committee bill now under consideration we would be a great deal further advanced in the progress we are making to fix just and reasonable railway rates and to regulate transportation companies doing an interstate-commerce business. Mr. HEARST's bill meets the demands of the people, and means what it says and says what it means. Every friend of genuine railway rate reform and for the regulation of interstate transportation corporations knows what Mr. HEARST's bill will do, but no two members of the Committee on Interstate Commerce can agree as to just what the bill reported unanimously from that committee, and now before us, will accomplish if enacted into law. [Applause.]

Mr. Chairman, let me say again that I do not think this bill is a perfect bill by any means, and I believe it can be made a very much more effective measure if it were amended along certain indicated lines. When the bill is open for amendment I shall offer several amendments to perfect and strengthen the bill, which I hope will be adopted.

I shall offer an amendment to the bill in line 15 on page 10, after the word "any," by inserting the words "relation of rates or," so that this section of the bill will read: "Or that any relation of rates or regulations or practices whatsoever of such carrier." And in line 23, on the same page, after the word "what," I shall offer an amendment to insert the words "relation of rates or." This proposed amendment has been suggested by my friend and colleague, Mr. HEARST, and we deem it quite vital to the effectiveness of the measure. This bill absolutely ignores differentials and relations of rates. As the bill is now drawn a rate over one line to a given point may be just and reasonable, and a higher rate over the same line by a different route, or over another line, to another point may be also just and reasonable, and this would be an unjust discrimination that would work a great injury in favor of one city or locality as against another city or locality, and that could not be remedied by this bill if it were a law.

For instance, let us assume that the Commission should hold that the rate, we will say, from Chicago to Philadelphia of $1 per ton is just and reasonable, and a rate of $1.10 per ton from Chicago to New York over the same line, or a different line for that matter, may also be held by the Commission to be just and reasonable; and, of course, if the rates stood, as I have assumed, the traffic and the commerce would to a very large extent be diverted from the city of New York to the city of Philadelphia on account of the difference or discrimination in the relation of the rate; and this would apply to any other section of the country with equal or greater force. Thus, Philadelphia would be benefited at the expense of New York by an unjust discrimination, and New York would be powerless, under the terms of this bill, to remedy the injustice. The bill gives the Commission no power to fix a differential rate. Within recent years I am informed that nearly 1,000 complaints of unjust discriminations have been filed with the Interstate Commerce Commission, and at least seven-tenths of all these complaints have grown out of this system of the relation of rates.

As this bill stands to-day this evil would be perpetuated and could not be corrected by the Commission even if the Commission wanted to do so. I think this is a serious defect in the bill, and it ought to be corrected by this amendment.

Then, on page 11, in line 6, of the bill I shall move the amendment heretofore referred to by striking out "thirty days after notice to the carrier" and insert the word "immediately" in lieu thereof; and in line 8 to strike out the words "be suspended;" and in line 9 to strike out the words "be suspended or" and insert in lieu thereof the words "or modified;" and also strike out the words, in the same line, "competent jurisdiction" and insert in lieu thereof the words "last resort;" so that that portion of this section will read as follows:

Such order—

That is, the order of the Interstate Commerce Commission fixing the rate—

shall go into effect immediately—

Instead of, as now provided in the bill, "thirty days after notice to the carrier"—

and shall remain in force and be observed by the carrier, unless the same shall be modified or set aside by the Commission, or modified or set aside by the court of last resort.

Mr. Chairman, the amendment goes to the very core of the whole matter. I have given considerable study to the bill, and I believe that the weakest part of the pending measure is in this very provision, and a bill, like a chain, is no stronger than its weakest link. If this amendment suggested by me is adopted, the order of the Interstate Commerce Commission fixing the rate would take effect immediately and remain in full force and effect until modified or set aside by the Commission or the court of last resort. This amendment is squarely in line, and on all fours, with the recommendations of the President in his message a year ago last December. He was right then; and I say now that any other relief will be futile. As I understand it, we are legislating to remedy evils, not to encourage abuses and entail endless litigation; but under the terms of the pending bill the rate will not take effect until thirty days after notice to the carrier. I claim and I say that it ought to take effect immediately and remain in full force and effect unless modified or set aside by the Commission or modified or set aside by the court of last resort. [Applause.] Under the terms of the present bill, as I have pointed out, if the Commission makes an order fixing a rate it does not go into effect until "thirty days after notice to the carrier," and then it can be suspended, modified, or set aside by any court of competent jurisdiction.

Now, what does this mean? What will be its effect? As I read it, and as I understand it, the effect will be that when the Interstate Commerce Commission on the complaint of some injured shipper makes an order fixing a just and reasonable rate, in place of an unjust and an unreasonable rate, the transportation company will have thirty days in which to prepare a case and go into a court of competent jurisdiction and get an injunction suspending the operation of the order theretofore made by the Interstate Commerce Commission, and the old rate will go on until the matter is finally adjudicated by the United States Supreme Court; and this may take years and years, and in the meantime the shipper is being mulcted in the old unreasonable railroad rates and put to the expense of retaining lawyers, getting witnesses, and preparing an expensive law case that will take, perhaps, until the millenium to settle; thus causing, in my opinion, an endless delay and an useless amount of expensive litigation, and all at the expense of the injured shipper; and if he is a poor man he can not afford to incur the expense of this litigation. This bill then will give him no relief. This is one of the jokers in the bill; one of the bad features for the people, one of the good features for the transportation companies. It is the protection afforded the railroads. It is one of the reasons why, in my judgment, the railroads are not opposed to this bill. They can litigate these orders of the Commission until doomsday.

I shall offer the amendment I refer to at the proper time, and then we shall see if this bill is for the railroads or the people. The adoption or rejection of this amendment will determine the matter, in my opinion, to a very great extent. I am with the people in this fight, and I want to see placed on the statute books ere this session of Congress adjourns an effectual law that will accomplish in this matter what the people now demand. I think it will be a sad mistake if we attempt in a superficial way to temporize with this question. You may fool some of the people to-day, but you can not fool all the people to-morrow, and I predict that if we do not meet this question at this time in a square and broad and manly way the people will rebuke us, and rise up in their might and wrath and send here Representatives who will carry out their wishes and who will do the square thing, and who will write upon the statute books more stringent and more radical laws not only for Government rate making and Government regulation, but for Government control and Government ownership of the great public transportation utilities doing an interstate-commerce business. Mark what I say, it will be one relief or the other, one thing or the other, one remedy or the other. Take your choice—Government regulation now or Government ownership hereafter. [Applause.]

Now, Mr. Chairman, let me say that another amendment which I shall offer at the proper time and seek to have incorporated in the pending measure is the following, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

That every common carrier by railroad subject to the provisions of this act shall be liable to any of its employees who are engaged in the transportation of such persons or property, or, in the case of his death, to his personal representative or heirs at law, for all damages which may result from the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that

the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight in comparison to that of the employer.

That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of such action against any such common carrier by railroad the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his heirs at law.

That nothing in this act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance act of March 2, 1893, as amended April 1, 1896, and March 2, 1903.

Mr. SULZER. This amendment, Mr. Chairman, speaks for itself, and is offered by me in good faith in the name of the hundreds of thousands of railway employees of the United States. Under existing law an employee of a railroad company can not recover damages for injuries sustained in the line of his duty by reason of the negligence of the railroad or the carelessness of a fellow-workman. This amendment makes a railroad company or a common carrier liable to the employee, and in case of his death to his heirs at law, in damages for the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works. This amendment is not new. It is similar to a number of employers' liability bills which have been introduced in every Congress for the past twenty years. It has been indorsed and recommended by the Industrial Commission and by some of the ablest thinkers and jurists and writers in the country. The best thought to-day in the civilized world favors this change in the law applicable to common carriers, and several States in the Union have recently adopted it.

This amendment is the one act of legislation above all others that the railroad employees of this country demand, and which they have tried to secure from Congress for the last quarter of a century. In justice to these deserving and heroic men, who daily risk their lives and their limbs in hazardous occupations, it ought to be the law of the land; and if it were I unhesitatingly assert that there would be fewer railroad accidents and less loss of life by reason of them every year in the United States.

The amendment is a just measure in the interest of a most worthy and industrious and reliable class of faithful and intelligent workmen. They are entitled to it as a matter of right and in the name of justice. A railroad company, in my judgment, should be held responsible in damages to its employees for its own carelessness and for the negligence of any of its officers or agents, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works. I hope that when I offer this amendment to the pending bill when it is before the House and open to amendment—and I give notice now that I certainly shall offer it—that it will be accepted and adopted; and I know if it is adopted it will be but an act of common justice to the great army of reliable and industrious workmen of the great transportation companies, and a safeguard against accident and injury to the people generally who ride on the railroads of our country.

Make the railroads responsible in damages to their employees and take my word for it the railroads will see to it that very few accidents happen. [Applause.] If you will look over the statistics of the country, you will find that the number of railroad accidents every year is increasing, the loss of life appalling, and the list of the injured up in the hundred thousand column. Thousands of people are killed every year by railroad accidents, and tens of thousands are injured and maimed for life through the gross negligence of these interstate-commerce transportation corporations, but on account of this antiquated and unjust and discriminatory law there is no liability to the railroads. I say this old English, antique, fellow-servant doctrine, as applied to the negligence of modern railroads, is eminently unjust, and every fair-minded lawyer who has ever tried a damage suit will tell you the same thing. [Applause.] It is so ridiculous that sixteen foreign states in Europe do not now recognize it, and a majority of our own States in recent years have either abolished or modified it to a great degree. Even autocratic Russia in this regard protects her industrial railroad workers. But our own Government has yet to enact the first line of this kind of desirable legislation demanded by the vast army of patriotic and self-sacrificing railroad employees who are daily giving up their lives and their limbs to the negligence of the transportation corporations of our country.

Railroad companies by virtue of their interstate character are brought directly under the control of Congress, and therefore it is necessary from a legal standpoint for Congress to enact this law. Several State legislatures have recently met and passed such laws, but the Republicans in this House—and they have had control of the House for over ten years—have assiduously prevented the passage of this bill; and its enactment seems to be as far off, if not farther, than it was ten years ago. It seems the railroads have more influence here than the people.

But it is said by some of the Republican Members who represent districts in which these railroad employees reside that they are in favor of this legislation and would be glad to vote for it if they could only get a chance to do so. They say the Judiciary Committee, to which the bill has been referred, will not report it and give them an opportunity to vote for it. This, I say, is the merest subterfuge and no answer to the appeal of these earnest employees for relief. The Republicans can vote the day after to-morrow for this amendment when I offer it, and if it goes out on a point of order, they can vote for a rule to make the amendment germane to the bill. Did they not vote for a rule the other day to abrogate the eight-hour labor law in the Isthmian Canal Zone? Then let them vote to adopt this amendment or for a rule to make it germane to this bill. The Republicans in this House can no longer evade the issue and their responsibility. Now is the time for them to show their colors. Now is the time for them to be counted for or against this just and humane measure. [Applause.] The Republicans in this House are responsible for the failure for the last ten years to pass this bill, and I do not think the intelligent railroad men of the country, who are asking for this just and humane law, will longer permit the Republicans to deceive them regarding their failure to keep their promise made over and over again to enact this bill into law.

Sir, since 1896 the Republican party has practically promised the railroad workmen of the country this legislation, but it has absolutely failed to live up to its promise and enact the law. They have ordered several similar bills, to the amendment I have just proposed, to be killed in the Judiciary Committee. The Republicans have been in absolute power for the past ten years in all branches of the Government, and I charge that they have failed and neglected to carry out this promise, or any other promise, heretofore made to the toilers and the working people of the country. Their pledges to the working people have not been redeemed. They will not be redeemed. In passing laws for the workers of the land the Republican party is long on promise and short on performance. An ounce of performance is worth a ton of promise. I am now, always have been, and always will be a friend of the railroad employees of this country, and I sincerely believe that the amendment I propose in their interest, and which is all they ask, is not only just, but it is humane, and it should be granted to them. [Applause.] These faithful employees devote the best years of their lives to the service of large industrial corporations doing an interstate-commerce transportation business, and when they are injured in the line of their duty through the negligence of the corporation, or the carelessness of a fellow-employee, they should have the right under the law to recover damages the same as any passenger traveling for hire on the railroad. I say as a lawyer and as a legislator that any other rule is contrary to the spirit of the age. [Applause.]

The wisdom and the justice and the humanity of such a law should be apparent to all, and there is no better time than the present and no better way than the one I suggest to place this just law on the statute books. If the Republicans mean to do what they promised, they will accept my amendment and put it in this bill; if they were simply fooling the railway working people when they promised to pass this measure, they will object to it and rule it out. We shall see ere long how sincere these promising Republicans are. I believe the amendment will be germane to the pending legislation; but if it is not, I put the Republicans on notice now, and I suggest that the Republican organization of the House bring in a special rule providing that this proposed amendment in behalf of the railroad employees be made germane to his bill. The Republican organization of the House brought in a special rule the other day to put an amendment on the urgent deficiency appropriation bill suspending the eight-hour law in the Isthmian Canal Zone. If you can do it in that case, you can do it in this case. Be fair and be honest now with these deserving people. Here is the opportunity to prove your sincerity. The other day the amendment abrogating the eight-hour law was made germane to an appropriation bill quick enough when you wanted to do it, and the eight-hour law was ruthlessly "suspended" without giving the labor representatives an opportunity to be heard before a committee of this House. [Applause.]

If the Republicans are sincere in regard to their promises to the employees of the great railroad organizations of this country they will put the amendment proposed by me, and just read by

the Clerk, into this railroad bill enlarging the powers of the Interstate Commerce Commission. It appropriately belongs in this bill. Be honest and do it. The Republican party has promised the railroad working people this law, and I am offering it now as an amendment to this bill, and in my opinion it properly belongs in this bill, to see whether or not the Republicans intend to keep faith with the toilers, and to live up to their promise to the working people on the railroads of the United States. If the Republicans are sincere in what they have promised to these industrious working people they will vote to adopt this amendment, but if they simply made that promise to catch the votes of these railway employees then this amendment will not be permitted to go into this bill, but will be stricken out when I offer it, by some Republican raising the point of order; and if the point of order is sustained by the Republican Chairman of this committee on the ground that it is not germane to the bill, then I ask again that the Committee on Rules bring in a special order providing that this amendment be made germane to this bill so that every Member can vote on it. [Applause.]

Let us have a record vote and find out the truth. I believe I can safely say that every Democrat on this side of the House will vote for it. If the amendment is not incorporated into this bill it will be because the Republicans do not want it incorporated into the bill; it will be because the Republicans are insincere and have been fooling the thousands and thousands of working men employed by the great railroads and interstate transportation companies of the country.

I shall offer this amendment in good time, and I shall put to the test the sincerity of the Republicans in this House who promise the working people so much in every political campaign, and who give them so little after the campaign is over and they get back into full power in the legislative branch of the Government. I want to prove by this amendment to the Brotherhood of Railway Trainmen, to the Brotherhood of Railway Engineers and Firemen, and to the Brotherhood of Railway Employees who are their true friends and who are their real enemies in the Halls of Congress, and the record that will be made when this amendment is offered by me to this bill will be a light to guide railway employees in the future when they come to exercise that greatest of all American privileges—the elective franchise. [Applause.]

Mr. Chairman, at this time I desire to refer to another matter which I deem of some importance in connection with this pending legislation in regard to railway rates, and to give notice that when the pending bill is before the House for amendment, it is my intention to offer as an amendment my bill, now before the Committee on Interstate and Foreign Commerce of this House, entitled "A bill to create the Department of Transportation," which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

A bill to create the Department of Transportation.

Be it enacted, etc., That there shall be at the seat of Government an executive department to be known as the Department of Transportation, and a Secretary of Transportation, who shall be a Cabinet officer and the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such Department of Transportation, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department.

SEC. 2. That there shall be in said Department a First Assistant Secretary of Transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $6,000 per annum. He shall have charge of all matters in the Department of Transportation relating to steam and electric railways, and shall perform such other duties as shall be prescribed by the Secretary or required by law.

There shall be in the said Department a Second Assistant Secretary of Transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to telegraph lines.

There shall be in the said Department of Transportation a Third Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to telephone lines.

There shall be in the said Department of Transportation a Fourth Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum; and he shall have charge of all matters in the Department of Transportation relating to waterways and similar lines of transportation thereon.

There shall be in the said Department of Transportation a Fifth Assistant Secretary of Transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum; and he shall have charge of all matters of the Department of Transportation relating to pipe lines.

There shall be in the said Department of Transportation a Sixth Assistant Secretary of Transportation, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of $5,000 a year; and he shall have charge of all matters in the Department of Transportation relating to the express business.

There shall be one chief clerk, and a disbursing clerk, and such other clerical assistance as may from time to time be authorized by Congress in each of the said assistant secretaries' departments; and the Auditor for the State and other Departments shall receive all accounts accruing in, or relative to, the Department of Transportation and examine the same and thereafter certify the balance and transmit the accounts, with the vouchers and certificate, to the Comptroller of the Treasury for his decision thereon.

SEC. 3. That it shall be the province and duty of said Department of Transportation to inspect, examine, and regulate, as may be prescribed by law, all corporations engaged in interstate or foreign commerce as common carriers, or owners or operators of transportation highways; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that appertains to the same, known as the Life-Saving Service, the Light-House Board, and the Light-House Service, the Marine-Hospital Service, the Steamboat-Inspection Service, the Bureau of Navigation, and the United States Shipping Commissioner, and the same are hereby transferred from the Department of Commerce and Labor to the Department of Transportation, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Secretary of Transportation shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confined to his Department; and to this end said Secretary shall have power to employ any or either of said bureaus, and to rearrange such statistical work and to distribute or consolidate the same, as may be deemed desirable in the public interest; and the said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and the Secretary of Transportation shall collate, arrange, and publish such statistical information so obtained in such manner as may to him seem wise.

SEC. 5. That there shall be in the Department of Transportation six bureaus, to be called the Bureaus of Transportation Corporations, and a chief of each of said bureaus, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve under each of the six assistant secretaries of the Department of Transportation, and who shall receive a salary of $4,000 per annum. There shall also be in each of said bureaus one chief clerk and one auditor and such number of examiners as may be needed to carry out the purposes of this act; said auditors and examiners shall be expert accountants and shall be paid a salary to be fixed by law and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said Bureaus of Transportation Corporations, under the direction of the Secretary of Transportation, to inspect, examine, and regulate all corporations engaged in interstate and foreign commerce as common carriers, or owners or operators of transportation highways, by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the Secretary of Transportation, or provided by law.

Every corporation governed by this act shall make annual reports in writing to the auditor, and such reports shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of payment where it is not in cash.

(b) Debts, including details as to the amounts thereof, and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in the plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expenses of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of all stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the result of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received or given any rebates, drawbacks, special rates, or other discriminating advantages, or preferences by money payments or otherwise, from or to any railroad, pipe line, water carrier, or other transportation company or paid to any shipper any such payments; or if any such have been received or given, stating to whom, from whom, on what account, and in what manner they were so received or given, with all other details necessary for the full understanding of the transaction or transactions.

(j) The names and addresses of all officers, location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of a trust or otherwise, in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) It shall be the duty of the auditor of each Bureau of Transportation Corporations to prescribe the form of the reports before mentioned. He may, in his discretion, require additional reports at any time, upon reasonable notice, whenever he may see fit. But his determination shall be prima facie proof that the notice given is reasonable.

He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous.

He may prescribe rules so as to avoid undue detail in making the reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon.

He shall make public in his reports, which shall be issued annually,

all the information contained in the reports so made to him. When a report has been made by a corporation and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in some newspaper nearest to its principal place of business, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

SEC. 6. That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than one-twentieth of 1 per cent of its last annual gross earnings for each offense. Every week of failure after such reasonable written demand has been made by the auditor shall constitute a separate and distinct offense. In case also of failure, each of the directors of the said corporation shall be ineligible for the year succeeding the next annual meeting to hold either directorship or any other office in the said corporation; but any director shall be exempt from said penalty upon making a statement under oath that he has individually made such a report to the best of his ability from the facts at his disposal.

If such report is false in any material respect the officer making same shall be guilty of perjury and the corporation shall be fined not less than ten thousand nor more than fifty thousand dollars, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

SEC. 7. That it shall be the duty of the examiners, under the direction of the auditor, to make examinations of any corporation governed by this act.

Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation with every facility for complete and full examination, not only of the books, but all of the property, records, or papers of the corporation, which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern.

Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice.

Examiners shall have the power to examine under oath all officers or employees of the corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation.

For the purpose of this act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses, and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring the attendance.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal of any witness to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as and for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not excuse such person from testifying; but such testimony shall not be used against such person on the trial of any criminal proceeding.

The auditor shall also have all the authority of an examiner in any case wherein he chooses himself to act.

No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or of any competing concern, or who has relatives who are so interested.

It shall be unlawful for an examiner to divulge private business except by his report to the auditor. But such report, or the substance thereof, shall be open to public inspection.

Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties.

Said examinations and reports shall always cover, among others, the following questions and matters:

(a) Has the said corporation, or any officer thereof, during period covered by the examination and report, given or received any rebates, drawbacks, special rates, or other discriminations, advantages, preferences, by money payments, or otherwise, to or from any railroad, pipe line, water carrier, or other transportation company, or person engaged in interstate commerce, or from any manufacturer or vender of any supplies or materials purchased by or for said corporation.

(b) If there have been such preferences when they were received or given, from whom or to whom, on what account and in what manner, giving all details necessary to a full understanding of the transaction.

(c) Is the said corporation or any of its officers a member of any combination having, seeking, or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patents or otherwise?

(d) Has the said corporation any such monopoly or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals or corporations?

(f) Is such corporation, or any of its officers, a party to any contract, agreement, combination, or conspiracy, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation, or any of its officers, purchased or does it hold the stock of any other corporation for the purpose of controlling its management?

Said reports of the examiners shall be prima facie evidence as to their truth, and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the Auditor shall be admissible with like effect and under the same circumstances as the original.

The word "corporation," wherever used in this act, shall be deemed to include companies and associations existing or authorized by the laws of the United States, the laws of any State or Territory, or the laws of any foreign country.

SEC. 8. That the Secretary of Transportation shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and disbursed by him and his Department, and describing the work done by the Department in inspecting, examining, and regulating, as prescribed by law, all corporations engaged in interstate and foreign commerce; in the ownership, or operation, of any of the foregoing-described transportation highways or lines of transportation or engaged as common carriers in interstate or foreign commerce, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

SEC. 9. That the Secretary of Transportation shall have charge of the building or premises occupied by or appropriated to and for the Department of Transportation, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter required for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library and for the rental of appropriate quarters for the accommodation of the Department of Transportation within the District of Columbia, and for all other incidental expenses such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Transportation by this act is occupying rented buildings or premises it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service referred to in this act transferred to the Department of Transportation are each and all hereby transferred to said Department at their present grades and salaries except where otherwise provided: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Transportation shall, so far as the same are not in conflict with the provisions of this act, remain in force and effect until provided by law.

SEC. 10. That all power and authority heretofore possessed or exercised by the head of any Executive Department over any bureau, office, branch, or division of the public service by this act transferred to the Department of Transportation, or any business arising therefrom or appertaining thereto, whether of an appellate or advisory character, or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Transportation. And all acts or parts of acts inconsistent with this act are hereby repealed.

All branches of the work of the Interstate Commerce Commission, except such as relates to the work of said Commission in examining into and regulating rates and classification of rates for transportation, are hereby transferred to the Department of Transportation. But nothing in this act shall be construed as in any way abandoning any of the powers over interstate commerce and interstate carriers conferred by the interstate commerce act.

SEC. 11. That it shall be the duty of the Department of Transportation to especially see to it that all the laws regulating common carriers and interstate transportation highways are strictly enforced and that all violations of the same are promptly punished according to law. And said Department of Transportation shall execute promptly the enforcement of all orders and decisions of the Interstate Commerce Commission affecting rates, classifications, and so forth.

SEC. 12. That all said transportation corporations, and their stockholders, officers, directors, and agents, are hereby required to report annually to the Department of Transportation within ten days after each Congressional and Presidential election all sums of money contributed directly or indirectly by them to the committees, candidates, or campaign funds of the separate political parties engaged in said elections.

SEC. 13. That a person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Transportation, and to prepare from the dispatches of consular officers for transmission to the Secretary of Transportation such information as appertains to the work of the Department of Transportation; and such person shall be the chief of such bureau, with a salary of $4,000 a year, and be furnished with such clerical assistance as may be deemed necessary by the Secretary of State.

SEC. 14. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill just read by the Clerk, introduced by me, to create the Department of Transportation, is a most comprehensive measure, dealing in a logical way and a practicable manner with this great interstate-commerce transportation problem. The measure provides for particular officials in the new department to investigate, report on, and regulate steam and electric railways, telegraphs, telephones, waterway traffic, pipe lines, and the express business. Powers are conferred on the department to obtain full information not only as to rates and other traffic arrangements, but as to the genuine capital employed, the resources and liabilities, earnings, dividends, etc.; and penalties, rather more severe than those usually made for the tender discipline of lawless corporations, are fixed, such as heavy fines and ineligibility of directors to retain their office when they have made false reports or defied the officials seeking information. The purpose of the bill is not to interfere with the work of the Interstate Commerce Commission in examining into and regulating rates, but to assist in the work of compelling the transportation companies to obey the law, as all others are expected to do; and if this bill were placed on the statute books, I feel confident it would help very much, and go very far to solve some of the intricate questions presented by these powerful interstate transportation systems.

I believe, sir, that if a simple bill were prepared and enacted into law, making the giving or receiving of a rebate a felony, and the power conferred on the Interstate Commerce Commission, where rates were unjust and unreasonable, to fix just and reasonable rates and maintain the same, unless modified or set aside by the court of last resort, and my bill, which has

just been read by the Clerk, placed by its side on the statute books, that the cause of the people would triumph, that the Government would control the situation, and be able to fix the rates and regulate the great interstate transportation systems of our country, instead of the great interstate transportation companies controlling and dominating the Government. [Applause.]

I have given much time and careful study to the problems which we have been debating here for the past week, and which are and have been live questions before the people of this country for the past ten or fifteen years; and I believe that if we had a Department of Transportation to regulate the railroads and the transportation companies of the country, as provided in my bill, and to see to it that they did not violate the law, and if they did violate the law that the penalties of existing laws were speedily enforced against them, I believe that most of the problems would be solved and the question at issue settled in justice to all and with injury to none.

This bill of mine, sir, to create the Department of Transportation has been approved in editorials by some of the leading American newspapers. It has met with most favorable comment by many of the leading political writers and philosophical thinkers and railway economists of the land; and I believe that sooner or later this bill of mine, or some measure of a similar character, will be enacted into law by the Congress of the United States. It is the first attempt that has ever been made in this country to deal with this interstate-transportation problem in a scientific manner and a practicable business way. And just in this connection I want to have read a letter from the American Anti-Trust League, a well-known nonpartisan organization of earnest and determined and patriotic and liberty-loving Americans, who have done and are doing most effective work for reform, for good government, for the enforcement of the laws against the criminal trusts, for honest and just and equal laws, and for every righteous struggle in the cause of the plain people, and who are organized for influential work in every State in the Union. I ask the Clerk to read to the House the following letter.

The Clerk read as follows:

M. L. Lockwood, national president; H. B. Martin, national secretary; C. T. Bride, national treasurer; W. B. Fleming, national financial secretary; William M. Morgan, national recording secretary.

National executive committee.—M. L. Lockwood (chairman), Pennsylvania; H. B. Martin (secretary), New York; F. S. Monnett, Ohio; P. E. Dowe, New York; F. J. Van Vorhis, Indiana; W. T. LaFollette, South Dakota; James Barrett, Georgia; William Prentiss, Illinois; C. T. Bride, District of Columbia; H. J. Schulteis, District of Columbia; W. B. Fleming, Kentucky; W. A. L. Riegel, New York.

Capt. Charles Campbell, general organizer, New York.

"Salus populi suprema est lex."

THE AMERICAN ANTI-TRUST LEAGUE,
NATIONAL OFFICE, 1229 PENNSYLVANIA AVENUE NW.,
Washington, D. C., January 20, 1906.

DEAR SIR: The national executive committee of the American Anti-Trust League believing that the prompt and thorough enforcement of the laws governing the great transportation corporations now in control of the transportation business of the nation is of most vital importance to the whole people, and believing, after a careful examination of its main features, that H. R. 8453, the bill creating a department of transportation, introduced by Congressman WILLIAM SULZER, of New York, is a much needed and effective step toward securing the proper enforcement of the laws regulating transportation, we hereby heartily indorse the said bill and urge upon Congress that it be enacted into law at the present session for the following reasons:

First. Because at the present time there is no proper provision for the enforcement of the laws governing the vast transportation business of the United States.

Second. Because H. R. 8453 provides for a thoroughly competent department of the Government, charged with the sole duty of securing an effective enforcement of the laws and regulations governing the transportation industry.

Third. The creating of such an executive department of transportation, clothed with the comprehensive supervisory and regulative powers provided in Congressman SULZER'S bill, will act as a powerful preventive of many violations of the law and will secure prompt punishment of the great corporate offenders who now seem to be beyond the reach of the law.

Fourth. Such a department of transportation, as provided in H. R. 8453, will secure full publicity in the workings of the transportation corporations, and thus prevent those numerous violations of the laws, which are only made possible because of their secrecy.

Fifth. The secret rebates and discriminations of the carriers which have built up the great criminal trusts will be prevented by the provisions embodied in Mr. SULZER'S bill.

Sixth. The Interstate Commerce Commission being relieved of the enormous details of the executive duty of attempting to enforce the laws, will be able to much more effectively perform its proper function of regulating rates, classifications, etc.

Seventh. The defiance, both open and secret, of the laws by the great transportation corporations, which has become a national scandal and an intolerable abuse, can be easily put a stop to by the provisions for policing the railroad corporations and other transportation companies embodied in the Sulzer bill.

Eighth. H. R. 8453 also provides an effective check upon the great evils connected with the corrupt influence in elections, of the enormous contributions to the campaign funds of favored political parties and candidates which now prevails.

Ninth. H. R. 8453 greatly simplifies the work of government regulation and enforcement of existing laws relating to this vast transportation business by providing what we should always be extremely careful to maintain, viz, the complete separation of the legislative and executive branches of our government machinery.

For these reasons, and others that will readily commend themselves to all who carefully consider the provisions of the Department of Transportation bill (H. R. 8453), we request all friends of the proposed law to use their influence through commercial and industrial organizations, through the press, and with their Congressmen and Senators, to secure the passage of the bill at the present session of Congress.

NATIONAL EXECUTIVE COMMITTEE
AMERICAN ANTITRUST LEAGUE.
H. B. MARTIN, *National Secretary.*

Mr. SULZER. Mr. Chairman, that letter from the American Anti-Trust League of the United States, indorsing my bill to create the Department of Transportation, speaks for itself. It is a bugle call in no uncertain tones to every friend of governmental regulation of interstate transportation corporations to favor and aid in the enactment of the legislation proposed in my bill, and needs from me no further comment.

It is only just for me to say, however, that I have received numerous letters from all over the country in favor of this bill to create the Department of Transportation to regulate the great interstate transporation companies of the country and to be able to see to it that they obey the law and do no injury to the people. I have taken this opportunity to put the bill in the RECORD as a part of my speech to give notice to the Members of the House that I shall offer it as an amendment to the pending bill when the bill is open for amendment; and to get my measure, with all that it means, before the people generally of the country, so that those who are really interested in this great transportation question can read it for themselves, in connection with the matters now under discussion, and can study its features and their application to the problems we are endeavoring to solve; and I believe that those who look deeply and carefully into the subject and who truly and earnestly desire to accomplish something of a permanent character to compel the railways and other interstate transportation corporations, including the steamboats, the telegraph, the telephone, the express, and the pipe line companies, to obey the law of the land, will agree with me, that this proposed legislation, embodied in this bill introduced by me, goes further than any other plan heretofore conceived to treat all the matters involved in this discussion in a practical business way and in a comprehensive governmental manner. [Applause.]

I shall do my best, Mr. Chairman, in Congress and out of Congress, to make this bill a law. I do not say it is perfect. I know in the first instance that no proposed constructive legislation is absolutely perfect; but I do claim that it is practicable, that it is comprehensive, that it is constitutional, and that it will go further in every way than any other plan thus far proposed to effectually check the evils which have grown up during the last twenty-five years in connection with our interstate transportation corporations, and do more than any other thing thus far suggested to remedy all the interstate transportation evils so bitterly complained of, at the present time, by the people of the United States. I shall welcome letters of approval, or suggestions and criticisms concerning this bill, from any and every citizen of our country who will take the trouble to study this broad and complete measure and the time to write me his views concerning it.

If it is claimed that the enactment of this bill into law would create additional offices and more expense to the Government, I answer, that if the people can get the right kind of men to occupy these offices, created in this bill, the gain will be the people's gain; and so far as the expense is concerned it will be infinitesimal in comparison with the importance of the data and statistics which will be procured, and the magnitude of the work which can be accomplished all along the line of the people's desires and demands. I say, and those who have studied this subject sufficiently to speak intelligently about it I think will agree with me, that the real solution of the problems presented in connection with the evils growing out of abuses by great interstate transportation systems is publicity and the rigid and prompt enforcement of the law, and this can only be done and accomplished by Government regulation and Government supervision of these interstate transportation corporations. It is just as practicable from a business view, and a governmental standpoint, as the supervision and the regulation by the Government of the national banks, and I say just as necessary. The railroads must be the servants of the people—not their masters.

This bill is in the interest of the toilers of our land, the shippers and producers of our country, and the people generally. If there be any genuine opposition to this legislation it comes from the interstate transportation systems that are violating the law, and dread publicity, and fear exposure, and speedy punishment through the agencies created by this bill for governmental supervision and regulation. I say the bill is a good bill, a just bill, a comprehensive bill, and a feasible construc-

tive scheme of practical legislation along proper and intelligent lines to eradicate intrenched wrongs that are to-day oppressing the people and doing a great injustice to the citizens of this country. [Applause.]

Mr. Chairman, legislative reforms are things of slow growth. It takes years of agitation to create sufficient public opinion to write a new law upon the statute books in the interest of all the people. But how different concerning the wishes of the selfish few. A great trust battening on the people's credulity, or a great monopoly fattening on special privilege and nurtured by political favoritism, can come to the halls of Congress and pass a bill for its own selfish interests and greedy purposes during the lifetime of a single session. It takes, however, a long time for the people to win; but the truth will and must eventually prevail if one man dare assert it every day. So the truth of this proposition will win in the end.

Now, Mr. Chairman, as I have said, I shall offer this bill of mine as an amendment to the pending measure when the bill is open for amendment in the House. I believe my bill is germane to the proposition we are at present discussing and will not be subject to a point of order, but whether it is or not, I want to give notice now that I am in earnest in my contention for the enactment into law of this bill, and I shall keep up the fight week in and week out until the matter is properly presented to the House and an opportunity given for discussion and a vote taken upon it on its merits. The vast extent of the interstate transportation problem and the pressing and urgent importance of legislative remedies to correct existing evils to all the people of the United States are ample warrant for Congress to give this question the deepest investigation and the fullest consideration. There are many bills now before Congress affecting this question, some good, some bad, some indifferent, but no one of the bills, in my opinion, is a complete solution of all the questions involved in the problem. Hence the disposition on the part of some of the Republican leaders, which must be manifest to all, to rush through some plainly imperfect bill, to railroad to the Senate some defective measure, and then attempt to wash their hands of all further responsibility in the matter, as was done in the last Congress with the Esch-Townsend bill, is a procedure that should not commend itself to the Members of this House, and I know will not be approved by the people.

I do not claim that my bill is a panacea for all the evils growing out of the interstate transportation problem. But I do assert that my bill proposes to settle, and settle right and for a long time to come, a most important phase of this abstruse and intricate question, and to do it in a thorough, prompt, practical, effective, and businesslike way, by publicity, and by the enforcement of the laws of our country affecting every company and corporation doing an interstate-commerce transportation business. This will include all railways, all steamboats, all express companies, all pipe lines, all telephone lines, and all telegraph lines, and the Government will be able to make investigations, secure the information, collect the data, and effectually deal with the questions involved through the instrumentalities created in this bill in an intelligent way and a comprehensive manner. [Applause.]

If this bill becomes a law the Government will be in a position to have in its power the agency to gather data, ascertain facts, get information, make investigations, enforce its orders, and prevent evils and wrongs by the strict and speedy execution of the laws now on the statute books, and if those laws are not sufficient to stop the evils complained of by the people, then the Government can recommend to Congress the enactment of additional laws to effectually eradicate every evil in connection with the interstate transportation problem.

Mr. Chairman, in studying this great question I am satisfied that three things are absolutely necessary to be done, at the present time, to effectually deal with the problems arising from the abuses of these interstate transportation systems.

First, there must be a body like the Interstate Commerce Commission, clothed with the right and authority to make just, fair, and reasonable rates in place of unjust, unfair, and unreasonable rates, and have these rates take effect immediately, and remain in full force and effect until modified or set aside by the Commission; or modified or set aside by the court of last resort. This is an administrative function and should be the sole and only power under the constitutional limitations of our Government conferred on the Interstate Commerce Commission.

Second. There must be a body clothed with authority to determine controversies, review the orders of the Interstate Commerce Commission, and interpret the laws of Congress governing and regulating transportation. This is a judicial function, and should properly be vested in the courts of our country.

Third. There should be an executive department in the National Government, with a Cabinet officer at its head, charged with the responsibility and the sole duty of the prompt and thorough enforcement of the laws of the United States concerning companies and corporations doing an interstate-commerce business. My bill creates this department. This is an executive function, and belongs to the executive branch of the Government; and these three functions should always be kept separate and distinct.

Now, sir, I think I have stated the proposition broadly and briefly. I have drawn my bill to create such a department in the executive branch of the Government, for the effective and speedy enforcement of the laws governing every company, and every corporation, and every common carrier doing an interstate-commerce business. My plan is in line with the true principles of our institutions from the days of the fathers down to the present time, and when it is adopted by Congress, and it must be adopted sooner or later, it will provide the quickest agency for the proper and speedy execution of the laws against flagrant violations of our statutes; and, to my mind, after mature reflection and careful consideration I believe it will prove an effectual remedy for the principal evils we are trying to check and to stop; and for once and for all time eradicate from the body politic and our system of government the lawless abuses of the great and the powerful interstate-transportation companies of our country. [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad rate bill—and had come to no resolution thereon.

EXTENSION OF RHODE ISLAND AVENUE NE.

The SPEAKER. Senate bill 56 should have been held on the table, under the rules, by request of the chairman of the Committee on the District of Columbia that it lie on the table, the committee having reported a similar House bill which was on the Calendar. Inadvertently it was referred to the District of Columbia Committee. The Chair submits to the House that, if there is no objection, the committee will be discharged from further consideration and the Senate bill will lie on the Speaker's table. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 139. An act granting an increase of pension to Frederick Le Hundra—to the Committee on Invalid Pensions.

S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel—to the Committee on Invalid Pensions.

S. 788. An act granting an increase of pension to Edward P. Metcalf—to the Committee on Invalid Pensions.

S. 567. An act authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri—to the Committee on War Claims.

S. 1026. An act for the relief of Gen. C. C. Andrews—to the Committee on Claims.

S. 676. An act granting an increase of pension to Joshua W. Tolford—to the Committee on Invalid Pensions.

S. 134. An act establishing an additional recording district in Indian Territory—to the Committee on Indian Affairs.

S. 1669. An act for the establishment of an additional recording district in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy—to the Committee on Claims.

S. 2625. An act for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers—to the Committee on Military Affairs.

S. 2783. An act to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes"—to the Committee on Indian Affairs.

S. 3321. An act granting an increase of pension to Olney P. B. Wright—to the Committee on Invalid Pensions.

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company—to the Committee on War Claims.

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

S. R. 12. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution—to the Committee on Military Affairs.

SALE OF CERTAIN TIMBER ON MENOMINEE INDIAN RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. PAYNE. I would like to hear the bill read, Mr. Speaker.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, the blown-down timber and the standing merchantable timber on the sections containing blown-down timber on the Menominee Indian Reservation, in Wisconsin, as herein provided, such sale to be in addition to the amount authorized to be sold annually by the act of June 12, 1890 (26 Stat. L., 146).

SEC. 2. That the timber shall be sold on stumpage, the sale to be confined to the sections containing blown-down timber, to the highest bidder or bidders, for cash, after due advertisement inviting proposals, in such manner and at such time and place as the Secretary may direct. And the Secretary shall appoint a competent man, who shall be a practical logger, to superintend the marking and cutting of the timber and the scaling of the logs, the timber to be paid for according to the Government scale, no sale, however, to be valid until approved by said Secretary. The compensation of the superintendent and scalers shall be fixed by the Secretary.

SEC. 3. That from the net proceeds of sales of said Menominee timber shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menominee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of 5 per cent per annum, to be paid to the tribe per capita or expended for their benefit under the direction of the Secretary of the Interior.

SEC. 4. That this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the Office of the Commissioner of Indian Affairs that the sales of timber and the manner of disposing of the proceeds of same herein authorized have the sanction of the tribe, evidenced by orders of agreement taken in full council.

With the following amendments recommended by the Committee on Indian Affairs:

Insert after the word "timber," near the end of line 6, page 1, "in the north half of township No. 29, range No. 13 east, the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east."

Strike out the word "five" where it occurs in line 18, page 2, and insert the word "three."

Strike out all of section 4.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were considered, and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. HILL of Connecticut. Mr. Speaker, I desire to ask unanimous consent for the reprint of the bill (H. R. 10071) to provide for untaxed denaturized alcohol for industrial purposes. It is entirely exhausted in the document room.

The SPEAKER. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of a preliminary examination of Clearwater River, Idaho—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, public bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10853) to prohibit gambling in the Territories, reported the same with amendment, accompanied by a report (No. 1056); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8133) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted, reported the same without recommendation, accompanied by a report (No. 1057); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9146) granting an increase of pension to Francis A. Jones, reported the same with amendment, accompanied by a report (No. 928); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2108) granting a pension to Mattie Settlemire, reported the same with amendment, accompanied by a report (No. 929); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7213) granting an increase of pension to Loucette E. Glavis, reported the same with amendment, accompanied by a report (No. 930); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7222) granting an increase of pension to Levi J. Walton, reported the same without amendment, accompanied by a report (No. 931); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6813) granting a pension to Emsley Kinsauls, reported the same with amendment, accompanied by a report (No. 932); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6494) granting an increase of pension to William Hughes, reported the same with amendment, accompanied by a report (No. 933); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6226) granting an increase of pension to George Bruner, reported the same with amendment, accompanied by a report (No. 934); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6133) granting an increase of pension to Mary Bagley, reported the same with amendment, accompanied by a report (No. 935); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6063) granting an increase of pension to Maria Dyer, reported the same with amendment, accompanied by a report (No. 936); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5692) granting an increase of pension to H. G. Gardner, reported the same with amendment, accompanied by a report (No. 937); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5640) granting an increase of pension to Abraham Mathews, reported the same with amendment, accompanied by a report (No. 938); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 5605) granting an increase of pension to James S. Pelley, reported the same without amendment, accompanied by a report (No. 939); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5212) granting an increase of pension to Giles Q. Slocum, reported the same with amendment, accompanied by a report (No. 940); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5028) granting an increase of pension to Samuel P. Carll, reported the same with amendment, accompanied by a report (No. 941); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4957) granting an increase of pension to Elijah J. Snodgrass, reported the same with amendment, accompanied by a report (No. 942); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4741) granting an increase of pension to Stephen Dickerson, reported the same with amendment, accompanied by a report (No. 943); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4704) granting a pension to Alice Rourk, reported the same with amendment, accompanied by a report (No. 944); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4685) granting an increase of pension to Jacob Rich, reported the same with amendment, accompanied by a report (No. 945); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4192) granting an increase of pension to John C. Cavanaugh, reported the same with amendment, accompanied by a report (No. 946); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3571) granting a pension to Eber Watson, reported the same with amendment, accompanied by a report (No. 947); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3544) granting an increase of pension to Josiah M. Grier, reported the same with amendment, accompanied by a report (No. 948); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3502) granting a pension to Morris Osborn, reported the same with amendment, accompanied by a report (No. 949); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3483) granting an increase of pension to Lemuel P. Williams, reported the same with amendment, accompanied by a report (No. 950); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3403) granting an increase of pension to George A. Baker, reported the same with amendment, accompanied by a report (No. 951); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3342) granting an increase of pension to Abin L. Ingram, reported the same with amendment, accompanied by a report (No. 952); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2949) granting an increase of pension to George W. Adamson, reported the same with amendment, accompanied by a report (No. 953); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2478) granting a pension to Asa M. Foote, reported the same with amendment, accompanied by a report (No. 954); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2174) granting an increase of pension to Nathaniel Buchanan, reported the same with amendment, accompanied by a report (No. 955); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1658) granting an increase of pension to George M. Drake, reported the same with amendment, accompanied by a report (No. 956); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 628) granting a pension to David L. Finch, reported the same with amendment, accompanied by a report (No. 957); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13536) granting an increase of pension to Peter Cline, reported the same with amendment, accompanied by a report (No. 958); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13512) granting a pension to John McLane, reported the same with amendment, accompanied by a report (No. 959); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13141) granting an increase of pension to William A. Southworth, reported the same without amendment, accompanied by a report (No. 960); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13129) granting an increase of pension to Pinkney W. H. Lee, reported the same without amendment, accompanied by a report (No. 961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13010) granting an increase of pension to Alice B. Hartshorne, reported the same with amendment, accompanied by a report (No. 962); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12937) granting an increase of pension to James Hoover, reported the same with amendment, accompanied by a report (No. 963); which said bill and report were referred to the Private Calender.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12754) granting an increase of pension to William B. Eversole, reported the same with amendment, accompanied by a report (No. 964); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12713) granting an increase of pension to Augustus F. Bradbury, reported the same without amendment, accompanied by a report (No. 965); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12506) granting an increase of pension to John T. Howell, reported the same with amendment, accompanied by a report (No. 966); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12384) granting an increase of pension to Andrew Dunning, reported the same with amendment, accompanied by a report (No. 967); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12027) granting an increase of pension to Nathan C. Bradley, reported the same with amendment, accompanied by a report (No. 968); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12016) granting an increase of pension to James Cassaday, reported the same with amendment, accompanied by a report (No. 969); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11842) granting an increase of pension to James M. Noble, reported the same with amendment, accompanied by a report (No. 970); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11745) granting an increase of pension to James D. Billingsley, reported the same with amendment, accompanied by a report (No. 971); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11724) granting an increase of pension to John A. Conley; reported the same with amendment, accompanied by a report (No. 972); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11654) granting a pension to Emma A. Smith, reported the same with amendment, accompanied by a report (No. 973); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11561) granting an increase of pension to Egbert P. Shetter, reported the same with amendment, accompanied by a report (No. 974); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11353) granting an increase of pension to Isaac M. Woodworth, reported the same with amendment, accompanied by a report (No. 975); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10883) granting an increase of pension to William Lee, reported the same with amendment, accompanied by a report (No. 976); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10770) granting a pension to Helen P. Martin, reported the same with amendment, accompanied by a report (No. 977); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10807) granting an increase of pension to Jacob J. Long, reported the same without amendment, accompanied by a report (No. 978); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10720) granting an increase of pension to J. F. Caldwell, reported the same with amendment, accompanied by a report (No. 979); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10632) granting an increase of pension to Samuel Preston, reported the same with amendment, accompanied by a report (No. 980); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10637) granting an increase of pension to Levi I. Shipman, reported the same with amendment, accompanied by a report (No. 981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10307) granting an increase of pension to Milton A. Saeger, reported the same without amendment, accompanied by a report (No. 982); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10297) granting an increase of pension to Nicholas Hercherberger, reported the same with amendment, accompanied by a report (No. 983); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10269) granting an increase of pension to Andrew Ricketts, reported the same with amendment, accompanied by a report (No. 984); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10216) granting an increase of pension to Hugh Longstaff, reported the same with amendment, accompanied by a report (No. 985); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9906) granting an increase of pension to Hinman Rhodes, reported the same with amendment, accompanied by a report (No. 986); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9279) granting an increase of pension to Patrick Curley, reported the same with amendment, accompanied by a report (No. 987); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9237) granting an increase of pension to Jacob Dachrodt, reported the same without amendment, accompanied by a report (No. 988); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9209) granting an increase of pension to Stephen D. Cohens, reported the same with amendment, accompanied by a report (No. 989); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9052) granting an increase of pension to Jonathan Wood, reported the same with amendment, accompanied by a report (No. 990); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was reported the bill of the House (H. R. 7955) granting an increase of pension to Newton E. Terrell, reported the same with amendment, accompanied by a report (No. 991); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7711) granting an increase of pension to Samuel Dunnan, reported the same without amendment, accompanied by a report (No. 992); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7546) granting a pension to Edna Buchanan, reported the same with amendment, accompanied by a report (No. 993); which said bill and report were referred to the Private aClendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7525) granting an increase of pension to William K. Spencer, reported the same with amendment, accompanied by a report (No. 994); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 164) granting a pension to Helen A. Frederick, reported the same without amendment, accompanied by a report (No. 995); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 603) granting an increase of pension to Lide S. Leonard, reported the same without amendment, accompanied by a report (No. 996); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 666) granting an increase of pension to Andrew Patrick, reported the same without amendment, accompanied by a report (No. 997); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7238) granting a pension to William J. Campbell, reported the same with amendment, accompanied by a report (No. 998); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the the bill of the House (H. R. 5855) granting an increase of pension to Francis L. Brown, reported the same with amendment, accompanied by a report (No. 999); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13456) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1000); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6675) for the relief of the Methodist Church at Newhaven, Ky., reported the same without amendment, accompanied by a report (No. 1001); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1738) for the relief of Sarah A. Clapp, reported the same without amendment, accompanied by a report (No. 1002); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3459) for the relief of John W. Williams, reported the same with amendment, accompanied by a report (No. 1003); which said bill and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10233) for the relief of John S. Logan, reported the same with amendment, accompanied by a report (No. 1004); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5681) for the relief of John Lewis Young, reported the same with amendment, accompanied by a report (No. 1005); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7642, reported in lieu thereof a resolution (H. Res. 213) referring to the Court of Claims the papers in the case of Peter Williams, accompanied by a report (No. 1009); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 539, reported in lieu thereof a resolution (H. Res. 214) referring to the Court of Claims the papers in the case of Edward Cahalan, accompanied by a report (No. 1010); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1277, reported in lieu thereof a resolution (H. Res. 215) referring to the Court of Claims the papers in the case of the estate of Ira T. Jordan, deceased, accompanied by a report (No. 1011); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 13128, reported in lieu thereof a resolution (H. Res. 216) referring to the Court of Claims the papers in the case of the estate of H. S. Simmons, deceased, accompanied by a report (No. 1012); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11583, reported in lieu thereof a resolution (H. Res. 217) referring to the Court of Claims the papers in the case of the estate of Noah King, deceased, accompanied by a report (No. 1013); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 11258, reported in lieu thereof a resolution (H. Res. 218) referring to the Court of Claims the papers in the case of the heirs of John Patterson, deceased, accompanied by a report (No. 1014); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8655, reported in lieu thereof a resolution (H. Res. 219) referring to the Court of Claims the papers in the case of legal heirs of Raphael L. David, deceased, accompanied by a report (No. 1015); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 7640, reported in lieu thereof a resolution (H. Res. 220) referring to the Court of Claims the papers in the case of the estate of Wiley B. Brigance, deceased, accompanied by a report (No. 1016); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 11255, reported in lieu thereof a resolution (H. Res. 221) referring to the Court of Claims the papers in the case of the estate of A. P. Gafford, deceased, accompanied by a report (No. 1017), which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4376, reported in lieu thereof a resolution (H. Res. 222) referring to the Court of Claims the papers in the case of Francis M. Sheppard, accompanied by a report (No. 1018); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 7886, reported in lieu thereof a resolution (H. Res. 223) referring to the Court of Claims the papers in the case of the heirs of John McH. Kelley and Allie V. Kelley, accompanied by a report (No. 1019); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 12750, reported in lieu thereof a resolution (H. Res. 224) referring to the Court of Claims the papers in the case of B. F. Moody & Co., or their legal representatives, accompanied by a report (No. 1020); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 11683, reported in lieu thereof a resolution (H. Res. 225) referring to the Court of Claims the papers in the case of Mrs. Adeline D. Norris, widow of W. W. Norris, accompanied by a report (No. 1021); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 6674, reported in lieu thereof a resolution (H. Res. 226) referring to the Court of Claims the papers in the case of First Presbyterian Church, at Lebanon, Ky., accompanied by a report (No. 1022); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6677, reported in lieu thereof a resolution (H. Res. 227) referring to the Court of Claims the papers in the case of Baptist Church at Bloomfield, Ky., accompanied by a report (No. 1023); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3473, reported in lieu thereof a resolution (H. Res. 228) referring to the Court of Claims the papers in the case of James T. Caldwell, accompanied by a report (No. 1024); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4372, reported in lieu thereof a resolution (H. Res. 229) referring to the Court of Claims the papers in the case of Louis Benecke, accompanied by a report (No. 1025); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12006, reported in lieu thereof a resolution (H. Res. 230) referring to the Court of Claims the papers in the case of trustees of Ivey Memorial Chapel, Chesterfield County, Va., accompanied by a report (No. 1026); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11584, reported in lieu thereof a resolution (H. Res. 231) referring to the Court of Claims the papers in the case of the estate of J. W. Marshal, deceased, accompanied by a report (No. 1027); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3468, reported in lieu thereof a resolution (H. Res. 232) referring to the Court of Claims the papers in the case of James T. Caldwell, accompanied by a report (No. 1028); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3471, reported in lieu thereof a resolution (H. Res. 233) referring to the Court of Claims the papers in the case of William M. Mantlo, accompanied by a report (No. 1029); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 13591, reported in lieu thereof a resolution (H. Res. 234) referring to the Court of Claims the papers in the case of John B. Hannah, accompanied by a report (No. 1030); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3478, reported in lieu thereof a resolution (H. Res. 235) referring to the Court of Claims the papers in the case of personal representatives of the estate of Alexander Myers, deceased, accompanied by a report (No. 1031); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3475, reported in lieu thereof a resolution (H. Res. 236) referring to the Court of Claims the papers in the case of the heirs of Samuel Ayres, deceased, accompanied by a report (No. 1032); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3472, reported in lieu thereof a resolution (H. Res. 237) referring to the Court of Claims the papers in the case of Mrs. Ellen H. Smith, accompanied by a report (No. 1033); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3476, reported in lieu thereof a resolution (H. Res. 238) referring to the Court of Claims the papers in the case of the trustees of Liberty Baptist Church, New Kent County, Va., accompanied by a report (No. 1034); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House H. R. 3479, reported in lieu thereof a resolution (H. Res. 239) referring to the Court of Claims the papers in the case of the trustees of Fourmile Creek Baptist Church, Henrico County, Va., accompanied by a report (No. 1035); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3469, reported in lieu thereof a resolution (H. Res. 240) referring to the Court of Claims the papers in the case of Margaret Myers, accompanied by a report (No. 1036); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3477, reported in lieu thereof a resolution (H. Res. 241) referring to the Court of Claims the papers in the case of the relief of the trustees of Westover Church, Charles City County, Va., accompanied by a report (No. 1037); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 4839, reported in lieu thereof a resolution (H. Res. 242) referring to the Court of Claims the papers in the case of the estate of David Wise, deceased, accompanied by a report (No. 1038); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13462, reported in lieu thereof a resolution (H. Res. 243) referring to the Court of Claims the papers in the case of President Wolraven, accompanied by a report (No. 1039); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6765, reported in lieu thereof a resolution (H. Res. 244) referring to the Court of Claims the papers in the case of the estate of Thomas Heyser, accompanied by a report (No. 1040); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13461, reported in lieu thereof a resolution (H. Res. 245) referring to the Court of Claims the papers in the case of the estate of Enoch Humphreys, deceased, accompanied by a report (No. 1041); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 5821, reported in lieu thereof a resolution (H. Res. 246) referring to the Court of Claims the papers in the case of N. C. Fears, administrator of the estate of W. S. Fears, deceased, accompanied by a report (No. 1042); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 3619, reported in lieu thereof a resolution (H. Res. 247) referring to the Court of Claims the papers in the case of the trustees of the Cumberland Presbyterian Church, of Pulaski, Tenn., accompanied by a report (No. 1043); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13459, reported in lieu thereof a resolution (H. Res. 248) referring to the Court of Claims the papers in the case of David H. Neely and Jane A. Neely, accompanied by a report (No. 1044); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 3650, reported in lieu thereof a resolution (H. Res. 249) referring to the Court of Claims the papers in the case of the vestry of St. Peters Protestant Episcopal Church, of Columbia, Tenn., accompanied by a report (No. 1045); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11252, reported in lieu thereof a resolution (H. Res. 250) referring to the Court of Claims the papers in the case of Presbyterian Church, Glasgow, Howard County, Mo., accompanied by a report (No. 1046); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 8600, reported in lieu thereof a resolution (H. Res. 251) referring to the Court of Claims the papers in the case of W. N. Hedden, accompanied by a report (No. 1047); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 3666, reported in lieu thereof a resolution (H. Res. 252) referring to the Court of Claims the papers in the case of the estate of J. J. Walker, deceased, accompanied by a report (No. 1048); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3658, reported in lieu thereof a resolution (H. Res. 253) referring to the Court of Claims the papers in the case of the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, Tenn., accompanied by a report (No. 1049); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 4868, reported in lieu thereof a resolution (H. Res. 254) referring to the Court of Claims the papers in the case of Joseph T. Chance and the heirs of John R. Burton, deceased, accompanied by a report (No. 1050); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6809, reported in lieu thereof a resolution (H. Res. 255) referring to the Court of Claims the papers in the case of W. J. Craddock, accompanied by a report (No. 1051); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6810, reported in lieu thereof a resolution (H. Res. 256) referring to the Court of Claims the papers in the case of Stephen F. Fulford, accompanied by a report (No. 1052); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4235, reported in lieu thereof a resolution (H. Res. 257) referring to the Court of Claims the papers in the case of the estate of Robert M. Williams, deceased, accompanied by a report (No. 1053); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 13460, reported in lieu thereof a resolution (H. Res. 258) referring to the Court of Claims the papers in the case of the estate of William Lewis, deceased, accompanied by a report (No. 1054); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13452, reported in lieu thereof a resolution (H. Res. 259) referring to the Court of Claims the papers in the case of the heirs of Larkin Clark, deceased, accompanied by a report (No. 1055); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11156) for the relief of Julius Franks, reported the same adversely, accompanied by a report (No. 1006); which said bill and report were ordered laid on the table.

Mr. MAHON, from the Committee on War Claims, to which was referred the petition of the House relative to a claim for damages against the Government for Matilda M. Fairex, reported the same adversely, accompanied by a report (No. 1007); which said petition and report were ordered laid on the table.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6720) for the relief of Mrs. Emma P. Barbour, reported the same adversely, accompanied by a report (No. 1008); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14172) to provide a temporary substitute for the United States district judge in the Territory of Porto Rico—to the Committee on Insular Affairs.

Also, a bill (H. R. 14173) to provide a temporary substitute for the United States district judge in the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 14174) supplementary to an act to create the middle district of Pennsylvania—to the Committee on the Judiciary.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 14175) to further amend the act granting pensions to soldiers and sailors

who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, passed June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14176) to authorize the Secretary of War to issue certificates of discharge to certain members of the Pennsylvania Volunteer Militia and the Provisional Pennsylvania Militia—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 14177) authorizing and directing the Secretary of the Interior to transfer to the State of Michigan, for the use of a forest reserve, all the Government lands situated in township 21 north, ranges 3 and 4 west, the north half of township 24 north, range 4 west, and south half of township 25 north, range 4 west, State of Michigan—to the Committee on the Public Lands.

By Mr. WELBORN: A bill (H. R. 14178) establishing the Wilson Creek National Military Park—to the Committee on Military Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 14179) establishing two judicial districts in the State of Colorado—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 14180) to authorize the construction of a telephone line from a point at or near Cape Flattery to a point on the north side of Grays Harbor, State of Washington, in aid of the preservation of life and property—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: A bill (H. R. 14181) to declare a portion of the Red River of the North unnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 14182) for the establishment of a fish-cultural station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Maryland: A bill (H. R. 14183) for the establishment of two beacon lights at the mouth of La Trappe River, Maryland, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: A bill (H. R. 14184) to extend the irrigation act to the State of Texas—to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 14185) to authorize the sale of the property and the migration of certain full-blood Indians, and for other purposes—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: A bill (H. R. 14186) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

Also, a bill (H. R. 14187) to extend and regulate the liability of certain classes of employers to make compensation for personal injuries suffered by employees in their service—to the Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 14188) to provide for the further purification of the water supply of the District of Columbia—to the Committee on the District of Columbia.

By Mr. ACHESON: A bill (H. R. 14189) to establish lights on the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: A joint resolution (H. J. Res. 96) authorizing the President of the United States to direct the ambassador of the United States to France to procure from the Government of France the names of the officers and men who served in the so-called Irish regiments of the French army in the war of the American Revolution—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: A resolution (H. Res. 212) asking for investigation of the affairs of the People's United States Bank, of St. Louis—to the Committee on Rules.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 213) referring to the Court of Claims H. R. 7642—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 214) referring to the Court of Claims H. R. 539—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 215) referring to the Court of Claims H. R. 1277—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 216) referring to the Court of Claims H. R. 13128—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 217) referring to the Court of Claims H. R. 11583—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 218) referring to the Court of Claims H. R. 11258—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 219) referring to the Court of Claims H. R. 8655—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 220) referring to the Court of Claims H. R. 7640—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 221) referring to the Court of Claims H. R. 11255—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 222) referring to the Court of Claims H. R. 4376—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 223) referring to the Court of Claims H. R. 7886—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 224) referring to the Court of Claims H. R. 12750—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 225) referring to the Court of Claims H. R. 11683—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 226) referring to the Court of Claims H. R. 6674—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 227) referring to the Court of Claims H. R. 6677—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 228) referring to the Court of Claims H. R. 3473—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 229) referring to the Court of Claims H. R. 4372—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 230) referring to the Court of Claims H. R. 12006—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 231) referring to the Court of Claims H. R. 11584—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 232) referring to the Court of Claims H. R. 3468—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 233) referring to the Court of Claims H. R. 3471—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 234) referring to the Court of Claims H. R. 13591—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 235) referring to the Court of Claims H. R. 3478—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 236) referring to the Court of Claims H. R. 3475—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 237) referring to the Court of Claims H. R. 3472—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 238) referring to the Court of Claims H. R. 3476—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 239) referring to the Court of Claims H. R. 3479—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 240) referring to the Court of Claims H. R. 3469—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 241) referring to the Court of Claims H. R. 3477—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 242) referring to the Court of Claims H. R. 4839—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 243) referring to the Court of Claims H. R. 13462—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 244) referring to the Court of Claims H. R. 6765—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 245) referring to the Court of Claims H. R. 13461—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 246) referring to the Court of Claims H. R. 5821—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee

on War Claims: A resolution (H. Res. 247) referring to the Court of Claims H. R. 3619—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 248) referring to the Court of Claims H. R. 13459—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 249) referring to the Court of Claims H. R. 3650—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 250) referring to the Court of Claims H. R. 11252—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 251) referring to the Court of Claims H. R. 8600—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 252) referring to the Court of Claims H. R. 3666—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 253) referring to the Court of Claims H. R. 3658—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 254) referring to the Court of Claims H. R. 4868—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 255) referring to the Court of Claims H. R. 6809—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 256) referring to the Court of Claims H. R. 6810—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 257) referring to the Court of Claims H. R. 4235—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 258) referring to the Court of Claims H. R. 13460—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 259) referring to the Court of Claims H. R. 13452—to the Private Calendar.

By Mr. GILLESPIE: A resolution (H. Res. 260) requesting the President of the United States to direct the Interstate Commerce Commission to investigate and report to the House concerning certain railroads—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 14190) for the relief of James Gwyn—to the Committee on Claims.

By Mr. BARCHFELD: A bill (H. R. 14191) granting an increase of pension to Thomas Camby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14192) granting an increase of pension to John P. Wilhelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14193) to remove the charge of desertion from the military record of John T. Booth—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky: A bill (H. R. 14194) for the relief of J. F. Burgess—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 14195) granting an increase of pension to John Donnelly—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 14196) for the relief of Bessie McAlester McGuirk—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKS of Colorado: A bill (H. R. 14197) for the relief of Samuel Tomlinson—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: A bill (H. R. 14198) granting an increase of pension to William T. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting an increase of pension to John Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to John K. Dalzell—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 14201) granting an increase of pension to Elijah B. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting a pension to Hiram Bowman—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 14203) granting an increase of pension to Samuel Donaldson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 14204) granting an increase of pension to John Shepherd—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 14205) granting a pension to E. R. Westbrook—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 14206) to carry out the findings of the Court of Claims in the case of James A. Paulk—to the Committee on War Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 14207) granting an increase of pension to William C. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14208) granting an increase of pension to E. C. Compton—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 14209) granting a pension to Sarah Ditlinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting a pension to Elizabeth Broadhead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14212) granting an increase of pension to Benjamin Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14213) granting an increase of pension to John Montague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14214) granting an increase of pension to Michael Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14215) referring to the Court of Claims the claims of O. P. Cobb and others—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 14216) granting an increase of pension to William M. Roe—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14217) granting an increase of pension to Gilbert Personius—to the Committee on Invalid Pensions.

By Mr. FLACK (by request): A bill (H. R. 14218) authorizing the appointment and retirement of Charles Chaille-Long, with the rank of brigadier-general, United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14219) granting an increase of pension to Lucy R. Robare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14220) granting an increase of pension to Lovina Reynolds—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 14221) granting a pension to Persis A. Gowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14222) granting an increase of pension to Alonzo H. Sherman—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14223) for the relief of the heirs of Thomas M. Dunn, deceased—to the Committee on War Claims.

By Mr. GILBERT of Kentucky: A bill (H. R. 14224) granting an increase of pension to Jennings Duggins—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14225) granting a pension to Rachel A. Lindeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14226) granting a pension to William Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14227) granting an increase of pension to Anna C. Bassford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14228) granting an increase of pension to Abram Nussbaum—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 14229) granting a pension to John B. Kenney—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 14230) granting an increase of pension to F. M. Ross—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 14231) granting an increase of pension to James Boyce—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 14233) granting a pension to Presley F. Black—to the Committee on Pensions.

Also, a bill (H. R. 14234) granting a pension to James Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to John Williams—to the Committee on Pensions.

Also, a bill (H. R. 14236) granting an increase of pension to Trophenius Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14237) granting an increase of pension to Isaac Kindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14238) granting an increase of pension to William H. Van Tassell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14239) granting an increase of pension to David L. Yarnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14240) granting an increase of pension to Thomas H. Nisewanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14241) granting an increase of pension to Lydia M. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) granting an increase of pension to William L. Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14243) granting an increase of pension to William A. Shuler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14244) granting an increase of pension to Edwin R. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14245) granting an increase of pension to James W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14246) granting an increase of pension to Thomas Hiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14247) granting an increase of pension to Sylvia Steward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14248) granting an increase of pension to Christopher Heiserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14249) granting an increase of pension to George W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14250) to remove the charge of desertion from the military record of Allen Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 14251) to remove the charge of desertion from the military record of Peter Poole—to the Committee on Military Affairs.

By Mr. KLEPPER: A bill (H. R. 14252) granting a pension to W. J. Prater—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14253) granting an increase of pension to Frederick F. Schnake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14254) granting a pension to Catherine Kelly—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 14255) granting an increase of pension to Frederick A. Hutchens—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14256) granting an increase of pension to James B. Hackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14258) granting an increase of pension to John S. Miles—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 14259) for the relief of Willie V. Stockwill—to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 14260) granting an increase of pension to Henry Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14261) granting an increase of pension to Richard S. Eaton—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 14262) granting an increase of pension to Philip Liebrick—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14263) granting a pension to Fidelia Sellers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14264) granting an increase of pension to John H. Eversole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14265) granting an increase of pension to John Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14266) granting an increase of pension to William H. Webb—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14267) granting a pension to James K. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14268) granting a pension to Polly A. Steward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14269) granting an increase of pension to F. A. Minor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14270) granting an increase of pension to Calvin Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14271) granting an increase of pension to George R. Baucom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14272) granting an increase of pension to Charles M. Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14273) granting an increase of pension to Charles C. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14274) granting an increase of pension to George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14275) granting an increase of pension to J. T. Huitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14276) granting an increase of pension to James I. Lowdermilk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14277) granting an increase of pension to G. S. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14278) granting an increase of pension to Marian A. Franklin—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14279) granting a pension to Rebecca Winner Thornton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14280) granting a pension to Francis M. Blackstun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14281) granting a pension to Sarah J. Westbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14282) granting a pension to Mrs. Francis A. Dieffenbacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14283) granting an increase of pension to Mary Ann McIver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14284) to remove the charge of desertion from the record of Edward Griffiths—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 14285) granting an increase of pension to William C. Hiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14286) granting an increase of pension to W. L. Southgate—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14287) granting an increase of pension to Martha Brooks—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 14288) granting a pension to Emily A. Roberts—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 14289) granting an increase of pension to Mattie A. Smith—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 14290) granting an increase of pension to David M. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14291) granting an increase of pension to David Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting an increase of pension to William H. Shively—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) to remove the charge of desertion from the military record of D. C. Kindle—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 14294) granting an increase of pension to Adelaide D. Merritt—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 14295) removing restrictions on disposition of lands from Leona J. Scoville and Ben J. Scoville—to the Committee on Indian Affairs.

By Mr. SMITH of Texas: A bill (H. R. 14296) for the relief of the heirs of Hayden M. Prior, deceased, late of Polk County, Ga.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 14297) granting an increase of pension to William B. Bonaker—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 14298) granting an increase of pension to John Remick—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 14299) granting an increase of pension to Rose Vincent Mullin—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14300) granting an increase of pension to Susan C. Schroeder—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 14301) granting an honorable discharge to Edward W. Livingston—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 14302) to correct the military record of George H. Grosvenor and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WHARTON: A bill (H. R. 14303) granting a pension to Laura J. Wing—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9993) granting a pension to George W. Warren—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11898) granting a pension to Lars F. Wadsten—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13868) granting a pension to Roy Roberts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12511) granting a pension to Susan Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1440) granting an increase of pension to Ma-

tilda E. Lawton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7881) granting a pension to Anna M. Camp—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8212) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army"—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A resolution (H. Res. 193) to pay Marcellus Butler $100—Committee on Accounts discharged, and referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Oak Lawn Church, of Cranston, R. I., urging passage of the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. ALEXANDER: Petition of Lake Seamen's Union, for bill H. R. 12472— to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition relative to money taken by United States from the Edwin A. Stevens endowment—to the Committee on the Judiciary.

Also, petition of the Woman's Club of Orange, N. J., for a child-labor law—to the Committee on Labor.

By Mr. BANNON: Petitions of the Bulletin, the Transcript, and the Portsmouth Correspondent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Western Food Jobbers' Association, relative to private car line evils—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petitions of the St. Louis City Drummers' Association, the United Commercial Travelers, and Mound City Council, No. 207, National Commercial Travelers, favoring the Taylor amendment to the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Merchants' Exchange of St. Louis, relative to the present land laws, as affecting the trans-Mississippi region—to the Committee on the Public Lands.

Also, petition of the State Corn Growers' Association, for reciprocal commercial relations with all foreign countries relative to our animal products—to the Committee on Ways and Means.

Also, petition of the E. Clemens Horst Company, of San Francisco, Cal., relative to an appropriation for important lines of hop investigations—to the Committee on Agriculture.

Also, petition of the St. Louis Mercantile Library Association, favoring the existing law relative to importation of books—to the Committee on Ways and Means.

By Mr. BATES: Petition of I. S. Lavery, for an appropriation for experiment stations—to the Committee on Agriculture.

Also, petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

By Mr. BIRDSALL: Petitions of H. C. Furmern, the Daily Times-Tribune, the Reporter, and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BISHOP: Petitions of the Patriot, the Daily News, the News, the Record and Appeal, and the American Trader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petitions of the Pierce Publishing Company and the Pioneer Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the Chieftain, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petition of the Ashland Iron and Steel Company, against the passage of bill H. R. 7079—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of William Sanders—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of John W. Neese, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Western Fruit Jobbers' Association, relative to private car line evil—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against the Henry parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Aberdeen Commercial Club, relative to reservation lands west of the Missouri River for settlement—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Elijah B. Hudson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chetopa Clipper, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASSEL: Petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

By Mr. CHAPMAN: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COLE: Petitions of the Ohioan, the Champaign Democrat, the Union County Journal, the Herald-Voice, George W. Worden, the University Herald, the Enterprise, the Banner, the Daily and Weekly Index, the Record, and the News and Dispatch, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CONNER: Petition of the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Public Record, the Calhoun County Republican, and the Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petitions of the Pennsylvania Dairy Union, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of Youghiogheny Lodge, of Connellsville, Pa., favoring bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Youghiogheny Lodge, No. 302, of Connellsville, Pa., Brotherhood of Locomotive Firemen, relative to bill S. 1657—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on Appropriations.

Also, petition of Wisconsin Commandery, Military Order of Foreign Wars of the United States, favoring the Dryden bill—to the Committee on Military Affairs.

By Mr. CROMER: Petitions of the Democrat, the Press-Herald-Times, and the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the News and the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of Otis G. Hammond and 14 others, for an appropriation to compile and publish the names and data connected therewith of the census of 1790—to the Committee on Census.

By Mr. DEEMER: Petitions of the News, the Advertiser, the Ledger, the Lock Haven Express, the Muncy Herald and H. G. Phillips, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petition of Grange No. 1733, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of the Finch-Ross Chemical Company, of New York, for the repeal of revenue tax on denaturized alcohol—to the Committee on Immigration and Naturalization.

Also, petition of Ulysses Grange and Graton Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims

By Mr. ELLIS: Petitions of Arthur Hill, the Enterprise, and the Mid West Fancies, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Military Order of Foreign Wars, Wisconsin Commandery, favoring the Dryden bill—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minneapolis, against the Army canteen—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of the Tuscola County Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petitions of Evansville Grange and Grange No. 444, of Princeton, Ind., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Diamond Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Ernest Hitchcock et al., for extension of agricultural experiment stations—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FULLER: Petition of the Fair Dealer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of women's clubs of Massachusetts, favoring Government forest reserves in the White Mountains—to the Committee on Agriculture.

By Mr. GILLETT of Massachusetts: Petition of the Massachusetts State Board of Trade, relative to shore improvements at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the Massachusetts Agricultural College, department of chemistry, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Massachusetts, urging passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. GOEBEL: Petition of Local Union No. 308, of Cincinnati, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of Arthur G. Bedell, Arthur S. Taylor, and the Spectator, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League of California, for extension of the exclusion laws—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of 50 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also petition of the Home Missionary Society of Tarentum Methodist Episcopal Church, for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pennsylvania, for prohibition of liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Western Fruit Jobbers' Association, relative to private car line evils—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburg Writing Machine Company, relative to the Chinese boycott of American goods—to the Committee on Foreign Affairs.

Also, petition of the Woman's Club of Sewickley Valley, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GRANGER: Petition of the Woman's Christian Temperance Union of Georgiaville, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma—to the Committee on the Territories.

Also, petition of the Baptist Church of Hope Valley, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Richmond and Hopkinton, R. I., for prohibition of the liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of Union Council, No. 1, Junior Order United American Mechanics, of Woonsocket, R. I., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the New England Opthalmological Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Providence Water Color Club, for removal of the duty on works of art—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of Unsere Zeit, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of the Otsego Union, the Journal, Higgins & Son, and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of the Journal, the Press (Guttenberg), the Press (Osage), and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Times-Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petitions of the Democrat and the Tahoe Beacon, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of citizens of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Olin Branch Grange, No. 142, Matawan, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HUBBARD: Petitions of the Union Advocate, the Sioux City Volksfreund, and the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of S. M. & T. E. Stouffer, the Herald, and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

By Mr. KAHN: Petition of the Brewers' Protective Association of San Francisco, for an appropriation for hop investigation—to the Committee on Agriculture.

Also, petition of El Capitan Division, No. 115, Order of Railway Conductors, of San Francisco, for bills H. R. 239 and 9328—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of F. J. Boshart and other citizens of Deer River, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of the board of directors of the Merchants' Association of San Francisco, for maintenance and improvement of the Yosemite Valley—to the Committee on Appropriations.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, Cal., relative to customs receipts from Hawaii—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of the Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of citizens of Stockbridge and North Adams, Mass., in behalf of bills relative to forest reservations—to the Committee on the Public Lands.

By Mr. LILLEY: Petitions of the Democrat and Keeler Boss & Co., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Edwin C. Burt Company, of Brooklyn, N. Y., for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of Stone Arabia (N. Y.) Grange, No. 690, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of H. W. Ernst et al., citizens of Stittville, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Sarah J. Smith—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McCALL: Petition of business firms and citizens of Massachusetts, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCARTHY: Paper to accompany bill for relief of Jennie S. Sherman—to the Committee on Claims.

By Mr. McKINNEY: Petition of the Reporter, against the

tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MACON: Petition of the Marion Reform, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Paper to accompany bill for relief of U. S. Davis and Mrs. A. D. Foot—to the Committee on Claims.

By Mr. MARSHALL: Petitions of the Publisher, the Napoleon Homestead, the Broadaxe, and Henry S. Wood, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: Petitions of the Herald and the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the National Board of Trade, approving bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of T. P. Herbert—to the Committee on War Claims.

Also, paper to accompany bill for relief of Blythe Sprott—to the Committee on War Claims.

Also, paper to accompany bill for relief of Callie E. Shirley—to the Committee on War Claims.

Also, paper to accompany bill for relief of Rose Vincent Mullen—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Gabriel Lowe, of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Petition of the Evening Telegram, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PATTERSON of Tennessee: Petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the American Society for the Prevention of Cruelty to Animals, relative to bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, relative to bill H. R. 221—to the Committee on the Judiciary.

By Mr. RAINEY: Petitions of the Messenger, the Record, and the Argus, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIVES: Petition of the Anchor, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany bill for relief of Martha Brooks—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petitions of the Society of Chemical Industry, the Master House Painters and Decorators, and Alfred Noon, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the New England Opthalmological Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Massachusetts State Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of business firms of Massachusetts, individual citizens of Massachusetts, and technical schools and colleges, for repeal of revenue tax on denaturized alcohol—to the Committee on Way and Means.

By Mr. ROBERTSON of Louisiana: Petition of Locust Lodge, No. 52, of Ascension Parish, La., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Kate H. Kavanaugh—to the Committee on Invalid Pensions.

By Mr. RUCKER: Petitions of the Herald and the Moberly Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Grange No. 365, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of the T. T. Miner Hardware Company, of Easton, Pa., favoring bill H. R. 7136—to the Committee on Naval Affairs.

By Mr. SCROGGY: Petition of the Ohio Tea Company, of Lebanon, Ohio, against the duty on coffee and tea—to the Committee on Ways and Means.

Also, petition of Fairfield Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League, for strict enforcement of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHARTEL: Petitions of the Evening Herald and Eagle, the Liberal Enterprise, the Missouri-Kansas Herald, the Democrat, the Purdy News, the Leader, the Democrat, and J. W. Vincent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of H. W. Ernst et al., citizens of Stittsville, N. Y.—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Adelaide D. Merritt—to the Committee on Pensions.

By Mr. SMALL: Petitions of King's Weekly and the Watch Tower, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Iowa: Petitions of the Stanton Call, the News, the Avoca Tribune, the Neola Gazette and Reporter, the Audubon Advocate, and the Daily Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Columbia Council, No. 40; Zylonite Council, No. 28, and Riverside Council, No. 36, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: Petition of the Wickboro Mirror Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petitions of the West St. Paul Times, the Journal, the Buff and Blue, the St. Paul Daily News, and the Appeal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the committee on forestry of the Massachusetts State Federation of Women's Clubs, for a national reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the American Society for the Prevention of Cruelty to Animals, for bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petitions of William George Jordan and the United Irishman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of the Canada American and the Granite State News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petitions of the Times, the Public Opinion, the Painter and Wood Finisher, and W. A. Marsh, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of W. J. Craddock—to the Committee on War Claims.

Also, paper to accompany bill for relief of Susan C. Schroeder—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of the Woman's Club of Waltham, Mass., and other clubs, favoring Government reservation of forests in the White Mountains—to the Committee on Agriculture.

By Mr. VREELAND: Petitions of Allegheny County Advocate and the Evening Observer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Grange No. 316, Grange No. 65, Grange No. 571, Grange No. 169, and Bruce O. Johnson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petitions of the Advertiser, the Times, and the Caledonia Era, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of the Eldorado Times and the Lafayette Recorder, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Petition of the Charlotte Banking Association, for amendment of the national bankruptcy act—to the Committee on Banking and Currency.

Also, petition of District Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of citizens of Newton Center, Mass., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Petition of the National Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILSON: Petitions of the Bakers' Helper and Claude King, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Petition of the Beacon, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 7, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

BOND OF CERTAIN OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill to require certain officers of the Department of Commerce and Labor to give bond; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

WAGES OF SEAMEN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill to amend section 4542 of the Revised Statutes of the United States relating to bonds and oaths of shipping commissioners; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an additional estimate of appropriation for miscellaneous advertisements, War Department, $21.42, to pay the amounts found due certain newspapers for publishing advertisements for proposals for dredging Skidaway Narrows, Georgia, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William Moody *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Thomas T. Didier and Frederick W. Didier, heirs of Frederick B. Didier, deceased *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James T. Bowling *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary J. Field, widow of William Field, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H. R. 5289) to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. HOPKINS presented a petition of the Lake Seamen's Union of Chicago, Ill., praying for the enactment of legislation to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Elgin, of the congregation of the United Evangelical Church of Forrester, and of the congregations of the Lutheran and United Brethren churches of Christ of Forrester, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. WETMORE presented a petition of the Providence Water Color Club, of Rhode Island, praying for the removal of the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Winona Council, No. 1, Junior Order United American Mechanics, of Woonsocket, R. I., praying for the enactment of legislation to restrict immigration, and also for the revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of the congregation of the North Congregational Church of Providence, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Smithfield, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

Mr. CLARK of Wyoming presented letters from 358 citizens of Wyoming, remonstrating against the enactment of legislation granting any commission authority to fix railroad rates; which was referred to the Committee on Interstate Commerce.

Mr. PILES presented sundry papers to accompany the bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army and place him on the retired list; which were referred to the Committee on Military Affairs.

Mr. ALGER presented a petition of the C. H. Blomstrom Motor Company and sundry citizens of Detroit, Mich., praying for the repeal of the tax on ethyl alcohol; which was referred to the Committee on Finance.

Mr. BURKETT presented the petition of E. A. Gerrard, of Monroe, Nebr., praying for the enactment of legislation to remove the tariff on linotype and composing machines; which was referred to the Committee on Finance.

He also presented a petition of the Cushman Motor Company, of Nebraska, praying for the enactment of legislation to remove the internal-revenue tax on ethyl alcohol; which was referred to the Committee on Finance.

He also presented an affidavit to accompany the bill (S. 3563) granting an increase of pension to Orin D. Sisco; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1343) for the relief of Wells C. McCool; which were referred to the Committee on Claims.

Mr. RAYNER presented a petition of the Organization of the General Slocum Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the Woman's Twentieth Century Club of Baltimore, Md., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Maryland Lodge, No. 453, Brotherhood of Railroad Trainmen, of Baltimore, Md., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Nanticoke Council, No. 110, of Galestown; of Eureka Council, No. 97, of Maryland; of Bozman Council, of Bozman; of Asbury Council, No. 151, of Lawsoni; of Old Glory Council, No. 192, of Baltimore; of Washington Council, No. 13, of Maryland; of Cornelia Council, No. 91, of Baltimore; of American Council, No. 80, of Baltimore; of Pride of the Potomac Council, No. 12, of Cumberland; of Queen City Council, No. 49, of Cumberland; of Aubrey Council, No. 143, of Aubrey; of Colora Council, No. 64, of Colora; of Western Star Council, No. 162, of Baltimore; of Lincoln Council, No. 160, of Randallstown; of Jefferson Council, No. 137, of Jefferson; of Rocky Ridge Council, No. 167, of Frederick County; of Harmony Council, No. 87, of Cecilton; of Pleasant Hill Council, No. 70, of Upper County; of Golden Rod Council, of Leiters-

burg; of Myersville Council, No. 125, of Myersville, and of Beacon Council, No. 28, of Laurel, all of the Junior Order United American Mechanics, in the State of Maryland, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. MARTIN presented petitions of Grafton Council, No. 76, of Grafton; Spottswood Council, No. 35, of Williamsburg; Mount Vernon Council, No. 122, of Chiltons, and Norfolk Council, No. 24, of Norfolk, all of the Junior Order United American Mechanics, in the State of Virginia, and of Toano Lodge, No. 153, International Brotherhood of Maintenance of Way Employees, of Hampton, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a paper to accompany the bill (S. 2604) for the relief of Huldah V. Coffer; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 2599) for the relief of the estate of Joseph P. Mahaney, deceased; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 2605) for the relief of the heirs of William Walton, deceased; which was referred to the Committee on Claims.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation to induce the Government of Germany to reduce the duty on American apples; which was referred to the Committee on Finance.

He also presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

Mr. SCOTT (for Mr. ELKINS) presented a paper to accompany the bill (S. 2221) granting an increase of pension to John F. Sacks; which was referred to the Committee on Pensions.

He also (for Mr. ELKINS) presented a paper to accompany the bill (S. 2222) granting a pension to Isabell Reckner; which was referred to the Committee on Pensions.

He also (for Mr. ELKINS) presented petitions of sundry citizens of Leon; of Union Council, No. 70, Junior Order United American Mechanics, of West Virginia; of Kanawha Valley Council, No. 66, Junior Order United American Mechanics, of Elizabeth, and of Broomstick Council, No. 24, of West Virginia, all in the State of West Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented the petition of George T. Evans & Son, of Indianapolis, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Federation of Civic Rights, of New Albany, Ind., praying for the enactment of legislation providing for the punishment of perpetrators of the crime of lynching; which was referred to the Committee on the Judiciary.

He also presented a petition of the Indiana Angus Breeders' Association, praying that increased appropriations be made for the support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division, Brotherhood of Railroad Trainmen, of Garrett, Ind., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Bridge City Lodge, No. 450, International Association of Machinists, of Logansport, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Vonnegut Hardware Company, of Indianapolis, Ind., praying for the enactment of legislation providing for 1-cent letter postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Indiana Retail Hardware Association, of Argos, Ind., remonstrating against any reduction of postal rates that apply to merchandise; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a memorial of the congregation of the Prospect Avenue Baptist Church, of Buffalo, N. Y., remonstrating against the enactment of legislation to restore the sale of fermented malt beverages and light wines to soldiers on Army transports and in post exchanges under regulations to be prescribed by the Secretary of War; which was referred to the Committee on Military Affairs.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, remonstrating against the enactment of legislation for the establishment of a board for the protection of children and animals; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented the petition of J. F. Murphy, of Waseca, Minn., praying for the enactment of legislation to remove the duty on composing and linotype machines; which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 360, Order of Railway Conductors, of Two Harbors, Minn., praying for the passage of the so-called "employers' liability bill" and also the anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 294, Cigar Makers' International Union, of Duluth, Minn., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. HANSBROUGH presented a petition of 3,629 citizens of the District of Columbia, residing along Florida avenue, praying for the enactment of legislation to extend the lines of the Capital Traction Company along Florida avenue to Eighth street NE., and along Eighth street to Pennsylvania SE.; which was referred to the Committee on the District of Columbia.

Mr. OVERMAN presented a petition of Local Councils Nos. 24, 17, 44, 43, 88, 93, 85, 86, 133, 141, and 185, Junior Order United American Mechanics, of Newton, N. C., and a petition of Rutherfordton Council, No. 138, Junior Order United American Mechanics, of Rutherfordton, N. C., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 267) to prohibit aliens from taking fish in the waters of the district of Alaska, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on January 30, 1906, providing for the establishment of a United States consulate at Calgary, Canada, and proposing to appropriate $1,500 therefor, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying memorandum, referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 611) to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré, reported it without amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1437) granting an increase of pension to Darius J. Brown;

A bill (H. R. 2345) granting an increase of pension to Antoinette Hannahs;

A bill (H. R. 4666) granting an increase of pension to David A. Carpenter;

A bill (H. R. 1554) granting an increase of pension to Samuel B. Spinning;

A bill (H. R. 2342) granting a pension to Winifred E. Lewis;

A bill (H. R. 2340) granting a pension to Evelyn S. Beardslee;

A bill (H. R. 4644) granting an increase of pension to Sarah J. Dickens;

A bill (H. R. 3229) granting a pension to Jessie Marie Hester; and

A bill (H. R. 8090) granting an increase of pension to Emma H. Benham.

DECORATION FOR PROF. SIMON NEWCOMB.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the letter from the Secretary of State recommending that permission be granted to Prof. Simon Newcomb, United States Navy, retired, to accept a decoration conferred by the German Emperor, reported a bill (S. 4198) granting permission to Prof. Simon Newcomb, United States

Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste;" which was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MORGAN. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That Prof. Simon Newcomb, United States Navy, retired, be authorized to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste," conferred upon him by the German Emperor, and that the Department of State be permitted to deliver the decoration to Professor Newcomb.

Mr. LODGE. I have no objection to all these bills going through, but I do object to any selection among them. I was not able to be at the meeting of the committee this morning; I do not know what action was taken; but I think if we are to allow decorations to be accepted we ought to allow them to everybody, or else allow them to no one. I rose merely to make an inquiry as to the action of the committee.

Mr. FRYE. No action was had in relation to any other of those bills. This was supposed to be an exceptional case, and it was passed upon unanimously by the committee.

Mr. LODGE. The list is full of exceptional cases, I think, Mr. President. I shall object to the bill unless it is made a general bill that will cover them all.

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PENROSE on the 15th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4199) supplemental to the act creating the middle district of Pennsylvania, approved March 2, 1901, regulating the practice in civil actions against two or more defendants where some of the defendants do not reside in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4200) granting an increase of pension to Sarah M. Hiestand;

A bill (S. 4201) granting a pension to Emma A. Poland;

A bill (S. 4202) granting an increase of pension to Samuel Stout; and

A bill (S. 4203) granting an increase of pension to Robert S. Wharton.

Mr. HOPKINS introduced a bill (S. 4204) granting an increase of pension to Elijah O. Felts; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4205) granting an increase of pension to George Warner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4206) granting an increase of pension to Eliza L. Reinsdorff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW (for Mr. PLATT) introduced a bill (S. 4207) to increase the limit of cost of the New York custom-house; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS introduced a bill (S. 4208) granting an increase of pension to Charles V. Nash; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4209) for acquiring by condemnation and dedicating as public parking the triangles and intersections of Sixteenth street and Park road, and of Park road and Mount Pleasant street, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4210) granting a pension to Celia Ford;

A bill (S. 4211) granting an increase of pension to Annie Sebree Smith; and

A bill (S. 4212) granting an increase of pension to Cynthia M. Slayton.

Mr. MARTIN introduced a bill (S. 4213) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill ((S. 4214) to appoint Holmes E. Offley upon the retired list of the Navy with the rank of lieutenant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4215) granting a pension to Mary Harrison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4216) for the relief of the legal heirs of the late L. Claiborne Jones;

A bill (S. 4217) for the relief of the trustees of the Methodist Episcopal Church of Falls Church, Va.;

A bill (S. 4218) for the relief of the trustees of the Langley Methodist Episcopal Church, of Langley, Fairfax County, Va.; and

A bill (S. 4219) for the relief of Miss Pattie J. Daffan (with accompanying papers).

Mr. BLACKBURN introduced a bill (S. 4220) relating to the departemnt of lectures in connection with the public schools of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FULTON introduced a bill (S. 4221) granting an increase of pension to James F. Lester; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4222) granting an increase of pension to Elijah Hawkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 4223) granting an increase of pension to Benjamin F. Peirce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 4224) to increase the limit of cost of the public building at Ogden, Utah; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. NIXON introduced a bill (S. 4225) granting a pension to Benjamin H. Decker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 4226) granting an increase of pension to James Cain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 4227) granting a pension to John H. McKenzie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4228) granting an increase of pension to Joel S. Weiser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4230) to recognize the claim of the Colville and confederated tribes of Indians, State of Washington, and providing for the payment thereof; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4231) granting an increase of pension to Owen Martin;

A bill (S. 4232) granting an increase of pension to Daniel Sullivan;

A bill (S. 4233) granting an increase of pension to Edward M. Barnes;

A bill (S. 4234) granting a pension to Sarah E. Griswold; and

A bill (S. 4235) granting an increase of pension to Daniel Sullivan.

Mr. BURKETT introduced a bill (S. 4236) to establish a fish-cultural station at Neligh, Nebr.; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 4237) to establish a fish-cultural

station at Wilber, Nebr.; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. FRYE introduced a bill (S. 4238) granting a pension to Harriet G. Lunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4239) granting an increase of pension to Job Rice; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 4240) authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4241) for the relief of the Mount Zion Church, of Williamson County, Tenn.;

A bill (S. 4242) for the relief of the Presbyterian Church of Lynnville, Giles County, Tenn.;

A bill (S. 4243) for the relief of the estate of Zeno T. Harris, deceased;

A bill (S. 4244) for the relief of Payne, James & Co.;

A bill (S. 4245) for the relief of George T. Larkin; and

A bill (S. 4246) for the relief of the heirs of Robert B. Love, deceased.

Mr. FRAZIER introduced a bill (S. 4247) granting an increase of pension to Carrick Rutherford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4248) authorizing the Secretary of Agriculture to make surveys and investigations to determine the benefits to be derived from the drainage of the public swamp lands of the several States and Territories, to prepare an estimate of the cost of the same, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PENROSE introduced a bill (S. 4249) for the relief of Columbus D. Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MALLORY introduced a bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon; which was read twice by its title and referred to the Committee on Public Health and National Quarantine.

Mr. CARTER introduced a bill (S. 4251) to extend School street to Columbia road and connect School street thus extended with Fourteenth street, and to establish a park at Fourteenth street and Columbia road; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4252) to acquire certain ground in the District of Columbia for a Government reservation; which was read twice by its title, and referred to the Committee on the District of Columbia.

REGULATION OF RAILROAD RATES.

Mr. MARTIN submitted an amendment, intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On February 5, 1906:

S. 312. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.;

S. 979. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;

S. 1747. An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island;

S. 21. An act granting a pension to Mary G. Bright;

S. 336. An act granting a pension to Abraham M. Cory;

S. 528. An act granting a pension to Robert M. McCormick;

S. 998. An act granting a pension to Russell A. McKinley;

S. 1444. An act granting a pension to Dora H. Kuhns;

S. 15. An act granting an increase of pension to Lizzie E. Shehan;

S. 23. An act granting an increase of pension to Charles A. Bradbury;

S. 82. An act granting an increase of pension to Curtis A. Carpenter;

S. 99. An act granting an increase of pension to Eugene P. Kingsley;

S. 113. An act granting an increase of pension to John D. McFadden;

S. 135. An act granting an increase of pension to Peter C. Chacy;

S. 137. An act granting an increase of pension to Robert Wiper;

S. 144. An act granting an increase of pension to Minerva Briggs;

S. 147. An act granting an increase of pension to Patrick McCue;

S. 149. An act granting an increase of pension to Cassius Lisk;

S. 150. An act granting an increase of pension to Lucius A. Lincoln;

S. 157. An act granting an increase of pension to Lizzie G. Reynolds;

S. 168. An act granting an increase of pension to Elizabeth Davis;

S. 182. An act granting an increase of pension to Oliver P. Smith;

S. 184. An act granting an increase of pension to Lyman Marsh;

S. 194. An act granting an increase of pension to James L. Cowell;

S. 195. An act granting an increase of pension to John Pieper;

S. 202. An act granting an increase of pension to Allen Amburn;

S. 204. An act granting an increase of pension to John F. Walter;

S. 205. An act granting an increase of pension to Francis Gee;

S. 217. An act granting an increase of pension to William C. Breckenridge;

S. 327. An act granting an increase of pension to Walter Barney;

S. 386. An act granting an increase of pension to Orange G. Jones;

S. 471. An act granting an increase of pension to Thomas McLaughlin;

S. 489. An act granting an increase of pension to Nelson B. Tool;

S. 525. An act granting an increase of pension to Michael Brady;

S. 530. An act granting an increase of pension to Sophia A. Knapp;

S. 532. An act granting an increase of pension to Hiram B. Doty;

S. 559. An act granting an increase of pension to Seth M. Tucker;

S. 560. An act granting an increase of pension to Andrew C. Reed;

S. 571. An act granting an increase of pension to Charles H. Knight;

S. 574. An act granting an increase of pension to Lee H. Buckland;

S. 626. An act granting an increase of pension to Allen J. Nash;

S. 627. An act granting an increase of pension to Joseph Hiler;

S. 708. An act granting an increase of pension to Maurice Downey;

S. 713. An act granting an increase of pension to Ephraim A. Gordon;

S. 777. An act granting an increase of pension to Byron Lent;

S. 783. An act granting an increase of pension to Moses H. Sawyer;

S. 786. An act granting an increase of pension to Patrick Garvey;

S. 844. An act granting an increase of pension to James W. Ryan;

S. 849. An act granting an increase of pension to Horatio Carter;

S. 944. An act granting an increase of pension to Robert F. Catterson;

S. 974. An act granting an increase of pension to David L. Wright;

S. 1036. An act granting an increase of pension to William C. Beachy;

S. 1040. An act granting an increase of pension to James Sloan;

S. 1164. An act granting an increase of pension to Henry E. Bedell;

S. 1201. An act granting an increase of pension to Sarah A. Preston;

S. 1214. An act granting an increase of pension to Charles W. Oleson;

S. 1238. An act granting an increase of pension to John Christoff;

S. 1239. An act granting an increase of pension to Joseph G. McGarvey;

S. 1269. An act granting an increase of pension to Charles E. Smyth;

S. 1310. An act granting an increase of pension to Charles S. M. Hooton;

S. 1340. An act granting an increase of pension to John Leavitt;

S. 1341. An act granting an increase of pension to Fred Preisinger;

S. 1342. An act granting an increase of pension to Morton M. Noah;

S. 1359. An act granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss;

S. 1408. An act granting an increase of pension to Julia W. Estes;

S. 1431. An act granting an increase of pension to William W. Lane;

S. 1505. An act granting an increase of pension to Uriah D. Barrett;

S. 1737. An act granting an increase of pension to Helen M. Blanchard;

S. 1826. An act granting an increase of pension to Rufus H. Paine;

S. 1872. An act granting an increase of pension to Rebecca A. White;

S. 1888. An act granting an increase of pension to George W. Patton;

S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter; and

S. 2143. An act granting an increase of pension to Angelina Hernandez.

DEMOCRATIC CAUCUS ACTION.

The VICE-PRESIDENT. The morning business is closed. The Chair lays before the Senate a resolution coming over from a previous day.

The Senate proceeded to consider the resolution submitted by Mr. PATTERSON on the 5th instant, as follows:

Whereas the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislatures thereof," and that "each Senator shall have one vote;" and

Whereas each Senator, before assuming the duties of his office, is required to solemnly swear or affirm that he "will support and defend the Constitution of the United States, and that he will faithfully discharge the duties of the office upon which he is about to enter;" and

Whereas, because it was currently reported that one or more Democratic Senators might vote upon certain matters pending before the Senate contrary to the views of a majority of the body of Democratic Senators, the Democratic Senators were called to caucus upon such matters; and

Whereas it was found at such caucus that said reports were correct, and that certain Democratic Senators might or would vote contrary to the views of said majority; and

Whereas thereupon the following resolutions were presented and adopted by more than two-thirds of the Senators present at said caucus:

"*Resolved*, That the Senate ought not to advise and consent to the treaty between the United States and the Republic of Santo Domingo, now pending before the Senate.

"*Resolved*, That if two-thirds of this caucus shall vote in favor of the foregoing resolution it shall be the duty of every Democratic Senator to vote against the ratification of the said treaty;" and

Whereas the apparent purpose of said resolutions and action was to improperly induce or coerce Democratic Senators who might believe that the best interests of the country required the ratification of said treaty, and because thereof held it to be their duty to vote for its ratification, into disregarding that part of their oaths in which they declared that they would faithfully discharge the duties of the office of Senator: Therefore, be it

Resolved, First. That such action by the said or any other caucus is in plain violation of the spirit and intent of the Constitution of the United States.

Second. That for two-thirds or any other number of the Senators of any party to meet and declare that "it shall be the duty" of any Senator to vote upon any question other than as his own convictions impel him is a plain violation of the manifest intent and spirit of the Constitution all have sworn to uphold and defend.

Third. That the "one vote" the Constitution declares each Senator shall have is his own vote and not the vote of any other or of any number of other Senators, and for a Senator to cast that "one vote" against his convictions of right and duty in the premises is to disfranchise his State in the Senate and to deprive it of the representation in that body the Constitution provides it shall have.

Fourth. That when any number of Senators by combination or otherwise undertake, through any species of coercion, to induce other Senators to vote except as their judgments and consciences tell them, it is an invasion of the rights of a State to equal representation with other States in the Senate, and is subversive of their rights to equal representation and the votes of its Senators in the Senate that the Constitution has provided for.

Fifth. That the Senator who permits any body of other Senators to declare and define for him what his duty is in the matter of his vote in the Senate, and who casts his vote in response to such interference, votes not as a Senator from his own State, but as a Senator from the other States, and he augments the power of the other States beyond that permitted by the Constitution and weakens and degrades the power of his own State in the Senate, in violation of the spirit of the Constitution.

Sixth. That for any Senator to vote except as his judgment and sense of duty under his oath of office requires is to degrade the high office of Senator and to assail the dignity and standing of the Senate of the United States—qualities possessed in such high degree by no other legislative body in the world.

Mr. PATTERSON. Mr. President, before I discuss the resolution I had the honor to offer I want to say a few words that are personal. There is nothing I dislike more than either to thrust my own personality into a question of serious public importance or to see other Senators do so. Occasionally conditions are such that it would seem to be necessary.

I am here at this time discussing these resolutions much against my inclination. When last week I addressed the Senate upon the Santo Domingo treaty I had no reason to suppose but that my remarks, as the others I have from time to time made in the Senate, would be considered about as inconsequential, and would be passed over without arousing any unusual interest or controversy. But it seems, whether by reason of the remarks or some other cause, a caucus of Senators of the party to which I belong was almost immediately held and certain resolutions were adopted.

In view of the fact that one of the distinguished Senators upon this side of the Chamber had, in a perfectly courteous way, spoken to me immediately before I spoke and told me that he hoped I would not commit myself upon the treaty, that the Democratic Senators would hold a caucus and would probably act upon it, and that in the face of that suggestion I proceeded with my remarks, I feel that I come directly within the intended censure of the resolutions. It was not suggested by the Senator I have in mind that it was proposed to throw any new light upon the treaty, but I inferred that the Democratic caucus would probably instruct upon it, and as I had made up my mind what my duty was, with the light I then had, with the very considerable investigation I had given to the matter, I felt there was no reason why I should either desist or change the course of my remarks as I had arranged them.

The action of the caucus was to make me rather a conspicuous figure in the public prints. Such suggestions as "A White House Democrat," "The Senator from Colorado has been read out of his party," "The Senator from Colorado is a bolter from his party," flew thick and fast; and to those who have not known me and my course and the motives that I trust actuate me in my public action, the impression was almost necessarily created that the step I had taken was from selfish and somewhat indefensible motives, either, as was stated by a leading New York paper, that there was probably some understanding between the President and myself about my reelection to the Senate, or that I had some postmasters or custom-house officials to my credit, or that I expected to secure some, and that such and like motives and such interests had led me to take what they saw fit to describe as a remarkable step.

Mr. President, no man likes to have his motives misconstrued, especially if he believes they are honorable motives. As to the President and patronage, immediate or in the past or in the future, having had any influence whatever over my course, I think it is due both to the President and myself that the facts should be stated.

I have been in the Senate now five years. During all of that time I have never requested the President to make a single appointment with one exception, and that was in the recess of Congress last fall, when I sent him a letter from Denver, asking him to appoint a most excellent young Episcopalian clergyman to a vacant chaplaincy in a regiment in the Philippines. The minister in mind, the Rev. Mr. Eustis, who had been officiating in Denver for a number of years, formerly lived in Vermont or Maine, I forget now which, and he had on file in the War Department the recommendations of the Republican Senators of the State from which he came for a like position. In writing to the President I suggested that since there was no politics in selecting an agent to point to soldiers their road to heaven, I thought I might venture in that case to depart from the rule of conduct in dealing with appointments which I had adopted when I first came to the capital. I was almost immediately and politely informed that the chaplain whose resignation created the vacancy was a Methodist, and that one of that denomination would be selected for his place. The result of it was Mr. Eustis is still performing the duties of pastor of a Denver church, and I sup-

pose that some good Methodist is now drawing the salary and performing the duties of a chaplain.

With that exception, and the writing of a few letters commendatory of the character and capacity of some Colorado applicants who were seeking appointments through the Congressmen from Colorado, no appeal, directly or indirectly, has ever been made by me to the President for a position.

The last interview I had with the President was about a month ago. I went to him with a delegation of Colorado cattle owners for the purpose of protesting against rules that had been adopted for the government of the forest reserves in our State, under which regulations the owners of stock are compelled to pay licenses all the way from 5 or 6 or 7 or 8 cents a head for sheep to 60, 70, and 80 cents per head for cattle to graze on the part of the public domain within the forest reserves. I felt that the President had stepped outside of his powers in practically enacting laws—license laws—a right that devolves under the Constitution upon Congress, and I sought to convince him that for that and other reasons the regulations should be annulled. I should say that the regulations were made under the authority or by the direction of the Secretary of Agriculture, but of course, as stated by the President, with the approval of himself. I was courteously informed that the change could not be made.

I visited him the next day and had a very earnest interview with him. I might give a part of the interview. After we had talked a considerable length of time he said, "Senator PATTERSON, may I talk to you plainly without offending you?" I said, "Yes, Mr. President, if you will permit me to talk plainly to you without offending you." The bargain was struck, and he expressed himself in quite unmeasured terms. Then I had my say. The result of it was that the interview suddenly ended. We were courteous, however, only both were emphatic. The regulations remain undisturbed.

From that day to this, Mr. President, I have had no interview with the President upon any subject. I have met him, as nearly every other Senator and Member of Congress has met him, casually and on social occasions, but these are very few, and there my official relations with the President commenced and ended.

I think that so much is due to the President, for it is not a very commendable thing to charge the President with buying a Senator's vote with patronage, or to impute that a Senator has sold his vote to him for patronage.

As I said in the remarks I previously made, I have, notwithstanding the scant relations between the President and myself, a very warm feeling of friendship for him by reason of his public course. There are many things he has done that I do not approve of, that I have condemned upon the floor of the Senate as earnestly as I could and keep within the courtesies of Senatorial debate. I expect I will continue to do so.

But, Mr. President, I feel, as I stated before, that in the struggle he is making along economic lines, in dealing with the great railroad question, in dealing with the great trust and monopoly question, he is making such a fight as no President, except Andrew Jackson, has ever undertaken to make before; and I admire and commend him for the brave, courageous stand that he has taken, and the unflinching manner in which he is proceeding in the struggle.

With reference to the Santo Domingo treaty, Mr. President, I believe it should be adopted. But suggestions have also been made in the press, and by my colleagues, as I have been informed, that in any event I am not very firmly allied to the Democratic party, and that I have boxed the political compass. That is a mistake. I did, in 1892, repudiate the nomination of Mr. Cleveland.

Mr. MORGAN. Will the Senator from Colorado——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PATTERSON. Certainly.

Mr. MORGAN. Will the Senator permit me to ask him a question there? He said that he favors the treaty and expects to vote for it. Does the Senator mean without amendment?

Mr. PATTERSON. Oh, no. I go upon the theory that the Santo Domingo treaty will receive the careful and patriotic consideration of the Senate, and that in many of its features that are considered objectionable, both by Senators upon the opposite side and this, it will be amended.

Mr. MORGAN. Does the Senator mean to say that he objects to certain features of it as it was negotiated by the President?

Mr. PATTERSON. I do not object to the main purposes of the treaty.

Mr. MORGAN. But as to any features?

Mr. PATTERSON. There are features of the treaty concerning which the Committee on Foreign Relations has already reported amendments to this body. Senators upon the other side of the Chamber have offered other amendments. Every one of those amendments, so far as I have had opportunity to consider them, I am in favor of.

Mr. MORGAN. Then the Senator is not in favor of the treaty as it was negotiated?

Mr. PATTERSON. If the treaty is not amended, as I believe it should be, yet maintaining the main objective features of the treaty and eliminating matters that I believe should be eliminated, then, Mr. President, I will take that new condition into very careful consideration, and in the end do what I think I should do under my oath as a Senator.

Mr. MORGAN. Will the Senator permit me now to make a suggestion through the Chair to the Senate?

Mr. PATTERSON. Yes, sir.

Mr. MORGAN. Inasmuch as we have discussed the attitude of the Senator on this floor toward this treaty and toward the amendments that are said to have been reported, I wish to say that I shall claim the privilege of discussing this entire treaty in open Senate at the proper time.

Mr. PATTERSON. That is a matter which the Senator, I suppose, must determine for himself "with the advice and consent of the Senate." But, Mr. President, I am in favor of the main features of that treaty and the object that it seeks to attain, which is to bring peace and a substantial condition to the financial affairs of the island, to pay off its indebtedness upon an equitable basis, that is crowding the island to the wall, that is making it the threatened prey of foreign nations—to improve conditions that demand at the hands of some country wise and material assistance, and if that assistance is to be rendered, I do not propose to so act as to force upon Santo Domingo and foreign nations the performance of the duty. I prefer that my own country—as I believe it to be its duty under a fair interpretation and application of the Monroe doctrine—shall perform its duty.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. PATTERSON. With great pleasure.

Mr. DANIEL. I wish to ask the Senator if he knows how any other Senator would vote on this treaty if it were amended to suit him? The Senator says that he will vote for it if it is amended to suit him. I ask him if he knows how any other Senator will vote if it be amended to suit him?

Mr. PATTERSON. Let me read a resolution:

Resolved, That the Senate ought not to advise and consent to the treaty between the United States and the Republic of Santo Domingo, now pending before the Senate.

It is not a proposition——

Mr. DANIEL. I understand it is the Senator's opinion that he ought not to vote for this treaty, but that if amended to suit him he will vote for it.

Mr. PATTERSON. That is hardly a correct interpretation of my opinion as I expressed it. In the first place, I would say, in response to the Senator from Virginia, that these resolutions do not suggest that the Senate ought not to advise and consent to the treaty unless it is amended, but that it should not advise and consent to it at all. The treaty was before the Senate in executive session with amendments reported from the Committee on Foreign Relations, which, in my judgment, would come pretty nearly removing every reasonable objection, and we have a right to suppose that when the Committee on Foreign Relations reports amendments the Senate will adopt them, especially when they are amendments which are concurred in by the members of both political parties that comprise this august body.

I was going to refer to a matter that is personal when I was very properly interrupted, that refers to my supposed political tergiversation. I did, in 1892, Mr. President, leave the Democratic party, and I became a Populist. I had no idea that the Populist party would become a great national party. I knew that there was room in this country for but two great parties—the Democratic and the Republican—but the Democratic party in 1892 had fallen so far behind that I concluded to get into another wagon and ride on ahead until the Democratic party had caught up, and then I would renew my membership in the party that is a part of the very life and existence of the country.

Mr. President, I am proud of my relations with the Populist party. It performed a wonderful work. I recollect down in South Carolina when the leading Democrats, with my friend from that State [Mr. TILLMAN] at their head, saw the Democratic organization disintegrating and flocking into the Populist ranks, he organized the Democratic party on Populist lines, adopted all of its asserted principles and measures, and gave to them the name "Democratic," and thus held the Democratic party together in his State until the Democratic party of the

nation caught up with him, and he has been traveling along like me with the Democratic party ever since.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I do not want to interrupt the Senator at this stage of the proceedings, but lest I might not recur to that phase of my political career in anything that I might have to say later on, I want to remark to the Senator that I have eaten as much crow in submitting to the dictates of party conventions as any man living. [Laughter.]

Mr. SPOONER. Did you like it?

Mr. TILLMAN. No, I did not; but I had to take it all the same. [Laughter.]

Mr. PATTERSON. Mr. President, I have eaten some crow, but I want to say to the Senator from South Carolina that the crow that I ate was not so rank as the crow he ate and of which he boasts, because I did, in 1892, without any hesitation, support Mr. Weaver for the Presidency, and I am gratified that, due in part to my humble efforts, the vote of Colorado was cast for him. I have repudiated the action of some conventions at home, and in all human probability before I die I will repudiate more, for I do not believe it is in the power of any political convention to force upon decent men dishonest and otherwise improper candidates to fill offices to the disgrace of the party and to assist in compassing its defeat in future campaigns.

Mr. President, the resolution of the caucus that led to my resolution is the second one, but I will now read both:

Resolved, That the Senate ought not to advise and consent to the treaty between the United States and the Republic of Santo Domingo, now pending before the Senate.

The second resolution reads:

Resolved, That if two-thirds of this caucus shall vote in favor of the foregoing resolution it shall be the duty of every Democratic Senator to vote against the ratification of the said treaty.

"It shall be the duty of every Democratic Senator to vote against the ratification of the said treaty." Mr. President, is that persuasion or is it coercion? To be sure, when a resolution of that kind is adopted by a caucus, the members of it know that they can not take a Senator who is unwilling to submit by the scruff of the neck and hold him up when the roll is called until he votes. They do know, Mr. President, that if a Senator who is unwilling to be bound by a resolution of that kind refuses to be bound, in a majority of cases the gravest injury has been done to him.

In the North and in the South there are States in which the contest is simply for a nomination and not for an election. At the present time there are Senators absent from their seats, in their home States canvassing before the people for their approval and renomination. Imagine one of those Senators, high-minded, conscientious, consistent, and desiring to be mindful of the obligations of his oath, confronted with a caucus resolution such as this, whether it be upon the Santo Domingo treaty or upon any other question, and he in his conscience disapproves it and believes that it is not for the best interests of the country that the measure should be, it may be, adopted or it may be defeated—confronted with such a resolution at the very climax of his campaign for renomination. Why, Mr. President, he must either bottle up his convictions and say to the caucus, "You may vote me; I turn over my duty upon this measure into your hands," or he is certain to be defeated for a renomination. Take either of the several Senators who are now canvassing for the support of their constituents for a renomination and let it be proclaimed, whether in a State of the North or in a State of the South, that he is a bolter from his party, and his political doom is sealed.

I say, Mr. President, that this sort of coercion is cruel; it may be refined, but it is cruel. It strips from every Senator the element of independence and is liable to force every Senator into a disregard of his oath of office or else into oblivion.

Why, Mr. President, there are young, great, and ambitious men who seek admission to this body to make within these walls a career. They come here after they have reached the constitutional age of 30 years, and they look forward through the favor of confiding constituencies to many years of honor and usefulness in the Senate; but if, as the close of his first term is approaching, he must either abandon his convictions upon an important measure or, by being branded as a bolter, be defeated at home, in what a desperate and humiliating position is such a Senator placed!

Mr. President, I have heard the arguments used for this sort of coercion, and they do not appeal to my judgment. I have heard those who approved of it say that they have entered conventions in favor of particular candidates, and when others were selected have cheerfully acquiesced in the result; that they have gone into conventions and appealed for the adoption of certain declarations in party platforms and have failed of success, and yet they stood by the results; and because they are willing to submit to such disappointments members of the Senate should transfer their votes to either a majority or to two-thirds of their party friends. If that is the only argument, Mr. President, it brings the United States Senate down to the level of an ordinary political caucus.

Political caucuses and conventions, Mr. President, are voluntary assemblages. Men in them are not there acting under the obligations of an oath; they are not representing such constituencies as are Senators of this body. However they may be disappointed in their efforts for nominations or for platforms, they know or feel that their own party roof affords a better shelter than does the opposite political party, and, notwithstanding their disappointment, they remain under the rooftree.

There is no trouble in submission to the views of the majority of a convention upon matters of that kind. When disappointment occurs upon such occasions, they adopt the lesser of two evils. There is no choice but to remain away from the polls, or to adopt the ticket and the principles of the opposite political party, or to accept the platform and the candidates of their own party. Even then, Mr. President, I have no hesitation in saying that when a convention nominates a candidate that one considers unfit, either by reason of moral turpitude or by absolute incapacity, it is his duty to aid in the election of somebody else to the position for which he has been nominated.

I have always believed, Mr. President, that men in public office were more important than platforms. Platforms, upon too many occasions, have been altogether meaningless, while when you place a true man in office, whatever the platforms, he gives to the people of the country a good and acceptable administration, and he leaves his office with the country better off than when he entered it.

I have sometimes thought, Mr. President, that the Democratic party might learn valuable lessons from the Republican party—I suppose that is more treason, but I have said so before and I reiterate it now—not in its political principles, not in the governmental theories it represents, but in its dealing with the masses of the membership of the party.

I am told that the Republican Senators have no such thing as a caucus, and I am bound to accept that as true. Nor, Mr. President, do they have whole States bound and gagged in their national conventions under the unit rule. Under a wise rule, adopted by the machinery of their party, the different Congressional districts elect the two delegates to which each district is entitled in their national conventions and they enter the convention absolutely untrammeled by the oppression of the unit rule, every delegate, it may be, except perhaps the four representing the Senators—and of that I am not certain—having an unqualified right to vote as he pleases, and no majority can take from him that right.

Mr. President, the Democratic party has been out of power for many years. It has been in power but eight years since 1860. Will my Democratic friends stop and reflect that it is more than possible that it is through such arbitrary methods, through such an un-Democratic spirit in dealing with the masses of its party—it is possible that that is one reason for its banishment from control of the national councils?

The caucus, Mr. President, belongs in reality to voluntary political associations, such as conventions and gatherings in advance of conventions, to determine what measures shall be urged upon the convention to adopt, to determine how its views of the opposite political party shall be expressed, and what men it will be wise to nominate.

Mr. President, the resolutions that I introduced have particular reference to votes of independent Senators. I use that characterization whether the Senators are members of the one or the other political organization, or whether they stand aloof from both.

Until the adoption of the Constitution the States in the Congress were absolutely equal. Each State had the same number of votes, and the votes were cast as by the State. Such a system provided for by the Articles of Confederation soon made evident the utter imbecility of the government associated with it, and so the wise and the great men of the States in the early days succeeded in having a Constitutional Convention called for the adoption, if possible, of a new system, under which the thirteen independent States might live in amity and, as a nation, in perpetuity. When the convention met there were those of the body who insisted upon a system of government that was

wholly national in its character. There were those who insisted upon a system of government that partook very largely of the old system under the Articles of Confederation. It was found that neither would do. The small States were jealous of their rights, of their independence, and their equality, and they were unwilling to surrender them. The outcome was the system under which we are now living, under which this country has so wonderfully grown and prospered.

It is a system that is part Federal and part national, with a House of Representatives that represents the nation, as the nation may be represented through the majority of its voters, and a Senate that is Federal. A Senate that represents the States and the independence, the dignity, and the equality of the States, a body that was to be selected by the legislatures of the several States, a body that is confined to but two Senators from each State, however great its territorial area or numerous its population, a body that through the method of the selection of its membership establishes a close union between the National Government and the State governments. We are members of the Federal branch of the National Legislature, the body that is intended to preserve the integrity, the equality, and the rights and the dignity of each one of the States.

Mr. President, I want to read from a reasonably late work just a sentence or two as to the nature of the Senate:

Although there has been no need of its interposition to protect the small from any encroachment by the larger States, until the civil war the Senate was more conspicuously the guardian of State rights in general. Their advocates maintained the position that the body was an assembly of ambassadors from sovereign States. During Washington's Administration North Carolina directed its Senators to execute a deed ceding land to the United States.

Senator Tazewell, of Virginia, declined Jackson's offer of a place in the Cabinet and said:

"Having been elected a Senator, I would as soon think of taking a place under George IV, if I was sent as minister to his court, as I would to take a place in the Cabinet."

Insistence has frequently been made upon the right of State legislatures to instruct their Senators in Congress.

What has the conduct of individual Senators shown to be their understanding of the relation of Senators to their several States? As suggested in Mr. Foster's work, it was maintained that the Senate consisted of a body of ambassadors from the sovereign States, and that the States had a right to instruct and recall, if they desired, their Senators.

John Quincy Adams resigned his seat in the Senate in 1808 after voting for the embargo in opposition to instructions from his legislature. Benton, in his Thirty Years in the Senate, recites that a Kentucky Senator in 1828 after arguing against what he denominated the tariff of abominations said:

As the organ of the State of Kentucky, I found myself bound to surrender my individual opinions and to express the opinions of my State.

John Tyler, in 1836, resigned his place in the Senate, because the legislature of Virginia instructed him to vote for the expunging resolutions, which he said he could not conscientiously do.

Mr. President, that view of the relation of the Senator to his State has been abandoned. The right of a State to instruct a Senator is no longer acknowledged. We all recall that the great and eloquent Lamar, of Mississippi, was instructed by the legislature of Mississippi as to his vote upon a matter then soon to be decided.

But the Senator from Mississippi said:

The State has no right to control me in this way. I am here as a legislator, acting under the sanction and the obligation of my oath of office; I am expected to vote as my judgment and conscience dictate; and that I will do, and I will not surrender that right even to the legislature of my State.

And to-day I doubt if there is a single Senator who would not follow the precedent set by Lamar, for I conceive it to be the right rule.

A Senator should not be so controlled, in view of his election for six years. The purpose of the framers of the Constitution being to secure, through a long term, freedom upon the part of Senators from sudden changes of public opinion—from the "craze," as some denominate it, which at times sweeps over a country and changes for the time popular desires. The Senate was created, so the fathers say, for the purpose of withstanding sudden revolutions of that kind, and that all legislation might ultimately reach the statute books after the scrutinizing and watchful and unbiased care that such a body as the Senate is expected to give to it.

Mr. President, the Constitution declares that this body shall consist of two Senators from each State, and that each Senator shall have one vote. Let me read what Mr. Story says, in a very brief sentence, upon the nature of that vote. He says, speaking of the Senate:

In the first place, the nature of the representation and vote in the Senate: Each State is entitled to two Senators, and each Senator is entitled to one vote. This, of course, involves in the very constitution of this branch of the legislature a perfect equality among all the States, without any reference to their respective size, population, wealth, or power.

Again, after referring to the House of Representatives:

In the former—

The Senate—

each State in its political capacity is represented upon a footing of perfect equality, like a congress of sovereigns or ambassadors, or like an assembly of peers.

Thus is the Senate constituted, Mr. President. Thus is the relationship of its membership the one to the other. It is so totally unlike the ordinary legislative assembly, the House of Representatives, or either branch of a State legislature that neither the public nor the Members of this body should ever lose sight of the fundamental differences. And yet it is sought to treat the votes of Senators as though the Senators were members of some voluntary popular political gathering.

I wish to call the attention of the Senate to the oath that Senators take, and the oath administered now is not what it always was. The first oath was provided under the statute of June 1, 1789, and the oath entire is as follows:

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States.

There it commenced and there it ended. But in 1868, doubtless growing out of the civil war, the oath to be administered to Senators was amended so as to read as follows:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States—

The word "defend" is inserted—

that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion—

Then note the concluding obligation—

and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

I think I may refer with perfect propriety to the exceptions to the obligation of a caucus order of the Senatorial Democratic caucus. If I may not refer to the exceptions, I beg that some Senator will suggest its impropriety. I understand the exceptions are public, and that everybody knows them, and it is very much to the credit of the caucus that the exceptions have been made.

First, the caucus order does not bind when to do so would, in the opinion of the Senator, cause him to violate the Constitution. Second, it is not obligatory when he has in advance committed himself before the public. Third, it is not obligatory upon him when to vote as the caucus requests would cause him to violate the instructions of his State.

But, Mr. President, the second—when committed before caucus action—is of itself a condemnation of everything else. Why should it exempt a Senator simply because he has committed himself in the face of the public to the measure that is to be reached through caucus? I suppose it is because it would humiliate him in the eyes of the public. It is not the desire of the caucus to humiliate a Senator. Therefore, because he would seem to be inconsistent, because it would appear that he was driven by caucus action to vote against his convictions and his expressed desire, the caucus resolution shall not apply.

Ah, Mr. President, it does not provide, however, for the conscience of the Senator. It does not provide against humiliating himself in his own estimation. Because it would be a humiliaton to a Senator, after declaring to the public that he would vote one way, then, as a result of caucus action, to vote another. Because it would put him, or be liable to put him, in a false light before the public, he is exempted. But he himself should be a monitor of which he should stand in awe. He should have regard for his own convictions. He should feel that it was of more importance to him to know that he was true to himself than to feel simply that he was true to a word which might have been spoken hastily, but having spoken which he must not retract.

Therefore the very exceptions prove the extreme injustice and the indefensible character of this so-called "caucus action."

I believe, as I believe in the right of free speech, in the right of independent action in a conference of the members of political parties. I believe that they can not assemble too often for the purpose of evolving from what may be before the Senate the right, and, through appeals to the reason and the logical sense of Senators, lead them to the proper line of action. In ninety-nine cases out of one hundred that would seem to be the necessary result.

We are here as Democrats or as Republicans. Our duty is not primarily to our party, but to the country; yet each desires the success and the welfare of his party. His future depends upon the welfare of his party. Then, unless there is some

venal or corrupt purpose or operating influence, when his party colleagues meet in conference and the question is subjected to the test of common sense and duty and the welfare of the party, if the reason can be reached, the reason will be reached, and reason will prevail.

But, Mr. President, from what is said and from what appears in the public press, the caucus is not intended alone to reach the reason. It is coercive. Suggestions of White House Democrats, suggestions of Republicans surrendering to patronage, fly thick and fast when the least independence is shown. The caucus action is the equivalent of saying, "When we can not reach Senators through their reason, we will reach them through their fears." The caucus demand is the equivalent of declaring that "Senators are dishonest, and through motives and purposes and feelings that are degrading we can keep a Senator in line with us, regardless of his honor and the delicacy of the communication that should exist between members of this body."

I think caucuses of this kind are demoralizing to those upon whom they are intended to operate. In my judgment, when you find a Senator willing to submit his conscientious convictions upon a great public question to the behest of a caucus because to violate the rule of a caucus would weaken him at the polls and make his chances of return to the Senate fewer, you will find a man whose moral forces have been weakened, and who is more likely to be reached by venal influences than the man who in his every vote stands by his convictions of duty.

It is impossible—I will not say impossible, but it is highly improbable that a man mindful of the oath he takes, that he will faithfully perform the duties of the office upon which he is about to enter, with the memory of that oath in his mind, will say "though I have strong convictions about the necessity of this law or that, of this treaty or that, of the welfare of my country, I will abandon them all because a majority or two-thirds or any other number demand that I shall do so." The moral fiber of such an one is not very tough. It is liable to weaken from other questionable causes.

Mr. President, let me ask Senators why if you make an exception in the case of a caucus order in favor of that part of the oath which obligates a Senator to support and defend the Constitution you should not make an exception in favor of that part of the oath by which you have sworn faithfully to perform the duties of the office on which you are about to enter? What are the duties of the office of Senator? I suppose some of them are to attend the meetings of the Senate and to perform the duties connected with committees. Another duty, I suppose, is to conduct one's self in an orderly and decent manner. But above all, beyond all, is the obligation to vote upon every question according to the convictions of the Senator. If that is not one of the things that a Senator obligates himself to do when he solemnly swears that he will faithfully perform the duties of the office upon which he is about to enter, then there is no meaning to the oath; no situation can be imagined to which the test will apply.

Mr. President, just a few words upon the qualifications of Senators. A Senator must be 30 years of age. Why? Judge Story says:

> The age of Senators was fixed in the Constitution at first by a vote of seven States against four, and finally by a unanimous vote. Perhaps no one, in our day, is disposed to question the propriety of this limitation; and it is, therefore, useless to discuss a point which is so purely speculative. If counsels are to be wise, the ardor and impetuosity and confidence of youth must be chastened by the sober lessons of experience; and if knowledge and solid judgment and tried integrity are to be deemed indispensable qualifications for Senatorial service, it would be rashness to affirm that thirty years is too long a period for a due maturity and probation.

Whatever writer upon the Constitution you read, you will discover that "tried integrity" is one of the characteristics which it is expected will be displayed by Senators upon every occasion. Is there tried integrity when at the command of others a Senator votes against a measure when the Senator's judgment tells him he should vote for it?

Only yesterday—I was not in the Chamber at the time—some taunts passed backward and forward between the two sides of the Chamber. Perhaps I ought to use a milder word, but "taunts" will express it perhaps. Some reference was made, as I understand, by the Senator from Ohio [Mr. FORAKER] to the influence of party caucuses in dealing with treaties. The reply was made from this side of the Chamber by the Senator from South Carolina [Mr. TILLMAN] that members of the Senate on the other side were compelled to submit to a more coercive and powerful——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. The Senator does me too much honor. The words which he has quoted were uttered by the Senator from Georgia [Mr. BACON]. I would have used a less diplomatic phrase, possibly.

Mr. PATTERSON. The Senator from South Carolina is right, but not as to the latter, because if the Senator from South Carolina is anything he is diplomatic. Sometimes people do not think so, but that is because of lack of that keen understanding and appreciation of the real meaning of the words which the Senator from South Carolina uses.

It was the Senator from Georgia. He replied in effect that those upon the opposite side of the Chamber were compelled to yield to more controlling influences than the caucus. I do not know whether that is right or not. I read in the public press about Senators and Representatives being sent for to go to the White House and of changes in attitude following as a result. I can not tell whether the change was the result of argument or of a desire to be kind and complacent. We know we can not safely depend upon rumors, and what occurs in the privacy of the White House and what has occurred in years gone by in the privacy of the White House can not be known. Therefore none of us can speak with certainty, using our conclusions as a foundation upon which to base censure or criticism.

But I do not hesitate to say, Mr. President, that the Senator or Member who surrenders his convictions upon a measure, whether treaty or proposed law, to the hope or promise of patronage, or the President who uses patronage for the purpose of winning members of Congress, whether Senators or Representatives, from their convictions are to be condemned, to say the least, and strongly condemned. The use of patronage to win over converts is nothing more nor less than the bribing of the convert, and the man, whether Senator or Representative, who, having reached a conclusion upon the propriety or the necessity of a measure or the defeat of any measure, will change his vote for patronage or for Presidential influence for reelection is in the same category with the man who sells his vote for money. It is, in the end, a mere question of personal gain.

I do not care whether a vote is sold that the legislator may be returned to the Senate or to the House or for offices to give to friends, the change has been brought about by immoral and indefensible methods, and morally the transaction is upon the same plane as is the securing of votes for venal considerations.

I will not occupy the time of the Senate longer than is necessary to read not the preambles, but the subdivisions of the resolution that I submitted to the Senate:

> *Resolved*, That such action—
>
> That is, the caucus action referred to—
>
> by the said or any other caucus is in plain violation of the spirit and intent of the Constitution of the United States.

The spirit and intent of the Constitution of the United States is that each State shall have two votes and that each Senator shall have one vote; and when a Senator surrenders that vote to a caucus decree he has abandoned his vote to other Senators, and to that extent he is violating the Constitution of the United States.

> Second. That for two-thirds or any other number of the Senators of any party to meet and declare that "it shall be the duty" of any Senator to vote upon any question other than as his own convictions impel him is a plain violation of the manifest intent and spirit of the Constitution all have sworn to uphold and defend.

Mr. President, who authorizes twenty, twenty-five, or thirty Senators to declare what the duty of any other Senator is in the matter of his votes? It can not be found in the Constitution; it can not be found in the laws. If the Senators represent their States, if their State speaks through them upon every question in which the voice of the Senate is recorded, then for any number of Senators, by intimidation or other improper methods, to lead him to cast a vote in conflict with his views is in clear violation of the spirit and intent of the Constitution.

> Third. That the "one vote" the Constitution declares each Senator shall have is his own vote and not the vote of any other or of any number of other Senators, and for a Senator to cast that "one vote" against his convictions of right and duty in the premises is to disfranchise his State in the Senate and to deprive it of the representation in that body the Constitution provides it shall have.

The Senator from Wisconsin [Mr. SPOONER] said yesterday that there are some propositions so plain that to explain them only befogs them. The very statement of the proposition carries with it conviction as to its truth. Neither I nor any other Senator can surrender our convictions as to the right or the wrong of a measure to any number of other Senators without disfranchising our State pro tanto.

> Fourth. That when any number of Senators by combination or otherwise undertake through any species of coercion to induce other Senators to vote except as their judgments and consciences tell them, it is an invasion of the rights of a State to equal representation with other States in the Senate and is subversive of their rights to equal

representation and the votes of its Senators in the Senate that the Constitution has provided for.

I will be gratified if some Senator will undertake to deny the proposition in the resolution I have just read. I would be pleased to see or to hear the authority upon which opposition to its statement is based—the logic, the code of morals, the line of duty that will lead a Senator in opposition to the statement made in that resolution.

Fifth. That the Senator who permits any body of other Senators to declare and define for him what his duty is in the matter of his vote in the Senate and who casts his vote in response to such interference, vote not as a Senator from his own State, but as a Senator from the other States, and he augments the power of the other States beyond that permitted by the Constitution and weakens and degrades the power of his own State in the Senate in violation of the spirit of the Constitution.

Sixth. That for any Senator to vote except as his judgment and sense of duty under his oath of office requires, is to degrade the high office of Senator and to assail the dignity and standing of the Senate of the United States—qualities possessed in such high degree by no other legislative body in the world.

Mr. President, I have spoken in a somewhat disconnected manner and in nowise satisfactory to myself. I will conclude by saying that I have no regrets for the course I have pursued and that I intend to continue to pursue. It is true that I may not be admitted to the councils of my party, so far as the Democratic Senators constitute the party; but, realizing that I am excluded, not by reason of moral turpitude or unseemly conduct, but because I am endeavoring to perform the duties of the high office of Senator as I swore to perform them and to maintain the dignity and the independence of the great office I have the honor to fill, I will meet and bear the excommunication with perfect equanimity, simply saying to my Democratic friends that I expect to meet them in the next national Democratic convention that I hope will nominate a candidate for the Presidency who will win by his character and his works the tremendous popular majority that was accorded to Theodore Roosevelt, and that when he enters upon the duties of his office it will be with a determination to be equally as brave, equally as conscientious, and equally as determined to stand by his guns until the battle of the people is won, in such things as I have seen fit to give full credit to President Roosevelt for.

Mr. BAILEY. Mr. President, from the beginning to the end of his speech, and from the first line of its preamble to the last line of his resolution, the Senator from Colorado has proceeded upon a false hypothesis. He has assumed that his Democratic associates are seeking to deprive him of his right to cast his vote in the Senate according to his own judgment and conscience; and he thus betrays either an inability or an unwillingness to understand the difference between his relation to the Senate and his relation to his party. The Democratic caucus has simply and only defined his duty as a Democrat, and it is for him to determine how far his duty as a Senator requires him to disregard his duty as a Democrat.

Whether it was wise to make the Dominican treaty a party issue is another question, to which I may address myself after I have disposed of the Senator's charge that his party associates demand of him to violate his oath of office. That, sir, is a grave charge, because it necessarily involves the further charge that his Democratic associates have violated their oath of office. I believe I can make it plain that the caucus acted wisely in its resolution, and I know that I can demonstrate to the mind of any man who thinks into things instead of around things that we have infringed no constitutional right of the Senator.

The caucus is almost as old as the Congress, and the political convention, beginning with the precinct primary and culminating at the national assembly of a party, is older than either the Senator from Colorado or myself.

And yet this wonderful Constitution which he invokes, this instrument which is so marvelous in the wisdom and foresight with which it contemplated and provided for all contingencies, does not seem to have supposed that political parties would exist. It provides for the appointment of electors by the several States; and, as singular as it may seem to us in this day, the reason assigned in the convention which framed it for requiring these electors to convene on the same day in their several States was to prevent any conference or previous understanding amongst them. It will be recalled by all familiar with the history of the time that it was that very failure to previously confer which resulted in the unfortunate tie vote between Mr. Jefferson and Aaron Burr; and the Congress found itself compelled to propose an amendment in order to provide against the recurrence of another circumstance like that. The Senator from Colorado and myself continually in our States participate in the nomination and election of electors, who would be crucified in full view of all the public if they dared to cast their vote according to their own judgment, and they are compelled to cast it according to their party's decree.

The Senator from Colorado himself owes his seat in this body to the result of a binding caucus rule.

The PRESIDING OFFICER (Mr. CARTER in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, it is so ordered. The Senator from Texas will proceed.

Mr. BAILEY. A friend has just handed me an account of the proceedings when the Senator from Colorado was chosen a member of this body. I have not myself had an opportunity to verify the statements, but as they have been prepared by one whose accuracy I have always found reliable I have no doubt that they are correct; and if not, the Senator from Colorado is privileged to interrupt and correct me.

These notes recite that "on January 9, 1901, the Hon. Charles S. Thomas, a candidate for United States Senator from the State of Colorado, addressed a letter to the Hon. T. M. PATTERSON, also a candidate for United States Senator, and suggested that a caucus be called to meet at 8 p. m., January 14, for the purpose of nominating a candidate for United States Senator to be voted for in the Colorado legislature on January 15. Mr. PATTERSON replied that the caucus should be called for the Saturday previous, in order that the caucus might be certain to name a candidate by the following Tuesday, when balloting for a United States Senator would begin. The caucus was held on Monday evening, January 14, and Mr. PATTERSON was nominated." Will the Senator from Colorado contend——

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. Lest there should be some misinterpretation of my silence, I want to say that that is a thoroughly accurate account.

Mr. BAILEY. I thought so, for I think it came from one of the Senator's own papers. [Laughter.]

I call on the Senator from Colorado to tell the Senate and the country whether he thinks it is more incumbent upon a Senator in Congress to cast his vote untrammeled by a caucus than it was upon a member of the Colorado legislature.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. Would the Senator prefer that I should not interrupt him? I do not want to do so. I would prefer that his speech should continue uninterrupted, and that my silence shall only be accepted as a courtesy that by the rule is due from one Senator to another, with the assurance that if I think it will require any answer I will answer the Senator later. I would rather it would be that way, Mr. President.

Mr. BAILEY. Mr. President, the Senator is at liberty to interrupt me at any time. I shall try—indeed, I will not only try, I will be certain—to make respectful replies to any interruption the Senator sees fit to make.

Mr. PATTERSON. Mr. President——

Mr. BAILEY. And if it would not trouble the Senator, since he has interrupted me, I would ask him if he thinks a different rule ought to apply to a member of the legislature of Colorado from that which applies to a Senator in the Congress of the United States?

Mr. PATTERSON. Mr. President, since I am directly requested to reply to that, I will take great pleasure in doing so. Without any question, where it is merely the selection of a candidate to fill the office of Senator or to fill a legislative office, whether great or small, when they enter the caucus it is the mere exercise of judgment upon the part of the members of the legislature whether one man or another will better perform the duties of the office, or, if not that, that his personal preferences are for one man over another. But the caucus having spoken, he violates no oath when he says, "I will submit to the caucus in the selection of a candidate for any office, great or small."

There is no oath operating upon a member of the legislature in that regard. If the members of a legislature or members of the Senate shall meet for the purpose of determining who shall fill the offices, the majority on the one side or the other having determined to submit to the result can not in any wise affect the

obligations of a Senator under his oath of office. If the Senator can not see the difference it is not because there is no difference, for I can readily see the difference. If the Senator had been in during all my speech I think he would have clearly understood the difference that I sought to make between the two.

Mr. BAILEY. Mr. President, I was in, and I left the Chamber only once, and for less than four minutes, to receive a message from the hospital.

I do perceive a difference; but it does not lie in the direction indicated by the Senator from Colorado. He impressed upon us in the course of his speech that men are more important than platforms. I accept that view. We are in the habit of describing this as a Government of laws rather than a Government of men. In a sense that is happily true. This is a Government where we are governed by fixed rules of law, rather than by the caprice of individuals; and yet it must not be forgotten that the laws must first be made by men, and then must be executed by men. I am rather inclined to subscribe to the doctrine of the Senator from Colorado that the candidate is more important than the platform; but is that not an argument against binding men to abide by caucus action in electing a Senator and then refusing to be bound by a caucus decision in respect to a measure?

Mr. PATTERSON. Mr. President, whenever a question is put directly to me I feel that I have a right to answer; otherwise I will not.

The reason to my mind is perfectly plain. As a rule candidates are respectable men; they are men of character; they belong to the same political organization; and if they have a respectable amount of strength in their own party, it is fair to presume that they will attempt at least to perform the duties of their office faithfully. Under those circumstances, since in a certain sense a majority must always rule in this country in the selection of men for office, there is no conflict whatever between the duty of the man and his action. But, Mr. President, that is simply a voluntary act. If the caucus or the convention shall nominate an unfit man, a dishonest man, a corrupt man, who will say that it is not the duty of the member of the caucus or the party to repudiate him without hesitation? It is a matter that is wholly voluntary and is not determined by the obligations of an oath or the peculiar relations that members of this body bear to the State that has sent them here.

Mr. BAILEY. Mr. President, without having had the time to examine the constitution of Colorado or the oath of office which the members of its legislature take, I imagine that they, as we do here, take an oath to support the constitution and to faithfully discharge their duties. Now, one duty of a member of the legislature of Colorado is to choose a United States Senator at certain intervals. Therefore the members of the Colorado legislature in choosing a Senator were bound by an oath to choose him according, as the Senator would argue, to their preferences and not to the decision of a caucus.

Mr. President, I do not myself have much patience with the argument that lays particular stress upon an oath, because my judgment is that a man who will violate his duty is, when the temptation becomes great enough, certain to violate his oath; and whether the members of the Colorado legislature take a specific oath to faithfully perform their duty or not, it remains that they had a duty to perform in the election of a Senator, and they performed it according to the decision of a caucus when they elected the Senator to this body.

There is scarcely a Senator in this Chamber, except those of us from Southern States, where the matter is determined by a popular vote at a primary election, who does not owe his seat in this body to the binding action of a caucus; and repeating with emphasis the statement of the Senator from Colorado, that the man is more important than the measure, I take it that no more important function is performed by a member of the State legislature than the election of an United States Senator. Yet if the reasoning of the Senator from Colorado is to be accepted, every Senator in this body who holds his place as the result of a caucus decision is a beneficiary of conduct on the part of those by whom he was chosen which can hardly be characterized in parliamentary language.

Mr. President, the Senator from Colorado did not correctly state the exceptions under which the Democratic caucus can bind its members. Correctly he says it can not bind a Senator to vote against his oath to obey the Constitution; correctly he says it can not bind a Senator against the instructions of his people; but incorrectly he states the third exception to be where a Senator has committed himself before the public; and the mistake of the Senator inevitably brings the whole argument which he built upon it toppling to the ground. That third exception is not that he has committed himself before the public, and thus would be embarrassed by a question of personal consistency. That third exception is where prior to his election he has pledged himself to his people, and that proceeds upon what to my mind is the sound theory that no caucus has a right to require any Senator to break his faith with his constituents.

Saving the right of a Democratic Senator to respect the Constitution; saving the right of a Democratic Senator to keep the commandment of his people; saving the right of a Democratic Senator to preserve inviolate the pledge he made and upon which he secured his election, it is a small concession to the principle of party organization to then require that all shall perform their duty as a majority of two-thirds may define it. The Senator from Colorado has never been in a political assembly where that or a stricter rule did not prevail; and he can do in respect to a Democratic caucus as he does in respect to a national Democratic convention whenever it takes action which his judgment and his conscience can not approve. He can withdraw from it; and his own experience disproves his assertion that it is a cruel outrage to compel him to do so and thus incur defeat, because in less than ten years after he walked out of a national Democratic convention he stood at that desk and took the oath of office as a Democratic Senator, representing the same people in whose behalf he had defied the duly constituted authority of his party.

Whenever a Senator's conscience will not permit him to cast his vote according to the decision of a caucus, he must defy the caucus just as he must defy a national convention or just as he would defy a State convention, and leave the consequences to time and to his people. The Senator from Colorado pays a poor compliment to his associates on both sides of the Chamber when he insinuates that a Senator would weigh his duty against the danger of defeat. I do them all, the Senator from Colorado included, the honor to believe that no Senator here would vote for any measure involving a serious injury to his country in order to insure his reelection to this Senate for a hundred years, God sparing his life that long.

The Senator from Colorado must know that the Democratic party is as much responsible for him as he is for it. The Senator must know that when he proclaims a false doctrine or casts a wrong vote in the Senate the Democratic party is arraigned before the country. The Senator must know that when he fervently eulogizes a Republican President the Democratic party in the country is made to suffer—not to suffer from the eulogy, so far as that might be deserved, but to suffer from his imputation that we are assailing the President without sufficient reason and purely from partisan motives.

I wonder that the Senator did not have something to say about the President's oath of office when they wrote him that letter that a Methodist parson must hold a particular place. In the very oath to which he turned in the Constitution for an argument against us it is provided that no religious test shall ever be required as a qualification to any office or public trust under the United States, and yet the Senator says that the President answered his letter by saying that a particular place belonged to the Methodists and that no Presbyterian could hope to secure it.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. I was a little inaccurate in my statement. The answer did not come from the President. I was assuming too much familiarity with the President.

Mr. BAILEY. It came from his secretary, did it?

Mr. PATTERSON. It came from his secretary, who spoke for him. I trust there will be no assumption that that would make the slightest particle of difference as to the meaning or effect of a thing of that kind. I simply state that so that I may be historically correct, and simple justice requires that that should be done. I would scorn to take advantage of a quip of that kind, but the truth ought to be stated as it is.

Mr. BAILEY. The President ought to get him a Secretary who would keep the oath against establishing religious discriminations, because the Constitution provides that there shall be no religious test. I knew they had established certain political discriminations at the White House, but I did not know that they had divided the places among the various religious denominations. [Laughter.] Perhaps that explains how it was that they had so many Christian votes at the last election for this strenuous and warlike President, whose gospel is not the gospel of peace so much as it is the gospel of a strenuous life. He is the only President, living or dead, who ever proclaimed it as his philosophy that "the only life is a life of strife," and yet the Christians supported him!

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I yield to the Senator.

Mr. PATTERSON. I think it is only due to me to say that the President in apportioning chaplains—if that is done; I do not know—among the different regiments is attempting to be nonsectarian by selecting ministers of the different denominations, and that in all probability he is doing just precisely what has been done in the White House since we have had Presidents and since we have had armies. I hardly think, although the Senator from Texas always puts matters in a very striking light, that his is a fair argument, and it does not meet either the situation or the real logic of the case.

Mr. BAILEY. Mr. President, the alacrity with which the Senator from Colorado rushes to the defense of the President of the United States shows that he needs the saving grace of a caucus resolution to keep him within the Democratic lines. [Laughter on the floor and in the galleries.]

The VICE-PRESIDENT. The Chair will state to the galleries that under the rules of the Senate the galleries are not permitted to engage in demonstrations. The Senator from Texas.

Mr. BAILEY. Mr. President, there is no Senator in this body, and I doubt if there is any citizen of this country, who is more tenacious of his own opinion than I am; and yet, without any compromise of my self-respect, and without any sacrifice of my independence, over and again I have submitted to the decision of a majority of my party as to what candidate I should support and what platform he should stand upon. I expect to do that to the end, or until my party nominates such a man or promulgates such a platform that my duty as a citizen will not permit me to submit, and then I shall withdraw from the party, but in withdrawing I shall not try to sow the seeds of disorganization there by denying their authority and jurisdiction to nominate a candidate and adopt a platform.

I believe, as the Senator from Colorado appears not to believe, in the right of the people to instruct a Senator. We are not here to represent ourselves; we are here to represent our States, and whenever I can not honestly and conscientiously voice the sentiments of the people whose commission I hold I will resign my seat in this body. I will not defy them; I will not keep their office and flaunt their convictions, but whenever I can not obey their will and preserve my self-respect I will take their commission back and lay it down unsullied at their feet and allow them to choose a Senator who can represent them without misrepresenting himself.

I believe, too, in the inviolability of the pledge which any candidate for an office makes to his people. While the Senator rejects one and describes the other as an abandoned doctrine, he has only the right to speak for himself in that regard. It is true that an illustrious Senator, representing the State in which I had the good fortune to be born, denied the right of the legislature to instruct him upon a great question. The Senator from Colorado, however, is as badly mistaken about his dates as he is about his principle. Senator Lamar did not disobey an instruction on the bill to repeal the purchasing clause of the Sherman law. He was at that time a justice upon the Supreme Bench, interpreting the laws, not making them. It was, as I recall, in 1878, when he disobeyed the instruction of the Mississippi legislature, and that episode affords another conspicuous and abundant proof that a brave and upright man may dare to do many things without being driven from the service of his country.

There never was an hour in the history of Mississippi when her people agreed with Senator Lamar upon the silver question. As a boy I remember his magnificent and triumphant march through that State delivering a speech which had not been equaled since the days of Davis and Foote and Poindexter and their mighty comrades, and yet through that three hours of eloquent speech he did not once voice the sentiments of his people upon that particular question, nor did they accept his view upon the right of the people to instruct; but, though differing from him both upon the main and upon the incidental question, they returned him without opposition to the Senate. Not only so, but they sent as his successor here the knightly and splendid Walthall, who was his bosom friend, but who, exercising the right of a friend, himself differed with the great Lamar upon the silver question.

If my time and the patience of the Senate permitted, I could recall many instances where Senators have asserted their independence on a great occasion or with respect to a great question, and their people have only increased the esteem in which they held them. Let a Senator be right, let him be sure that it is a matter of his conscience, and he can absent himself from the caucus of any party, and, appealing to the free suffrages of his own people, he will find a vindication. But the trouble is that Senators want the privilege of differing from the caucus upon questions and on occasions which they are not willing to submit to their people, and therein lies the cruel injustice against which the Senator from Colorado complains.

Mr. President, the Senator from Colorado has rather contracted the habit of eulogizing the President of the United States. He did so the other day and he does so again to-day. I want to read to the Senator what the President of the United States says about the Democratic party upon this very question of a lack of discipline. The Senator has read it before; he may have prayed over it. I did not. I had to pray to get forgiveness for what I said about it after I first read it. [Laughter.] There never was in the history of the United States such a remarkable document as this penned by any man in a high position. He says, in effect, that if the Democrats believe what they say, they are fools; and if they do not believe it, they are liars. In the second paragraph of this remarkable letter of acceptance the President taunts the Senator and our entire party with a charge of infirm and vacillating purpose. He says:

> It is difficult to find out from the utterances of our opponents what are the real issues upon which they propose to wage this campaign. It is not unfair to say that, having abandoned most of the principles upon which they have insisted during the last eight years, they now seem at a loss, both as to what it is that they really believe and as to how firmly they shall assert their belief in anything. In fact, it is doubtful if they venture resolutely to press a single issue; as soon as they raise one they shrink from it and seek to explain it away. Such an attitude is the probably inevitable result of the effort to improvise convictions; for when thus improvised, it is natural that they should be held in a tentative manner.

Two paragraphs from that the President admonishes the country that it can expect nothing from "a party whose members are radically at variance on most vital issues;" and he reads us a lesson on the value of united action. These are his words:

> A party whose members are radically at variance on most vital issues, and if united at all are only united on issues where their attitude threatens widespread disaster to the whole country, can not be trusted to govern in any matter.

A divided party very naturally receives, as I am more than half inclined to believe it deserves, the contempt of the President. Again he says, speaking of our platform:

> The language of the platform indicated a radical change of policy; the later utterances indicated a continuance of the present policy. But this caused trouble in their own ranks; and in a still later, although less formal, utterance the self-government promise was recanted, and independence at some future time was promised in its place. They have occupied three entirely different positions within fifty days. Which is the promise they really intend to keep? They do not know their own minds, and no one can tell how long they would keep of the same mind should they by any chance come to a working agreement among themselves.

That is what the President of the United States thinks about the party of the Senator from Colorado; and yet the Senator from Colorado likens the present President of the United States to a Democratic patron saint like Andrew Jackson. I doubt if the President considers it very much of a compliment to be described as like Andrew Jackson. I want to read to the Senator from Colorado what the President thinks about Andrew Jackson, and then let the President infer from it what the Senator from Colorado thinks about him. [Laughter.]

Referring in his "Life of Benton" to the election of Jackson in 1828, the President says:

> The change was a great one; it was not a change of the policy under which the Government was managed, as in Jefferson's triumph, but of the men who controlled it. The two great Democratic victories had little in common—

He means the victory under Jefferson in 1800 and the victory under Jackson in 1828—

> almost as little as had the two great leaders—

Jackson and Jefferson—

> under whose auspices they were respectively won, and few men were ever more unlike than the scholarly, timid, and shifty doctrinaire—

That is the way he describes Thomas Jefferson—

> who supplanted the elder Adams, and the ignorant, headstrong, and straightforward soldier who was victor over the younger.

The Senator from Colorado says that the President of the United States is like Andrew Jackson. The President of the United States says Andrew Jackson was ignorant and headstrong. [Laughter.] I leave him to settle with his friend at the White House whether he pays him a compliment or not. [Laughter.] But that is not all that the President of the United States said about the triumph of Andrew Jackson. I beg the Senator from Colorado to listen to this:

> That the change was the deliberate choice of the great mass of the people, and that it was one for the worse, was then, and has been ever since, the opinion of most thinking men. Certainly the public service then took its first and greatest step in the downward career of progressive debasement and deterioration, which has only been checked in our own days.

He means that it was checked by the election of a Republican President. This is the picture he draws of Andrew Jackson. Let the Senator from Colorado look on the picture which he draws of the President, in which he likens him to Jackson, and then see how much it resembles the picture which the President himself has drawn of Andrew Jackson.

Let us go one step further. Take the great policy which the Senator from Colorado so highly eulogizes and likens so closely to the policy of Jackson—the President's struggle against the money power. What did the President think of Jackson's struggle against the money power? But before I come to that I believe I will complete this comparison. The President says a great historian compared Wellington to Washington, but he says the comparison ought to have been of Wellington with Jackson, and, remembering that other historians shall come after the President, I want to preserve the full portrait for future comparison.

A very charming English historian of our day—

That is Justin McCarthy—

has compared Wellington with Washington; it would have been far juster to have compared him with Andrew Jackson. Both were men of strong, narrow minds and bitter prejudices, with few statesmanlike qualities.

The President of the United States says Jackson was headstrong and narrow-minded, with bitter prejudices and few statesmanlike qualities. The Senator from Colorado says the President is like Andrew Jackson. [Laughter.]

The President has also recorded in a most enduring form his opinion of Jackson's struggle against the bank, and here it is:

The bank memorialized Congress at once, and the anti-Administration majority in the Senate forthwith took up the quarrel. They first rejected Jackson's nominations for bank directors, and then refused to confirm Taney himself. Two years later Jackson made the latter Chief Justice of the Supreme Court, in which position he lived to do even more mischief than he had time or opportunity to accomplish as Secretary of the Treasury.

The Senator from Colorado is too well informed as to the history of his country to need me to remind him that Taney's signal service to Jackson as Secretary of the Treasury was to complete his triumph over that bank by removing the public moneys; and yet the President of the United States says that Taney did all the mischief there that time and opportunity permitted.

Mr. President, if the sainted dead were permitted to view the affairs of this world, and if the passions which they felt in life are not subdued and chastened in that better world, how the mighty spirit of Jackson would rage against being described as like the man who describes him as a narrow and ignorant soldier, without the qualifications of a statesman. From his place amidst the seats of the mighty how he would scorn those who profess to be his disciples and who, claiming allegiance to the principles which he taught and for which he struggled, yet constantly eulogize and exalt the men who have defamed his memory and denounced his work.

In all the long line of illustrious men who have occupied that high station, not one of them has ever been so generously treated by his political opponents as has the present President of the United States. Not only have his adversaries applauded him when he was right, but they have gone out of their way to declare over and over again that he was right when one declaration was sufficient. In his day Washington was assailed with a bitterness which no man in the Senate would employ against the present President. He was denounced as the "stepfather of his country," and assailed with such violence of speech that in the anguish of his great soul he cried out that he would rather be in his grave than in the Presidency.

Following him came Adams, who suffered even a bitterer criticism; and Jefferson was aspersed and villified beyond description. The President's description of him as a timid and shifty doctrinaire is not the worst epithet that the President has used with reference to Thomas Jefferson; and it is gentle praise compared with some of the attacks upon him in that day. Even during the era of good feeling Monroe was attacked with more severity than the present President of the United States has yet encountered; and Jackson was so bitterly maligned and assailed that madmen met him at the entrance of the Capitol and sought his life. And yet, Mr. President, no President who has ever gone before him has given such provocation for bitter speech against him as the present President of the United States. If I were to stand here in my place and say of him what he has said not only of one, but of every predecessor in his great office who was chosen by a Democratic majority, I would be rebuked no less by my friends on this side than by my opponents on the other side of this Senate Chamber.

The President's friends seem to think that an attack upon one policy is inspired by a secret animus against all his policies. I do not hold the President responsible for all that is printed in the newspapers; perhaps his secretary is sometimes responsible; but within the last month in great headlines printed in a morning paper there was a column of insinuation that whenever we attack the President's foreign policy or any other policy we are actuated by a secret desire to defeat his rate legislation. We have no patent on that policy. If it pleases the President's friends to describe it as his, I shall offer no objection. So that we can put it on the statute book, it does not concern me who votes to put it there, or whose signature entitles it to go there. I am sure, however, that it would be a more effective bill if there were a Democratic President in the White House to sign it. But I do not doubt that when it is enacted it will be an improvement upon the present law, and I rejoice that the President has favored it.

I am free to say that if it had not been for the President's attitude with reference to this rate legislation, I do not believe that we could get a debate upon it in the Senate, or if we did, it would be in one of those perfunctory speeches which nobody hears while it is being delivered and nobody reads after it has been printed. The President's own party did not believe in it. I assume that they did not believe in it because they did not declare in favor of it. We put it in our platform. They did not put it in theirs. We went to the country, and instead of capturing the country the country seems to have captured us; and they strive to bind us prisoners to the Republican chariot wheels throughout this whole Administration.

I do not complain that the President adopts a policy for which we are entitled to the credit of its authors, even if we are compelled to give him the credit as its finisher. But I have a right to comment upon the fact that it has seldom happened in the political history of this country that one party goes to the country demanding a change, while another party goes to the country "standing pat"—I do not know just exactly what that expression means, but I am told that it is borrowed from a game of chance, as is that other expression about which we hear so much—a "square deal." I am told that both are the vernacular of the gaming table. Think of it! This great Republican party, which for so many years boasted of its great moral ideas, now appealing to the people of this country in the common language of a gambling room! One party goes to the country standing pat against another party which demands a change; the country decides in favor of the party that stood pat, and then the President chosen by that stand-pat party proposes to deal at once. A square deal, it is true, but the party in power said, "We stand pat;" and I am informed by gentlemen who are familiar with the game that this expression means that there is to be no further deal—square or otherwise.

The President takes a well-considered and important plank out of the platform of the opposition party, and calls on his party to make it into a law; and they set the Senator from Colorado an example of party loyalty and party obedience in following his command. When it passes the House of Representatives there will not be ten Republican votes cast against it, and most of those who vote that way will then pronounce the doxology on their public life.

Here it will be somewhat different, I take it. I see evidences of an independence here which I will not say does not exist in the other branch of Congress, because that would be unparliamentary, however true it might be. I see evidences of opposition, but let the Senator from Colorado remember what I say: The big stick will be waved in such a fashion that a majority of the Senators on the other side will support this policy which the President has borrowed from the Democratic platform. I applaud the President for what he has said and done on the rate question, but that is no reason why I should applaud him for all else that he does and says.

The Senator from Colorado tells the Senate of a private conversation that he had with the President, and declares that in his judgment the President had usurped the function of Congress to pass laws applying to certain forest reservations. He says he had a spirited debate with the President about it. Republican Senators understand what a spirited debate with the President means, and most of us understand what a spirited debate with the Senator from Colorado means. I wish I could have heard it. I would like to hear the arguments that could convince the Senator from Colorado that a President who usurps the legislative powers of Congress is like Andrew Jackson. It must have been a most persuasive argument. It had to be persuasive. The Senator from Colorado is not susceptible to the knockdown kind, because that kind arouses his fighting qualities. I have sometimes before this suspected that while the President could roar like a lion when he thought that was best, he could also coo like a dove when that was best. He applies the sweet tongue to us, while he waves the big stick over my friends on the other side. [Laughter.]

Mr. President, I have said more than I intended, because it did not require that much should be said, and I have said it in a desultory and disconnected way, because for three days I have stood by the bedside of a very sick child, and only that the great shadow passed away this morning am I able to be here at all this afternoon. I felt, however, that it was my duty to come, if come I could, because I had prepared and I had introduced the resolution which the Senator from Colorado denounces as an invasion of his rights as a Senator. I hope that a discussion of this question will bring the country to understand—and if the country once addresses itself to a consideration of the question it will understand—that the power of a party caucus ends when it defines the duty of a party man; that no caucus can, that no caucus ought, that no caucus ever will, bind an American Senator to cast a vote which he believes destructive to his country's honor or his country's glory or her people's highest interests.

When such questions arise, a man must be a patriot rather than a partisan. But on questions of lesser moment a party may not only advise but firmly may enforce its advice, and in either case it can do the country harm, whatever effect it may have upon the individual Senator. If the Senator is the right kind and his conscience revolts against the party command, he obeys his conscience and defies his party. If the Senator is not the right kind, it is a God's blessing that we have somebody here to vote him, and the pity is that we can not vote him on all occasions rather than upon those rare ones when the party acts as a unit.

I am a partisan myself, but I must be permitted to believe that my partisanship had its origin in my patriotism. I am a partisan because I believe the glory and welfare of my country are bound up in the success of the principles of the Democratic party; and I freely declare my belief that the Senators on the other side are actuated by the same conviction. I have heard men say they are Democrats because they were born in that political faith, and that other men are Republicans because they were so born. I have no doubt that this accurately describes a certain class of men, but it can never describe the kind of a man who is fit to sit in the Senate of the United States as the ambassador from a great American Commonwealth. Those who come here are and ought to be controlled by a devotion to certain principles, and they unite ourselves with a given party because they believe that party best calculated to promote the growth, the permanence, and the success of those principles.

Let us once grant this, and what follows? As unerringly as night follows the day, it must follow that we recognize the right of the majority to prescribe the party conduct which is to perpetuate those principles. It will never happen that a party will take any position upon which every member of it will agree, but, agreeing in the main, they must consent to waive the immaterial or infrequent differences in order to promote the accomplishment of a common and important end.

That applies not only to political parties; it applies to every kind of an organization. The right of the majority to rule is not a despotism. Jefferson declared it to be the vital principle of republics, from which there is no appeal but to force. The rule of the majority is not only the vital principle of republics, but it is the vital principle of every organization of every kind.

Take your corporate institutions organized for profit. So long as they pursue the objects of their charter the majority must rule. When the majority depart from the charter purpose, the member is not put to the necessity of withdrawing because he has an investment there. He simply resorts to the courts, and they restrain the majority from abandoning the purpose of the incorporation.

Take the great religious denominations of the country. Does a man forfeit his right to worship God, to believe in Christ and read the Scriptures, simply because, belonging to the Methodist Church, he denies one of its tenets and is expelled? The church expels a man who does not agree with it upon important matters of doctrine, but he can still serve and worship God in his own way. I believe all churches expel the unorthodox except the hard-shell Baptist Church, and it simply withdraws from the erring brother.

There is no kind of an organization under this flag to-day where the right of the majority to rule is not recognized and enforced. I subscribe to it; I submit to it cheerfully; and I only reserve the right, whenever I believe it departs so essentially from its fundamental principles that I can no longer cooperate with it, of doing as the Senator from Colorado has done more than once—I want the privilege of defying its decision.

The Senator from Colorado says he bolted the Democratic national convention of 1892. I accord him that right. I honor him for doing so, if he thought his duty to his country required it. The Senator from Colorado, however, does not reserve the assertion of his independence for great occasions, because, unless I am in error, within the last two years the Senator has denied the right of his party to bind him by a local municipal nomination.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. Certainly.

Mr. PATTERSON. The Senator from Texas is entirely right; I did. The local Democratic organization of Denver is simply the tool of the public-utility corporations of Denver, and at the election two years ago the head of the utility corporations organized a Democratic city convention and then organized a Republican city convention. He then blended the Democratic and the Republican ticket, every one of the nominees pledged to vote to continue their masters in power and in control and ownership of the great franchises of Denver, which are about to expire. The Democratic organization of Denver was but the tool of these great municipal corporations; and everybody knows that the municipal corporations of the cities of the United States are the curse of their politics and robbers of the people.

Without any hesitation, Mr. President, I bolted. I refused to support a ticket such as that, and I did my best to elect another ticket, and that other ticket was elected by five or six thousand majority. But the heads of these corporations organized their raids upon the ballot boxes, and they were the instrumentalities of those stupendous frauds committed upon the ballot boxes that made the city notorious. They committed them to place in power their tools, that when the time comes they may rob the city of Denver of these great franchises, worth, on a low estimate $50,000,000. I stood in opposition to it, and I expect to remain in opposition to all such schemes of plunder.

Mr. BAILEY. Mr. President, it may be that the majority of the Democrats in Denver are rascals, but I can not believe it.

Mr. PATTERSON. Mr. President, I repudiate the insult to the Democrats of Denver. The majority, 90 per cent of the Democrats of Denver, are as conscientious and honest as ever gave honor to a city; but the money of these great corporations has secured control of the local committees, and the local committees, obeying the behest of their master, packed primaries, packed conventions, and nominated his tools for the venal purpose that he had in mind.

Mr. BAILEY. From the Senator's statement it appears that 90 per cent of the Democrats of Denver are honest and 10 per cent of them are rascals. In view of the fact that the 10 per cent of rascals beat the 90 per cent of honest men, the 90 per cent must be fools. For my part I would about as soon deal with a rascal as a fool. There is some hope of reforming a rascal by bringing him to believe it is best to be honest, but there is no remedy for a fool that I have ever been able to discover. [Laughter.]

But the Senator from Colorado must not be offended when I say that as he has walked out of so many Democratic conventions, he was following a habit rather than a principle of conduct when he walked out of the Democratic caucus last Saturday.

Mr. PATTERSON. Oh, Mr. President, I want to assure the Senator from Texas that I am not in the least offended; not in the least. I have received the ukase of the caucus, or whatever it may be termed, in a perfectly equable frame of mind.

Mr. BAILEY. As indicated by these resolutions.

Mr. PATTERSON. I think those resolutions indicate a pretty clear conception of what the rights and duties of a Senator are, and those rights and duties can not be swept aside by likening them to the duties of members of a Democratic or Republican political caucus, dealing either with platforms or nominees.

Mr. BAILEY. Mr. President, it may be a defect in my education, but I have always believed that the humblest man in America had upon him the same obligations to do his duty at the general election that a Senator in the Congress of the United States has to do his duty here. There may be something that elevates a man above the great mass of humanity when he is elected to the Senate. Some of them seem to think so. I have read in a very excellent play by an immortal author of the man who climbs—

> But when he once attains the upmost round
> He then unto the ladder turns his back,
> Looks in the clouds, scorning the base degrees
> By which he did ascend.

But as for my part, the people who sent me to the Senate have exactly the same rights, duties, and responsibilities at home as I have here, and if the American citizen in the primary of his own party and at the general election does not do his duty, it is of small consequence how we do ours. Concede that we are the head—they are the heart and blood. Corupt and stifle that, and the Senate becomes a matter of no national consequence. The attempt to differentiate the duty of a Senator from the duty of

a constituent when it comes to deciding the great affairs of this Republic will not be accepted by the American people.

I am tempted before I close to read one thing more that the Senator said when he was elected to the Senate, showing then that this new light had not broken in upon his brain.

When I take my place in the Senate I will unite my efforts with the Democratic members and enter their—

Not conferences—

their caucuses.

The Senator says that a caucus is purely a voluntary matter; that it has no place in the Senate is his inference. Yet he thought it had when he accepted the election at the hands of a legislature controlled by a caucus rule. That is not all the good reading——

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield?

Mr. BAILEY. Will the Senator let me finish this, and he can reply to both at once?

Mr. PATTERSON. All right.

Mr. BAILEY (reading):

I believe the fight for them can be most successfully made within the Democratic ranks. It must be made within the caucuses, in the primaries, and the conventions of the party. Those friends who are outside of them are outside of the fortifications built to defend these principles, and are but helpless lookers on while the struggle in which all Americans are so vitally interested may be irretrievably lost.

Excellent doctrine.

Mr. TILLMAN. Are those the words of the Senator from Colorado?

Mr. BAILEY. Those are from the same account, for the accuracy of which the Senator from Colorado has kindly vouched.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. I did not know that I could use such forceful and excellent language.

Mr. BAILEY. It may be that the reporter did it for you. [Laughter.]

Mr. PATTERSON. Possibly; but I did not know that I could express myself in such strong and excellent and forceful language. I will not gainsay it, and I would not hesitate to reiterate the same thing to-morrow were I addressing my constituency. I was elected by a combination of Populist, Silver Republican, and Democratic votes, under no false colors. Before the election—and it was before the election I made the speech—I told them plainly where I was going, for I like to deal frankly with all who are dealing with me. I never aim or intend to sail under false colors. But, Mr. President——

Mr. BAILEY. If the Senator will permit me to interrupt him, I will say that there is no Senator in this body who will more heartily indorse that statement with reference to him than I do.

Mr. PATTERSON. But, Mr. President, there are caucuses and caucuses. A caucus is but another name for a conference, and a conference may be but another name for a caucus. I know what I had in mind, and I know what the people I was addressing had in mind; that I would enter the Democratic caucus, among other things, for the organization of the Senate, for consultation upon every question of importance, for the purpose of bringing a coordination of action, if it were possible, to do anything and everything that might properly and legitimately be done for the purpose of securing unity of action on great party measures.

Again the Senator from Texas persists in ignoring what I attempted to say in the remarks I made this morning—that when it comes to legislation, when it comes to the enactment of great laws that embrace the welfare of this country—and it may be the welfare of other countries—each individual Senator must vote according to his convictions; and when the caucus undertakes to control, forbid, punish, excommunicate, or otherwise, any Senator for refusing to sink his own convictions and surrender them to others the caucus is overstepping its bounds and its authority.

Mr. BAILEY. Mr. President, I was misled into construing these declarations as I did rather than as the Senator from Colorado now explains them, because I remembered that the Senator from Colorado was in the Democratic caucus when we adopted this rule which provides for binding Senators upon a two-thirds vote of the caucus.

Mr. PATTERSON. May I ask the Senator to what caucus he refers?

Mr. BAILEY. You were present at the caucus about two years ago when it adopted as its rule of action the very resolution under which we acted when we adopted the resolution which you have recited and assailed. In other words, you were there when the caucus adopted the resolution providing that whenever two-thirds of the caucus should so order all Senators should be bound, except in the three cases that you have enumerated.

Mr. PATTERSON. Mr. President, there is some mistake about that, for I have always been opposed to attempting to coerce Senators into voting against their convictions of duty. I recall very well—and I did not suppose that the Senator would enter into the proceedings of caucuses——

Mr. BAILEY. You brought them here yourself.

Mr. PATTERSON. I did not.

Mr. BAILEY. You brought the resolution here.

Mr. PATTERSON. I only brought that which was made public and which was given to the public by officers of the caucus. I never said one word about what transpired in the caucus, either what you said or what any other member said. I recollect very well that when efforts were made to reach a unanimity of opinion I recognized at all times the right of every Senator to the possession of his own judgment and the registering of that when the vote was taken.

Mr. BAILEY. Mr. President, I will not resort to the unseemly procedure of calling witnesses to contradict a Senator, because I am sure the Senator states his recollection. But I am absolutely positive that he is mistaken.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from Texas yield to the senior Senator from Texas?

Mr. BAILEY. I yield always to my colleague.

Mr. CULBERSON. The statement made by my colleague is not only correct to the extent he has made it, but the records of the caucus show that the Senator from Colorado voted for the resolution.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. It seems that ample preparations have been made to overwhelm me by reason of the stand I have taken. I will not gainsay the record, because I do not believe that any official of a Democratic caucus would make a wrong record. It is not impossible, Mr. President, that without due reflection I did vote for such a resolution. But it is true that upon due reflection, when I was compelled by reason of my attitude upon the matter that is before the Senate to investigate what the rights and the duties of Senators are, I, in the line of my duty, have receded from that.

I do not recall what the record recites. I do not pretend to contradict it. If I thus voted, I can only say I regret that I thus voted, that such a vote is in conflict with my sense of justice and with the duties of Senators under their oaths in this Chamber. Whatever inconsistency may exist between that record and my conduct now, let it stand. I bear it cheerfully whatever censure or misunderstanding it may bring. It does not change the eternal truth. It does not change the obligations upon Senators under the Constitution and under their oaths of office.

Under those circumstances, Mr. President, I can only say that if that was my vote it was an error, and that that error will never again be committed. In the future, as I had hoped in the past, I recognize the absolute right of every Senator upon every question that is submitted, every act of Congress, to vote absolutely without such coercion as such resolutions bring into existence.

Mr. BAILEY. Mr. President, the Senator from Colorado does himself an injustice in the suggestion that preparations were made for his discomfiture. So far from having made any preparation myself, I did not know until after 11 o'clock to-day that the doctor would say I could leave the bedside of a sick boy. I have not for three days spoken to my colleague except to answer his inquiry as to that sick child. I had no more thought that my colleague had this record in his possession than I have that the Senator from Colorado will now stand up before the Senate and confess his error.

I might have known that whatever was to be had about it my colleague would have [laughter], because, through an acquaintance with him extending over my entire public life in Texas, I have never known him to face a situation for which he was not prepared. I am led to believe from the fact that he had this record that if I had not made the poor reply I have made he would have made a better one to the Senator from Colorado; and I regret that I have occupied the attention of the Senate without preparation instead of having yielded it to him, who is always prepared.

The Senator from Colorado ought not to leave it in the record that he supposes that his colleagues would conspire for the sake of his embarrassment. I will do him greater honor

than he does us. I will say that I believe he is above conspiring for the discomfiture of a fellow-Senator. I believe he is an honest man. But I also believe that he is one of those emotional natures who, being wrong, persist in error and defend it, whether he can successfully defend it or not.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I am afraid the Senator will not accept my good opinion of him, but I will yield.

Mr. PATTERSON. I do object to the term "conspiracy."

Mr. BAILEY. But you stated that preparation had been made——

Mr. PATTERSON. Preparation—oh, well!

Mr. BAILEY. If that does not mean it I do not understand the English language any better than the Senator understands the rule of a Democratic caucus.

Mr. PATTERSON. The Senator from Texas had every reason to believe, as he says himself, that preparation would be made.

Mr. BAILEY. I did not.

Mr. PATTERSON. The Senator from Texas says he knew if there was anything that could be brought into the Senate of which his colleague had knowledge it would be here.

Mr. BAILEY. But the Senator himself—let me interrupt him——

Mr. PATTERSON. No; but that is neither here nor there.

Mr. BAILEY. The Senator must let me interrupt him to say that I said it, and I stated that I said it, because I knew my colleague was always prepared for every situation, and not with reference to this particular one.

Mr. PATTERSON. But, Mr. President, that is neither here nor there. The thing that causes me regret is that what has been read by the Senator from Texas will becloud the real issue; that instead of Senators taking into full consideration their real duty, imposed by the obligations of the office they fill and the oath they have taken, they may reach the conclusion that because inconsistency has been shown in the Senator who has stood for the right of independent voting in this body, therefore such caucuses should be continued and that they are fully justified. Men, Mr. President, are frequently changing their views and changing their positions.

Mr. BAILEY. And then they ought to change their parties.

Mr. PATTERSON. Well, Mr. President, that belongs to each individual member of a party, and neither sneers nor innuendoes of that kind will have the slightest effect upon me in my relations to my party. I have said nothing that calls for such a suggestion or remark from the Senator from Texas. I only wanted to emphasize the danger that a condition such as this will bring to the principle for which I am contending. And yet I fully realize, Mr. President, that there is nothing, or should be nothing, in the membership or the constitution of this body that will create any danger that considerable bodies of this membership will permanently reduce themselves, in whatever numbers they may meet, to the level of a ward caucus.

If I can be satisfied that the matter will not be confused by reason of the efforts of the two Senators from Texas, then I have no feeling of regret for anything that has occurred, whether to-day or in the past.

Mr. BAILEY. Mr. President, the Senator from Colorado would doubtless like to modify that last statement. He would like to save for himself an expression of regret that he voted that way in the Democratic caucus. He must always regret that, because under his view, such a rule invades the sanctity of a Senator's oath and denies him the right to represent his State.

Mr. PATTERSON. Mr. President, when I, in connection with any number of Senators, will pass a resolution that has for its purpose the coercion of a Senator into voting against his conviction, or if he does not so vote that he shall stand before his constituency as a bolter from his party, either one way or the other, I have no question about what my attitude should be and what the real fact and the real truth of the question is.

Mr. BAILEY. Mr. President, for the first time the Senator from Colorado has almost stated the question as we understand it. The only effect of such a resolution as we have adopted and disobedience on the part of the Senator is upon his standing at home and not upon his vote in the Senate. The Senator is free to defy the caucus and to vote as his conscience directs. He only takes a responsibility at home between his Democratic constituents and his Democratic associates here.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. The Senator from Texas has stated it correctly. The object of a caucus resolution is to have effect upon the status of the Senator at home. It is to make him realize that, unless he surrenders his convictions at the command of two-thirds of his colleagues, he will be denounced as a bolter at home, and men know what that means, especially in the States of the South. Men know that southern society for self-protection has gathered under the Democratic banner, and within the Democratic fold; and to declare by resolution that a Senator or Member bolts his party is to eliminate him in the South from future public life and to relegate him to the shades of privacy.

It is to that, Mr. President, I object. We know human nature well enough to realize that too many men, for the sake of holding a position that is so honorable, for the purpose of remaining in the body with which they hope their career in life shall be pemanently connected, will, rather than be declared bolters, and thus retired to private life, submit their convictions to the command of other Senators. It is for that reason, Mr. President, that I say the caucus is cruel; that it is coercive; that it is indefensible. It seems to me as though it was the ghost of antebellum days rising in its perfect physical being to yet coerce and intimidate and drive Senators from their duty.

Mr. BAILEY. Mr. President, I waive as unworthy of notice that reference to the spirit of antebellum days. That must be intended as an appeal to the other side of the Chamber to adopt his resolution.

The Senator from Colorado betrays in his last interruption that his interest is not in himself, but in some southern Democrat who may be coerced. The Senator may possess his soul in patience. There is no southern Democrat here who will hesitate to defy a caucus when his conscience requires him to do it, and the Senator may be sure that such a southern Democrat can go among his people and defend his conduct, if he can satisfy them that he was right and that two-thirds of his Democratic colleagues were wrong.

Mr. President, the very purpose of this effort at party discipline is this, and only this, that whenever a Senator defies the decision of the majority, he must take the consequences at home. Let me say to the Senator that he underestimates the courage and the integrity of Senators, if I know them, when he assumes that a Senator will hesitate what to do under those circumstances. Why will the Senator from Colorado assume that other Senators possess less courage than he? He defies the caucus, and appeals to his people to justify his course; then why assume that any other Senator lacks courage to pursue a similar course?

Mr. PATTERSON. Mr. President——

Mr. BAILEY. Let me finish. If no other Senator is lacking in courage, the caucus action exerts no influence upon the destiny of the Republic, nor will it produce the least effect upon the passage of a bill or the ratification of a treaty; and it is limited in consequence to the personal fortunes of the Senator. As I view it, the unity of a party is incomparably more important than the personal fortunes of any Senator.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. Mr. President, one of the mistakes the Senator from Texas is making is in supposing that the twenty Senators who comprised the two-thirds of this caucus are the Democratic party.

Mr. BAILEY. I do not suppose that, but I think they come nearer to being the Democratic party than does the Senator from Colorado. [Laughter.]

Mr. PATTERSON. Mr. President, the Senator from Colorado has never presumed to be anything else than his own keeper. The Senator from Colorado does not now at least undertake to coerce or drive any other Senator to vote against his will.

Mr. President, my only reference to southern Senators was for the purpose of submitting it to the common sense, the judgment, and the experience of the individual members of this body. No ad captandum appeal can change the frailties of human nature; no language that any man can employ can make me or others, Mr. President, other than men with the weaknesses of men and the vanity of men, subject to the control of the agencies that will control most men.

Mr. President, one of the dangers of the caucus is that just such great men, such aggressive men, such preponderating men, such self-asserting men as the Senator from Texas will overwhelm the judgment of those who are weaker, who are not so aggressive and so insistent. It places the weak at the mercy of the strong; and it will not meet the question by the Senator suggesting that I am again casting reflections upon Senators in this body, for there are in this body strong Senators and weak

Senators; there are in this body men who impress their personality and their convictions upon almost all with whom they come into association.

I have seen it here, in caucuses and elsewhere, where one strong, aggressive, preponderating, irresistible human force carries with him all the rest; and they have had only to wait a few days to realize that they had indeed been weak. The caucus is for just such purposes as that, to give the strong and the powerful superior influence and weight in party measures, to use undue influence in bringing others to their views of thinking; and I have no doubt in the world but that when I have listened to the Senator I have been influenced in the matter of votes here and elsewhere; and it is only human nature that such should be the case. Therefore I say, Mr. President, that when the caucus goes beyond the matter of consultation, of giving advice, of urging duty—when it goes beyond that and enters into the field of force, force, Mr. President, is the ruling power, and not justice and reason.

Mr. BAILEY. Mr. President, for the third and for the last time I observe that this is merely a rule defining a Senator's duty as a Democrat. That Senator is at perfect liberty, whenever the importance of the question or the force of his convictions, or both, shall render it impossible to obey the caucus, to defy it, and to vote precisely as he would had no caucus action been taken. If he does defy it, he then settles with the Democratic people of his own State. If they agree with him, they return him; if they disagree with him, they may or not defeat him. Thus the only effect of a caucus action is that it involves the personal fortunes of a Senator.

My own opinion is that it is taking an unfair advantage of the Democratic party to call upon its members in the various States to choose members of the legislature, who, in their turn, and under the operation of a caucus rule, choose a Senator, thus giving him the benefit of the party organization, the fruit of the party victory, and then, when elevated to the highest legislative assembly in the world, for him to despise the rule that brought him to this exalted station and proclaim his independence of the party.

Mr. PATTERSON. Mr. President——

Mr. BAILEY. Mr. President, I have detained the Senate too long. To conclude the whole matter, and not for the purpose of contradicting the Senator from Colorado—because that is unnecessary—but in order that the country may know just how far the Democratic caucus has proceeded with the consent of all the Senators, except two on that occasion, I ask to have those resolutions read in order that they may appear in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Democratic caucus, Tuesday, December 15, 1903.

* * * * * * *

The caucus then took up for consideration the resolution offered by Senator BLACKBURN, which is as follows:

"*Resolved*, That hereafter all members of the Senate Democratic caucus shall be bound to vote in accordance with its decisions, made by a two-thirds vote of all its members, on all questions except those involving a construction of the Constitution, or upon which a Senator has made pledges to his constituents or received instructions from the legislature of a State which he represents."

After full discussion Senator MALLORY, of Florida, offered the following amendment to the resolution:

"*Provided*, This rule shall not apply to the action of Senators on the pending Cuban reciprocity bill or the pending Panama Canal treaty."

After discussion, the amendment to the resolution was rejected by the following vote:

Yeas: Messrs. Bacon, Bate, Berry, Clay, Cockrell, Foster of Louisiana, McCreary, McEnery, Mallory, Simmons, Taliaferro. Total, 11.

Nays: Messrs. Bailey, Blackburn, Carmack, Daniel, Dubois, Gibson, Gorman, Latimer, McLaurin, Martin, Morgan, Overman, Pettus, Stone, Tillman. Total, 15.

The question recurring on the original resolution offered by Senator Blackburn, the same was adopted by the following vote:

Yeas: Messrs. Bacon, Bailey, Bate, Berry, Blackburn, Carmack, Clay, Daniel, Dubois, Foster of Louisiana, Gibson, Gorman, Latimer, McCreary, McLaurin, Martin, Morgan, Overman, Patterson, Pettus, Simmons, Stone, Tillman. Total, 23.

Nays: Messrs. Mallory, Taliaferro. Total, 2.

Mr. PATTERSON. Mr. President, I do not intend to occupy any more time than is necessary to very briefly reply to the last remarks made by the Senator from Texas [Mr. BAILEY] as to the attitude I have taken against control by his caucus in view of the fact that I had been elected announcing myself a Democrat, and that I showed by this action that I despised those who elected me to the position. I wish to say that, on the contrary, I have assumed that attitude because I respect them, because I know what they expect of me, and because I know what my duty is to them, and that is not to surrender my individual vote upon any proposed law into the keeping of any Senator or any number of Senators, and should I do that with the light I now have on the treaty, I feel, Mr. President, that I would be betraying the men through whose instrumentality I have been elected to fill this great office.

Mr. BAILEY. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. PATTERSON. I do.

Mr. BAILEY. If it is true that he is representing his people in his refusal to obey the caucus, it neither injures the Senator nor changes the result in the Senate. Therefore the caucus has neither done him a harm nor has it changed the course of history one particle.

Mr. PATTERSON. Mr. President, if I had occupied this floor as long as I did to-day simply to air a personal grievance and to set myself right before my constituency, I would feel ashamed of myself. I have occupied the Senate to-day for the exposition of what I believe is a great principle in legislation. I have stood not that I required any defense at home, for it is my independence, if I may use that word without being accused of vanity, which commends me to every right-thinking Democrat in the State of Colorado.

But, Mr. President, I do not want this rule of caucus to stand as a menace against me and others. The Senator from Texas ought to differentiate between the man seeking to defend himself and the man advocating the establishment of the right principles for party conferences. If I wanted to defend myself I would go to my home; I would not stand before the people of this country, occupying their time and their attention, for I realize that I am of too little importance to do a thing like that; it would be but abnormal vanity.

But, Mr. President, whether it is a law or a treaty, great principles are usually associated with them, and I take it that there is in this question of a party caucus, commanding or degrading members of this body into voting against their will, a great principle involved, and one upon which I believe the country will reflect, and I believe that when the country reflects—aye, even the constituency of the Senator from Texas—he will realize that that constituency believes in maintaining to the utmost the constitutional prerogative of a Senator—if I may use that kingly word—and that they can not be misled or beclouded by an effort to dragoon Senators, even though when the effort is made it may be said it is only intended to affect the standing of a Senator at his home.

Mr. President, to elevate a town primary or a county caucus to the dignity of Senators in this body is impossible. The people will believe that a member of this body, bound by oath to maintain the relations of a State to the Congress and to the country, can not measure his duty either by what the Senator from Texas or other Senators would do in national or State or county conventions, but by the dignity of this body, the relation which it bears to the Government, the rights of the State to honest and independent representation, and the bounden duty of every Senator to act in accordance with his oath and solemn convictions of right.

The VICE-PRESIDENT. What disposition does the Senator from Colorado desire to have made of his resolution?

Mr. PATTERSON. I hope the resolution will continue to lie on the table subject to call at any time by any Senator.

The VICE-PRESIDENT. The resolution will lie on the table. What is the further pleasure of the Senate?

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 8, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1906.

COLLECTOR OF CUSTOMS.

Benjamin F. Keith, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina. Reappointment.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Frederick D. Grant to be major-general from February 6, 1906, vice Sumner, retired from active service.

Lieut. Col. William E. Birkhimer, Artillery Corps, to be brigadier-general, vice Grant, to be appointed major-general.

Lieut. Col. Palmer G. Wood, Eleventh Infantry, to be brigadier-general, vice Birkhimer, to be retired from active service.

Lieut. Col. Henry A. Reed, Artillery Corps, to be brigadier-general, vice Wood, to be retired from active service.

POSTMASTERS.

CALIFORNIA.

Bela C. Ide to be postmaster at Arroyo Grande, in the county of San Luis Obispo and State of California, in place of Bela C. Ide. Incumbent's commission expires February 10, 1906.

William L. Leonard to be postmaster at Oroville, in the county of Butte and State of California, in place of John P. Leonard, removed.

George E. Lund to be postmaster at Fruitvale, in the county of Alameda and State of California, in place of George E. Lund. Incumbent's commission expired January 13, 1906.

GEORGIA.

Walter Akerman to be postmaster at Cartersville, in the county of Bartow and State of Georgia, in place of Walter Akerman. Incumbent's commission expired January 13, 1906.

Hervey D. Bush to be postmaster at Covington, in the county of Newton and State of Georgia, in place of Hervey D. Bush. Incumbent's commission expired January 13, 1906.

Joseph S. Garrett to be postmaster at Columbus, in the county of Muscogee and State of Georgia, in place of Joseph S. Garrett. Incumbent's commission expired January 28, 1906.

Jerome E. Poche to be postmaster at Washington, in the county of Wilkes and State of Georgia, in place of Jerome E. Poche. Incumbent's commission expired January 21, 1906.

ILLINOIS.

Augustus Gibson to be postmaster at McLeansboro, in the county of Hamilton and State of Illinois, in place of Augustus Gibson. Incumbent's commission expired February 5, 1906.

Harley R. Moberly to be postmaster at Windsor, in the county of Shelby and State of Illinois, in place of Harley R. Moberly. Incumbent's commission expired February 13, 1906.

James W. Prouty to be postmaster at Roseville, in the county of Warren and State of Illinois, in place of James W. Prouty. Incumbent's commission expires March 14, 1906.

Harry B. Ward to be postmaster at Duquoin, in the county of Perry and State of Illinois, in place of Harry B. Ward. Incumbent's commission expires February 20, 1906.

INDIANA.

Luther D. Branden to be postmaster at Greensburg, in the county of Decatur and State of Indiana, in place of Andrew M. Willoughby. Incumbent's commission expired January 20, 1906.

Robert L. Cox to be postmaster at Fowler, in the county of Benton and State of Indiana, in place of Duncan McA. Williams. Incumbent's commission expired January 9, 1906.

James H. Jones to be postmaster at Newcastle, in the county of Henry and State of Indiana, in place of James H. Jones. Incumbent's commission expires February 7, 1906.

Willis L. McCampbell to be postmaster at Middletown, in the county of Henry and State of Indiana, in place of Willis L. McCampbell. Incumbent's commission expires February 7, 1906.

Albert V. Randall to be postmaster at Shelbyville, in the county of Shelby and State of Indiana, in place of Oscar E. Lewis. Incumbent's commission expires February 7, 1906.

IOWA.

Roger W. Hilleary to be postmaster at New London, in the county of Henry and State of Iowa, in place of James M. Crawford, jr. Incumbent's commission expired January 31, 1906.

KENTUCKY.

Jacob B. Coffman to be postmaster at Russellville, in the county of Logan and State of Kentucky, in place of Jacob B. Coffman. Incumbent's commission expires February 28, 1906.

LOUISIANA.

Virginia H. Jordan to be postmaster at Rayville, in the parish of Richland and State of Louisiana. Office became Presidential January 1, 1906.

Thomas R. Morse to be postmaster at New Iberia, in the parish of Iberia and State of Louisiana, in place of Thomas R. Morse. Incumbent's commission expired January 28, 1906.

MICHIGAN.

William F. Crane to be postmaster at Manistique, in the county of Schoolcraft and State of Michigan, in place of Charles B. Mersereau. Incumbent's commission expires April 10, 1906.

MINNESOTA.

Alexander Fiddes to be postmaster at Jackson, in the county of Jackson and State of Minnesota, in place of Alexander Fiddes. Incumbent's commission expired January 13, 1906.

MISSISSIPPI.

Edith G. Morrow to be postmaster at West Point, in the county of Clay and State of Mississippi, in place of Edith G. Morrow. Incumbent's commission expired January 21, 1906.

Lee Van Sample to be postmaster at Summit, in the county of Pike and State of Mississippi, in place of Frederick W. Collins, jr. Incumbent's commission expires February 7, 1906.

MISSOURI.

Clarence Conger to be postmaster at Unionville, in the county of Putnam and State of Missouri, in place of George H. Gardner. Incumbent's commission expired January 22, 1906.

NEBRASKA.

Griffith J. Thomas to be postmaster at Harvard, in the county of Clay and State of Nebraska, in place of Griffith J. Thomas. Incumbent's commission expires February 28, 1906.

NEW JERSEY.

George W. Hope to be postmaster at Raritan, in the county of Somerset and State of New Jersey, in place of George W. Hope. Incumbent's commission expired January 21, 1906.

Harry L. Knight to be postmaster at Medford, in the county of Burlington and State of New Jersey, in place of Elmer E. Dyer. Incumbent's commission expires February 13, 1906.

Dennis W. Mahony to be postmaster at Passaic, in the county of Passaic and State of New Jersey, in place of Dennis W. Mahony. Incumbent's commission expires February 7, 1906.

Joseph Pierson to be postmaster at Phillipsburg, in the county of Warren and State of New Jersey, in place of Samuel V. Davis. Incumbent's commission expired January 30, 1906.

Henry B. Rollinson to be postmaster at Rahway, in the county of Union and State of New Jersey, in place of Henry B. Rollinson. Incumbent's commission expires February 20, 1906.

August C. Stecher to be postmaster at Riverside, in the county of Burlington and State of New Jersey, in place of August C. Stecher. Incumbent's commission expires February 13, 1906.

NEW YORK.

David W. Cornell to be postmaster at Chappaqua, in the county of Westchester and State of New York. Office became Presidential October 1, 1905.

Frank A. McCoy to be postmaster at North Tonawanda, in the county of Niagara and State of New York, in place of Frank A. McCoy. Incumbent's commission expires February 10, 1906.

James L. Moore to be postmaster at Pulaski, in the county of Oswego and State of New York, in place of Richard W. Box. Incumbent's commission expired January 21, 1906.

NORTH CAROLINA.

McMurray Furgerson to be postmaster at Littleton, in the county of Halifax and State of North Carolina, in place of McMurray Furgerson. Incumbent's commission expired January 27, 1906.

OHIO.

Otis Sykes to be postmaster at Chicago, in the county of Huron and State of Ohio, in place of Daniel Myers. Incumbent's commission expires February 13, 1906.

PENNSYLVANIA.

Samuel S. Lewis to be postmaster at York, in the county of York and State of Pennsylvania, in place of Augustus Loucks. Incumbent's commission expires February 7, 1906.

John F. Parrish to be postmaster at Cresson, in the county of Cambria and State of Pennsylvania, in place of John W. Hall. Incumbent's commission expired January 16, 1906.

John W. Stuart to be postmaster at State College, in the county of Center and State of Pennsylvania, in place of John W. Stuart. Incumbent's commission expires February 17, 1906.

RHODE ISLAND.

Elmer W. Robinson to be postmaster at East Providence, in the county of Providence and State of Rhode Island, in place of Stephen J. Rich. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

P. Brooks Connor to be postmaster at Greenwood, in the county of Greenwood and State of South Carolina, in place of Lewis M. Moore. Incumbent's commission expired January 21, 1906.

Charles J. Purcell to be postmaster at Newberry, in the county of Newberry and State of South Carolina, in place of Charles J. Purcell. Incumbent's commission expires February 28, 1906.

TENNESSEE.

Robert F. Haun to be postmaster at Milan, in the county of Gibson and State of Tennessee, in place of Robert F. Haun. Incumbent's commission expires February 7, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1906.

SURVEYOR OF CUSTOMS.

Leopold G. Rothschild, of Indiana, to be surveyor of customs for the port of Indianapolis, in the State of Indiana.

APPOINTMENTS IN THE ARMY.

General officers.

Maj. Gen. John C. Bates, United States Army, to be Lieutenant-General from February 1, 1906.

Brig. Gen. Adolphus W. Greely, Chief Signal Officer, to be major-general.

Signal Corps.

Col. James Allen, Signal Corps, to be Chief Signal Officer with the rank of brigadier-general for a period of four years.

PROMOTIONS IN THE ARMY.

Artillery Corps.

First Lieut. Henry H. Sheen, Artillery Corps, to be captain from January 29, 1906.

Second Lieut. Claude E. Brigham, Artillery Corps, to be first lieutenant from January 29, 1906.

POSTMASTERS.

CALIFORNIA.

F. L. Bostwick to be postmaster at Laton, in the county of Fresno and State of California.

FLORIDA.

George W. Bean to be postmaster at Tampa, in the county of Hillsboro and State of Florida.

ILLINOIS.

W. E. Puffer to be postmaster at Odell, in the county of Livingston and State of Illinois.

INDIANA.

A. J. Kitt to be postmaster at Goodland, in the county of Newton and State of Indiana.

John Owen to be postmaster at Noblesville, in the county of Hamilton and State of Indiana.

Edgar A. Simmons to be postmaster at Kokomo, in the county of Howard and State of Indiana.

Fred Snyder to be postmaster at Angola, in the county of Steuben and State of Indiana.

IOWA.

Charles W. Gray to be postmaster at Corning, in the county of Adams and State of Iowa.

Samuel D. Henry to be postmaster at Coon Rapids, in the county of Carroll and State of Iowa.

Harry E. Hull to be postmaster at Williamsburg, in the county of Iowa and State of Iowa.

William F. Kopp to be postmaster at Mount Pleasant, in the county of Henry and State of Iowa.

N. C. Nelson to be postmaster at Essex, in the county of Page and State of Iowa.

Gerald L. Whinery to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa.

KANSAS.

William Chapman to be postmaster at Mound Valley, in the county of Labette and State of Kansas.

Delmar E. Deputy to be postmaster at Manhattan, in the county of Riley and State of Kansas.

Thomas D. Fitzpatrick to be postmaster at Salina, in the county of Saline and State of Kansas.

Frank Fuhr to be postmaster at Meade, in the county of Meade and State of Kansas.

John O. Hanson to be postmaster at Jamestown, in the county of Cloud and State of Kansas.

Frank Harlow to be postmaster at Kingman, in the county of Kingman and State of Kansas.

William A. Hopkins to be postmaster at Solomon, in the county of Dickinson and State of Kansas.

Simon Skovgaard to be postmaster at Greenleaf, in the county of Washington and State of Kansas.

John M. Watson to be postmaster at Frankfort, in the county of Marshall and State of Kansas.

LOUISIANA.

George J. Hollister to be postmaster at Ponchatoula, in the parish of Tangipahoa and State of Louisiana.

MARYLAND.

James P. B. Veirs to be postmaster at Rockville, in the county of Montgomery and State of Maryland.

NEBRASKA.

William W. Hopkins to be postmaster at Oakland, in the county of Burt and State of Nebraska.

NEW JERSEY.

Thomas F. Austin to be postmaster at Millville, in the county of Cumberland and State of New Jersey.

Frank Wanser to be postmaster at Vineland, in the county of Cumberland and State of New Jersey.

NEW YORK.

George R. Vail to be postmaster at Chester, in the county of Orange and State of New York.

Fred M. Woolley to be postmaster at Boonville, in the county of Oneida and State of New York.

NORTH CAROLINA.

Leroy L. Brinkley to be postmaster at Edenton, in the county of Chowan and State of North Carolina.

Atheton B. Hill to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

Ann Z. Pearce to be postmaster at Selma, in the county of Johnston and State of North Carolina.

Stephen A. White to be postmaster at Mebane, in the county of Alamance and State of North Carolina.

NORTH DAKOTA.

James M. Cubbison to be postmaster at Minnewaukon, in the county of Benson and State of North Dakota.

Chester A. Revell to be postmaster at Harvey, in the county of Wells and State of North Dakota.

PENNSYLVANIA.

Richard L. Ashhurst to be postmaster at Philadelphia, in the county of Philadelphia and State of Pennsylvania.

Samuel L. Lewis to be postmaster at York, in the county of York and State of Pennsylvania.

John F. Parrish to be postmaster at Cresson, in the county of Cambria and State of Pennsylvania.

TEXAS.

Ferman Carpenter to be postmaster at Franklin, in the county of Robertson and State of Texas.

VERMONT.

Frederick Chapman to be postmaster at Woodstock, in the county of Windsor and State of Vermont.

Ralph E. Jones to be postmaster at Richmond, in the county of Chittenden and State of Vermont.

VIRGINIA.

Hansford Anderson to be postmaster at West Point, in the county of King William and State of Virginia.

Royal E. Cabell to be postmaster at Richmond, in the county of Henrico and State of Virginia.

WASHINGTON.

Frank E. Pells to be postmaster at Ballard, in the county of King and State of Washington.

Charles A. Phillips to be postmaster at Wilbur, in the county of Lincoln and State of Washington.

Charles C. White to be postmaster at Waterville, in the county of Douglas and State of Washington.

WEST VIRGINIA.

Henry E. Munday to be postmaster at Shepherdstown, in the county of Jefferson and State of West Virginia.

WISCONSIN.

Allan Beggs to be postmaster at Hudson, in the county of St. Croix and State of Wisconsin.

George Graham to be postmaster at Tomah, in the county of Monroe and State of Wisconsin.

Hugh McInnes to be postmaster at Edgerton, in the county of Rock and State of Wisconsin.

Andrew Noll to be postmaster at Chilton, in the county of Calumet and State of Wisconsin.

Joseph J. Schultz to be postmaster at Kewaunee, in the county of Kewaunee and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 7, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MILITARY RESERVATION IN ALABAMA.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back the bill (H. R. 133) for use of the military reservation in Alabama for the erection of a public building, with the recommendation that the bill and accompanying report be referred to the Committee on Public Buildings and Gounds.

The SPEAKER. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

There was no objection.

RAILROAD RATE REGULATION.

Mr. HEPBURN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987—the railroad rate bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. VREELAND in the chair.

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, from the time when legislatures and parliaments first began to legislate public highways have been held to be common carriers. The turnpikes and the ferryboats have been regulated by law, and the amount they can legally exact for their service is fixed by statute. The old mill on the creek, where I used to carry corn to be made into meal, was regulated by law, and one-eighth was the limit the miller could exact as toll. There is no difference in principle between a turnpike or plank road 1 mile long and a railroad 1,000 miles long. They both exist under a charter granted by the State; both are public highways; both are used by the people upon the payment of just and reasonable toll. It has always been deemed necessary for the protection of the public who use turnpikes and ferryboats to put them under the supervision of the law. Who can say, then, that the vast railroad systems of the country should not be made amenable to the law? It seems to be too plain for argument that all public highways and common carriers are subject to regulation by law in the interest of the people who created them.

The right to regulate railroads by law being conceded, the only remaining question is, How shall that right be exercised? The bill under consideration is an amendment to an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. Therefore we have the whole question of railroad regulation before us, the principal object being to enlarge the powers of the Interstate Commerce Commission and to give them authority to enforce their orders and decrees. The bill now being considered is a great improvement on the present law. It comes to us with the unanimous approval of the Interstate Commerce Committee, after a long and patient investigation. It is free from party bias, and bears evidence of an earnest effort to treat the railroads fairly and to protect the interests of the great body of shippers and consumers of the country. It may be that all the evils complained of will not be corrected by the enforcement of the provisions of this bill. Indeed, no reasonable man expects that; but it is a long step in that direction and deserves a fair and patient trial. It is true that some of the evils so justly complained of are not reached by this bill, and perhaps can not be. The great annoyance and loss to shippers which arise from the unreasonable delay in settling overcharges by the railroads, the impolite and ofttimes curt replies made to questions asked for information by shippers and passengers, and the failure of railroads to make proper and convenient connections and to stop their trains where the public interests demand that they should be stopped are very irritating and frequently grossly insulting. I presume, however, that these are matters falling within the province and jurisdiction of State commissions and must be dealt with by them, if at all.

Mr. Chairman, no amount of public criticism could compel me to vote for a measure that to my mind was unjust and unfair to the railroads and that would prevent them from earning a fair rate of interest on their actual investment.

Mr. Justice Harlan, in the Nebraska case, said in part:

> A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is under governmental control, though such control must be exercised with due regard to the constitutional guaranties for the protection of its property. It can not be, therefore, admitted that a railroad corporation maintaining a public highway under the authority of the State may fix a rate with a view solely to its own interests and ignore the rights of the public. But the rights of the public would be ignored if rates for the transportation of persons or property on a railroad are exacted without reference to the fair value of the property used for the public or the fair value of the services rendered, but in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to its stockholders.

This, to my mind, is a temperate and well considered deliverance from one of the most distinguished jurists in the country.

But, Mr. Chairman, transportation methods have been greatly revolutionized in this country since railroad construction began in earnest in the fifties. Then the railroad builder was a pioneer. The country, as a rule, was sparsely settled, and large cities were unknown, as compared with the present time. So it was that railroads were encouraged and given a free hand, and were permitted to fix and collect such tolls as seemed to their promoters to be necessary to encourage their construction.

The gentleman from Michigan [Mr. TOWNSEND], who opened the discussion for the committee on this bill, so well described the conditions that existed in the early days of railroad transportation in this country that I quote from his speech, as follows:

> When the fathers established the Government of the United States and adopted the Constitution as its bill of rights, they wisely delegated to Congress control over all commerce among the States. At that time there were but thirteen colonies from which States could be made, and they occupied the little territory east of the Alleghenies and in New England. Commerce then was limited, but the means for transportation were so crude that its movements were more difficult than those of to-day. As a legal basis of procedure in the exercise of government the common law was adopted, and that law treated common carriers as public servants and subject to governmental control, and provided that all rates and regulations charged or imposed by them should be just and reasonable.
>
> From the time when man produced more than he consumed and desired other than what he produced, carriers became important. Settlements were made in the New World on the seashores and on the banks of rivers where transportation by water was possible, but each man at first was his own carrier, and he exchanged his for his neighbor's products. With thrift and enterprise a surplus greater than the needs of immediate neighborhood exchanges was created, and the common carrier became a necessity. At first the Government, recognizing the need, entered into the business of carrying products for the benefit of the people; highways were built, boat lines established, and canals dug. These were operated either without charge to the people or by imposing a charge upon the user of the means of transportation. In the early forties the railroad was born, and regions remote from navigable waters were opened up to settlement. Some wild dreamer of the Revolutionary times may have had a vision of the twentieth-century commerce, but such vision was never expressed, and certainly it never entered into the mind of the statesmen of early days what wonderful things were to come to pass. Then wants were simple and desire was modest. The luxuries of yesterday have become necessities of to-day. Inventive genius has revolutionized past ideals and ancient methods; ignorance, superstition, and religious fanaticism and bigotry, which once blocked the way of progress and blinded the eyes of genius, have been ruthlessly crushed to death beneath advancing civilization, which has strengthened with contest and grown wise and audacious with experience, until to-day nothing is sacred but eternal right and nothing impossible to him who wills.

Mr. Chairman, in the early fifties only a few miles of railroad were built and in operation in this country, transporting a few thousand tons of freight and a very limited number of passengers. In fifty years we have considerably more than 200,000 miles of railroad in operation, carrying annually many million tons of freight and 1,000,000,000 passengers. Trade statistics for the year 1905 show a phenomenal degree of prosperity and increase of business conducted by the railroads. It is estimated that if the product of the farms, mines, and factories had been moved at one time it would have filled 33,184,857 freight cars. These cars, if made up into one train, would extend for a distance of 224,400 miles, or a distance equal to nine times around the earth. If this train, with the locomotives necessary to haul it, should be started out into space on a trip to the moon, the leading engine would be puffing through the valleys of the earth's satellite before the conductor's caboose had rolled out of the freight yard at the starting point. To store the engines and cars would require every mile of railroad in the United States. These vast and bewildering figures demonstrate the necessity for regulation and control. We all recognize the fact that without railroads the country would be relegated to the primitive methods of transportation and travel, and no man in his senses desires that. Railroads are the greatest agencies known to man when development and progress are considered. That the capital invested in these great arteries of trade and commerce should yield a just return to the owners no fair-minded man will question; but when they insist that they should be permitted to earn large dividends on fictitious values, on bonds and stock several times the real value of the property, the people, who have been so liberal in the past in bestowing benefits and franchises on railroads, have just cause for complaint.

The enactment of legislation looking to the control and regulation of these great aggregations of capital and to prevent extortion and discrimination has been the Democratic contention for many years. The first party declaration on this subject was made in 1896 by the Democratic convention at Chicago. I had the honor of representing in part the State of Alabama in that convention as a delegate at large. The delegation did me the honor of electing me as their representative on the resolutions committee, and I was one of the subcommittee which framed the following plank in the platform adopted by the convention, which reads as follows:

[Declaration from Democratic platform, 1896.]

> The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a strict control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression.

Again, in 1900, we declared:

[Declarations from Democratic platform, 1900.]

CORPORATE INTERFERENCE IN GOVERNMENT.

> Corporations should be protected in all their rights and their legitimate interests should be respected, but any attempt by corporations to

interfere with the public affairs of the people, or to control the sovereignty which creates them, should be forbidden under such penalties as will make such attempts impossible.

INTERSTATE COMMERCE COMMISSION.

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

And again, in 1904, we said:

[Declarations from Democratic platform, 1904.]

TRUSTS AND UNLAWFUL COMBINES.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discriminations by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

INTERSTATE COMMERCE.

We demand an enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief for the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

During all these years the Republican platforms were silent upon this question. The credit for the initiative therefore belongs to the Democratic party, and your humble servant was a party to its inauguration. From that day to this I have voted for every measure that came before Congress looking to these needed reforms.

Mr. Chairman, the meat in this bill is contained in sections 15, 16, and 20.

SECTION 15.

It is this section that confers upon the Commission the power to establish or fix a rate or to declare what shall be a proper charge in certain instances. The section empowers the Interstate Commerce Commission to determine and prescribe what, in its judgment, will be a just and reasonable rate, and the amount fixed by the Commission is the maximum or highest rate that the railroad can charge. The Commission is empowered by this section to make regulations in respect to transportation that are just, fair, and reasonable, and to make orders that the carrier shall cease and desist from the violation of such regulations, and invests the Commission with power to enforce its orders and decrees by severe fines and penalties. It would seem, Mr. Chairman, that the bill has conferred upon the Commission all the power that Congress can give, and if it does not accomplish all that is expected it will be the fault of the courts and not the House of Representatives.

Section 15 is as follows:

SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the Commission or otherwise, shall publish and file joint rates, fares, or charges, and fail to agree among themselves upon the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the portion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged, and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists.

SECTION 16.

Section 16 of the bill confers extraordinary powers upon the Commission. If any transportation company fails or refuses to obey the orders of the Commission, they may apply to any court of competent jurisdiction for a writ of injunction, and by this process they may stop the running of trains or the receipt or delivery of freights until the railroad renders complete obedience to the orders of the Commission. This seems to be a very near approach to actual control and direction by the Government.

Section 16 is as follows:

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal operating office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commission appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commission, as complainant, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SECTION 20.

Section 20 is far-reaching in its provisions and effect, and confers extraordinary power upon the Commission.

The section reads as follows:

SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority, under the order of the Commission, to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment.

Mr. Chairman, the sections of the bill I have referred to and will print in my remarks contain the essential features of the bill. The other sections provide the machinery by which the Commission may put into operation and enforce these provisions. It seems unnecessary to consume any more time in this discussion. It is now up to the Commission and the courts. We have given the Commission all the power we can confer. We have endeavored to give them power to enforce their orders. We believe that good results will follow, and that our efforts to regulate and control common carriers will be successful.

The President, in his annual message at the opening of the Fifty-ninth Congress, dealt at length with the question of rail-

road rate legislation, and I beg to quote in part what he so forcibly says:

In order to insure a healthy social and industrial life every big corporation should be held responsible by and be accountable to some sovereign strong enough to control its conduct. I am in no sense hostile to corporations. This is an age of combination, and any effort to prevent all combination will be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law inevitably produces. We should, moreover, recognize in cordial and ample fashion the immense good effected by corporate agencies in a country such as ours, and the wealth of intellect, energy, and fidelity devoted to their service, and therefore normally to the service of the public, by their officers and directors. The corporation has come to stay, just as the trade union has come to stay. Each can do and has done great good. Each should be favored so long as it does good. But each should be sharply checked where it acts against law and justice.

* * * * * * *

The immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution, and self-restraint; but it should exist, so that it can be effectively exercised when the need arises.

The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by the Congress. If given to the present Interstate Commerce Commission or to a reorganized Interstate Commerce Commission, such Commission should be made unequivocally administrative. I do not believe in the Government interfering with private business more than is necessary. I do not believe in the Government undertaking any work which can with propriety be left in private hands. But neither do I believe in the Government flinching from overseeing any work when it becomes evident that abuses are sure to obtain therein unless there is governmental supervision. It is not my province to indicate the exact terms of the law which should be enacted; but I call the attention of the Congress to certain existing conditions with which it is desirable to deal.

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts. It sometimes happens at present, not that a rate is too high, but that a favored shipper is given too low a rate. In such case the Commission would have the right to fix this already established minimum rate as the maximum; and it would need only one or two such decisions by the Commission to cure railroad companies of the practice of giving improper minimum rates. I call your attention to the fact that my proposal is not to give the Commission power to initiate or originate rates generally, but to regulate a rate already fixed or originated by the roads, upon complaint and after investigation. A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it; and unless it is granted to the Commission there is little use in touching the subject at all.

Illegal transactions often occur under the forms of law. It has often occurred that a shipper has been told by a traffic officer to buy a large quantity of some commodity and then after it has been bought an open reduction is made in the rate, to take effect immediately, the arrangement resulting to the profit of the one shipper and the one railroad and to the damage of all their competitors; for it must not be forgotten that the big shippers are at least as much to blame as any railroad in the matter of rebates. The law should make it clear, so that nobody can fail to understand, that any kind of commission paid on freight shipments, whether in this form or in the form of fictitious damages, or of a concession, a free pass, reduced passenger rate, or payment of brokerage, is illegal. It is worth while considering whether it would not be wise to confer on the Government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate. This would help stop what is really blackmail. Elevator allowances should be stopped, for they have now grown to such an extent that they are demoralizing and are used as rebates.

All private car lines, industrial roads, refrigerator charges, and the like should be expressly put under the supervision of the Interstate Commerce Commission or some similar body so far as rates and agreements practically affecting rates, are concerned. The private car owners and the owners of industrial railroads are entitled to a fair and reasonable compensation on their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates. A rebate in icing charges, or in mileage, or in a division of the rate for refrigerating charges is just as pernicious as a rebate in any other way. No lower rate should apply on goods imported than actually obtains on domestic goods from the American seaboard to destination except in cases where water competition is the controlling influence. There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the Government. Only in this way can violations or evasions of the law be surely detected.

A system of examination of railroad accounts should be provided similar to that now conducted into the national banks by the bank examiners; a few first-class railroad accountants, if they had proper direction and proper authority to inspect books and papers, could accomplish much in preventing willful violations of the law. It would not be necessary for them to examine into the accounts of any railroad unless for good reasons they were directed to do so by the Interstate Commerce Commission. It is greatly to be desired that some way might be found by which an agreement as to transportation within a State intended to operate as a fraud upon the Federal interstate-commerce laws could be brought under the jurisdiction of the Federal authorities. At present it occurs that large shipments of interstate traffic are controlled by concessions on purely State business, which of course amounts to an evasion of the law. The Commission should have power to enforce fair treatment by the great trunk lines of lateral and branch lines.

The question of transportation lies at the root of all industrial success, and the revolution in transportation which has taken place during the last half century has been the most important factor in the growth of the new industrial conditions. Most emphatically we do not wish to see the man of great talents refused the reward of his talents. Still less do we wish to see him penalized; but we do desire to see the system of railroad transportation so handled that the strong man shall be given no advantage over the weak man. We wish to insure as fair treatment for the small town as for the big city, for the small shipper as for the big shipper. In the old days the highway of commerce, whether by water or by a road on land, was open to all; it belonged to the public and the traffic along it was free. At present the railway is this highway, and we must do our best to see that it is kept open to all on equal terms. Unlike the old highway it is a very difficult and complex thing to manage, and it is far better that it should be managed by private individuals than by the Government. But it can only be so managed on condition that justice is done the public. It is because, in my judgment, public ownership of railroads is highly undesirable and would probably in this country entail far-reaching disaster, that I wish to see such supervision and regulation of them in the interest of the public as will make it evident that there is no need for public ownership.

The opponents of Government regulation dwell upon the difficulties to be encountered and the intricate and involved nature of the problem. Their contention is true. It is a complicated and delicate problem, and all kinds of difficulties are sure to arise in connection with any plan of solution, while no plan will bring all the benefits hoped for by its more optimistic adherents. Moreover, under any healthy plan, the benefits will develop gradually and not rapidly. Finally, we must clearly understand that the public servants who are to do this peculiarly responsible and delicate work must themselves be of the highest type both as regards integrity and efficiency. They must be well paid, for otherwise able men can not in the long run be secured; and they must possess a lofty probity which will revolt as quickly at the thought of pandering to any gust of popular prejudice against rich men as at the thought of anything even remotely resembling subserviency to rich men. But while I fully admit the difficulties in the way, I do not for a moment admit that these difficulties warrant us in stopping in our effort to secure a wise and just system. They should have no other effect than to spur us on to the exercise of the resolution, the even-handed justice, and the fertility of resource, which we like to think of as typically American, and which will in the end achieve good results in this as in other fields of activity. The task is a great one and underlies the task of dealing with the whole industrial problem. But the fact that it is a great problem does not warrant us in shrinking from the attempt to solve it. At present we face such utter lack of supervision, such freedom from the restraints of law, that excellent men have often been literally forced into doing what they deplored because otherwise they were left at the mercy of unscrupulous competitors. To rail at and assail the men who have done as they best could under such conditions accomplishes little. What we need to do is to develop an orderly system; and such a system can only come through the gradually increased exercise of the right of efficient Government control.

Mr. Chairman, while we are trying to find a just and fair way of regulating railroad freight charges, and to regulate their management, we should not forget that there is a powerful regulator, if properly invoked. There are highways upon which commerce can be carried independently of the railroads, and which can not be monopolized, for they belong to the people and are subject to their use. In my own State of Alabama there are almost as many miles of navigable rivers as there are miles of railroads. These rivers traverse almost every section of the State, and all of them empty into the Gulf at the port of Mobile, except the Tennessee River, which reaches the Gulf at New Orleans. Waterways are nature's highways, and belong to the people. They can not be monopolized nor controlled by corporations or private individuals. The navigable waterways entering the Gulf of Mexico exceed in length 35,000 miles, and the South has three-fourths, or 27,000 miles, of these navigable streams and coast line. The same States have 54,000 miles of railroad, showing one-half as many miles of navigable waters as railroads. If these rivers were improved and in active competition with the railroads, the question of rates would be settled forever, and the commercial world vastly benefited. One-half of the earnings of the railroads for one year would make all needed improvements on our rivers and harbors.

In view of these facts, it seems to me that the National Government should be generous in making appropriations for the improvement of our rivers and harbors. "That Government is worthy of the confidence and support of the people which refuses to govern their business, but opens and maintains the way for them to transact business on equal terms." "To this end let the improvement of our inland waterways be carried on upon a broad and comprehensive plan, and under continuing appropriations." If we were to spend one-half the amount on our rivers and harbors that we are spending on our foreign possessions, the rate question would be settled, and the cost as nothing when compared with the results, alike beneficial to every part of our common country.

Mr. Chairman, while we are considering the question of the transportation of the products of the various industries of the country and the cost thereof, we should treat the subject from the broadest point of view. The condition of the wagon roads, over which 85 per cent of all the commerce of the country is transported, presents a condition as serious as railroad rate

legislation. The tax imposed by the miserable condition of these roads on agricultural products between the starting point and the railroad station or river landing is equal to the charge of the common carriers to their point of destination. Of all the civilized countries on earth, this country has the poorest roads. In all that is progressive, except good roads, it stands first. In material wealth, in varied commerce, in products of agriculture—cotton, meat, corn, wheat, tobacco—and products of iron, steel, and timber, in the number of miles of railroad, in the oppulence of cities, in the per capita wealth of the people, it stands superior over every other nation. It feeds and clothes the largest part of mankind, and yet the prime producers of this wealth and greatness have less done for them than has been done for the same class in any other country. The farmers have cheerfully done their full duty in bearing the burdens of Government. In time of war they have been its strongest supporters and defenders, and in times of peace they have been a never-failing source of wealth, and yet the Government has done nothing for them, when compared with the material benefits that have been bestowed upon other classes and interests. It is admitted that 85 per cent of all commerce is moved on the dirt roads. The statistics for 1903 show conclusively that 500,000,000 tons were transported by horsepower, the average distance being 8 miles. The cost of moving this tonnage, at 25 cents per ton per mile, amounted to $100,000,000 in round figures, which is stated to be the cost of operating the wagon roads of the country for one year.

The following table may be as interesting as it is surprising:

Cost of transportation per ton, horsepower, 5 miles	$1.25
By steam cars, 250 miles	1.25
By steamship on the Lakes, 1,000 miles	1.25

It will be seen that the same amount of money that it takes to haul a given amount of produce on the dirt roads for 5 miles will pay freight for 250 miles on the railroads or for 1,000 miles by water on the Lakes.

These figures prove conclusively the enormous tax that bad roads levy upon the farmers, and how much of legitimate profit is consumed in transportation from the farm to the railroad station or river landing.

It seems to me that while we are considering the question of the cost of transportation and railroad rates, tolls, and taxes we should take a broad view of the question and also consider a remedy for the immense meed that is imposed by our miserable system of dirt roads. That Congress has the same power to improve the post-roads as it has to appropriate money to improve rivers and harbors and irrigate land and aid in the construction of railroads is admitted. Almost the first thing that Congress did after taking over Porto Rico was to appropriate a million dollars for the public highways of the island. We have expended many millions for the same purpose in the Philippines, and from neither do we get any revenue, nor can we expect any material aid from them in case of war with a foreign nation. Mr. Chairman, I believe in helping our own people and developing our own counrty first, and if we have anything left for charity give that to our own people also. I am a firm believer in the policy of government aid in improving the public highways of the country, over which, as I have said, 85 per cent of the commerce of the country is first moved. [Loud applause.]

Mr. BIRDSALL. Mr. Chairman, during the second session of the Fifty-eighth Congress, and just about one year ago, we had before us for consideration House bill No. 18588, known as the "Esch-Townsend bill," having for its object the amendment of the "act to regulate commerce," approved February 4, 1887. During the discussion upon that bill I took occasion to express my views upon the questions involved, and shall now draw to some extent upon my remarks at that time as far as they may be applicable to the pending measure.

While the subject of further regulation of the great transportation companies of the country had been more or less in the public mind for several years, and while hearings had been pending from time to time before the committees of both the Senate and the House whose duty it is to hear and examine such questions, yet nevertheless an acute stage was not reached in the matter until about the time for the convening of the Fifty-eighth Congress, when the public mind was again directed pointedly to it by the President's message. The fact is that the evils complained of and sought to be remedied had existed and had been growing for many years. Individuals directly affected by them were cognizant of their existence, but the average citizen was unconscious of them, and, having but recently discovered them, fell into the error of supposing that they had recently come into existence. This tendency of the human mind has often been noted. The public eye having been directed toward the subject with the view of discovering evils, disclosed to the public mind many forms thereof of which it was not theretofore cognizant, and, "growing by what it was fed on" and conceiving that evils were everywhere prevalent, the public mind became alarmed at both real and supposed grievances and loudly clamored for redress. More than a year has passed, and the hysteria, if any existed, has abated. Time has given opportunity to more thoroughly investigate conditions and more considerately determine upon remedial legislation. We find by an examination of the report of the Committee on Interstate and Foreign Commerce that it has had under consideration eighteen bills bearing upon the subject of increasing the power of the Interstate Commerce Commission, and out of these a bill embodying, as the committee believes, the best principles deducible from all of them has been evolved and is now recommended to the House for its approval or rejection.

The bill so reported is as follows:

A bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commission.

Be it enacted, etc., That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, be amended so as to read as follows:

"SEC. 1. That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment), from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

"The term 'railroad,' as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term 'transportation' shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

"All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful."

SEC. 2. That section 6 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates, fares, and charges for the transportation of passengers and property which any such common carrier has established, and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, icing charges, and all other charges which the Commission may require, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been established and published by any common carrier in compliance with the requirements of this section, except after thirty days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept

open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

"And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

"Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same. Every such common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, fares, or charges for such continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with said Commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said Commission, in so far as may, in the judgment of the Commission, be deemed practicable; and said Commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

"No change shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after thirty days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect. The Commission may make public or require the carriers to make public such proposed changes in such manner as may, in its judgment, be deemed practicable and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier party to any joint tariff to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon, than is specified in the schedule filed with the Commission in force at the time.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal operating office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commission appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commission, as complainant, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act."

SEC. 3. That section 14 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

"All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

"The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports."

SEC. 4. That section 15 of said act be amended so as to read as follows:

"SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the Commission or otherwise, shall publish and file joint rates, fares, or charges, and fail to agree among themselves upon the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the portion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

"The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists.

"If the owner of property transported under this act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for in this section.

"The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this act."

SEC. 5. That section 16 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 16. If, after hearing on a complaint made as provided in section 13 of this act, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this act for a violation thereof, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

"If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the circuit court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit. All complaints for the recovery of damages shall be filed with the Commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court within one year from the date of the order, and not after.

"In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any, may be by judgment in favor of any one of such plaintiffs against the defendant found to be liable to such plaintiff.

"Every order of the Commission shall be forthwith served by mailing to any one of the principal officers or agents of the carrier at his usual place of business a copy thereof; and the registry mail receipt shall be prima facie evidence of the receipt of such order by the carrier in due course of mail.

"The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper, and the orders of the Commission shall take effect at the end of thirty days after notice thereof to the carriers directed to obey the same, unless such orders shall have been suspended or modified by the Commission or suspended or set aside by the order or decree of a court of competent jurisdiction: *Provided, however*, That the Commission, for good cause shown, may extend the time in which such order shall take effect.

"It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

"Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

"The forfeiture provided for in this act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

"It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. The Commission may, with the consent of the Attorney-General, employ special counsel in any proceeding under

this act, paying the expenses of such employment out of its own appropriation.

"If any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the circuit court in the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order. Such application shall be by petition, which shall state the substance of the order and the respect in which the carrier has failed of obedience, and shall be served upon the carrier in such manner as the court may direct, and the court shall prosecute such inquiries and make such investigations, through such means as it shall deem needful in the ascertainment of the facts at issue or which may arise upon the hearing of such petition. If upon such hearing as the court may determine to be necessary it appears that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction, or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus.

"From any action upon such petition an appeal shall lie by either party to the Supreme Court of the United States, and in such court the case shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from.

"The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office. The provisions of 'An act to expedite the hearing and determination of suits in equity, and so forth,' approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, and are also made applicable to any proceeding in equity to enforce any order or requirement of the Commission, or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto. It shall be the duty of the Attorney-General in every such case to file the certificate provided for in said expediting act of February 11, 1903, as necessary to the application of the provisions thereof, and upon appeal as therein authorized to the Supreme Court of the United States, the case shall have in such court priority in hearing and determination over all other causes except criminal causes.

"The copies of schedules and tariffs of rates, fares, and charges, and of all contracts, agreements, or arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual reports of carriers made to the Commission, as required by the provisions of this act, shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of or extracts from any of said schedules, tariffs, contracts, agreements, arrangements, or reports made public records as aforesaid, certified by the secretary under its seal, shall be received in evidence with like effect as the originals."

SEC. 6. That a new section be added to said act immediately after section 16, to be numbered as section 16a, as follows:

"SEC. 16a. That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order. Whenever an order of the Commission made in pursuance of section 15 as amended, other than an order for the payment of money, shall have been complied with for the period of three years such order shall not thereafter be in force as against the carrier so complying therewith."

SEC. 7. That section 20 of said act be amended so as to read as follows:

"SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, and shall be made out under oath and filed with the Commission, at its office in Washington, on or before the 30th day of September then next following, unless additional time be granted in any case by the Commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The Commission shall also have authority to require said carriers to file monthly reports of earnings and expenses or special reports within a specified period, and if any such carrier shall fail to file such reports within the time fixed by the Commission it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

"The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

"In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the Commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or imprisonment for a term not exceeding two years, or both.

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce or of any act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of said acts, or any of them, the Commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence."

SEC. 8. That a new section be added to said act at the end thereof, to be numbered as section 24, as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1911, one for a term expiring December 31, 1912. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Not more than four Commissioners shall be appointed from the same political party."

SEC. 9. That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the act to regulate commerce and all acts amendatory thereof shall apply to any and all proceedings and hearings under this act.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, but the amendments herein provided for shall not affect causes now pending in courts of the United States, but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

SEC. 11. That this act shall take effect and be in force from and after its passage.

The importance of the subject becomes apparent when we reflect upon the interests involved, and it is not strange that a diversity of opinion should honestly exist among our people, both as to the wisdom of the proposed legislation and the remedies provided for the grievances that exist.

By reference to the statistics furnished in the report of the Interstate Commerce Commission for the year ending June 30, 1904, we find the general balance sheet of the year's report, covering 198,841.19 miles, or 93.69 per cent of the total mileage for which general operations are reported, to be as follows:

ASSETS.

Cost of road	$10,784,449,493
Cost of equipment	727,087,638
Stocks owned	1,717,878,586
Bonds owned	555,248,770
Cash and current assets	736,320,615
Material and supplies	158,736,068
Sinking funds and sundries	123,536,887
Miscellaneous	1,053,155,427
Total	15,856,403,494

LIABILITIES.

Capital stock	$6,464,286,168
Funded debt	7,237,547,239
Current liabilities	877,325,977
Accrued interest on funded debt	46,683,903
Miscellaneous	679,081,578
Profit and loss	551,478,629
Total	15,856,403,494

The commercial valuation of railway properties given by the Bureau of Census is $11,244,852,000.

For the year ending June 30, 1904, taxes were paid by railways upon portions assigned to operations as follows in the several States and Territories:

Alabama	$785,690
Arkansas	613,970
California	1,844,904
Colorado	1,334,578
Connecticut	1,133,544
Delaware	101,445
Florida	503,366
Georgia	881,216
Idaho	343,266
Illinois	4,830,658
Indiana	3,091,936
Iowa	2,048,496
Kansas	2,437,443
Kentucky	1,052,444
Louisiana	742,739
Maine	426,873
Maryland	500,715
Massachusetts	2,981,157
Michigan	2,605,514
Minnesota	1,946,325
Mississippi	615,929
Missouri	1,513,964
Montana	680,353
Nebraska	1,288,953
Nevada	356,805
New Hampshire	404,839
New Jersey	1,742,815
New York	4,782,371
North Carolina	686,376
North Dakota	683,644
Ohio	683,644
Oregon	440,490
Pennsylvania	5,072,723
Rhode Island	198,507
South Carolina	481,491
South Dakota	310,231
Tennessee	835,909
Texas	1,228,633
Utah	372,377
Vermont	155,442
Virginia	1,135,458
Washington	736,244
West Virginia	568,723
Wisconsin	1,925,427
Wyoming	203,562
Arizona	223,627
District of Columbia	30,537
Indian Territory	48,833
New Mexico	284,103
Oklahoma	291,543
Total	61,658,373

The aggregate earnings from the operation of railways in the United States for the year ending June 30, 1904, amounted to $1,975,174,091, of which amount $444,326,991 was received for the transportation of passengers and $1,379,002,693 for the transportation of freight. If to this be added the income of railways from other sources, amounting in the aggregate to $212,932,990, we have a grand total of earnings and income of $2,188,108,081.

The mind scarcely conceives the immensity of the traffic carried on and over the railways of the country. For instance, the number of passengers carried is reported for the year ending June 30, 1904, at 716,419,682, and the number of passengers carried 1 mile 21,923,213,536, while the number of tons of freight carried 1 mile was 174,522,089,577. Dividends increased from $477 per mile of line in 1897 to $1,046 per mile of line in 1904. I have given these figures as an index of the enormous interests we are now considering and the figure they must necessarily cut in the economics of the country.

The question of transportation must ever remain an interesting problem in our industrial economics. It is one of the three great lines of human industry, constituting the connecting link between the producer and the consumer. The evolution of our industrial system has necessitated greater and more rapid means of communication for the distribution of our products among the people from the farm and forest, mine and factory. The railroad has become the great vehicle of transportation, both of persons and property. Some time we may come to a proper realization of the necessity and advantages of improving our inland waterways as an auxiliary means of transportation, but until we do so the railroad must and will continue unchallenged and unrivaled in the supreme control of our means of transportation and exchange.

We are not slow to acknowledge the beneficent effect railroads have had in the settlement and development of the West, and fully realize now how much the prosperity of the country depends upon them. They have been the advance agents of civilization and have united with bands of steel the East, the West, the North, and the South into an indissoluble union of social and commercial interest. I well remember when the lines of railway were being constructed across unsettled portions of my own State, and civilization and settlement was marked by a narrow border that followed its trail. The prairies of Iowa, Nebraska, and the Dakotas would, sir, be virgin soil and trackless prairies but for the railways, while over their broad and peaceful bosoms to-day are dotted the homes of millions of prosperous families and of men who form the stable, conservative element of our immense population, and who will some day constitute the balance wheel of this great Republic. To-day, sir, in the great State of Iowa, you can not, in its most secluded or remotest spot, get 15 miles beyond sight of a line of railway, and never beyond the sound of the whistle of some locomotive.

Surely we appreciate the great advantages of railways, and recognize them as indispensable now to our social and commercial life.

But while the railways have aided in the upbuilding of communities and States, they have grown with our growth and builded with our upbuilding. In recognition of their value and importance we have aided them in their infancy by large grants of public lands, by liberal donations in the way of taxes voted directly to aid in their construction, and in addition thereto have granted to them through our State legislatures the right of eminent domain, an incident of sovereignty not possessed or conferred upon the individual citizen.

In the early days of the Republic the sovereign power sought to aid in transportation by the construction of great national highways, canals, and locks, but in the progress of our evolution it was deemed wise to confer upon private corporations the power under the law to condemn the property of the individual for the common good whenever the necessities of transportations required or demanded it. But the people have at no time surrendered their sovereignty over the subject-matter and will as jealously and as zealously protect their rights in this respect as they will the right to free sunlight and fresh air. Hence, sir, for more than seventy years it has been an established principle in the jurisprudence of the country, affirmed by courts, both State and Federal, that railways were and are public servants in the use of these utilities at their command. This proposition is not only firmly established by the courts, but its active maintenance is imperatively necessary for the due preservation of our commerce.

As has been well and repeatedly said by the President of the United States, "Above all we must strive to keep the highways of commerce open to all upon equal terms."

It has been frequently stated by the opponents of this great legislation that the step we are about to take is a great and important one, marking a departure in our national policy toward industrial agencies. It may, indeed, be a great step, but it is in the right direction. It is not, however, a departure from fundamental and inherent powers of government, but, in fact, only an assertion of those inherent powers hitherto but half asserted and partially enforced, and it becomes a great question because, and only because, great interests are involved and affected by the exercise of those powers.

Happily, sir, we can now approach the discussion of the questions involved unhampered by partisan lines or sectional interest, and alike with minds unhampered by prejudice and uninfluenced by passion.

The public mind, never hysterical on the subject, is open to reason and conviction, and, in spite of all the efforts of the opposition to create alarm and doubt, has settled down to the calm conviction that the legislation here proposed is not only warranted by the Constitution but is demanded by justice.

As public servants the railways are morally and legally bound to treat all individuals alike, so far as possible under given conditions, and likewise to treat all communities fairly and equi-

tably. For the service thus rendered the public they are entitled to receive a reasonable compensation.

For many years the question of compensation was left wholly to the railways themselves, and the only guide to the maximum charge was the question of "how much the traffic would bear," and the reduction forced by competing lines was the only safeguard that lay between the avarice of railways and the necessities of the shipper. Competition, however, was eventually eliminated by a system of pooling, whereby the rate was maintained by common consent and the proceeds of traffic itself divided between competing lines upon a basis mutually agreed upon between them. This and other means resorted to for the purpose of stifling competition and to maintain excessive rates finally led, in many States, to the exercise of the inherent power of control vested in them, and commissions were appointed to make, adjust, and regulate rates of transportation. Twenty-four States have now such commissions in operation. The power of the State commissions could not, however, be extended to interstate commerce, and Congress, on February 4, 1887, passed an act to regulate commerce between the States and foreign nations, by which act an Interstate Commerce Commission was appointed and invested with certain powers, and looking to the control of railway corporations and the subject of their rates.

For several years after the establishment of this Commission it assumed the right of substituting a rate it deemed reasonable in place of one found upon complaint to be unreasonable, and the power thus assumed was acquiesced in for about ten years. The question, however, being finally raised, the Supreme Court of the United States held that no such authority had been granted the Commission by the act creating it, and that under the act of February 4, 1887, it was limited to a finding that the rate complained of was unreasonable, and relegating the complaining party to his action for damages, or to the courts for relief if the rate was continued.

The Supreme Court, however, did not decide that such power and authority could not be delegated by Congress to the Commission by an appropriate act.

It is contended by the opponents of this legislation that the act of rate making is legislative in its character and must be exercised by Congress itself; that such power can not be delegated to the Commission. It may be conceded that this precise question has not been determined by the Supreme Court of the United States so far as the power of Congress to delegate its authority is concerned. It has, however, been several times passed upon by the State courts in cases involving a like delegation of authority by State legislatures to like commissions, and the power has been uniformly and, I think I am safe in saying, universally upheld. There can be no distinction in principle between the limitations imposed upon the legislative power of a State and that imposed upon Congress.

In fact, the exercise of the power of control over railway corporations of the States is usually, if not always, based upon grounds of public policy independent of express constitutional authority. Within the limits of the State the State legislatures have assumed the power of regulation and control as existing "ex necessita" in the interest of sound public policy and in the fundamental rights to prescribe what tolls shall be charged and collected upon the highways of commerce within its limits. No doubt the power exists also in the courts independent of legislative action and consonant with principles of the common law to afford redress. Resting upon these principles alone the State legislatures, acting within their proper sphere, have been constantly held to possess the power of regulation, and their courts have likewise held that, having decided that rates upon railroads must be reasonable, the power of determination and duty of prescribing reasonable rates might be properly delegated to a commission to carry out the will of the legislature.

The power of Congress to regulate commerce between the States and Territories and foreign countries rests not upon the implied, but upon an express grant of power by the Constitution of the United States.

Section 8 of Article I provides that "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes," and after enumerating in addition the several other powers granted to Congress, Article I further provides: "That it shall have power to make all laws which may be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." Congress, therefore, by the express grant of the Constitution, has full power and authority to regulate railways as an incident and instrument of commerce between the States, and to this end it has express power under the Constitution to make all laws which may be necessary and proper for carrying into effect the power of regulation granted as aforesaid.

The "power to regulate" is a general power, it is a broad power, and comprehends everything proper and necessary to effectuate the purposes of the grant. It comprehends not only the power to make necessary regulations, but as well the power to provide for their proper execution and enforcement.

In Gibbons *v.* Ogden, reported in 9 Wheaton, 204, the Supreme Court defined commerce as follows:

> Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the object of commercial regulation.

In the same case it is said:

> The power to regulate commerce, here meant to be granted, was that power to regulate commerce which previously existed in the States. But what was that power? The States were unquestionably supreme, and each possessed that power over commerce which is acknowledged to reside in every sovereign State. The law of nations, regarding man as a social animal, pronounces all commerce legitimate in a state of peace until prohibited by positive law. The power of a sovereign State over commerce, therefore, amounts to nothing more than a power to limit and restrain it at pleasure. And since the power to prescribe the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive, it can reside in but one potentate, and hence the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

Speaking of the Constitution upon this subject the court says:

> This instrument contains an enumeration of powers expressly granted by the people to their Government. It has been said that those powers ought to be strictly construed, but why? Is there one sentence in the Constitution which gives countenance to this rule? In the last of the enumerated powers, that which grants expressly the means for carrying the others into execution, Congress is authorized "to make all laws which shall be necessary and proper for the purposes." But this limitation on the means which may be used is not extended to the powers which are conferred, nor is there one sentence in the Constitution that prescribes this rule. The grant does not convey power which might be beneficial to the grantee if retained by himself or which can inure solely to the benefit of the grantee, but is an investment of power for the general advantage, in the hands of agents selected for that purpose, which power can never be exercised by the people themselves, but must be placed in the hands of agents or lie dormant. We know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.

What is this power?

It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

The sovereign States, therefore, by adopting the constitutions containing this grant of power, each surrendered so much of its sovereignty as pertained to interstate commerce and conferred upon the common Government its sovereignty in this behalf, which common Government, by a union of its individual units, became the possessor of supreme sovereignty over all relating to commerce between the States and foreign nations.

It is important to have this principle in mind, as we shall further consider hereafter over what the sovereignty of the State extended and what was conveyed by the grant.

Under the Federal Government, before the adoption of the Constitution, the feeble character of the Federal compact was nowhere so apparent as in its failure to extend its operation over interstate commerce. The States asserting their sovereignty insisted upon passing embargoes and laying duties upon the commerce coming to their ports, and at least in one instance a serious rebellion arose in one State.

In Brown *v.* Maryland (12 Wheat., 419, 446) the Supreme Court of the United States took occasion to say:

> It may be doubted whether any of the evils proceeding from the feebleness of the Federal Government contributed more to the great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress. It is not, therefore, a matter of surprise that the grant should be as extensive as the mischief and should comprehend all foreign commerce and commerce between the States. To construe the power so as to impair its efficiency would tend to defeat an object in the attainment of which the American public took, and justly took, that strong interest which arose from a full conviction of necessity.

Again, in the case of Robbins *v.* Shelby Taxing District (120 U. S. 489, 494), in the matter of "interstate commerce," the court, speaking through Judge Bradley, declared:

> The United States are but one country and are and must be subject to one system of regulations and not a multitude of systems.

Congress thus having the plenary power, subject to the limitations imposed by the Constitution to prescribe rules by which commerce among the several States is to be governed, the question naturally arises, What are the principles that should control the judiciary when determining whether a particular act of Congress avowedly adopted in execution of that power

is consistent with the fundamental limitations of the Constitution?

The general principles applicable to this subject were long ago announced in the great case of McCullough *v.* Maryland (4 Wheat., 316, 421, 423).

> The sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and the spirit of the Constitution are constitutional.

Again:

> When the law is not prohibitive and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of necessity would be to pass the line which circumscribes its judicial department and to tread on legislative ground. The court disclaims all pretensions to such a power.

Again, in 4 Wheaton, 3, 16–409, the court says:

> The Government, which has a right to do an act and has imposed on it the duty of performing this act, must, according to the dictates of reason, be allowed to select the means, and those who contend that it may not select any appropriate means, that one particular mode of effecting the object is excepted, take upon themselves the burden of establishing the exception.

Let it be admitted that the Federal Government is one of delegated powers. We have seen that the States did delegate to Congress all their sovereignty over commerce between the States and foreign nations—gave it power to regulate the same and to make appropriate laws to carry this power into execution. So much of the inherent power or sovereignty of the States as pertained to this subject therefore passed by its grant to the Federal Government.

Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each may use his property.

It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in doing so to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold.

When the owner of property devotes it to a use in which the public have an interest, he impliedly grants to the public an interest in the use, and he must submit to control by the public for the common good as long as he maintains the use; he may withdraw his grant by discontinuing the use. These principles are declared forcibly in the case of Munn *v.* Illinois, 94 U. S., 113.

It is also declared that the limitation of charges establishes no new principle in the law, but gives only a new effect to an old one.

Possessed, therefore, of all the inherent power of sovereignty originally held by the States, with full power delegated to it to make any laws necessary to carry its sovereignty into execution, by what rule, in reason, can the power of Congress in the selection of the agencies by which its power shall be executed, be judged by any other rule than is applicable to a State legislature in the exercise of its sovereign power? I venture the assertion that in the absence of constitutional limitations the exercise of constitutional powers by the Federal Congress must proceed upon and be governed by the same rules that prescribe the exercise of power by State legislatures upon all subjects over which each has unlimited and unquestioned sovereignty.

If, then, a State legislature may employ as its agent an administrative body called a "commission," and authorize it to determine and prescribe rates and regulations for railways in the exercise of its inherent sovereignty within its proper jurisdiction, upon what principle can it be denied that Congress possesses a like authority in the exercise of the same power and upon the subject clearly within its jurisdiction? I confess to an inability to comprehend why such power, if existing as a part of the State's inherent sovereignty, was not delegated to the Federal Government as a part of the granted power.

That the State had power to create a commission and give it authority to fix rates is clearly affirmed in the case of Reagan *v.* Farmers' Loan and Trust Co. (154 U. S., 393).

The Supreme Court says in that case:

> There can be no doubt of the general power of a State to regulate fares and freights which may be charged and received by railroads or other carriers and that this regulation can be carried on by a commission; such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislature. (Railroad Commission cases, 116 U. S., 307.)

No valid objections therefore can be made on account of the general features of this act, those by which the State has created the railroad commission and intrusted it with the duty of prescribing rates of fares and freights as well as other regulations for the management of the railroads of the State. In Cooley's Constitutional Limitations, page 732, the learned author says "that the United States has the power to go beyond the general regulations and descend to the minutest direction if it shall deem it advisable to do so," and the principle laid down by him is quoted with approval in the case of the Ferry Company *v.* Pennsylvania (114 U. S., 196).

But is it essential that Congress shall in itself descend into the minutiæ of regulation and prescribe each rate of fare and each charge of freight to be transported? Why may it not, like the State, act through an administrative body, enacted by it for that purpose, if such body be a necessary and proper instrument for carrying out the will of the Government as expressed in its legislation?

I believe Congress has the same power to act in this behalf through its Commission as the States possess, and it has been so adjudged as to the power of regulation.

The Commission is neither a Federal court under the Constitution, nor does it exercise judicial powers, nor do its conclusions possess the efficacy of judicial proceedings. This Federal Commission has assigned to it the duties and performs for the United States, in respect to that interstate commerce committed by the Constitution to the exclusive care and jurisdiction of Congress, the same functions which State commissions exercise in respect to local or purely internal commerce over which the States appointing them have exclusive control. Their validity in their respective spheres of operation stands upon the same footing. What one sovereign may do in respect to matters within its exclusive control, the other may certainly do in respect to matters over which it has exclusive authority. (Kentucky Bridge Co. *v.* L. and N. Rwy. Co., 37 Fed. Rep., 613.)

To deny the power as existing in the Federal Government and consider its existence in the State government is to make a distinction that is founded neither upon reason nor justice and is prescribing a limitation by intendment not warranted by the Constitution. Under the Constitution Congress has plenary power over the subject-matter of interstate commerce, and in the exercise of that power may appoint and use all proper and necessary instrumentalities to effectuate the legislative will, and as the courts have said, "they will not interfere with the legislative discretion if the means employed are not prohibited by the Constitution itself.

The powers of government are divided into and repose in three branches—the legislative, judicial, and executive departments. Each department must act within its own sphere of powers to preserve the true purpose of our Constitution and preserve our civil rights and personal liberty. Under the Constitution we can not invade the executive or judicial power, nor can either of those branches usurp our legislative functions. The primary control of railroads rests with Congress. We are to declare what they may or may not do, and impose such regulations for their conduct as seems to us best, subject to the one rule, that whatever we do must be done within the limitations of the Constitution, to which we owe obedience and from which our powers are derived.

Whether we have acted within our constitutional powers is for the courts constituting the judicial branch of our system to inquire. But the court will not invade the legislative discretion. Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

We have declared in virtue of our powers, "That all charges for any service rendered or to be rendered in the transportation of persons or property or in connection therewith shall be just and reasonable." We have the power to use any means proper and necessary for the enforcement of this rule of conduct on the part of railways, and as a means to that end we have full power to invest in a commission as our administrative agent the authority to investigate and supervise the operation of railways that the legislative will may be properly carried into execution. We are not delegating our legislative functions in any respect, but are directing by a specific statute the manner in which our instrumentalities shall apply and carry into effect the law we have enacted. Unless we can do this in our way, the grant of power we have received is a barren right, incapable of execution, because it is beyond the power of Congress to act directly upon the subject of prescribing rules, rates, and regulations for the thousands of railways throughout the country.

I believe it to be the law that Congress can confer upon a commission the duty and power to make rules, rates, and regulations by which corporations engaged in interstate commerce shall be controlled. But the Commission, which might perhaps

be aptly termed our legislative substitute, is bounded, as we are, by the limitations of the Constitution, for its powers can rise no higher than their source.

The Constitution provides that no person shall be deprived of his property without due process of law and that private property shall not be taken for public use without adequate compensation being made therefor. Congress has no power to deprive me of my property without my day in court. Neither has it the power to take any portion of my property for public use without first making compensation therefor. Hence, what it may not do itself it can not authorize to be done by its Commission or any other agency. It has been repeatedly held, in cases where rules have been prescribed by a State legislature or its commission, that if the rate was confiscatory, then such act was unconstitutional, because in principle it was the taking of private property for public use without just compensation therefor. It follows, therefore, that the power granted the Commission, and exercised by it, must be within the limitations prescribed by the Constitution, as construed by the highest court in the land, subject, however, to this limitation—I conceive that Congress has power to create the Commission and confer upon it ample power.

In the case of Davidson *v.* City of New Orleans (96 U. S., 97) the court decided that the appointment of a board of assessors for assessing damages was not only due process of law, but the proper method for making assessments to distribute the burden of a public work amongst those who are benefited by it. No one questions the constitutionality or propriety of boards for assessing property for taxation or for the improvement of streets, sewers, or the like, or for commissions to establish county seats, for assessing damages under proceedings for eminent domain, and for doing many things appertaining to the administrative management of public affairs. Due process of law does not require a court. It merely requires such tribunal and proceedings as are proper to the subject in hand.

The legislature has power to fix rates. Were it to do so it would do it through the aid of committees appointed to investigate the subject, to acquire information, to cite parties, to get all the facts before them, and, finally, to decide and report. No one can say this is not due process of law, and if the legislature can do this, acting by its committee and proceeding according to the usual forms adopted by such bodies, why can it not delegate the duty to a board of commissioners charged to regulate and fix charges so as to be equal and reasonable? Such a board has at its command all the means of arriving at the truth and ascertaining the reasonableness of fare and freights, which a legislative committee has. Its duties being of an administrative character, it would have the widest scope for examination and inquiry, and such a body, though not a court, is a proper tribunal for the duties imposed upon it.

I will say, in conclusion, that no case can be found wherein the court of last resort has decided that such a commission can not exercise this power when it has been in express terms granted by the legislature, and will also predict that railways will not raise this question, for if decided in their favor it would relegate the rate-making function back to Congress when the undoubted power does exist, there to become the football of politics, and where the utmost of public resentment will be reflected against them.

Mr. Chairman, we can pass no law here which will confiscate railway property, as was said by the Supreme Court in the case of the Milwaukee Railway *v.* Minnesota (134 U. S., 418).

> Neither the legislature nor such commission acting under the authority of the legislature can establish arbitrarily and without regard to justice and right a tariff of rates for such transportation which is so unreasonable as to practically destroy the value of the property of the persons engaged in carrying business on the one hand, nor so exorbitant as to be in utter disregard of the rights of the public for the use of such transportation.

In either of these classes of cases there is an ultimate remedy for the parties agreed in the courts for the relief against oppressive legislation, and especially in the courts of the United States, when the tariff of rates established either by the legislature or the commission is such as to deprive a party of his property without due process of law.

Until the judiciary is appealed to to declare the regulations made, whether by the legislature or by the commission, voidable, for the reasons mentioned, the tariff of rates so fixed is the law of the land and must be submitted to by both the carrier and the party with whom he deals.

I am quoting now from the opinion of Justice Samuel F. Miller, one of the greatest constitutional lawyers and ablest judges. After this concise statement of the law covering the case, he considers the matter of remedy and says that the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature, or by its commission, is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States, and asking for a decree forbidding the corporation from exacting such fare as excessive or establishing its rights to collect the rates as being within the limitations of a just compensation for the services rendered.

This bill nowhere undertakes to abridge the rights of the court to intervene or to exercise all the powers they now enjoy under the Constitution of the United States. It preserves every right that the railroads have and goes far to protect them against themselves. It preserves their right to a reasonable compensation for any service rendered the public and provides that whatever rate shall be made by the Commission shall be fixed at the maximum of reasonable compensation and must be remunerative. No private individual in his business has the power to fix absolutely a remunerative compensation for his services, but he must submit to the inexorable law of supply and demand. Under the present bill, no matter what the conditions of the country may be otherwise or the conditions of business, the railways are to be protected in a fairly remunerative income for the property engaged in that enterprise. This provision or limitation is equally available to the railway companies, who can appeal to the courts against a rate that is not fairly remunerative.

A great demand has gone up from the people for relief from the abuses practiced, and even the railways themselves are demanding relief from the private cars and terminal-line abuses. I have time to present only one of the many complaints in my State touching the abuses of rates and special privileges granted: Iowa stock shippers are allowed no "feeding in transit rate," as are Nebraska shippers—that is, Iowa feeders can not ship from Colorado or other western points to Iowa, hold for feeding for a time, and then ship to Chicago, as can the Nebraska shippers; again, the rates of the central Iowa feeder to Chicago are 21½ to 23 cents per hundred, while the Mississippi River rate is 15 cents. Again, the rate on dressed meat from Missouri River points is 18 cents and on live stock 23½ cents.

Inquiry in several directions revealed the fact that live-stock shippers located in central Iowa make three complaints against present conditions, briefly outlined as follows:

First, there has been no direct advance in rates in recent years, but the service has been seriously modified and in such a way that the same is equivalent to a market advance in rates. For example, cattle shipped to Chicago from central Iowa, until some eighteen months ago, were run in from eighteen to twenty-four hours; now it takes from twenty-four to thirty-six hours.

Shippers say that after a run of twenty-four hours a carload of cattle will shrink at the rate of $3 per car per hour. Live-stock men say that the slow and uncertain service rendered is part of a well-thought-out plan to get on a tonnage basis. This poorer service, however, works a further hardship to the cattle shipper. His stock often reaches Chicago too late for that day's market. He must hold them over until the next day at heavy expense and face the possibility of a slump in prices. In the case of prime cattle, for which grade the principal market is on Mondays and Wednesdays, the condition is greatly aggravated. Should the central Iowa shipper who starts his prime cattle with the intention of reaching Monday's market be delayed until 11 a. m. or 12 noon, the chances are that he will have to hold his cattle over until Wednesday. Of course this means a heavy shrinkage and an enormous expense.

Second, while the rate on stock shipments has not been advanced in cents per hundred, the rate on other products has been lowered. To illustrate: A few years ago the rate on live stock from Missouri River points to Chicago was 23½ cents and the rate on dressed beef and packing-house products the same or more. At the present time the rate on dressed meats and packing-house products is only 18 cents per 100 pounds; but in the meantime there has been no reduction of the rate on live stock. As most of the dressed meats and packing-house products are shipped in private cars, for which the owner receives a rebate of 1 cent per mile, it amounts to a difference of from $15 to $25 per carload, according to the kind of stock, and this for substantially the same service.

As the fruitage of railways is the rate that they get for the carriage of persons and property, it is easy to understand why they refuse to yield the smallest fraction of their right to fix the rate and to control it as far as they may after it is fixed.

It is said that to confer upon the Commission the authority to fix rates is to confer upon that tribunal too great a power and is an unwarranted invasion of the rights of private property. When we examine into the ownership of the great systems of railways we find them centralized in comparatively a few hands.

The Vanderbilt system embraces 19,500 miles; the Pennsylvania system, 18,000; the Morgan-Hill system own 3,000; the Gould system, 16,000; the Harriman system, 21,000, or a total

of 114,000 miles of railroad control by five systems, or, in other words, practically by five men, and consolidation and merger is going on every day. We have left at present the Atchison, San Francisco, Milwaukee, and Great Western systems, constituting the only important independent systems and aggregating, say, 30,000 miles.

There are, in round numbers, 200,000 miles of railway in the United States, but the remaining 60,000 miles are made up of short systems absolutely dependent upon the main lines for existence. From these statements we have the deduction that five men now have a monopoly of all the railway business of this country. Freight is a tax on everything that enters into the commerce of the nation; upon the clothes we wear; the things we eat; and it is a tremendous power to rest in the hands of any five men to dictate the tribute which shall be paid. Experience has demonstrated that when you invest a man with power over the property of his fellow-men he will abuse that power if you do not restrain or control him. It is in accordance with the law of human nature that tends to impel us always to decide a question to our own advantage where our own interests are involved. I do not believe the railway property of this country should be permitted to say, without control, what other property shall pay to it, because I believe it will abuse that power as it has done in times past.

For like reasons I am not in favor of giving the Interstate Commerce Commission power to make rates in the first instance. If made by the railways, with knowledge on their part that their action will be subject to speedy review by a tribunal having power to substitute rates, we can reasonably anticipate their action will be predicated upon a possible review by the Commission, and therefore founded upon a fair basis.

The present movement is not of agrarian birth. It was not conceived in nor is it urged forward by any spirit of hostility to railways, but is born of a conviction among business men, the men who make and carry on the commerce of this country, that there are existing evils that should be remedied and that they and the people at large have rights which, as public servants, the great transportation companies are bound to respect, and that for the remedy of such wrongs and the enforcement of such rights they have no effective and speedy remedy under existing laws.

What we need and what all are entitled to is as equal a distribution of the benefits of transportation as conditions throughout the country will permit of.

The legislatures of many States, including Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, South Dakota, Wisconsin, and Illinois, have memoralized Congress within the past few years to enact legislation of this character. Up to January 17, 1905, 62 national and sectional organizations, 400 State and local organizations, representing 45 States and Territories, and 17 State granges have petitioned Congress to act, and since the last date hundreds more of petitions from commercial, mercantile, manufacturing, and agricultural associations have been received and filed by Members of this House.

It is time, sir, to act. For seven years the people have been asking for relief, and if we do not heed their just demands they will rightly revoke our commissions and place their interests in more worthy hands. Pass the pending bill. If there are defects in it, time will demonstrate it, and the remedy can be applied by further legislation.

To those who fear that this is a step toward socialism let me say that these commercial organizations are not inimical to railways; they recognize that they are absolutely necessary to the prosperity of the country, but they do insist that such transportation business shall be carried on upon lines compatible with justice to the individual and fairness to all communities. If railways will not themselves conduct the rate-making power upon that basis then the only way we can correct such evils is to exercise in some form, in some proper form, supervision over the railroad rates. But one other alternative is presented, and that rests in government ownership, a principle we are not yet ready to consider, much less to adopt, but to which it might be wise for railway managers to inquire of themselves how much and how far their conduct has now a tendency to thrust public opinion.

Capital and its allied interests are ever on the alert to protect themselves. The people's interests are often and too long neglected. There is yet time to approach a solution of the problem upon the basis of mutual interest, which involves only a square deal for the railroads and a square deal for the people. The public mind is not hysterical, but is fully aroused to the importance of the question and guided by reason and desire to do justice only. The people will move firmly, without malice, to a proper and final assertion of their sovereignty and to a fair settlement of the problem.

The people are and ought to be supreme. In the words of the immortal Lincoln, "This is a Government of the people and by the people and for the people." Its chief corner stone is justice founded on the law, and when any man or set of men can set at defiance the will of the majority, as expressed in the law, then will come anarchy and dissolution. Justice is the eternal, everlasting will of God to give each man his right, and obedience to law is the golden precept of civilization. It is calumny when men stand on this floor and charge the exponents of this legislation of holding out the torch to the socialist and anarchist. Men who stand for the classes as against the masses, who preach in the name of the sacred right of private property, that its owners are exempt from the law and privileged to disregard it are sowing the seed of the Commune; and men who uphold that commercial morality, which makes it legitimate to live by the sweat of another man's brow, are planting the seed of class hatred and ultimate revolution. Sir, hundreds of thousands of lives and billions of treasure were expended in proving the stability of a nation founded on mutual interest and in justifying the equality of man. We shall move onward and upward at whatever cost until every man, be he rich or poor, is equal before the law. No government was ever destroyed by the poverty of its citizens; its decay was always preceded by wealth and corruption founded on a disregard of the law and the suppression of human rights.

Look at the picture which that great novelist, Dickens, draws of the French revolution in the Tale of Two Cities:

> Slowly the tumbrils roll along the street; six tumbrils carry the day's wine to La Guillotine. All the monsters imagined, since imagination could record itself, are realized in that one word—guillotine. And yet there is not in France, with all its rich variety of soil and climate, a blade of grass, a sprig of pepper-corn that will grow to maturity under conditions more certain than those that have produced this horror. Crush humanity out of shape again under similar hammers and it will writhe itself into the same tortured forms; sow the same seed of rapacious license and oppression over again and it will as surely bring forth fruit according to its kind. Slowly but surely the tumbrils roll along; turn these back again, thou powerful enchanter, Time, and they shall be found to be the equipages of feudal lords, of flaring Jezebels, houses that are not "my Father's house" but dens of thieves, the huts of millions of starving peasants.

Sansculottism is not dead, but only sleeping, and will be aroused, if at all, and again whirl in bloody maelstrom, not at the behest of men who would obey the law, but of those who would defy and set it at nought.

God speed the day when the corridors of this great Capitol shall be free from the representatives of special interests, and when we shall legislate for the whole people, regardless of section, class, or interest; then, indeed, shall we have the fulfillment of a "government of the people and by the people and for the people."

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. COCKRAN] one hour and fifteen minutes.

Mr. COCKRAN. Mr. Chairman, while I am far from believing that this bill if enacted into law will prove a complete panacea for all the evils which it is intended to reach, I consider it, nevertheless, one of the most important measures considered by the House since the reconstruction of the Southern States after the war of secession. Even though in actual operation it should fall far short of the results on which its framers and suporters count, yet it is a step—an important step, a decisive step, because it is the first step—toward emancipating the industrial life of this country from the domination of forces which, organized solely to promote the public welfare, have recently begun to oppress and retard it, and which by acquiring an overshadowing influence over the Government which has created them threaten a complete subversion of the institutions under which this nation has achieved the most marvelous progress in the history of the human race. [Applause.]

Criticisms of this measure, sir, have been numerous and varied, but it seems to me they are all leveled against provisions which it does not contain. It is denounced on the ground that it will produce certain evils, and these are precisely the evils which it is intended to cure or to avoid. It has been described as a scheme to substitute government rate making for rate making by business interests. It has been described as a step toward public ownership, and this, it is argued with much rhetorical fervor and some degree of justice, is a step—a long step—toward socialism. I support it, sir, because I regard it as a barrier, and I hope an effective one—as I certainly believe it is the only one we can erect—against the very tendencies which gentlemen opposite attribute to it. It has come to be styled generally as anti-railroad legislation, legislation designed to injure railroads either by imperiling their property or reducing their earnings. Sir, I have always regarded railroads, honestly administered, as the most effective agencies of progress and of civilization. If I believed that this bill would restrict their operations, diminish

their earnings, or check their progress, I would be among its most active opponents. I support this measure, sir, not in hostility to the railroads, but in the interest of railroads, in the interest not merely of their ultimate security, but of their immediate revenues and prosperity. [Applause.]

Mr. Chairman, if gentlemen would only pause to realize the exact scope and purpose of this bill, they would see at once that many of the objections urged against it are both irrelevant and extravagant. The object of this measure is simply to compel companies engaged in railroad transportation between the different States to render the people whose franchises they operate efficient service—which means impartial service—at reasonable rates. To accomplish that result, any citizen who considers himself aggrieved by excessive charges is authorized by this measure to complain before a board empowered, after full inquiry, to decide whether the rate charged him is fair or unfair; and if unfair to substitute a rate which will be proper and just for the one found to have been onerous and oppressive. That is the entire scope and purpose of the measure which has been denounced with such brilliant rhetoric from the other side of this Chamber as a step toward the public operation of railroads, leading inevitably to socialism. Sir, this plain statement of the object and purpose of the proposal now before us must be enough to satisfy anyone not wholly captive to prejudice and passion that, far from this being a measure tending to establish public ownership of railways, it is the only means by which public ownership of them can be averted. [Applause.] Far from its being a socialistic demonstration, it is an effective barrier against the rising tide of socialism which gentlemen seem to discern and to dread, because it takes from the socialist the most plausible argument that he can advance to impeach the existing order of society and to support his own theory of government. [Applause.] Far from its being an attempt to reduce the earnings of railroads, it is a measure to increase them, and at the same time provide that these steadily increasing revenues will reach owners of capital by which railways are operated, instead of being diverted largely to the pockets of faithless managers, who plunder stockholders and people with cheerful but rigorous impartiality. [Laughter and applause.]

Mr. Chairman, the misapprehension of this bill which has so largely marked this discussion springs mainly, I think, from confusion of thought as to the precise relations between companies engaged in transportation and the state. I should explain that I use the word "state" in its broadest sense to designate the Government—the total sovereignty of the nation however it may be distributed and by whatever agencies it may be exercised.

Some gentlemen speak of railways as if they were private enterprises, and every measure for their regulation is discussed as if it affected private property. Other gentlemen seem to consider railways purely public enterprises, with which the state has plenary powers to deal as if they were public property. If either assumption were sound, the argument based upon it would be unanswerable. If corporations engaged in transportation are purely private enterprises, like those engaged in making tables, cloth, or shoes, an attempt to exercise over them such a control as this bill proposes to establish over railways would be a projection of government far into the domain of private business, and would be a long step indeed toward socialism. If, on the other hand, railways are in any sense public functions, and therefore subject to control and regulation by government, the supervision of rates created by this measure is probably the very mildest form in which that authority can be exercised. To describe as oppressive such a measure as this is to argue that government has no right whatever to regulate railways or even to scrutinize them. Since, then, the right of government to regulate or control in any way the operations of railways depends upon whether they are private or public property, the first step in profitable discussion is to ascertain and define their precise character.

Gentlemen who regard railways as public property are not wholly right; neither are those who consider them private property wholly wrong. Railroads are neither exclusively public nor exclusively private enterprises. They partake of both characters.

Under our industrial and political system there are two elements entering into a railway service. One is the right to operate it—the right sometimes to use public property; the right always to take private property for corporate purposes—what is known as the franchise. The other is the capital, in the form of lands, rails, locomotives, buildings, and other property by which the franchise is placed in operation. The franchise, the power to take anything I possess which may be necessary or useful to the operation of a great enterprise—the power to drive me from the house in which I was born, from the hearthstone near which I have lived, from the place where I had hoped to die—that power is an attribute to sovereignty. The right to control it must, therefore, always remain with the sovereign, that is to say, with the state—the Government. On the other hand, the capital by which the franchise is operated is the property of individuals who contribute it. It is private property dedicated to a public service. A railway, then, is a public function, the administration of which is intrusted to a private agency. But whether it be administered by a private agency or by government directly through its own officers, a railway never ceases to be a public function. [Applause.]

Now, from this what follows? What are the reciprocal rights and duties of the capital by which railways are operated, and of the people whom the railways are chartered to serve—of the sovereign whose franchise is the basis of the enterprise and the individuals who own the property by which it is made effective? Clearly, the railway in return for the special opportunities of profit which it enjoys, owes to the sovereign efficient service; and the sovereign—that is to say, the people—are bound in return by every principle of justice, of prudence, of self-interest, to protect, preserve, and maintain in absolute security, the capital—the private property—dedicated to this public service. Stated in the narrowest compass, the railway owes the people the most efficient service within the reach of human endeavor, consistent with the security of the capital—the private property—embarked in it.

Now, what is meant by security of property? What does it involve? What are its essential features? What rights does it embrace? While it appears to be conceded on all sides that a rate which compelled a railway company to do business at a loss would impair the value of the capital embarked in it and therefore would be a taking of property without due process of law, which the courts must condemn as confiscatory, some gentlemen opposite appear to think that a rate which did not entail actual loss in operation, but which nevertheless was so low as to prevent any possibility of earning profits on the capital by which the railway is operated would be within the Constitutional powers of Congress (acting directly or through a commission) to impose, and therefore beyond the power of the courts to correct. A little reflection will show these gentlemen that they misconceive radically and underrate grievously the nature and extent of the security guaranteed by our Constitution to owners of property. Security of property means not merely the safety of its body—the right to hold its corpus intact—it means the right of the owner to employ it for a profit, or what he conceives to be a profit, provided the specific purpose be not in itself illegal. Unless property can be employed at a profit it won't be employed at all, and unless it can be employed it is not worth holding. A right of property which did not embrace the right to employ it for the profit of the owner would be a mere right of custody, utterly valueless, a burden rather than a benefit, a penalty rather than a privilege, a hollow mockery, a trap for the unwary baited by delusive and misleading words. Such a conception of property is at utter variance with all our jurisprudence, and any law based on it that we might pass would most assuredly be set aside by judicial decree. [Applause.]

A rate which even though it did not entail a loss in operation—that is to say, an actual impairment of the property invested in railways, yet was so low as to prohibit profit, would be confiscatory—confiscatory of an essential element—the most important element in the right of property. The idea that such a rate would be tolerated by the same courts which, uniformly and without exception, have set aside confiscatory rates, is not a conclusion reached by logical processes, but a figment of the mind, a delusion of ardent imaginations, of fervent patriotism, and other excellent qualities stimulated to extravagance by improvident use of sonorous but misleading and sometimes nonsensical phrases. [Laughter and applause.]

A more serious criticism, Mr. Chairman, is that advanced by gentlemen who, conceding the right of the Government to exact from railways efficient service at reasonable rates, yet question the power—the intellectual capacity—of an administrative board or of any body not composed of railway experts to determine intelligently what constitutes a just and reasonable rate. This, of course, is equivalent to recognizing the existence of a right in government which it is powerless to assert and of a duty imposed on it which it is powerless to discharge. Mr. Chairman, I have never yet found myself compelled to admit incapacity or imbecility in government—at least, in this Government. [Applause.]

To ascertain and determine what is a just rate in every instance we have only to bear in mind the essential nature of the

relations between these agencies and the public whom they serve—what the corporation owes to the people and what government owes to the corporation.

The corporation, as we have seen, is bound to render the best service consistent with security of the capital embarked in it, and security of capital includes the right to employ it at a profit. If the community is entitled to the best service consistent with the safety of capital, the just rate to each individual must be the actual cost of the service rendered to him plus a reasonable profit to the company. There can be no other rate consistent with justice, as a moment's reflection will show. If one man's goods be transported for less than they cost, some other man must be charged more than the service rendered to him is worth. It can not be otherwise. All who use a railroad can not have their goods transportated for less than the actual cost. If they did, in a very short space of time the railway would be bankrupt and could not transport any goods at all, because it has no source of revenue except the rates which it charges to the people who use its facilities.

If, therefore, it serve one man with favoritism, it must serve others with oppression. Justice and reason require that each man should get that for which he pays, and that no man shall be forced to pay the cost in whole or in part of service rendered to another. There can, therefore, be but one measure of what constitutes a just and reasonable rate. It is the actual cost in each instance of the service to the company plus a reasonable profit to the capital actually employed in making that service effective. Here, sir, is a simple rule by which absolute justice can be done to all. By this rule alone can the question what constitutes a reasonable rate be determined finally and peaceably, for justice, the experience of this country shows, is the only secure foundation for domestic peace as it is the one exhaustless fountain of industrial prosperity. [Applause.]

Mr. Chairman, it is objected by critics of this, as of every attempt to establish by law the right of all men to service by railways on equal terms that to fix an arbitrary rate of transportation per ton, or per head of cattle per mile, would at times work great injustice. The objection is not without force, but the rule which I have suggested would obviate it. Take, for instance, the case of two farmers living on opposite sides of a highway, one offering two hogs and the other offering thirty hogs—or whatever may be the number that would constitute a carload—to a railroad for transportation to the same market place. It is perfectly plain that if the same rate per hog per mile were charged in each instance the results would be very unequal. Hogs can not be placed in the same car with merchandise or other live stock. The transportation of two hogs would necessitate the use of a separate car—that is to say, it would cost the railway practically just as much to carry them a given distance as to transport an entire carload. To charge for this service the same rate per head as it cost the railway per head to transport the larger number would cause the two hogs to be carried for less than the actual cost of the service to the railroad, and the deficit must be made up by charging other men more than the value of the services rendered to them. On the other hand, if the owner of the larger number were compelled to pay the same rate per head for transportation that it actually cost the company to carry the two hogs per head, the result would be an excessive rate to the corporation and a correspondingly unjust imposition on the shipper.

But if two men each offered two hogs, or if each offered a carload for shipment at the same place to the same destination and one obtained a rate lower than the other then grave injustice would be perpetrated. The man favored by the low rate would be enriched at the expense of his neighbor—one man would be placed under tribute to another, and that through the perversion and abuse of a Government agency organized and bound to serve both with equal efficiency on absolutely equal conditions. [Applause.]

Strict application of this simple rule will solve every difficulty growing out of what is called "long hauls" and "short hauls." If the cost of transporting a carload of hay from Iowa, 1,600 miles, to New York, be 3 cents a ton, and the actual cost of transporting a carload from Maine, 400 miles, be 2 cents, the rates charged from both places should be in like proportion—in the proportion of 2 to 3, which is that of the cost, not of 1 to 4, which is that of distance. Not the distance, but the actual cost to the railway—in which distance is, of course, an important element—should determine the rate charged by it for transportation. If, however, two men, either in Maine or in Iowa, offered each a carload of hay for transportation to New York, and one is charged more than the other, that would be favoritism to one and therefore oppression to the other. Or if a railway undertook arbitrarily to fix charges so that a shipper in Maine or in Iowa, as the case may be, was placed on a footing different from that assigned to him by the actual conditions of transportation, then the railway would be usurping powers of sovereignty, or rather abusing powers of sovereignty to enrich men dwelling in one place at the expense of men dwelling elsewhere—a course at once mutinous, dishonest, disloyal, and demoralizing. [Applause.] The inflexible rule which justice prescribes and which, therefore, the law should enforce, is that men using the same service are entitled to absolutely identical treatment. Where the character of the service differs, then the rate to be charged for it should differ in corresponding degree. But it should always be the actual cost of the service to the railway plus a reasonable profit.

The rate which insures to every man the service for which he pays at the minimum cost consistent with safety of the property employed in rendering it—the rate which allows no man to enjoy any service at the expense of another—that is the rate which must ultimately be held the fair and the reasonable one. No other is consistent with justice, and therefore no other can be permanent in this country. [Applause.]

Mr. Chairman, in the light of these principles, I ask the committee to examine the actual operation of these corporations and measure the difference between the service to which the people are entitled and the service which they have actually received.

It is a matter of universal knowledge, not questioned here or elsewhere, that this service which should be impartial, has been governed by favoritism and discrimination. I do not think there is a single locality in the country where rates have been excessive to everyone. Wherever charges for transportation have been unreasonably high to the general public, they have always been unreasonably low to some favorite of the railway. And this, sir, is not to benefit the corporation, but to benefit some dishonest manager at the expense both of the railway and of the public. I have more than once pointed out that between a railway honestly administered and the people there never can be a conflict of interest. A railway can not prosper except as the country through which it passes prospers. Its revenues and earnings depend on the volume of business in the community that it serves. Anything that restricts the volume of business restricts the revenues of the company and impairs the value of its capital. But the interest of the company is not necessarily the interest of the manager, who often profits by betraying it, and at the same time oppressing the community. The means most usually employed for this plunder of the stockholders and the public is the fixing of high charges for transportation to the community and then secretly giving lower rates to favored individuals. The business of the favorite is increased enormously, but the whole volume of transportation is diminished. The railway would reap larger profits from serving a hundred men, each doing a business of $1,000 a week, than in serving one man doing a business of $50,000 a week. But if the rates are made high to the general public, and, at the same time, one man be afforded transportation under such favorable conditions that all his rivals will be crushed, his business will, of course, be multiplied several times in volume, but, at the same time, the general business of the road would necessarily be diminished. His profits would be swelled enormously, while the revenues of the company available for dividends would be reduced. The railway manager who shared the profits of the favorite would be enriched, while the railway would be injured, and the stockholders who trusted their property to him would be plundered. And this, sir, explains why this species of favoritism has been so widely prevalent. It is safe to say that no rebate has ever been enjoyed by one man at the expense of competitors where the fruits of the plunder have not been shared by the railway officials through whose corruption the favors have been obtained. [Applause.]

Do gentleman realize the moral enormity of these discriminations, the excessive injustice that they perpetrate, the widespread demoralization which they breed? Do they realize that they are more grievous burdens to trade, grosser outrages on justice than any oppression which could be perpetrated under our system by government itself, as these great functions touch the daily lives of the people much more closely and more frequently than any department of government—Federal, State, or municipal? The cost of transportation is a tax upon trade. By every principle of justice and sound policy it should be equal to all men. Unequal taxation deliberately imposed by government would shock our moral sensibilities so deeply that I do not believe it could be enforced, no matter what authority undertook to impose it. The sense of justice throughout the community would defeat its collection by some means or other. Suppose a man's property at one corner of Seventh street and Pennsylvania avenue were taxed 5 per cent of its value and the property of another man engaged in the same business at the other corner

was taxed but 1 per cent, would not the injustice be so grievous and so palpable that an indignant public opinion would make persistence in the wrong impossible? But discrimination in rates exacted by a railway is vastly more oppressive than any inequality of taxation which government could impose. The government tax collector appears but once a year. The property on which the tax is levied forms but one feature of your industry—one element of your capital. The railroad taxes not merely all your property, but all your actions; every element of your possessions, every feature of your activities. If you are engaged in manufacture, its charges are a tax not merely on the goods which you send to the market, but on the raw materials from which they are produced. It taxes every morsel of food consumed by your laborers, and is, therefore, a determining feature in the wages you must pay them. It fixes conditions of access to every person who visits your factory or your warehouse. Where railway rates are unfair and oppressive, it is as though respiration were taxed—a toll levied on every breath the citizen drew, and a higher rate imposed on the vast majority than on a few favorites—as if every exercise of muscular energy were taxed and the rate was unequal between individuals. It is superfluous to say that the man in whose favor such agencies were employed would have every competitor at his mercy. Against such discrimination by government no genius, no industry, no capacity could avail. Yet that is precisely the advantage which rebates and discriminating rates have been giving to some men at the expense of others all over the country for many years past. [Applause.]

Efficiency, capacity, honesty, sobriety, diligence, the possession of every virtue, have become less valuable to their possessors in the competitions of business than the favor of some railway manager. And these favors, I repeat, sir, without fear of contradiction from anyone, are always granted corruptly [applause], not for the benefit of the railway, but to the injury of the railway; not for the profit of the stockholders, but for the profit of thieves among the managers, who plunder their own stockholders and the people with relentless appetite. [Applause.]

Sir, the history of railway management in this country is a history of favoritism, of corruption, of wrong made enormously profitable, and crime made respectable by the great fortunes of which it has been the source. I do not deny that in spite of this favoritism the railways have rendered enormous service to the country; that they have been among the most powerful agencies of progress. But, sir, they have not been as loyal as they should have been in serving the whole community on equal terms, and where they have deviated from impartial service they have been made the means of perpetrating the very gravest offenses against morals and property. [Applause.]

The men who control transportation facilities and abuse their authority have established a power greater than the Government. The favor of a railway manager is more important to a man engaged in commerce than the favor of the President, of both Houses of Congress, of the judiciary, of the Army, of the Navy, and of all combined. Government, exercising all the power of all its departments, can only protect a man; a corrupt railway manager can enrich him. Larger fortunes have been established by illegitimate railway favors than by the highest ability in legitimate industry ever possessed by any man in the world. As all these favors are granted to favorites at the expense of victims, as they are tributes levied on the industry of many for the benefit of a few, this railway corruption has resulted in the demoralizing spectacle of plunder made more profitable than industry. Where discrimination has been grossest, corruption the most depraved, the most cynical, the most unblushing, there the profits of the criminal have been most extensive. And the courts have signally failed to prevent this corruption, while they have been singularly effective in protecting fortunes which have been the fruits of these crimes.

Rockefeller, at once the richest and the most despised of the whole population, has long been the chief beneficiary of this corruption, and his fortune is the chief monument of its extent. [Applause.] Unfortunately he stands not alone; he is but the type of a band growing ever more numerous and more dangerous. These men have established themselves as a privileged class. They are so far above and beyond the law that they plead the magnitude of their crimes as a reason for arresting the pursuit of justice. Have we not seen within a few days the adoption of a resolution by this very House propounding an inquiry concerning the relations between two great railway systems, which it was our duty to formulate, create a disturbance in the market which almost amounted to a panic? Do we not hear it urged as a reason against pressing the inquiry, which the law enjoins upon us, that to persist in it will uncover extensive violations of the law which can result only in a profitless scandal, since the community would prefer submission to these crimes rather than pay the frightful cost of redressing them? Is not this a cynical admission that this Government, organized to establish justice, can not afford to do justice, even when injustice is palpable—that under the protection of laws intended to foster industry criminals have grown so powerful that instead of submitting to the law they can treat with the law—nay, defy and command it. Their power to enrich is so extensive and their readiness to use it for their personal aggrandizement is so notorious that the weak and the unscrupulous and the base in business and in politics have become their courtiers, hoping, and with reason, for a shorter pathway to wealth through their favor than through industry, however capable, meritorious, or diligent. Through the cupidity of political leaders they have succeeded in dominating both political parties in all the larger States of the Union. In the smaller States, where the people are still largely engaged in agriculture, where they still meet at villages and crossroads for personal discussion of political issues, political parties are still controlled by the opinion of the neighborhood, but in the larger States, those embracing great cities, both parties are dominated by railway influences.

It is no exaggeration to say that in all those great States the debates and contentions which on the surface appear to be the competition of politicians for leadership are usually but screens behind which different financiers contend for the control of some political machine which they consider a useful instrument in the prosecution of their enterprises. No man can be considered an eminent financier nowadays unless he counts the leader of a political machine among his followers, his clients, his retainers, his dependents. [Applause.]

Have we not seen within a few months two gentlemen prominent in railway management engage in a struggle for the possession of some $425,000,000, to which neither of them had the slightest claim of ownership, and when they met to discuss whether the control of this vast fund, which one of them had managed to acquire, should be held by him exclusively or be divided between both of them, the weapon with which one threatened the other was the government of the State to which both men are supposed to be subject, but which one of them controlled absolutely, because the boss of the dominant political party was as completely his property as the watch in his pocket. But the other was by no means alarmed, formidable as this threat may sound. He, too, was a financier, and therefore too wise and too wary to be found without a political bludgeon of his own within easy reach. The gentleman who accompanied him to that interview as his friend, his adviser, his bottle holder in this duel of financial giants, had been a conspicuous member of the present National Administration, and has since returned to the President's Cabinet as its chief. The financier who owned the State government ought to have understood that an opponent so accompanied was not one to be attacked with a weapon no stronger than the government of a mere State—even though it were the Empire State of the Union. But he did not. He instigated a legislative investigation as an act of war. The result proved his folly in underestimating the force which he antagonized. To-day he is wiser, though somewhat damaged. The political retainer upon whom he relied is unhorsed, his machine is badly jarred and dislocated, if not wholly crushed, while his rival holds with a tighter and firmer grasp than ever the undivided control of the $425,000,000 which had been the subject of their discussion.

Sir, do I exaggerate the influence, the powers which these men wield? Am I extravagant when I describe them as a privileged class enjoying immunities unknown to the law, exercising powers above the law and in spite of it? Must we submit to the domination of this class, or should we make an effort at least to bring it within subjection to the laws?

The gentleman from Maine [Mr. LITTLEFIELD] says the courts can afford redress for all these evils by simply enforcing existing law. If the courts had held uniformly that all men were entitled to service by railways on equal terms and if they had used their processes and all their powers to facilitate discovery so that any man who had reason to believe himself aggrieved could ascertain the terms on which all other men were served—the rates they were charged—these abuses would never have arisen and the demand for this legislation would never have been heard. But, as a matter of fact, the courts have not prevented these abuses. When have the courts undertaken to prevent, much less to punish, any financial exploit by which railway managers have enriched themselves enormously at the expense of the stockholders who intrusted them with their property and of the community who depended upon their capacity and fidelity? What feat of spoliation by syndicates or financiers has been interrupted by judicial process?

Doubtless the case of the Northern Securities Company occurs to some gentlemen, though they have shown me the courtesy of refraining from interruption. Doubtless they are asking themselves now if the judgment declaring the organization of that company to be a conspiracy did not constitute a judicial interference with the consummation of an illegal financial operation. Sir, there can be no stronger proof that a privileged class exists amongst us, no more striking illustration of the extent to which these privileges are tacitly recognized by the courts themselves, than this very case, so often quoted as an evidence that the law is still capable of regulating and governing the conduct of all citizens, even of men mighty in finance.

It is true that the organization of the Northern Securities Company was adjudged a conspiracy, but let us see for a moment the effect of that decision upon the object for which the conspiracy was formed and on the men who were adjudged to be conspirators. Contrast the immunity which they have enjoyed, aye, the rewards which they have reaped, from the very act pronounced to be criminal, with the severe punishments inflicted on other violators of statutory prohibitions or the fate which overtook a man who was found guilty merely of violating an injunction order.

You will remember that the Northern Securities Company was organized avowedly for the purpose of placing control of several railroads in the hands of two groups of financiers. The Attorney-General of the United States, by direction of the President, instituted proceedings in the courts praying that this attempt to reduce control of several railways to such a narrow compass that it could be held by two groups of financiers be adjudged a conspiracy in restraint of trade under the Sherman antitrust law.

Sections 2 and 3 of this law are so clear in their denunciations of certain acts as conspiracies and so specific in the penalties denounced against them that I shall read them to the committee:

SEC. 2. Every person who shall monopolize, or attempts to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with any foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

In rendering judgment on this suit the Supreme Court declared:

In our judgment the evidence fully sustains the material allegations of the bill and shows a violation of the act of Congress, in so far as it declares illegal every combination or conspiracy in restraint of commerce among the several States and with foreign nations and forbids attempts to monopolize such commerce or any part of it.

And again:

This combination is within the meaning of the act a "trust;" but if not it is a combination in restraint of interstate and international commerce, and that is enough to bring it under the condemnation of the act.

Here, then, we find the organization of the Northern Securities Company declared a conspiracy by solemn judgment of the court, and the persons who promoted it were therefore conspirators—criminals—specifically denounced as such by the law. No description could have been more comprehensive; no words could have been bolder; no judgment would seem to be freer from anything like consideration of persons or results. Yet, what was the actual outcome of this decision?

The object of the conspiracy, as we have seen, was to place several railways within the control of two groups known as the "Morgan group" and the "Harriman group," and that object was declared a conspiracy, a crime. The court directed that the stock held by the Northern Securities Company be distributed; but the method of distribution was so ordered that when the judgment was put in actual force the Harriman group was found to have been eliminated and the Morgan group was left in supreme control. The attempt to reduce control of these companies to two groups was pronounced a conspiracy, and the actual result of the decision was to reduce the control of them to one group. The object of the conspiracy instead of being defeated was more effectually accomplished. And that was not all. The stock of the company, which was selling at about 100 when the suit began, sold at 160 when the adverse decision was rendered. Its capital stock was $400,000,000, and therefore this decision, that is generally supposed to have destroyed the corporation, enriched its promoters by $240,000,000. Conspiracy was found by the court; the conspirators were identified by name in its decision; but the object of the conspiracy, instead of being defeated, is more completely effected by the decision itself, and the authors of the scheme, instead of being punished or even questioned, walked out of court, not weighed down by its fetters, nor staggering under its sentence, but joyfully bearing a golden burden of $240,000,000, perfectly satisfied that the court which pronounced their conduct to be a conspiracy would use all its powers to protect them in holding and enjoying the fruits of their crime. [Applause.]

Am I exaggerating here? Am I straining terms when I say that these men were specifically adjudged criminals by the highest court in the land, and that they are nevertheless absolutely secure from the pursuit of justice? I am quite willing that the merit of this assertion be examined in the light of a luminous contribution to this branch of the subject by a member of the court itself. Mr. Justice Holmes, writing a dissenting opinion, uses this language as his final argument against the judgment of the majority:

What I now ask is, under which of the foregoing classes this case is supposed to come, and that question must be answered as definitely and precisely as if we were dealing with the indictments which logically ought to follow this decision.

Observe here, sir, the recognition, quite unconscious, I believe, but for that reason all the more significant, of a privileged class by a judge of the Supreme Court, and mark the unquestioned immunity from the pursuit of justice which he realizes members of that class enjoy. "The indictment," he says, "which logically ought to follow this decision," not the indictment which necessarily must follow it, as would have been the case with any ordinary citizen adjudged guilty by the Supreme Court of having violated a penal statute, "Logically," he says, that is to say, for purposes of discussion—academically—so to speak—these men might be considered criminals, but the possibility that they could be indicted is so extravagantly improbable that he—a member of the court—mentions it to illustrate most strikingly what he believed to be the extravagance of the conclusion reached by the majority.

Now contrast this enrichment of men found guilty under the Sherman law with the treatment of Eugene V. Debs, who was not even accused of transgressing a criminal statute or at least who having been accused demanded a trial and could not get it. The violation of an injunction order was the head and front of his offending. At most, he committed a civil offense. Although when we contrast the penalty which followed it, with the rewards heaped on these men whom the decision of the Supreme Court adjudged to be criminals, we must conclude that if his offense was civil his treatment was decidedly uncivil. [Laughter and applause.] There is no doubt about what happened to him. He was not punished by mere animadversion or judicial denunciation. He was committed to jail. His body was taken into custody. He was confined in a cell; the bolts were turned on him. He ate the prison fare. Prison wardens controlled his movements. He expiated to the last moment by confinement and discredit—so far as imprisonment can inflict discredit—the violation of an injunction order. Tell me that Debs stands equal before the law with Messrs. Morgan, Harriman, Hill, et al., and you say that which mocks common experience and common sense. [Applause.]

But it may be said that the act of Mr. Debs involved, in some way, dangers to society so grave that it became necessary to take exceptional measures against its recurrence. I shall not pause to consider the merits of such a suggestion, because even if well founded it certainly would not apply in the case of two Senators recently condemned to imprisonment, not for any act in itself heinous, but for mere violation of a statutory prohibition. One of these men after thirty-three years of meritorious service in the most illustrious legislative body in the world, had earned the respect and regard of all his fellows, without distinction of party. I speak of him solely from his public character. I knew nothing of him personally. I never saw him to my knowledge. But he was found to have asked some officers of the Government to do a favor for one of his clients, and because a member of Congress is forbidden by law to practice before any of the Departments, he was promptly haled before a criminal court; he was tried; he was sentenced; he died—died under the shameful cloud of a criminal conviction.

And there is another Senator living now against whom, for a kindred act, the same grave penalty has been denounced, over whose head hangs the same sinister, blighting, shameful cloud. His liberty hangs on the slight chance that a judgment of conviction against him may be reversed by the Supreme Court,

which has already decided that the act charged against him constitutes a crime. Does anybody doubt that if his conviction be affirmed he will be compelled to expiate in a prison the act which was forbidden by law? Does anybody question that if Heaven itself had not interposed and called Senator Mitchell to judgment at a higher tribunal his body would have shared the ignominy which had already overtaken his name? These men certainly were not conspirators against the public peace. They were not dangerous or vicious men; they were among the most conspicuous in the land. They had been chosen ambassadors of their respective States to the highest legislative council, not merely of this nation, but in all the world. Yet for an act which amounted at the most to an impropriety the law drew its sword and smote them. And with what fearful vengeance! They were dragged from the places of honor which they had reached and sentenced to confinement in those gloomy precincts, where the darkest miseries of life are concentrated and by close association aggravated; where the law, instead of protecting men in the enjoyment of liberty, deprives them of liberty; where men of sensitive nerves and decent associations, forced into contact with the blighting fruits of vice and crime, are made familiar with every step in the consummation of every vengeance inflicted by outraged society on its outcasts, even the last dreadful one, where the State immolates the human victim whose sacrifice it deems necessary to its own safety—those hideous precincts so vividly painted by one whose perverted morals had brought him within their limits, but whose genius was able to describe fittingly the horrors they enclose.

> And as one sees most fearful things
> In the crystal of a dream,
> We saw the greasy, hempen rope,
> Hooked to the blackened beam,
> And heard the prayer the hangman's snare
> Strangled into a scream.

From that abode of horror and ignominy to which the law had condemned him Senator Mitchell was delivered only by the hand of death. To it the sentence of the law has already assigned Senator Burton. [Applause.]

Sir, is this equality before the law? Is this democratic government? Have Messrs. Mitchell and Burton enjoyed equal privileges and equal immunities with Messrs. Morgan and Hill and Harriman and the others? Justice, which has stood supine, motionless, inert, incapable, which has never been able even to get in motion against Messrs. Morgan and Hill, has been active, vigilant, relentless, inexorable, almost ferocious, in pursuit of Messrs. Mitchell and Burton. Surely the acts of Messrs. Morgan and others, pronounced crimes by the Supreme Court, were at least as injurious to the community as those charged against the two Senators. Yet Messrs. Morgan and Hill are enriched by the decision which condemns them, and free to enjoy the wealth which is showered on them. Messrs. Mitchell and Burton were consigned to infamy, to absolute and irretrievable ruin of fortune and of honor.

Sir, this is not an isolated case. On all sides we find the law prompt and vigilant to overtake small offenders, slow and incapable in pursuit of great offenders; quick to punish the thief who steals a few dollars; incapable of even questioning the plunderer of millions. [Applause.]

For many years the members of this privileged class have held the law in contempt; but the contempt which they have always felt they have lately begun to show. Have we not quite recently seen a man who dominates many systems of transportation snap his fingers at a mandate issued by the Supreme Court of a sovereign State? Have we not heard him exercise a flatulent wit in deriding officers holding its commission, while he refused contemptuously to answer its interrogatories? And have we not seen a court of the State in which this contempt was displayed hold that while this recalcitrant and truculently insubordinate witness might be compelled to answer some time before the Day of Judgment, between that important event and the present time, there was no immediate pressing necessity for his yielding obedience to the command of the law. [Laughter and applause.]

And is it not a fact that at the very time when this flagrant contempt was permitted to go unrebuked the very same court which had refused to punish or even rebuke it issued an injunction against some striking printers so sweeping and so drastic that it was hailed as decisive of the contest by one side of labor controversy. Sir, I am not criticising this court or any court. I know it is claimed that all these decisions and proceedings which I have mentioned were incumbent upon the judges—the only course open to them under the law. That may or may not be so. I express no opinion on that subject one way or the other. But I do say it is unfortunate—a calamity—a reproach—not merely to our Government, but to our civilization—of which this Government is the highest type and the noblest fruit—that the courts which have shown such vigilance, such vigor, such ingenuity in devising and enforcing methods of preventing injury to the property of corporations, through violence on the part of striking employees, have been so utterly incapable of preventing graver, more extensive, more demoralizing injury to the property of corporations and to civic morals through the fraud and corruption of dishonest officers. [Applause.]

Sir, if we must have amongst us men who actually possess and enjoy exclusive privileges, would it not be better by far that these privileges were acknowledged and recognized by the law than that they should be enjoyed in defiance of the law? For to acknowledge their privileges it would be necessary to define them, and to define them would not be to enlarge but to limit them. While the privileges of this class are unrecognized, they are unlimited. If it be true that while the letter of the law declares all men to be equal, yet the machinery of the law is incapable of controlling men worth many millions of dollars, better by far acknowledge that fact formally and provide that men so rich be tried by their peers, and define as their peers men of equal possessions. If these privileges were recognized and defined, the possessors of them, in order to preserve them, would very probably unite to punish any of their number who by flagrantly exceeding them might provoke a public opinion that would endanger them. [Applause.] Now, every attempt to pursue a rich man for any crime is at once proclaimed an assault upon wealth, and all the possessors of wealth combine to shield him so effectively that no man worth $5,000,000 has ever been prosecuted to conviction, though as we have seen the guilt of many is not doubted or even denied. Nothing is ever gained by ignoring facts. Since a privileged class actually exists, there is but one of two courses open to us—we should either make the law conform to actual conditions, acknowledge the privileges, define them, and by defining confine them within definite limits, or else we should abolish the conditions which have allowed them to grow up in defiance of law. [Applause.]

The power to control the competitions of trade, to enrich some men by granting them low rates of transportation while high rates are exacted from others, is the main source of these dangerous privileges. This bill, which seeks to abolish rebates and favoritism, is at least a step in the direction of reestablishing equal rights and equal privileges for all citizens. [Applause.]

Now, what objections have been offered to this bill aside from the suggestion that the courts can of themselves accomplish the object at which it aims without any further legislation? I think it advisable to show, if I can, that these objections are unfounded and extravagant, because, judging from the generous applause which has greeted them, it is reasonable to assume that some gentlemen who are going to vote for the bill are opposed to it in their inmost souls. Of course, they have all with a single exception swallowed their convictions in silence. It has been reserved for one to swallow his convictions vociferously. [Laughter.] And here I congratulate gentlemen opposite who have had the courage to take the floor and frankly express views in opposition to the whole scope of the measure—views which are certainly unpopular, and which, therefore, could have been voiced for no other reason than loyalty to conscience. These gentlemen have given a splendid exhibition of political courage. They have done more; they have rendered a very great service to the country and to the House, for they have simplified decisively the issue in debate.

The gentleman from Massachusetts [Mr. McCALL] and the gentleman from Pennsylvania [Mr. SIBLEY] both oppose the bill upon the ground, briefly stated, that it tends to Government rate making, and therefore to what is called public ownership. I believe both distinguished gentlemen will agree that I have stated correctly the main ground of their opposition. If I shared their views of this measure, I should certainly join them in opposing it. But this bill does not provide for Government rate making. If it becomes a law, there are but two conditions under which by any possibility Government rate making could be substituted for business rate making. Either all the rates exacted by all the railways in the country must be unjust (in which case the necessity for some scheme of regulation becomes not only pressing but imperative) or else every shipper in the country must be so dishonest that whether a rate be fair or unfair he would complain of it, and the commission must be so corrupt and so extravagant that it would sustain every complaint, whether well founded or ill founded.

There is nothing about a commission which makes it peculiarly liable to corruption. Whatever influences might affect it injuriously would be just as likely to affect any other department of Government. To argue that powers must not be con-

ferred upon a body or officer because they may be used corruptly would be to argue against the establishment of any Government agency whatever.

The force of this is clearly recognized by the gentleman from Maine [Mr. LITTLEFIELD] who has gone much further, and boldly plants his objection on grounds suggested rather than taken by the gentleman from Massachusetts and the gentleman from Pennsylvania. The gentleman from Maine tells us that he is opposed to this measure because the Interstate Commerce Commission might become dominated by populists, by socialists, by enemies of property, who, incapable of appreciating the rather delicately balanced rights of the community and the stockholders in railway enterprises, would pervert the powers conferred upon them to the oppression of all right and the injury of all property. But, surely, sir, if that objection have any weight, it is an argument against all government. Government must be administered by human agencies, and men always are liable to corruption. Courts have not been always upright. Courts have been guilty of corruption, of which this Interstate Commerce Commission has never even been suspected, according to the gentleman himself. Are we to abolish courts because judicial decisions have been sometimes bought and sold, and that by the most learned and accomplished judges? The President in the nature of things must be a man. Are we to abolish the Presidency because its powers may be perverted by some incumbent to an ignoble purpose? If the gentleman's argument be sound against the Interstate Commerce Commission, it is sound against every agency of Government.

Why, sir, it is the argument of anarchy itself. It is based upon precisely the same premises and is marked by the same nonsequitur. The anarchist argues that because all governmental powers may be abused, therefore they will be abused—because Government is a potential source, therefore it is an inevitable source of tyranny and demoralization. Sir, this argument of anarchy as we have heard it here is new in nothing except in the theater of its delivery. When we consider the place in which it has been put forth with such dialetical skill and rhetorical brilliancy, we can not help feeling that from this moment it must assume a new weight and force in the estimation of mankind. It has acquired the enormous advantage of having been delivered, not to a motley throng of long-haired enthusiasts by some nameless, hair-brained rhetorician in the back room of some obscure cafe, but by a conspicuous ornament of American citizenship on the floor of the American Congress to the sanest and most conservative legislative body in all Christendom. [Applause.]

While I do not think this argument of anarchy needs any refutation here, the fact remains that its author, as well as the gentleman from Pennsylvania and the gentleman from Massachusetts have made a contribution of great value to this discussion. They have made it clear beyond all doubt that in the administration of railways throughout this country grave evils have arisen. This much they all admit. But while they all admit and deplore the existence of these evils they seem to think there is no remedy for them. The gentleman from Massachusetts tells us he will go as far as anyone in attempting to punish rebates. But while his disposition and his capacity are inspiring, while he is willing of purpose, sound of wind, and vigorous of muscle, eager to go any distance in pursuit of this wrong, there is an insuperable difficulty in the way of utilizing for the public weal his eminent capacity and excellent disposition—we can not get him to start. [Laughter.]

Sir, if his contentions were sound; if it be true that, under our present system of transportation, Government is incapable of affording a remedy for oppressive exactions or unequal rates, then we must change the system. There is no other alternative. For the American people to remain helpless and submissive under injustice would be intolerable and inconceivable. [Applause.]

I know it has already occurred to some on this floor and to many throughout the country that public ownership, or rather public operation of railways, is the only adequate remedy against this form of oppression. And, here, sir, I deem it proper to say that I am not one of those who believe the operation of public utilities by Government is always and necessarily socialism. I entreat gentlemen to mark that word "*necessarily.*" I say it is not *necessarily* socialism, because while the direct operation by Government of any enterprise essentially public is not necessarily socialistic, the grounds on which this policy is urged are nearly always distinctly socialistic. Bearing in mind that a railway is always a public function, whether it be administered by Government through its own officers, or by a private agency empowered and employed by Government for that purpose, it must be perfectly clear that what Government can empower an agent or corporation to do, Government can do itself. Nay more, Government would be bound to perform the public service itself if a private agency could not be found to perform it. The only ground on which the employment of a private agency to administer a function essentially public can be justified at all is that the private agency can administer it better, that is to say, it can give better, cheaper, and more efficient service than the Government through its own officers.

I am opposed to public operation of railways for the very simple reason that in the nature of things it is not possible for governments to administer them as efficiently as they are administered now by private agencies—even though the service actually rendered to the people is far below the standard of efficiency to which they are entitled. The reasons for this belief are, in my judgment, conclusive, but the time now at my disposal will not permit a full statement of them. At this moment I can do no more than point out that there is not on record a single instance in which a public utility administered by Government has resulted in as good service as where it has been administered by private agencies. The post-office is often cited as a striking instance of efficient service by Government. What improvement in transportation or business methods has ever been developed by a post-office through its own operations? Where has a single invention or discovery been added to the resources of civilization by the administration of a postal system? The telegraph would seem to be a natural outcome of postal operations. It is a device for the transmission of intelligence, and as such it is considered in many countries to be so essentially a function of the mail that it is included in the postal service. Yet, was the telegraph a development of postal administration? Was it invented by anyone connected with some postal system? Was it not the invention of a man in private life, adopted by the post-office long after its value had been established by private enterprise? So true is this that a good postal service is distinguished from a bad one, not by the development of improvements in its own administration, but by greater promptness in accepting improvements developed under some private agency.

In many countries the railways are a feature of the public service administered by public officers.

When has any important device for improvement in travel been developed in the administration of a railway by government?

All improvements in travel, in transportation, in the transmission of intelligence, have been developed by private agencies authorized to operate public franchises by some government—most of them by this Government. The only reason, I repeat, why the operation of these public functions should be intrusted to private agencies is because they can operate them better, give cheaper, more efficient service than the Government through its own officers. If the control of transportation were transferred now from private agencies to public officers, the effect would be to impair its efficiency, and at the same time increase the cost of it. If this were understood by the people, proposals for public operation of railways would be robbed of all popularity. Nobody would be found advocating a policy of poorer service at higher rates. Why, then, are these proposals popular, or supposed to be? Because they are always accompanied by a promise or suggestion—a covert hint—that if the railways of the country be operated by Government the rates charged for transportation will be reduced, no matter what the service may actually cost. Now, if anybody be given a service for less than it cost, as we have already seen, the deficiency must be made up by excessive charges in other directions. Some men must be compelled to contribute from the fruits of their industry to the expenses of others, and that is socialistic, it is undemocratic, it is un-American, unjust, intolerable, among a people where equality is the universal aspiration and justice the universal passion. [Applause.] Thus it is that public ownership, while not essentially or necessarily socialistic, is always conveyed with a suggestion of socialism, and that suggestion is the sole source of its popularity. [Applause.]

If public operation of railways far from redressing the evils of which we complain would aggravate them, is there no remedy? Are we helpless before these wrongs—their perpetrators and beneficiaries? Must we submit to these discriminations and inequalities which have created a privileged class—which have corrupted our whole industrial system, so that finance, as I said here some weeks ago, has become synonymous with piracy in the minds of the people? [Applause.] No, Mr. Chairman, we are not helpless or even feeble. Redress—ample and complete redress—is within our power. This bill, in my judgment, affords an important measure of it. The gentleman from Massachusetts assigns as one of his reasons for opposing it that not one line of it specifically prohibits rebates. But, sir, a moment's reflection must satisfy the gentleman that if no single line of it expressly prohibits rebates, every line of it tends to make

rebates impossible. The most effective feature of the bill is the popular determination it embodies; the overwhelming—practically unanimous—popular determination that this evil shall stop, now that its magnitude is understood. [Applause.]

In practical operation I think its best feature is the publicity it provides. Where there is publicity there can not be crime or injustice. That is the distinctive feature of our Christian civilization. All other civilizations have more or less sanctioned crime, have been built more or less upon injustice. Christian civilization is based on absolute justice, and justice to be triumphant only needs the light of heaven. Under the benign influence of Christianity justice has become so universally the passion of civilized men that no open violation of it will be tolerated by the public conscience. Turn the light upon every transaction of government and no wrong will be suffered to exist, and therefore none will be attempted. It must always be remembered that the publicity which should be exacted from railways and corporations exercising public functions is very different from the publicity which should be exacted from corporations engaged in private industry. A corporation engaged, for instance, in making desks or cloth gets no privilege from the Government except the mere right to organize, and that right is a mere evolution, a growth, a development of the ordinary partnership.

The only publicity that such a corporation owes to the public is an honest statement of the property represented by the shares which it offers in the market. In other words, it should not be allowed to plunder the community through fraud or misrepresentation as to the nature of the enterprise in which owners of capital are invited to embark. In every other respect the corporation engaged in private business has a right to exclusive information about its own affairs. It should not be compelled to disclose any of the elements on which its prosperity has been built up, because to disclose them would be to imperil if not to lose them. The conditions under which it obtains its raw material or whence they come, the manner in which its industry is conducted, even the rates of wages paid to its employees—all these are subjects to knowledge of which it has an exclusive right. But a railway being a public function should have no secrets whatever. All its operations are for the public. Everyone should be informed of them that he may judge for himself whether the service afforded him is the best to which justice and reason entitle him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. All of the time, Mr. Chairman, has been allotted by agreement, but I would ask the gentleman from Iowa [Mr. HEPBURN] if he can not grant to the gentleman some of the time at his disposal.

Mr. HEPBURN. I will yield the gentleman five minutes.

Mr. ADAMSON. And I will yield the gentleman five minutes also, making ten in all. [Applause.]

Mr. COCKRAN. I thank the gentlemen. I say that a railway, or any corporation exercising a public function, is not entitled to any secrets whatever. No good purpose can be served by secrecy in the administration of any public function, and secrecy is never desired except to conceal some scheme of corruption. [Applause.] If shippers can secure equal terms, I have no fear that the rates charged for service will be excessive. To secure equal terms for all it is only necessary that the rates charged to everyone shall be made public. With absolutely equal rates nothing but benefit can ensue from the operation of railways. Let publicity be complete and injury will be impossible while benefits will be innumerable. Even overcapitalization, that bugbear of modern discussion, will cease to be dangerous if everybody knows just on what capitalization is based. Conditions are conceivable where an increase of stock by a railway without any increase of tangible property would be a benefit rather than an injury to the public. Unfortunately, under actual conditions wherever such an increase has occurred it represented spoliation of the people.

If a corporation by cheapening transportation largely increased its revenues everybody would rejoice that such a service had proved a source of profit, and nobody would object to an increase of capital based on it.

If the Western Union Telegraph Company to-morrow should reduce its charges for telegrams to 10 cents a message of 15 words, and by that reduction its revenues were largely increased, obviously the value of its stock would be increased in like degree. There could be no objection to a corresponding increase of capitalization. It would be capitalizing a service, and I would rejoice if such a great public service increased the value of the capital one hundred millions of dollars. I would rejoice still more if the increase were two hundred millions of dollars. The larger the reward such a service reaped the greater encouragement there would be to still further reduction in the cost of telegrams to the community. But if the company increased its capital and attempted to earn dividends on it by raising charges for telegrams, that would be an attempt to capitalize plunder, which should be resisted by all the powers which the people can exercise through legislative and administrative agencies. [Applause.]

This illustration, sir, I hope will make clear what I conceive to be the true principle governing in this respect the relations between corporations administering public franchises and the Government which charters them. It illustrates also, I hope, the attitude of those who stand with me in support of this bill.

We stand here, sir, not plotting against the prosperity of great industrial enterprises, but eagerly striving to stimulate their productive capacity by wise regulation. We are not hostile to railways, but anxious to develop all their beneficent elements for the good of this people and the growth of civilization.

Sir, whoever would oppose the growth of railways would confess himself opposed to progress, to prosperity, to the most important and salutary fruits of Christian civilization.

I have never ridden on a railway train and realized the thousands and tens of thousands of human hands that must contribute to its efficiency without a new appreciation of the splendid civilization which makes possible the voluntary cooperation of such vast numbers in mutual service. In an industrial system based on servitude railways would be impossible. The mighty engines so powerful in useful production when directed by the loyal hands of freemen would be capable of such devastation in the hands of discontented men that they could not be instrusted to slaves inflamed against masters who fettered their limbs and robbed them of the things produced by their labor.

Who that has rolled from a railway station in a comfortable car and cast a thought on the man keeping lonely vigil in the switch tower, on the watchful eyes inspecting every inch of track, the thousands of hands ready to repair the slightest defect which might imperil the safety of life or limb, the vigilance with which the roadway is kept clear, the honesty with which every man's baggage is guarded, the promptness with which it is surrendered to him at the end of the journey, the millions of men everywhere moved to useful activity by knowledge that the things which they create will be transported by other men to the market place, and the things which they need will be brought back to their very doors—who that has thought of all these can fail to realize that railways in successful, honest operation are the chorus—the full chorus—of that splendid hymn whose prelude was intoned at Bethlehem when the sheperds heard angels singing

On earth peace, good will toward men.

How can the growth of good will on earth be shown more strikingly than in the perfect confidence with which every one of us trusts his property, his life, the lives of his children to the loyalty of men whose faces he has never seen, whose names he will never hear, but who he knows stand at throttle of engine or on platform of passenger car ever ready to give their lives to save your life or mine? [Applause.]

A few years ago while on a journey to Scotland I woke up at daybreak in the limits of Carlisle—that "merrie Carlisle" so often sung in mediæval balladry—Carlisle whither captives in foray and border warfare were brought in triumph to be hung on the gallows tree while all the country side made festival and holiday—and as I looked from the window of my compartment, the train having stopped for a moment, I saw a man who embodied to me the whole march of progress for eighteen centuries. He could not be called an imposing figure, according to the canons of literary description; his face was grimy, his hands were black, as he stood by a switch, his eyes fastened on the train and the rails before him. Yet to me that man with blackened face was a sublime figure, the most imposing of all the landscape, for I knew he was not an enemy dogging my footsteps, to rob me, to beat me, capture me, or kill me, but he was a brother serving me faithfully, watching vigilantly over my safety while I slept [applause], and I felt that he typified the difference between the Carlisle of three centuries ago and the Carlisle of to-day—the difference between the civilization which we enjoy and that lower civilization from which humanity has risen through the wider operation of Christian influences. [Applause.]

There is one element which is the vital principle of Christianity and which must dominate every enterprise through which our civilization can be advanced or served, and it is justice—that justice which our Constitution was organized to establish; that justice which is always the aspiration of the American heart, and which if we are to have peace must always be the possession of every American citizen. [Applause.]

This bill, sir, aims at nothing but justice, to establish justice be-

tween a great public function and the people whom it is organized to serve. Its provisions can only become operative where injustice is attempted. It will remain a dead letter while justice is respected and obeyed. Those who are likely to be affected by its operation, and who doubt its policy, who distrust its provisions, who fear that the making of rates by any public body may lead to confusion—contention—and possibly to socialism, can obviate all the possibilities which they apprehend by simply doing justice. For my part I regard the practically unanimous passage of this bill as the most inspiring event since the war of secession, because it registers the inflexible determination of the American people that whether by the voluntary action of the railroads or by the intervention of Government, justice shall be enthroned in our railway system and in our whole industrial system as it is supposed to be enthroned in our political system; for it is only by extending and maintaining the dominion of justice wherever any function of Government is exercised that peace can be permanent in this land and prosperity general among its people. [Prolonged applause.]

Mr. HEPBURN. Mr. Chairman, if it would not interrupt the gentleman from Illinois [Mr. MANN], I yield to the gentleman from Alabama [Mr. WILEY].

Mr. WILEY of Alabama. Mr. Chairman, a year ago, when the Esch-Townsend bill (H. R. 18588), designed to confer enlarged powers upon the Interstate Commerce Commission to fix railroad rates and regulate trusts, was under consideration in this Chamber, I made a speech in favor of that measure, and voted for it on its passage. Quoting from that speech, I now find I used this language:

Sir William Wallace, of Scotland, declared:

"He strikes home when right points his sword."

The contest in which we are now engaged is the people's fight against monopolistic greed. Faith in a just cause and unceasing labor to attain a righteous end have never failed, in the long run, to accomplish desired results.

I tried at that time to make plain how a Republican oligarchy, so long intrusted with the control of Governmental affairs, have made themselves veritable Egyptian taskmasters and piled upon the bowed shoulders of the common people burdens too grievous to be borne. I endeavored to demonstrate how this long lease of power had been systematically abused and prostituted to baneful ends, enabling the few to amass fabulous riches at the expense of the many. I warned the country then, and I "sound the alarum" now, that this shameless orgy of spoliation, if unchecked, will result in national disaster and ruin. I cited instance after instance in both ancient and modern history to confirm this contention and to prove impending peril to any land "where wealth accumulates and men decay." I showed, certainly to my own satisfaction, the ominous conditions consequent upon the concentration of gigantic capital in certain of the great corporations of the country, wherever managed for their own selfish aggrandizement by a limited number of unscrupulous men holding the dangerous power conferred by illgotten riches.

I did not then, and do not now, condemn legitimate wealth, but rather, instead, the existence of those oppressive and iniquitous laws which have enabled favored classes to gather together in a few years fortunes of such unprecedented and menacing magnitude. In its Democracy, as taught by the fathers, that speech, I know, was sound to the core. I stand by it unwaveringly to this good hour, and abate nothing from the force and truth of the position then taken.

The bill we are now considering is in entire harmony with the provisions of the former bill. It is wiser and better. In the summing up of the situation it is more comprehensive. In its grasp of a vital issue, in which the masses, in contradistinction to the classes, are interested, it is more masterly and unassailable; and, verily, it is as manifest as the golden rays of the midday sun that the distressing cry of the people for deliverance from extortion, discrimination, and monopolistic greed has frightened the Republican leaders upon the floor of this House into the advocacy of a measure which only two years ago they were denouncing with bitterest invective as communistic and revolutionary.

A year ago I said then, and repeat now, in this Chamber:

The State, or county, or city, or community which secures the largest number of railroads will enjoy the fullest measure of the substantial blessings of life—a condition of well-being, commercial consequence, abundance, affluence, and earthly happiness; the tranquillity and contentment which peace and comfort bring.

Notwithstanding the many advantages which come to the people from well-conducted railway lines, some thoughtless persons have the idea that the description of the beast in the Bible is a peculiarly accurate definition of every railroad corporation: "Dreadful and terrible, and strong exceedingly; and it had great iron teeth: it devoured and brake in pieces, and stamped the residue with the feet of it."

James Mill, in his Essay on Government, says:

"The end of government is to increase to the utmost the pleasures and to diminish to the utmost the pain which men derive from each other."

While this is true, the Justinian rule of conduct, "So use thine own as not to injure another," applies to artificial as well as natural persons.

Of railroads, Mr. Justice Caruthers said:

"The policy of our decisions has been, so far as consistent with the safety of life and property, to encourage and protect this most grand and useful improvement of the age. Every reasonable precaution must be used to avoid injury to others, at the peril of strict and ample accountability. They enjoy almost a monopoly in the business of common carriers, wherever they exist, both as to persons and property. A necessity to patronize them is imposed upon all by the circumstances of the time; all other modes of travel and transportation having been superseded by this, on account of its greater ease and astonishing speed. While, on one hand, the courts should protect them with a strong arm against unjust demands and injuries to their property rights, which popular prejudice may favor or afflict; on the other the security of life and property requires that they should be held to a strict and skillful performance of all the duties imposed on them by law."

But all right-thinking men, I take it, will agree that the duty and obligation above outlined, like all other human duties, have correlative rights and immunities.

A railroad has a dual existence. It is both a private and public corporation. It enjoys some of the attributes of sovereignty. It possesses the right of eminent domain. Upon the payment of just compensation to the owner it can take any man's property for its own uses and purposes, without his consent and against his protest. The law, therefore, wisely imposes, and ought to impose, upon common carriers of passengers and freights for "hire and reward"—an instrumentality so powerful for mischief as well as good—a large measure of responsibility in the performance of the important duties they have contracted to discharge to the general public by virtue of their corporate franchises; and I do not hesitate to declare that rebates, in all their protean shapes and forms, whatever the guise they wear, must cease. On this subject the public have "a fixed opinion."

The people will no longer tolerate the evil. Whenever a railroad company, no matter where it does business, is proven to be guilty of the pernicious habit of granting rebates, by which one customer or patron is given special rates and better facilities in his business transactions than some other customer or patron—an unjust, unlawful, and offensive discrimination, by which the one enjoys an advantage or obtains a profit at the expense or to the pecuniary injury of the other—it is my deliberate conviction that the franchise of that corporation ought to be forfeited, its privileges withdrawn, its corporate life destroyed, its tracks pulled up, and its properties sold at public outcry. It deserves and should receive the death penalty. It is an evil that once existed to an alarming extent in certain sections of the country—one of which the public complained grievously and where they had just cause to complain. It is "a thorn in the flesh."

The railroads themselves admit the wrong and are really anxious to have the nuisance abated; but while condemning in unmeasured terms this baneful practice, it is also true, and but fair to state, that many railway lines have ceased to give rebates in any form; but the bill under consideration, in my humble judgment, is inadequate to eradicate another and peculiar type of the rebate vice, the one more hurtful than all others to shipper, buyer, and consumer. The remedies proposed are merely partial. The overshadowing evil is the special terminals owned by individuals and the private car system. The measure we are now considering lacks the power to prevent the rebates afforded by these private facilities or to stop cut rates, or to regulate private cars and private car lines, or private terminals. When the Republican majority passed the Elkins bill, known as the "antirebate law," they expressly provided it should not apply to private cars or terminals, and it is manifest that the Interstate Commerce Commission will have no authority to prevent these private car owners from getting rebates unless we enact legislation here extending the jurisdiction of the Commission over them.

On this subject the President speaks in resounding tones. In his message he uses this language:

"Above all else we must strive to keep the highways of commerce open to all on equal terms, and to do this it is necessary to put a complete stop to all rebates. Whether the shipper or the railroad is to blame makes no difference; the rebate must be stopped, the abuse of the private car and private terminal-track and side-track systems must be stopped, and the legislation which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce whereby such property shall by any device whatever be transported at a less rate than that named in the tariffs published by the carrier, must be enforced."

The owners of these private cars possess an iniquitous advantage over all competitors. The evidence taken down in the hearings before the committee discloses that practically all private refrigerator car lines have been absorbed by the Armour Car Line Company. They charge the railways a fixed mileage under exclusive contracts—agreements not to use any other cars than the Armour brand. It is no wonder, then, that they enjoy a monopoly, not only in the shipment of dressed meats and packing-house products, but also in the transportation of fruits and vegetables and in handling poultry and eggs and the output of the dairy business. These private car companies make enormous profits, "without rhyme or reason," by moving their cars to meet the demands of trade and as business exigencies require from place to place—from the cold latitude, where apples, potatoes, and celery grow, in Michigan, southward, where the red cherries and berries ripen, in Virginia; thence to Georgia, where the peach and melon are produced in luxuriant profusion; thence to the truck-growing regions of Alabama, Florida, and Mississippi; thence westward to California and the golden shores of the Pacific, hauling every year fruits and vegetables from all these States, as well as large quantities of the best oranges on the round globe from Florida and California.

The evidences further show that these private car lines have advanced their charges thrice over within the past six years, say, from $20 per car for a given distance to $55 per car for the same distance.

There can be no doubt that this car trust is a great and growing evil, and some legislation should be speedily enacted to break down the monopoly.

The shipper has no alternative except to patronize the private car system. He is like the young Irishman who enlisted in the army. He said he was forced to volunteer. For instance, it is claimed, and not denied, that the beef trust shippers in Chicago and other great cities

get a much lower rate than the ordinary shipper who has to rely on railroad companies for the transportation of his goods.

It is an open secret that men like Rockefeller and Carnegie, by means of their side tracks and private terminal facilities, have been able to secure such low rates for the carriage of their stupendous volume of freights as not only to undersell all competitors, but to destroy all competition as well. As a consequence, they are ranked to-day amongst the richest men in the world.

The bill under consideration, I respectfully insist, does not even touch upon these gigantic evils, these twin monsters of vice, which figure so conspicuously in the transportation problem. Permit me, right here, to state that the Hearst bill contained provisions which did seek to restrain and regulate these mischievous violations of justice and right, but that measure, so far as it related to these propositions, does not appear to have received favorable consideration by the Committee on Interstate and Foreign Commerce. My criticism, therefore, is that we are now playing Hamlet with Hamlet left out of the play.

The owners of these private cars contend that they do not come within the provisions of the interstate-commerce act as it now exists. Any measure, I care not from what quarter it may emanate, which does not extend the authority of the Commission over these lines, as mediums of interstate commerce, so as to regulate their charges is lamentably inadequate.

There are numerous business concerns in all sections of the country, having several miles of private side tracks, switching privileges, and terminal facilities. I have not time to enumerate them. These accommodations, by whatever name called, enable the owners to secure special rates, which are but a subterfuge, device, or scheme to cover up and hide from the eyes of the public unjust rebates. They obtain a division of freight on all cars delivered to connecting roads by means of their private terminals, and receive compensation for services rendered which is unfair and excessive. These abuses can not be rectified until these terminal companies are placed under the control of the Interstate Commerce Commission. In their last report the Commission say:

"The terminal road is, in our judgment, one of the most dangerous means for the preferring of favored shippers at the present time, and we earnestly call the attention of Congress to this situation. * * * The important thing to which we call attention is the growth of these practices. Until recently it is our impression that they have been largely confiend to a few instances. To-day they are extending in all directions, and unless checked must soon become general."

A crisis evidently is at hand. Great economic problems confront us.

The Democratic party is the party of the masses, the Republican party is the party of the classes.

Talk to me, if you please, of a third party—of a people's party. The Democratic party is the people's party, and there can never be any other people's party so long as the people themselves love liberty and respect popular rights.

The Democratic party has not yet accomplished its mission, nor lost its power to do good.

The bill now under consideration does embrace within its provisions, and seeks to regulate them, the private-car and side-track evils, and in that respect, if in none other, it is a far better measure, more remedial and beneficial, than the Esch-Townsend bill, which passed the House twelve months ago, just in time to receive its deathblow in the Senate.

But the people are concerned about other matters beside the railroad-rate question and the regulation of commerce between the States and Territories. Their solicitude takes a wider range. It goes out to the family altar, the rooftree, the fireside. It is the domestic hearthstone that throws around us its benign, Christian, and cheering influence. However humble, it is alike a shrine of our affections—a school of our hearts.

It is the duty of Congress, therefore, to safeguard that most hallowed of all earthly habitudes—the American home—which should be a place of peace, a shelter from doubt, an abode of love, watched over by household gods upon whose altars burn the incense of heaven; a hive "where all beautiful feelings cluster like bees and their honey dew bring;" a temple of holy revealings; not merely four square walls, "though hung with pictures and gilded," but a domicile in which our attachments have sway and "where the heart has builded." The hand of this powerful Government ought not to lift the door latch to admit within the sacred precincts of the home, where wife, mother, and loved ones abide, the distilled damnation poured out from the dramshops of contraband liquor traders. I take advantage of this occasion, while this body is in Committee of the Whole House on the state of the Union, to invite attention to the lamentable fact that, for the sake of filthy lucre alone, unredeemed by a single palliating circumstance, Congress has become the aider and abettor of crime by authorizing the Treasury Department of the Government to grant legal permits to persons to engage in the liquor traffic in communities where such business is prohibited by local laws.

To cure this evil, I introduced at this session the following bill:

A bill to prevent the United States from issuing a license to any person to sell spirituous, vinous, or malt liquors or other intoxicating beverages in any community where the sale thereof is prohibited by State or local laws.

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any official or governmental employee in the Revenue Service of the United States or in any other department of the Government to issue a license, give a tax receipt, or grant a legal permit to any person, firm, or corporation authorizing the sale or other disposition of any spirituous, vinous, or malt liquors or other intoxicating beverages in any community under the jurisdiction of the United States whereven and wherever the sale or other disposition thereof is prohibited by State or local laws, and any such license, if issued, shall be a nullity and afford no shield or protection to the holder thereof.

SEC. 2. That any person violating the provisions of this law shall be guilty of a misdemeanor and upon conviction shall be fined a sum in double the amount of the license so issued.

SEC. 3. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed.

Some other bills have been offered having the same beneficent aim in view.

Now, indulge me, please, for a little while to say a few words in advocacy of this bill. I am not wedded to any special measure, but unquestionably some legislation to suppress the evil herein complained of is imperatively demanded.

The newspaper editorials, memorials from temperance organizations, resolutions from religious bodies, letters from prominent and influential gentlemen, now on file with the Committee on Ways and Means, earnestly indorsing this bill, which I had the honor to introduce at an early day of the present session, speak more eloquently than I am able to do in favor of the proposed legislation, and give better reasons than I can assign why this much-needed relief should not be withheld.

The granting of a legal permit to sell intoxicating liquors either by Federal or State government is not a vested or contract right, but a mere privilege, which can be taken away or revoked by the sovereign power at its own pleasure or discretion at any time, even after a license has been issued to the vendor; and that, too, when a cash consideration has been paid by him under a valid legislative enactment expressly authorizing a sale thereof by him upon his paying for and taking out a license to carry on such business.

The supreme court of my State—Alabama—in the case of Powell *v.* The State (69 Ala., p. 10), held several years ago that when the defendant had paid a price and obtained a license to sell spirituous, vinous, or malt liquors and other intoxicating beverages in the county of Lowndes under a statute then in force authorizing such sale, and subsequently the legislature repealed the law without providing for any refund of the tax, he was not entitled to recover back the license money so paid by him; nor was he any longer legally warranted in carrying on the business of a retail liquor dealer under such statute or license. Under these circumstances, and upon this state of facts, our highest judicial tribunal affirmed a judgment of conviction rendered against the defendant in the lower court.

In reaching this conclusion the State supreme court decided, of course, that there was no such contractual relations existing between the defendant Powell and the State of Alabama as would make that provision of our Constitution against impairing the obligations of a contract operative or applicable, and that the State in granting authority to Powell to sell liquors in Lowndes County had not entered into a binding contract with him nor conferred any vested right upon him, but had merely issued to him a permit or license, revocable at the option of the legislative department of the Commonwealth. But as I have the volume before me containing this decision just referred to supra, it is, perhaps, better that I take the facts and read the text of the court's opinion directly from the book itself.

Briefly stated, the facts of that case were substantially as follows: At the spring term, 1881, of the circuit court of Lowndes County, in the State of Alabama, the grand jury returned an indictment against the defendant, charging in one count that he "did sell vinous or spirituous liquors without a license and contrary to law," and, in another count, that he "did sell, give away, or otherwise dispose of vinous, spirituous or malt liquors or intoxicating bitters or beverages within 5 miles of Rehoboth Church, in Crenshaw County." The evidence introduced on the trial showed that Powell, shortly before the indictment was preferred, had sold a pint of whisky, at his store, to a certain purchaser within 3 miles of said church, which was located, not in Lowndes County, where the defendant lived, but in the adjoining county of Crenshaw; that he had previously duly applied for and obtained a license as a retailer under the general law, which at that time was in full force, and that the amount he paid therefor had never been refunded to him.

This being all the evidence, the trial court refused, at defendant's written request, to charge the jury that if they believed the evidence they must find him not guilty; but, on the contrary, the presiding judge instructed them to find him guilty. Thereupon the jury returned a verdict of guilty, and from that judgment of conviction the defendant appealed to the Supreme Court. The judgment of the circuit court was affirmed.

It will be observed that the indictment charged the defendant with the violation of a local law, within 5 miles of a designated church, in a county other than that in which he then resided, and as being contrary to the provisions of a special statute, only

recently enacted, prohibiting the sale of spirituous liquors within a radius of 5 miles of said church.

On appeal the constitutionality of the act was assailed, but upheld. The language employed by the court is, in part, as follows:

It is immaterial that the defendant had obtained a license to engage in the liquor traffic, and was doing business under it at the time of the passage of the act under consideration. Such a license was a mere permit, revocable at the option of the State. It was in no sense a contract between the licensee and the State within the meaning of the Federal Constitution, which prohibits the States from passing any law impairing the obligations of contracts, or within the meaning of a similar clause in our own constitution. It is settled by the vast weight of authority that such licenses can be revoked by the legislative department at pleasure. (Citing Cooley's Constitutional Limitations, 282–283; Fell *v.* The State, 20 American Reports, 83; Boyd *v.* Alabama, 94 U. S. Reports, 645, and authorities there cited.)

I did not intend to address the House along this line, and would not have thought to do so now but for the suggestion, which I understand was made before the Ways and Means Committee, to the effect that if the United States Government should refuse, even under an inhibitory law of Congress, to give a permit to a particular person to sell liquors in a community in which such sale is prohibited by law, then, in that event, such person could not be convicted whenever tried in a Federal court, for the reason that he, having applied to the proper department of the Government for a license and not having obtained it, would be authorized by natural right to proceed to do business without it—or words in substance to that effect—and that, under this condition of affairs, publicity was the only avenue of hope left open to us. Surely this position, in my judgment, is untenable—an entire misconception of the law as applicable to this class of cases—certainly so far as I understand it.

Now, I desire to emphasize the declaration that upon no principle of justice, equity, or fair dealing can this great Republic be justified in granting a legal permit, for a moneyed consideration, to any person, no matter who he may be, whether of high or low degree, to violate a State law in any community throughout the broad limits of this country, I care not where that locality may be, in which prohibition prevails. It is an invasion of the domain of State sovereignty; and to do so, in plain English, is to encourage and sanction ab initio the infraction of State statutes by vicious men, whose brazen-faced effrontery stalks forth for public imitation in defiance of law—men who are afraid to face the constituted power of the Federal Government as displayed by Federal courts, because, forsooth, they feel sure of conviction by Federal juries drawn outside the vicinage where the offense was committed, selected from neighborhoods far away from corrupting local influences and environments. These "dead falls" and "blind tigers," operated as they are in violation of State laws, carried on clandestinely in places where police protection can not be afforded, patronized and supported by ignorant and venal men, for the most part by the worst element of a negro population, so far as my State is concerned, are utterly demoralizing as well as destructive of the repose and well-being of society and are productive of numerous and heinous crimes.

These dens of iniquity are veritable hotbeds of vice and all licentiousness. They lead to untold evils, such as murder, arson, rapine, and robbery, and entail upon rural communities every earthly ill and human woe. The people will not be slow to condemn any political party that forms a league with criminals; that enters into a partnership with lawbreakers.

In this connection I ask the reading of an article from the Alabama Christian Advocate, which I now send to the Clerk's desk. It reflects the sentiments of the law-abiding citizenship of the country.

The Clerk read as follows:

[From Alabama Christian Advocate.]

SOME NEEDED LEGISLATION.

Hon. A. A. WILEY, Representative from the Second district of Alabama, has introduced a bill in Congress that should speedily become a law. The purpose of the bill is to prevent the issuance of Federal liquor license in territory where the State law prohibits the sale of liquor. Such a law will go far toward destroying the blind-tiger evil, and from the standpoint of justice alone our people should have the relief and protection which this law will give. The United States Government, through its internal-revenue department, will issue a liquor license in any territory without regard to State or county prohibition laws. More than that, the State law making the holding of a Government license for the sale of intoxicating liquors prima facie evidence that the person was engaged in the sale thereof, has been practically nullified by a ruling of the Treasury Department that a State court had no power to compel a collector of internal revenue to come into court and bring his books and give evidence as to the license issued by him. Is it not time that our General Government cease this business of licensing crime? We have been very zealous for our State's rights, and justly so, we think; and yet we have long submitted to this injustice.

It is true our county officials should be more vigilant and do more toward destroying blind tigers, but in some instances they are indifferent, and again when they would make the attempt to bring the criminals to justice there are influences that make their efforts fruitless in many instances.

No fair-minded man can object to Mr. WILEY's bill. Every man interested, not merely in prohibition, but in the enforcement of law, must indorse it as fair and just.

Mr. WILEY of Alabama. I have not exaggerated any of the facts, but have stated the naked truth. For these reasons, there is an overwhelming sentiment amongst the people I have the honor to represent in Congress behind this or any other similar bill which will have even a remote tendency to bring them freedom from the baneful consequences flowing from conditions existing in several localities, not only in my Congressional district, but throughout the entire land. "Every inordinate cup is unblessed, and the ingredient is a devil."

Let us do our duty fearlessly and honestly. Obligations confront us. If we fail to meet them bravely and patriotically, misfortune will overwhelm us and calamity will follow in our train.

In the words of the immortal Shakespeare—

Oh, that men should put an enemy into their mouths to steal away their brains, and that we should with joy, revel, pleasure, and applause transform ourselves into beasts.

[Applause.]

Mr. MANN. Mr. Chairman, I can not hope to equal in eloquence the gentleman from New York [Mr. COCKRAN] who has just preceded me or the leader of the minority in the House, the gentleman from Mississippi [Mr. WILLIAMS] who will follow me, but I beg your indulgence while calling attention to the magnitude of the interests which we seek to interfere with, the evils which the country now suffers from, and the method of relief offered by the pending measure introduced by the distinguished statesman and patriot, the gentleman from Iowa [Mr. HEPBURN], whose courage and whose persistence have succeeded in bringing the bill before the House with the unanimous support of our committee. In future history it will be noted as a remarkable occurrence, that in giving consideration to this great political and economic question the twelve Republicans and six Democrats of that committee have put aside the spirit of partisanship, have kept down mere individual judgment, and in the effort to accomplish a great result have unanimously directed their attack to the main point in controversy and have presented to this House a bill which includes the individual opinion of no member, but the best judgment of all the membership of that great committee.

THE RAILWAY INTERESTS.

The railroads can not be crippled without directly injuring the transportation service which they render. They can not be injured without affecting the financial condition of the country, and an injury to the general financial condition is felt by all branches of industry. The railway interests are so enormous and have so many persons employed that they are entitled to receive the most careful consideration before any legislative action is taken which might prove detrimental to them. The 216,000 miles of direct line of road, the 300,000 miles of trackage, the 1,300,000 employees, the gross earnings of $2,100,000,000, the freight-service charges of $1,500,000,000, the operating expenses of nearly $1,400,000,000 represent an industry of such vast proportions and so interwoven and connected with the success or failure of every other industry and so interdependent upon the growth and prosperity of each and every locality that it is not to be lightly dealt with or treated with malice or handled with hysterics.

Over 70 per cent of the railway stocks of this country paid no dividends in the year 1897, which was an ordinary year. Over 42 per cent, or $2,696,000,000, of railway stocks paid no dividends in 1904, which was a fat year. A business which increased its gross earnings from a little over $1,200,000,000 in 1898 to nearly $2,000,000,000 in 1904 and $2,100,000,000 in 1905, which increased the amount paid to railway employees from $495,000,000 in 1898 to $817,000,000 in 1904, which increased the average cost of running a train 1 mile from 95 cents in 1898 to $1.31 in 1904, while the average revenue for 1 ton of freight carried 1 mile only increased from 0.754 of 1 cent in 1898 to 0.780 of 1 cent in 1904, which carried, in 1904, 1,300,000,000 tons of freight, including that received from other carriers, and received therefor $1,379,000,000, or about $1 a ton, is not to be treated as a public enemy.

It is easy to see that the fixing of railway traffic rates is a work involving tremendous difficulties, which can only be illustrated and which can not be defined or comprehended. Let me give you an illustration: Persons employed by the railroads may be engaged in connection with the actual transportation of freight or passengers, or the maintenance of right of way and structures, or the maintenance of equipment, or in general administration. The final object of the road is the actual transportation, so that everything in the way of ex-

penses, except actual transportation, is in its nature preparatory for actual transportation itself. The cost of actual transportation on two roads might be about the same, but the cost of preparation might be very different. For instance: In the New England States there are two railroad employees engaged in actual transportation for every one employee engaged in maintenance of right of way and equipment, while on the Pacific coast two persons are engaged in maintenance for every one person engaged in actual transportation. It is often necessary for a road to carry freight at rates which but little more than pay the cost of the actual transportation, for without such carriage the actual cost of other freight transported might be considerably increased. It is often necessary for roads to carry freight at rates which in addition to paying the actual cost of transportation contribute something more than the cost of mere wear and tear of equipment and right of way, but which do not contribute anything toward fixed charges or dividends.

The successful railway manager must in some way secure business enough for his road at such rates as in their totality will pay not only the cost of actual transportation, but will also pay the cost of maintenance of way and structures, cost of maintenance of equipment, cost of general administration, taxes, interest on bonds, and other fixed charges, and still show some profit on the balance sheet, or else his road goes into bankruptcy and he goes into oblivion. That all freight can not be charged for on the same basis is self-evident to every one. White diamonds and black diamonds must have different rates. Rates must be adjusted in such a way as to be fair to the capital invested in the road and also fair to the persons using the road for the accommodation of their business. This is not easy to do.

In the group of States including New York, Pennsylvania, New Jersey, Delaware, and Maryland there is a railroad stock issue of $1,364,000,000, and the railways reported for the fiscal year 1904 (the last report published) the carriage of 414,000,000 tons of freight; while on the Pacific coast there was a stock issue of $759,000,000 and only 42,000,000 tons of freight carried.

In this same group of New York and Pennsylvania the mileage of loaded freight cars going north and east was 985,000,000; going south or west, 572,000,000; while the mileage of empty freight cars going north and east was 221,000,000 and going south and west 627,000,000; and of the total mileage of freight cars in the last reported year, out of a total of 14,353,000,000 miles traveled by the cars, 31 per cent, or four and a half billions, was mileage of empty freight cars. The difficulty in the way of fixing rates includes the consideration of the loaded car, the movement of the loaded train, and the movement of the empty train, the trend of the loaded cars, and the trend of the empty cars. If the cars are moved loaded to a point, they must either be returned loaded or empty eventually to the starting point or to some other starting point. And the difficulty in the way of understanding rate making is largely comprehended in the fact that the railway manager must at all times consider that having moved a car with a load in it he must either move the car back empty or find another load at some rate which will more than pay the expenses added to it by carrying its load.

I think it might be proper to give a few of the figures with reference to the railways. The railway stocks amount to $6,359,000,000, the funded debt to $6,873,000,000, making an aggregate capitalization of $13,231,000,000. About 20 per cent is owned by the railways themselves. The average capitalization is $64,000 per mile, to which should be added $4,200 per mile on account of current liabilities. The railway capitalization of this country, with 216,000 miles, is a little over $13,000,000,000. The railway capitalization in Great Britain and the European continent, with 149,000 miles, is over $18,000,000,000. So that the total capitalization of our roads is not excessive; but we ought to understand, also, that the amount of stock and bonds is not, after all, a fair criterion of the amount of value of the roads.

The total number of persons employed on the roads for the year 1904, was 1,296,000, or 611 to each 100 miles, and of these there were engaged in actual transportation 566,000 persons; engaged in the maintenance of equipment, 261,000; engaged in the maintenance of way and structures, 415,000; in general administration, 48,000.

The total number of freight cars in the country, excluding all private cars, for which no report is received, was 1,692,000, and of these there were 310,000 20-ton cars. The 20-ton car was the car a few years ago. Now the 30-ton car is the principal car, and of these there are 707,000. But there are 260,000 40-ton cars, 107,000 50-ton cars; then there are some cars up to 75 tons.

While the cars have been increasing in capacity, the locomotives have likewise; and if it were not for the fact that there have been increased economies in railway transportation the rates could not be so low as they now are. One of the needs of the future will be to increase still further the economies in transportation.

These figures show that in dealing with this subject it is necessary for Congress not to deal unjustly with the railroads. We can not afford to take the position that we will deprive the investors in the capital of the railways of a fair return upon their investment.

In the year 1904 there were $2,696,000,000 of stocks which paid no dividends; there were $78,000,000 more which paid not to exceed 2 per cent; there were $112,000,000 more which paid not to exceed 3 per cent; there were $178,000,000 more which paid not to exceed 4 per cent; there were $928,000,000 more which paid not to exceed 5 per cent. So that the total payment of dividends on the aggregate capitalization of the railroads was about 3 per cent, and of the total $2,000,000,000 of gross receipts less than 10 per cent of it, or $183,754,236, found its way eventually into the pockets of the owners of the stock.

Another illustration of the difficulties between different localities of the country in the fixing of the rate may be seen in the case of the group of roads lying east of Illinois and west of Pennsylvania, as compared with the group of States lying west of Indiana and east of the Missouri River.

In the Indiana and Ohio group the railways paid $124,000,000 to the employees and carried 292,000,000 tons of freight, while in the Illinois and Iowa group there was an expenditure of $152,000,000 to employees and they carried only 225,000,000 tons of freight. The expenditure to employees in the Indiana and Ohio group was $28,000,000 less than in the Illinois and Iowa group and the number of tons of freight carried was over 60,000,000 more.

These facts illustrate how difficult it is to make comparisons of freight rates, how difficult it is to determine what shall be the rate at this point and what shall be the rate in that locality, and yet, Mr. Chairman, I am as firmly convinced as one can be of the necessity of the passage of a bill like this. It is with me a belief that it is absolutely necessary, both for the interests of the shippers and the interests of the railway, that there shall be placed between them a disinterested body which shall decide conflicting questions which may arise. [Applause.]

Mr. STERLING rose.

Mr. MANN. I will yield to the gentleman.

Mr. STERLING. The gentleman gave the per cent of dividends on the stock; has he the figures of the percentage of dividends on the actual value of the railroad property?

Mr. MANN. Mr. Chairman, nobody knows what the actual value of the railroad property is. As I said, the amount of capital stock is no fair criterion. Much of the capital stock of the road is not intended to ever pay dividends; much of the capital stock of the road was issued and is held solely to control the ownership of the road and for use in stock gambling. Much of the stock of the roads is far less than the actual value of the road.

Mr. SMITH of Kentucky. The gentleman mentioned that about 20 per cent of the capitalization of the railroads was owned by the railroads themselves. I desire to know whether he means that it is owned by the roads in their corporate capacity or by the managers and directors individually?

Mr. MANN. Owned by the railroads in their corporate capacity. The railroads own in their corporate capacity $1,942,000,000 of stock of other railroads, and they also own $558,000,000 of bonds of other railroads.

RATE REGULATION NEEDED.

Now, Mr. Chairman, without any intention to in any way deal with this question from the standpoint of passion or hysterics, with no idea on the part of this Congress or any desire on the part of the people to interfere in the slightest degree with all the labor and action necessary for the proper equipment and management of railways, let us see what it is that we propose to do in this case. And, first, I will trespass upon your time to the extent of calling attention to what the President stated in his message, not merely because the President stated it, but because his statement is as good a statement of the case in a few words as has ever been made. In his message of a year ago the President said:

> While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review.

And in his recent message he said:

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

It is not improper for me to call the attention of the House to the fact that in the first report which I submitted to this House from the Committee on Interstate and Foreign Commerce, which was a minority report filed in the House January 24, 1898, I stated that in my opinion Congress "is also called upon to enact legislation which will authorize the Interstate Commerce Commission or some other national authority to prevent excessive or unreasonable rates and to decide what are reasonable, fair, and compensatory rates, both as to passenger and freight traffic." I have remained of that opinion ever since.

It will be noticed that in the Presiednt's first message he recommended that power be given the Commission to fix absolute rates, although he did not use the term "absolute rates." In his second message he suggested the power to fix maximum rates.

PROVISIONS OF THE BILL.

Now, you wish to know what we have attempted to do through the Hepburn bill. Let me briefly enumerate the main propositions of this measure. What does the bill do?

(*a*) Enlarges definition of the common carriers covered by putting under the provisions of the act all railroads transporting passengers or property from one State to another, without regard to whether they are used for such transportation under a common control or arrangement or for continuous shipment, thus permitting the establishment by the Interstate Commerce Commission of compulsory through routes for shipment where the companies have failed to establish such through routes, and the authority to do this is expressly conferred upon the Commission.

(*b*) Enlarges the definitions of the terms "railroad" and "transportation" by expressly including under the one all terminal facilities and under the other services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported when such services are not exempt from the provisions of the act as stated therein.

(*c*) Provides that the schedules of tariffs shall state separately icing charges and other charges which the Commission may require.

(*d*) Provides for thirty days' public notice before change of tariff schedules can be made, instead of ten days for increase and three days for reduction now required.

(*e*) Empowers the Commission, when finding any existing rates unreasonable, etc., to prescribe the reasonable maximum rates for the future; which rates shall go into effect after thirty days' notice, and remain in effect during the term of three years' observance.

(*f*) Empowers the Commission to prescribe what regulations or practices in respect to transportation are just, fair, and reasonable, and requires their observance.

(*g*) Authorizes the Commission to apportion the division of through rates and the terms and conditions under which through routes shall be operated.

(*h*) Provides that the allowance made by the carrier to the owner of the property transported for service, private cars, etc., furnished by him, shall be no more than is just and reasonable, and the Commission may determine the maximum charge to be allowed.

(*i*) Provides a forfeiture of $5,000 against any carrier, or officer or agent thereof, failing to obey an order prescribing the maximum rates or prescribing regulations or practices observed, and makes every distinct violation a separate offense.

(*j*) Requires the United States courts to enforce the orders of the Commission, when it appears that the order was regularly made and served, by injunction or other mandatory process.

(*k*) Provides for the keeping of uniform books of account and memoranda, partly to aid in the gathering and compilation of statistical information and partly to prevent the payment of secret rebates or other preferences.

THROUGH ROUTES.

You may ask what is the purpose of enlarging the definition of common carriers in such a manner as to permit the Interstate Commerce Commission to establish through routes and through rates. Let me give just one illustration. The Standard Oil crowd are great owners of railroad stocks. They are interested not only in the stock of the Standard Oil Company, but they are interested in and owners of great masses of railroad stocks. They have their influential men upon the boards of directors of many railroad companies. They own pipe lines of their own. These pipe lines are not common carriers. The oil which they transport is transported through their pipe lines. Competitors of the Standard Oil Company usually do not own a pipe line. Take, for instance, a case where oil is to be transported from the interior to the Atlantic seaboard. The Standard Oil Company owns a pipe line. Their competitors do not own pipe lines. The Standard Oil Company hence does not care for the establishment of through routes and through rates on the shipment of oil. Their competitors have frequently found that they could not obtain a through rate, but were compelled to pay the sum of the local rates of the different roads over which the oil must be shipped in order to pass from the interior point to the seaboard.

By this bill we propose that the Interstate Commerce Commission shall have the power, if no through rate now exists on oil from Cleveland to Boston, to establish a through route, and to fix the through rate, and to divide that rate among the roads which constitute the through route. Under the terms of the present interstate-commerce law, the two roads connecting with each other are not covered under the act for the purpose of a through route, unless they make a through bill of lading; but under the terms of the pending bill, if two carriers are otherwise engaged in interstate commerce, and hence come under the terms of the law, they can not lawfully refuse to give a through bill of lading and make a through rate and a through route, and, if they do, the shipper who is injured may appeal to the Interstate Commerce Commission and secure relief.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. MURDOCK. In the proviso at the end of that section providing for the establishment of a through route, taking the language "if no satisfactory route exists," does the word "satisfactory" there go to the rate—satisfactory and reasonable?

Mr. MANN. If a satisfactory route exists, there is no occasion to require the establishment of the new route. It does not go to the question of the rate, because the Commission already has the power under other provisions of the bill to make that rate on the already established route reasonable if it be not reasonable. In addition to the power to establish through routes we enlarge the term "railroad" and the term "transportation" for the purpose of including all of the facilities of transportation.

Mr. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. DRISCOLL. The gentleman has studied this question so very carefully and is so able a lawyer that I will ask him whether or not the bill will permit companies to grant free passage or transportation to passengers.

Mr. MANN. Mr. Chairman, the original interstate-commerce law, and in that respect this bill does not interfere with it, probably prohibits the granting of free transportation.

Mr. DRISCOLL. Will this permit cut rates or half-price tickets, according to the judgment of the gentleman?

Mr. MANN. This bill does not interfere in any way with that question. There is a section in the law as it now exists upon the statute books authorizing the granting of excursion rates, authorizing the granting of mileage tickets and such things as that, but not providing for "cut rates," so called, except in that way. That is not interfered with by this bill.

REASONABLE MAXIMUM RATES.

The principal provision in this bill is giving the Commission power to prescribe reasonable maximum rates for the future. The distinguished gentleman from Texas [Mr. RUSSELL], who so ably instructed and entertained the House a few nights ago, criticised the President and marred his speech by his unjust criticism that the President had used the term "reasonable maximum rates" with an innuendo—with the intention to accomplish something besides the fixing of a reasonable rate which should be the maximum.

Why, Mr. Chairman, the term "reasonable maximum rates," which seems new to my Democratic friends in the House, was in the first law passed on the subject. Illinois was a pioneer in this legislation, and in the original act in that State the power was given to the railroad and warehouse commission to fix "reasonable maximum rates," and that was given by the Iowa law and by the laws of other States. It is a term as well known as any ordinary term in legislative acts, but when the distinguished Members of the minority side of the House not familiar with these acts of some of the Northern States raised the question we promptly changed the wording; but the Presi-

dent of the United States used the language with fair intent to accomplish the purpose which we seek to accomplish in this bill.

The gentleman from Texas [Mr. RUSSELL], who is a new and valued addition to our committee, stated in his speech that none of the bills introduced in Congress provided for a maximum rate. Mr. Chairman, in the bill which I introduced on the 24th of last February it was provided that the rate of freight, etc., "found by the Commission to be reasonable and just shall be the maximum charge or rate of freight demanded," etc. The distinction between the power to fix an absolute rate and the power to fix a maximum rate is one of vital interest and importance. The power to fix generally absolute rates is the power to destroy competitive forces, to paralyze industries, to injure railroads, to interfere with all of the principles and methods of modern business life; while the power to fix a maximum rate is a power which has been exercised and construed in many of the States and which does not prevent the continuance of those competitive forces so essential to the preservation of a proper distribution of railway traffic and so vital to the prosperity both of railroads and to shippers.

Mr. Chairman, the language of section 15 of the interstate-commerce act, as proposed to be amended by this bill, is carefully prepared. Under the interstate-commerce act it was construed by the Interstate Commerce Commission they had the power to fix a great many rates in one case. The Maximum Rate case has been referred to here, where the Commission attempted to fix all rates of the six classes of freight for the entire country south of the Ohio and east of the Mississippi River in one order.

What do we propose to do here? We do not give to the Interstate Commerce Commission the power to fix rates. We say by legislative act what the rate shall be. The Legislature defines what the rate shall be. The rate shall be just, reasonable, and fairly remunerative. That is a legislative declaration as to the rate just as much as though we said the rate shall be 50 cents a hundred pounds. We make the declaration ourselves, we do not confer upon the Interstate Commerce Commission any legislative authority or any judicial authority. We say as a matter of legislative act that the rate shall be just, that the rate shall be reasonable, that the rate shall be fairly remunerative, and then we leave to the Commission the administrative power to determine what in each particular case is the just, reasonable, and fairly remunerative rate. We do not confer upon the Commission the power to put these rates into force in the future. That is a legislative act. We authorize the Commission to find what the reasonable, just, and fairly remunerative rates are and then we say by the act that this order of theirs shall go into effect; so that the Legislature finds what the rates shall be and puts those rates into force; and all the Commission is given power to do is the administrative act of making the computation, as it were, ascertaining the facts in a particular case as to whether the rates are complying with the provisions of law which we make, and if they are not, then we put new rates into force by our act.

Mr. MACON. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman.

Mr. MACON. I am very sincere in the belief that there is not a more conscientious legislator in this body than the gentleman from Illinois [applause], and for that reason I ask him the direct question if he does not think that the line between a close together he can hardly tell where one begins and the other ends? Now, I understand that a maximum reasonable rate is right up to the top of reasonable rates, and the moment you go beyond that in the very slightest degree you then strike an extortionate rate. Now, if the Commission was only allowed to substitute a maximum reasonable for an unreasonable rate, would it be allowed to substitute a rate that would be fairly remunerative to the shippers, producers, and consumers as well as to the railroads?

Mr. MANN. Mr. Chairman, I am always delighted to have a conversation with my very distinguished and able friend from Arkansas, and I would be very glad to answer the question if it were involved in the case. I only referred to it before because I thought the gentleman from Texas had done a grave injustice to the President. It is not involved in the bill which we now have before us and the question could not be answered in a sentence or two.

Mr. MURDOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. I yield.

Mr. MURDOCK. Can you conceive of a rate that would be just and reasonable and at the same time not fairly remunerative?

Mr. MANN. I do not think they mean the same. "Unjust" applies to discriminations, "unreasonable" to value of service or amount. "Fairly remunerative" means that there shall be remuneration for the service rendered which shall be fair to the railroad and to the shipper in that particular case. What may be fairly remunerative in one case might be confiscatory if applied to another case, and what may be fairly remunerative for one commodity under particular circumstances may mean ruin to the company or the shipper if applied in the same ratio to all of the business. A large share of the freight charges to-day are so low they contribute little or nothing toward the fixed charges of the road, and yet it is profitable for the railroads to carry such freight at these fairly remunerative rates. Any scheme of rate making which did not authorize the Commission in making the rates to take into consideration all of the circumstances and conditions surrounding the movements and character of the traffic would be a definite injury to business instead of a benefit. It may be that the term "reasonable" would meet the case, though that has a defined, common-law meaning, which ought to be avoided. If the common-law meaning of the term "reasonable" were applied to all the freight rates now in the United States it might perhaps raise half of them.

The Commission, in fixing a freight rate, must take into consideration not merely the rate upon the particular commodity involved between the points named, but must also take into consideration the general character of business upon the road and what other commodities pay between other points. If the Commission, in fixing a maximum rate, is required to fix a rate which, in addition to paying the cost of the actual transportation, pays its share of the cost of maintenance of right of way, structures, and equipment and also its proportion of the cost of fixed charges, and leaves something for dividends, it is plainly manifest that the Commission must proceed upon different lines in fixing rates from the lines now followed by railway officials. It is not the purpose of the pending measure to lay down new principles for rate making. It is the desire, I take it, to leave the Commission to decide, as the railroads now decide, upon the particular circumstances in each case.

FULL HEARING REQUIRED.

We do not propose to give the Commission authority to make rates ad libitum without full consideration. We confine the authority of the Commission to act after a full hearing. A full hearing is a jurisdictional question with the Commission. If the Commission shall entertain a complaint and make an order covering a thousand rates without a full hearing upon the different rates that order is ineffective. The present law makes no such requirement. The present statute gives to the Commission when complaint is made the power to make an investigation and make an order. We confine in this bill the power of the Commission to make the finding after a full hearing of the case. What is the theory of that? The same that goes through our judicial procedure.

The Commission can not act without the hearing. It is not the purpose of the bill to give the Commission the authority to initiate rates throughout the country. When a complaint is presented and a hearing is had; then we say that the Commission is the best qualified to pass upon the case. Here is the situation. Here are the railroad companies, absolutely necessary to the shipper. The railroads can not continue in business without them. The railroads would go into bankruptcy at once without the shippers. The shippers can not continue in business without the railroad company. The two are essential to each other. The two have grown up so that the railroads and the shippers are intertwined and interdependent on each other. Neither can exist without the other. The railroad depends for its life upon the power of the State; it comes within the control of the Government. It can continue in business only upon terms which Government grants to it. What do we do? We say that the railroads must have freight from the shippers and that the shippers must have the freight facilities offered by the railroads. Who shall decide in case of a conflict between these as to what is the proper rate? Shall the railroads permit the shippers to determine the rate to be paid? Shall the shippers permit the railroads to determine the rates to be paid? Is either one to have the power to control the other? The proper method is to do as we do with all trials of property. The right of shipment is as much a right of property to-day under our system as the right to hold a piece of land or to own a dollar bill. We submit the right of trial of property in a way to a disinterested commission, which, after hearing both sides, shall reach a conclusion.

Now, I have often seen courts for whom I had not a great deal of respect so far as the capacity or ability of the judge was concerned. There are thousands of lawyers in this land

just as capable of rendering justice and deciding great questions as the nine eminent gentlemen who sit in this Capitol as the last resort in the determination of justice. But we have learned that an able judge, or one who is not so able, after he has listened to the testimony and after he has been instructed by the counsel, renders a fairer decision than the ablest lawyer does in his own chamber, retained by one side of the case. [Applause.]

Some of the distinguished gentlemen opposing this bill have said that it is the beginning of conferring the rate power. Not at all. We commenced controlling the rate power when the first bill was passed upon this subject. The distinguished gentlemen from Massachusetts [Mr. MCCALL] and Pennsylvania [Mr. SIBLEY] say: "Stop rebates. We are with you upon stopping rebates." Why, Mr. Chairman, the power to stop rebates is the power to control rates. When railroad companies were first organized the railroad owners believed that they had the same right to sell the commodity which they had to sell that any merchant had to sell his commodity, and there was no pretense of giving the same rate to everybody. The railroad would give to this man this rate and to another man, who would bring it large quantities of freight, another rate. It was considered legitimate. It was the same process which we follow in many kinds of business. It was the old idea, now generally exploded, even so far as merchandise selling is concerned, that you sell to the person who wants to buy after bartering and dickering over fixing the price. And when Congress stepped in and said that the railroads could not make rates as they pleased, they could not discriminate between individuals, we then and there took control of the fixing of railroad rates. Would anybody take away that power which we have exercised? Would anybody let the railroads now fix rates as they pleased and discriminate between individuals as they please? And yet it is but a step further to say that, having forbidden them to discriminate between individuals, we shall forbid them to unjustly discriminate between commodities and between localities, and we shall forbid them to charge extortionate rates. This is the exercise of a power which no one questions.

But they say that the power may be wrongly used. Ah, Mr. Chairman, the power of government may always be wrongly used. The judge on the bench may be corrupt, the executive may be bought, the legislature may be bought, every official may become corrupt, but when we fear power because we fear we can not elect honest officials, then we fear self-government, and we abandon republican principles. [Applause.]

I am no more afraid of conferring upon the Interstate Commerce Commission the power, after full hearing, to determine justice between the shipper and the railway company, than I am afraid of conferring upon the Supreme Court of the United States the power which it is now exercising of determining the rights between the State of Illinois and the State of Missouri in a case out there. [Applause.]

"FAIRLY REMUNERATIVE" CONSIDERED.

Mr. MACON. Does not the gentleman believe that if we eliminated the words "fairly remunerative" we would eliminate a somewhat dangerous proposition?

Mr. MANN. Section 15, as we propose to amend it, provides that if the Interstate Commerce Commission, upon complaint and after full hearing, shall be of opinion that any rates charged by the railroads are unjust or unreasonable, etc., the Commission shall prescribe what will, in its judgment, "be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged." I have already endeavored to explain to the House the necessity of inserting the words "fairly remunerative," or words of similar meaning, such as "compensatory," but perhaps I ought to be more explicit.

In the last fiscal year for which full reports have been compiled, the year 1904, we find that there were 641,000,000 tons of freight originating on the lines of railroads making the returns. That of this, over 51 per cent, or 330,000,000 tons, were the products of mines, bituminous coal leading with a tonnage of 174,000,000 tons. The products of the forest aggregated 12 per cent, or 80,000,000 tons, including lumber to the amount of 67,000,000 tons. Grain amounted to 30,000,000 tons; cotton to 3,000,000 tons; live stock to 10,000,000 tons; dressed meats to 1,730,000 tons. Merchandise amounted to less than 5 per cent of the total, or 30,986,689 tons. It is self-evident that merchandise and coal can not be charged the same rate. If bituminous coal were charged the same freight rate that is charged the average product of freight, the cost of coal in many parts of the country would be so great as to compel a change in our method of living.

On every railroad, nearly, you will find that there is an excess of loaded cars going in one direction and an excess of empty cars going in the opposite direction. Less than half the railroad employees are engaged in the actual transportation of freight. More than half of the employees are engaged in maintenance and administration.

Of the $2,000,000,000 collected in the year 1904 as gross receipts by the railroads, less than 25 per cent, or $465,872,674, were paid out by the railroads as net interest on the funded debt and net dividends on stock. A very large proportion of the freight which was carried, known as coarse and bulk freight, probably contributed nothing toward the payment of this interest or dividends. If the freight charge will pay more than the cost of actual transportation and its share of wear and tear of equipment, way, and structures, it brings a profit instead of a loss, provided it would not otherwise be secured; nay, more, it may bring a profit, although not paying so much as the actual cost of transportation if carried in cars which would have to be moved in the same direction anyway, and which otherwise would be moved empty. A freight train may contribute nothing toward the payment of dividends or interest. It may contribute nothing toward the payment of taxes or other fixed charges. It may contribute nothing toward the payment of maintenance of right of way. It may contribute nothing toward the payment of maintenance of equipment; and yet, if it will pay operating expenses, it may be profitable to the road to carry the freight, because it may be in the movement of cars which otherwise would be empty and the cost of movement the same.

"Fairly remunerative" means it may be a rate which, whether it contributes anything toward the payment of fixed charges or not, is, for the service which is rendered in the particular case, fair to the railroad and to the shipper. We propose to give to the Commission the power to say in each case what is a fairly remunerative rate for the service rendered. Each case will depend upon its own facts.

THINGS NOT PROVIDED IN THE BILL.

Mr. Chairman, having discussed somewhat hastily some of the things which the pending bill proposes to do, I beg to call the attention of the House to some things which it does not propose to do.

The bill does not provide for absolute rates.
It does not provide for the compulsory raising of rates.
It does not provide for maximum rates.
It does not provide for differential rates.
It does not provide for arbitrary classification.
It does not provide for permanent rates.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Georgia is recognized.

Mr. ADAMSON. Mr. Chairman, I will be glad if the gentleman is given time to conclude his remarks.

Mr. HEPBURN. I yield such further time as the gentleman may desire to consume. [Loud applause.]

Mr. SIMS. If it will not interrupt the gentleman too much, I want to ask him a question.

Mr. MANN. I yield to the gentleman.

Mr. SIMS. I have received several letters, and among others, petitions from railway employees asking me to oppose this bill upon the ground that if it passed they will lose from their wages. As I have a great respect for the opinion of the gentleman from Illinois, who is a member of the committee, I would like to hear him on that idea.

Mr. MANN. Mr. Chairman, I think it is very natural that the railway employees may have such fears. When we remember that the wages which are paid to the railroad employees have increased from $495,000,000 six years ago to considerably over $800,000,000 now, an increase of over 65 per cent, it is not to be wondered at that the railroad employees, aided by the arguments and instructions of their distinguished employers, should be besieging Congress with a threat and fear they do not really wish to make, or to believe, that their wages will be reduced.

Mr. Chairman, if I believed that this bill would interfere with the railway business of the country, I would not be in its favor. We depend upon the railroads of the land. We can not strike them down. We can not injure the railways or the employees without greatly injuring the shipping interests of the country.

Mr. HINSHAW. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HINSHAW. Has not the same argument always been used by the railway managers and others against every invention for safety appliance that has been introduced and every single item of progress in railway management?

Mr. MANN. Mr. Chairman, after all, in determining a great question like this, we have reached that point where we come

to the parting of the ways. The issue has been presented, and it must be met. Shall Government, when the issue is presented, say that the railways may do as they please—may resort to extortion if they choose, without regard to the rights of the Government—or shall we say that properly safeguarded Government shall exercise its right of control to prevent extortion and prevent unjust discrimination?

Now, as I was saying, Mr. Chairman, we do not provide for absolute rates. We do not provide for differential rates. We do not interfere with the construction of the long and short haul clause as it has been made. We do not give to the Commission the power to make arbitrary classifications. It is true that in making a review of rates, if the rate be changed, it may involve a change of the class or it may involve an exception from a class, or it may involve a fixing of a commodity route. But we do not authorize the Commission of its own sweet will to change this article or that, to readjust the classifications of the country, or readjust the freight rates in this arbitrary or initiatory manner. We confine the action of the Commission to the case which is presented and prevent them from arbitrarily injuring any particular locality. We do not give them the power to say which port shall be built up, which city shall be preferred; we leave open the competitive forces of the railways. The old bills which we had sought to stifle competition; we leave competition in force. The railroads running south, west of the Mississippi, and the railroads running east, north of the Ohio, will have to fight out the question as to which road shall carry the grain for export abroad.

We do not seek to determine those questions. Much has been said here in denunciation of the principle of basing points. Whether basing points be right or not, their establishment has been one of the movements of economic forces, which ought not to be idly interfered with while the great question of overconcentration of population in large cities continues to be the problem of the age. It is claimed that basing points tend to build up local distributing centers, and that doing away with basing points would result in many cases in the South and West especially in adding to the business of a few large cities at the expense of minor distributing points, in the same way as it is claimed the establishment of cheap parcels post would result in building up mail-order houses at the expense of the country merchant and the city wholesaler.

Mr. Chairman, it is sometimes much easier to complain about the faults of others than it is to right the faults in ourselves. The grossest discriminations, the most unjust preferences known to-day in the carriage of freight are those which exist under the postal laws and regulations. Here, for instance, are the popular magazines and books in competition with each other. By our postal laws we carry the magazines through the mails from New York to San Francisco for 1 cent a pound, which is far less than the cost of the service. On the other hand, we charge for carrying a book from New York to Philadelphia 8 cents a pound, which is far above the cost of the service. We lose probably not less than $20,000,000 or $30,000,000 a year by the carriage of second-class mail at a cost of 1 cent a pound. We make it up partly from excessive charges levied against books, which are in direct competition with the magazines and newspapers comprising second-class matter.

We propose to confer upon the Interstate Commerce Commission the power to regulate abuses of much less notoriety, while we admit that up to the present time we have been unable to regulate those abuses in the postal service over which we have direct control. It is not surprising that railroad officials, when they notice the incapacity of Government to correct abuses under its direct charge, on account of the political influence of newspapers, magazines, etc., do not desire the railroad business to be placed under the control of a governmental agency which, in the end, may be influenced by the same motives and controlled by the same fear.

But the danger to the railroads of radical railroad legislation is far less than the danger to the business interests. If a commission shall be created which will listen to the conflicting interests of different localities and which shall endeavor to conserve the natural advantages of one community over another, which shall endeavor to fasten upon our country zones of influence and zones of trade, which shall endeavor to interfere with or restrain the active, persistent, and constant competitive forces of commodities and localities, as well as shippers and railroads, we will have entered upon a dangerous, if not a paralyzing, course.

Mr. Chairman, there are some things about this bill which are objectionable to me. The provision fixing a penalty of $5,000 for each distinct violation of an order of the Commission might penalize a road to the extent of millions of dollars a day. That proposition is so unconscionable that if endeavored to be enforced I think the court must hold it unconstitutional. No one, whether he be person or corporation, should be threatened with ruinous fines as a penalty for appealing to the courts of the land for constitutional protection. Probably no attempt would ever be made to enforce such penalties, but I fear that the provision as it stands is unfortunate.

The strongest remedy furnished by the bill is not the fear of penalties, but is the affirmative remedy that the courts shall enforce the lawful order of the Commission by a writ of injunction, mandamus, or other summary process.

I should like to take up for discussion at this point the so-called "court" feature of the bill. I am inclined to think that under this bill the interests of the railroads are properly safeguarded, but I can not, in view of the time fixed for voting upon the bill this afternoon and in justice to the two great gentlemen who are to follow me in this debate, go into that question at this time.

SUMMARY.

Let me then make a summary of the position which I occupy.

I believe that the shipper, with a just complaint concerning the service rendered to him by the railway or the charge therefor, should have an impartial tribunal pass upon this question between him and the railroad company, vital to them both; but I do not believe it advisable or wise for the Government to attempt to reduce to such a low point the earnings of capital invested in railway enterprises as will tend to prevent the investment of new capital. On the contrary, assurance should be given for a reasonable return on the investment. The railroads to-day are wholly inadequate to the existing transportation needs. Many of the lines need double tracking. Some need a third or fourth track. Most of them need better terminal facilities. More rapid transportation is needed for many classes of freight, and particularly for live stock and perishable freight. More safety appliances are required, not only for the benefit of the employee, but for the passenger, and the citizen who is neither. More care should be demanded in the transportation of passengers. Signal systems by which railway collisions will be rendered almost impossible are of as great importance as the question whether the grain business from disputed points shall go to Milwaukee or Minneapolis.

The study of recent years, both as to railway transportation and water transportation, leads me to believe that in the not distant future transportation by rail will be immensely cheapened. We have increased the length, width, and depth, the capacity of steamships and of railway cars; but while we have deepened our harbors we have not widened our railway tracks. An evolution in the construction of railways is inevitable. When it comes, it will require vast sums of capital. It will require confidence on the part of those furnishing the funds that they will receive a fair return for their investment.

The business of the country can not live without the use of the railroads. The railroads can not live without being used by the business interests. The railroads are necessary to the shippers. The shippers are necessary to the railroads. The freight rates determine whether the shipper shall live. The freight rates also determine whether the railroad shall live. If the rates be too high, a particular shipper may be driven out of business. If the rates be too low, the railroad may be driven into bankruptcy. The railroads being a necessity to the shippers and the shippers being a necessity to the railroads, the reasonable plan is in fixing the freight rates to be paid that both shippers and railroads shall come to a mutual agreement after mutual exchange of opinions and positions; but in case the shippers and the railroads are unable to agree, there should be some tribunal to settle the dispute without leaving it wholly to the judgment of one of the interested parties.

That is the proposition in the pending measure. It is proposed to give to the Interstate Commerce Commission, to a limited degree, the rate-making power. The Commission may hear complaints that any particular rates are unreasonably high, or unjustly discriminatory, and may decide what shall be the highest rates to be thereafter charged by the carrier. This will not prevent the carrier, in the face of competition, from lowering its rates, in order to save its share of the business. The Hepburn-Dolliver bill now pending before us is immeasurably superior to the old Nelson-Corliss bill, the Cooper-Quarles bill, or the Esch-Townsend bill of the last session. Those bills proposed to give to the Commission the general power to fix absolute railroad rates which could not be changed, except upon filing a new petition and having a new hearing before the Commission. Those bills enacted into law would have fastened upon the business interests of the country a system of arbitrary and absolute rates entirely unresponsive to the business interests, or the changing conditions of transportation or business. The enactment of any of those bills into law might have proven

a catastrophe to the shipping and business interests of the land; but the Hepburn bill, now pending, is very different. True, it confers the rate-making power to an extent upon the Commission, but it permits the Commission at any time, of its own motion, to change its order; it permits a rehearing of the case at any time; it provides that the rate fixed by the Commission shall not be the absolute rate, but only the maximum rate, and it provides that this rate shall be compulsory only for the term of three years. This will give the power to correct the evils which are complained of, but will not give the power to confiscate the property invested in railroads, or to paralyze the business interests of the country and prevent the location and establishment of new industries along the lines of the railroads.

It will not give the Commission the power to determine differentials, the power to say whether grain from the Northwest shall be shipped for export by way of the Gulf ports or the north Atlantic ports, the power to destroy the law of competition, the power to ruin one city or one locality for the benefit of another city or another locality. The former bills were intended to destroy railroad competition. The pending bill invites competition and it preserves all the competitive forces which tend to increase the economy of transportation and reduce the cost thereof.

The fixing of railroad tariffs is the most complex and delicate work now carried on in our country. The interests, the localities, the commodities, the persons interested are as diversified as our land, our productions, and our people. No one set of men ever have or ever can manipulate the delicate mechanism of railway tariffs for all parts of our country, for all commodities produced by us, and for all interests which may be destroyed or upbuilt.

But government must exercise some control. It is as necessary for government to be the judge in the last resort between shipper and carrier as to the rate to be charged, as it is for government to determine the right to any other class of property.

The railroad officials fear that it is dangerous to confer, to any extent, rate-making power upon a governmental agency. Let us admit it. There is some danger. No one can tell how dangerous it might become if fully exercised. But no new legislation is ever enacted without some element of danger in its possibilities. The best guaranty is that the pending measure is conservative. It protects the interests of the shipping community and does not permit the confiscation of the railway properties. The present bill is a compromise measure. It probably does not meet the full views of any one. But the subject is a great one. It is the most stupendous subject in its many ramifications which has ever come before this body. In a sense, we grope in the dark.

This measure is an advance in the complexity of our internal affairs and in the progress of government paternalism. The necessities of the case require us to take this step. We can not avoid it. If properly used in the future, it will be a great advantage to both shippers and railroads. If improperly used in the future, we must trust the people to correct its abuse as we must at all times trust the people to provide safe government and to observe the safeguards of government. [Great applause.]

The CHAIRMAN (Mr. CURRIER). The gentleman from Georgia has twenty minutes remaining, and the gentleman from Iowa one hour and twenty-three minutes.

Mr. HEPBURN. Mr. Chairman, I think there must be some error about that; there is yet two hours and forty minutes before general debate is closed.

The CHAIRMAN. The Chair understood that general debate was to close at half past 3.

Mr. HEPBURN. At half past 4.

The CHAIRMAN. Then the gentleman from Iowa has two hours and twenty-three minutes remaining.

Mr. ADAMSON. I hope the gentleman from Iowa will agree with me in extending the time of the other speakers.

Mr. HEPBURN. I will yield to the gentleman such time as he wants.

Mr. ADAMSON. I will yield, then, to the gentleman from Mississippi [Mr. WILLIAMS] such time as he desires.

Mr. HEPBURN. We will try and divide the time remaining equitably between us.

Mr. WILLIAMS. Mr. Chairman, I hardly expect the Chair or the House to believe so improbable a statement when coming from a Member of the House of Representatives, but it is none the less true that I am about to make a speech that I do not want to make. I do not want to make it because there is absolutely nothing left to be said upon this question. So far as this side of the Chamber is concerned, no party was ever at any time served by half a dozen men so well as we have been served by the six Democratic members of the Committee on Interstate and Foreign Commerce. [Applause.] No country was ever served more patriotically than they have served this country, with studiousness, with intelligence, industry, and courage. They have seen their way and they have traveled in it. Many records of the House of Representatives will be examined in vain to find any question more exhaustively and better presented for the consideration of the House and the public than this question has been presented in this record by the gentlemen who have represented this side of the Chamber and by some of the gentlemen who have represented that side of the Chamber.

Mr. Chairman, the attitude which the House of Representatives holds to this bill is a rather remarkable one. It is very seldom that the two parties in this House, crossing swords day by day, with partisanship always tense, though sometimes concealed, will unite publicly in presenting a common measure to the country, with the view of having an effect upon public sentiment in the country and upon other legislative quarters for the benefit of the people, regardless of party. Upon this fact, Mr. Chairman, I congratulate the country, because the country as a result of it will get good and much-needed legislation to cure palpable, plain, and obvious evils that threaten all sorts of industries, and not only that, but that threaten something back of and higher than industries—integrity and the business honesty. Because, although these railroad discriminations and rebates and exploitation of one place at the tearing down of another place by the mere brute force of transportation power causes men much loss of money, causes much financial unfairness, it also causes something more than that. It gets into the business world the idea that it is right; that it is at least legal to discriminate against one man in favor of another; that it is at least legal, and hence in a manner right, to deprive citizens of equal business and equal industrial opportunity. I congratulate the country, therefore. I congratulate the Democratic party, because, although in the minority, by constant driving and constant reiteration, a very much cherished Democratic policy is about to triumph under a Republican Administration. [Applause on the Democratic side.]

I need not run over what I ran over at the last Congress—the utterances of Democratic platforms; the bill introduced by the Democratic floor leader for the purpose of bringing about this result before any other bill was introduced; the utterance of the last Democratic platform; the utterances of the temporary chairman of the St. Louis convention, calling upon the Republican party to know whether they were going to stand pat or not upon the then impotent condition and the now impotent condition of the Interstate Commerce Commission, as the tribunal to which these questions have been relegated by Congress. I congratulate the Republican party upon the all-familiar principle that "as long as the lamp holds out to burn, the vilest sinner may return." [Applause and laughter on the Democratic side.] I congratulate the President of the United States, because although this is not his child in the sense of being blood of his blood and bone of his bone and sinew of his sinew, for all of its blood and bone and sinew are Democratic, it is, at least, his adopted child. [Laughter.] I congratulate the President, because having seen the light on his way to Damascus he has become sincerely and honestly converted. I congratulate the Democratic party, furthermore, upon the fact that they have had the President's aid, and I confess frankly that without his aid we never could have budged an inch until we came into power. We love the good of the country so much more than we do mere partisan prestige that we are glad to see this legislation come about by our aid under a Republican Administration, and we are willing to see Republicans get their full share of the credit which the people will give to everybody who is concerned in this consummation.

Mr. Chairman, I might perhaps as a mere matter of variation—Members of Congress being uniformly and almost without exception remarkably modest—congratulate myself to some extent upon the attitude of the House to the bill to-day. As far back as the last Congress I expressed at many places and finally upon this floor the hope that the majority and minority members of the Committee on Interstate and Foreign Commerce could agree upon a joint bill so that they could present to the country and to another parliamentary body in another portion of this Capitol a united, undivided, nonpartisan front. I expressed on this floor a willingness if certain amendments I then proffered, which are in this bill, were adopted I would withdraw the then minority bill and vote myself and guarantee on this side a solid vote for the then majority bill. During last summer I had the honor to write to one of the Republican members of the committee, expressing that idea to him, and to the Democratic members of the committee, expressing that hope to them. I want to say now that the bill introduced by the

minority members of this committee, in my opinion—the second Davey bill, the one introduced at this session—is the best bill upon this question that ever saw the light [applause on the Democratic side], and this bill does not altogether agree with it; somewhat falls short of it. There are certain particulars in which I would like to amend this bill, so that it might altogether agree with that second Davey bill.

But in that very same breath I want to say that these Democratic members of the committee, having done the very best that they could do, having gotten the very best terms they could get engrafted on the only bill which can pass, having acted, in my opinion, wisely, with the grand strategic and tactical purpose in view of presenting an undivided, nonpartisan front, so that the people, plus the President, plus the House, might constitute a force that no private interest, no railroad-retained instrumentalities anywhere would dare resist, I shall resist amendments to the bill, even though they be the very amendments I want. [Applause.] I say that I agreed with them when they concluded to subordinate to this grand tactical and strategic purpose a lot of minor differences. I want to say that the Republican members of the Committee on Interstate and Foreign Commerce have acted with broad patriotism. The minority members went to them with certain amendments that were sine qua non—that were prerequisite, in their opinions, to any possible agreement—and the members of that committee upon the other side of the Chamber met them in a spirit of broad patriotism, having this same great strategic purpose in view, and agreed to all that they offered—that is, all that were of prime and prerequisite essentiality. Then the minority members in the same spirit conceded some other and minor points of difference, and they thus present us now with the bill which is before the House.

In view of all that, when an amendment is offered upon this side or the other side of the House which would, in my opinion, make the bill better, if amendments are offered to put into this bill provisions of this year's Davey bill (for the minority bill was named the Davey bill because of the senior Democratic member of the committee, just as the other bill was named the Hepburn bill after the chairman of the committee, and both bills took up the Commission's bill as a skeleton and proceeded from that skeleton to subtract and to fill up and reach a conclusion), I say that even if an amendment is offered to put into this bill a provision of the Davey bill bettering it, in my opinion, I shall vote against it, because I am going to stand by the committeemen on this side of the Chamber who have succeeded in bringing about a united and undivided front, so that the power of President, people, and House may exercise its full influence in the country and elsewhere. [Applause.] Now, Mr. Chairman, as for my little mite in bringing about this result, I want to say I never felt prouder of being connected with anything since I have been a national legislator. I think, as I have said upon this floor several times, that he serves his party best who serves his country well, and I think that the minority membership, in connection with this consummation devoutly wished by me and now attained by all of us, have acted with courage, have acted with intelligence, and have acted in a broad spirit of patriotism. We are glad to be met in a like spirit from the other side of the Chamber.

Now, Mr. Chairman, I do not intend to make a long speech. The legal aspects of this case are embedded in the record exhaustively. There can be no doubt of the constitutional power of Congress to do this thing. If there ever had been any doubt before it has been dispersed like the vapors of the early morn when the sun has arisen by the arguments that have been made. I find it strange, Mr. Chairman, that men will strain at gnats and swallow camels every day whenever their own preconceived ideas, their own selfish interest, or the selfish interest of something that they represent leads them to it. I heard one of the most distinguished lawyers of the United States upon this floor the other day deny the right of the Congress of the United States to delegate legislative powers, and yet that gentleman has served with me and with some of the balance of us for years and is familiar with the conspicuous history of the United States and the manner in which Congress has delegated legislative powers a hundred years agone and up to now. The Constitution of the United States does not mention the Territories of the United States except in one clause; Congress shall have the right to dispose of the Territories and "to make rules and regulations" for the government thereof.

Every bit of the power to legislate for Territories is lodged in the United States Congress, and yet the United States Congress has from the beginning of the history of this country delegated that legislative power to the Territorial legislatures, prescribing how it should be elected. It has not abdicated its power. It could not do that. Of course Congress still has the power to do away with the Territorial legislature whenever it pleases—to resume its legislative power, though delegated. Delegatus non delegare does not apply to parliament, but to its creatures or agents. Congress has the power to sit in judgment upon an enactment of the Territorial legislature and to repeal it. Congress has delegated to it, as if it were a tenant at will, certain legislative powers. That is all that it does in this case. The gentleman from Maine [Mr. LITTLEFIELD], for whom I have a very high regard personally and as a public servant, a man of magnificent individuality and courage, who has more than once stood athwart the pathway of a public gust, more than once stood against his own party in the Chamber—a hard thing to do—made a speech the other day which was like every speech he has ever made, powerful of its sort; but after you analyze it, Mr. Chairman, you find that it meant but two things:

First, an impassioned appeal to the Congress of the United States to regard as vested rights certain discriminations which, in his opinion, have built up certain New England cities. He based his argument altogether, almost, upon the fact that if these unjust discriminations, if these "preferentials," as he calls them, were done away with, a great many industries in New England would be injured. I believe he referred especially to the town of Worcester; "that Worcester was absolutely dependent"—this was his language—"on the present preferentials for its prosperity and its industries."

Now, Mr. Chairman, the question comes—and I believe the gentleman from Maine [Mr. LITTLEFIELD] is the last gentleman who would shirk the responsibility of answering the question and ruling his conduct in accordance with the answer—if such preferentials exist, are they just, are they nondiscriminatory, are they fair? If they are such preferentials as are just, nondiscriminative, and fair, then this bill will not interfere with them; if they are preferentials that are unreasonable, unjust, unfair, or discriminatory, will he stand up before the American people and tell them that he wants cities in New England made prosperous and kept prosperous by unjust, unfair, and unreasonable transportation regulations? [Applause.]

That was one part of his speech. Mr. Chairman, there is no vested right in discriminations made by Government-chartered corporations in favor of one person against another, or in favor of one locality against another. There may be a vested wrong, and, if there be, it ought to be done way with just as soon as possible. Ah, Mr. Chairman, it is not without significance that the main opposition to this bill comes from the Northeast. The shareholders, directors, and presidents of the great railroad companies come thence, and they have so fixed so-called "preferentials" and other things—that they call by still more polite names, but the plain English of which is unjust discrimination—as to build up that part of the country in which they are interested against, or at the expense of, that part of the country in which they are not interested.

Mr. Chairman, if discriminations, rebates, and unjust preferentials went to the railroad treasury and through the railroad office to the shareholders as dividends, it would not be so bad; but they do not go that way. There are rings within rings in the management of a railroad company just as we have lately ascertained that there are rings within rings in the management of life insurance companies. Jake Thompson and Tom Williams and Billy Clark—fictitious names, Mr. Chairman—as traffic managers of great systems, meet in a little private room somewhere to arrange joint traffic rates.

They are not so much guided, though they are somewhat guided, by the interests of the railroads which they represent as they are guided by the interests of the ring within the ring where management is concentrated and in the places in which they have investments. I can imagine them now meeting and talking to one another. One says to another about the joint traffic to the town of A, "Let us make that a little lower." "Why? It is already lower than the traffic for equal service to the town of B." "Yes; but Mr. Pierpont Harriman"—a great railroad president, let us say—"has investments in the town of A. It is upon his line, and in making the joint traffic you want to show him this courtesy." The other fellow says: "That is all right; but Mr. James Morgan"—another railroad president—"has investments in the town of C., and that is on his line, and if you will give him preferential rates to C he will agree to give you preferential rates to A." And when you get through you have not built up the railroads which these two fictitious persons represent, but you have built up Pierpont Harriman and James Morgan.

The gentleman from Massachusetts [Mr. MCCALL], I believe it was—it was one of the gentleman at any rate—talked about the dangerous power to be lodged in these seven men. Why, of course, the power is dangerous. All power is dangerous.

The power lodged in twelve men to determine whether I shall be hanged or not is dangerous. [Laughter.]

But power has to be landed somewhere, and in the ultimate analysis you have to determine where it is safest to lodge it. Is it safe to lodge this power where it will be exercised in the open by seven public officials, or is it safer to lodge it where it will be exercised in secret, in violation of existing law, as it must be exercised, if exercised at all, and therefore necessarily in secret. Three, four, nine, twelve, fourteen—I do not know just exactly how many traffic managers act as agents of that many great railroad systems, commissioned as agents, not of the systems themselves so much as of "the rings within rings" that control the several systems; not for the benefit of the shareholders, but for the benefit of those who hold the offices in the railroad company. Which is the safer of the two? The gentleman said we would get—I believe it was my friend from Massachusetts, and if there is any man in the House that I admire it is he; he has the independence of an old Roman senator, and he is always showing it, and showing it in this very case, so far as that is concerned—I think it was he who referred to the "power to crush" that we were about to invest in the Commission—that is the language, I believe.

Which would you rather give the "power to crush" to—a public tribunal exercising its functions in public, subject to be visited with public indignation, to be removed, or somebody who is doing the crushing act when you do not know when they are doing it, where they are doing it, nor when done know who did it? The "power to crush!" Ah, yes. We hear a great deal about a railroad building up this place, that, and the other. They make a basic point of this place, that place, and the other and build it up. Did you ever think of the converse side of that proposition—while they were building up that basic point they had to tear down something or other? One of these gentlemen referred the other day to a little place in Iowa—Colfax—and Des Moines, and said you could ship to Des Moines and send freight back to Colfax, although Colfax was on the way to Des Moines, cheaper than to Colfax, and in that way the railroads had built up a great jobbing trade at Des Moines. He was afraid this jobbing trade might be destroyed—Des Moines hurt. But what in Heaven's name happened to Colfax while all this was going on? Do not look at one side alone of the shield, gentlemen.

One part of the speech of the gentleman from Maine was an impassioned appeal for vested rights in the profits of certain vested wrongs. The other part of his speech was equally impassioned against all political institutions for the government of the country. That is what it amounted to, if it amounted to anything. He said that the President might not fill vacancies as they occur on the Interstate Commerce Commission. Yes, he might fail to do so. Then he said you might be left with four members of the Commission, three of whom would make a quorum, and three men would be doing all this; and then that these three men who would be doing it would be doing wrong, and doing it in the interest of something corrupt or in the interest of some political party. Of course all this is metaphysically possible. There might be a President who was criminal enough and who was fool enough to want to do that. Now, there is some consolation in American history, not so awfully much when we look back over it all, for we are the most vainglorious people that God ever set upon his footstool.

We brag more about ourselves, brag more about our Government, that "we are so great." God knows we can not be as great as we think we are, and that is so necessarily, because it is simply impossible, when God Almighty could hardly be that great himself. But there are some consolations in American history. One of them is this: The American people have never yet elected a man, as my friend Charley Edwards would say, who was a "plumb born fool," President of the United States. [Laughter.] It sometimes seems that it would be so when you consider the way the nominations are made and the elections carried on, but we have never yet done so. And then there is another consolation. If we should accidentally elect a "plumb born fool" President of the United States, they are not likely to elect him again or to succeed him with another. So that these evils can not last longer than four years, even if that sort of a fool is going to be in the White House. Why, the argument of the gentleman would apply equally as well against the Supreme Court.

The President might fail to fill a vacancy upon the Supreme Court bench. If he does, there is no way to make him send in an appointment to the Supreme bench; but I have never found that they have failed to make appointments. Public indignation and wrath stand athwart all folly and corruption and have a constitutional way of asserting themselves and removing obstacles.

Why, Mr. Chairman, to be serious about the matter, when you come to the last analysis of it, the answer to all that sort of talk is that no man would dare to act in the manner that is indicated; no man would dare to do it in Russia to-day; much less in America would a man dare so palpably and defiantly to outrage public opinion and keep on outraging it. No President of the United States, certainly, in a country like this, would be fool enough to do it. And if he did and kept it up for four years, after four years' suffering they would put another in his place. But the real fact is very far from this. I do not believe that such a condition will ever exist. We stir ourselves up sometimes in talking. We stir ourselves up in debate and occasionally temporarily believe a whole lot of things, we are so much in earnest, and the more honest we are the more earnest we will be and the more fond in believing foolish things for a little while.

But nobody really believes that any Interstate Commerce Commission is going to be actuated by the idea of building up one part of the country at the expense of another. Nobody is afraid that any party dares attempt to make a matter of political machinery out of that organization. Why? Because the most sensitive thing in our national life is what we call the industrial element—the business element in it—and while some of them are Democrats and some of them Republicans, they will allow neither party to interfere with business. [Applause.] Business must be carried on, and must be carried on fairly; and they will see to it that it is carried on fairly.

Now, Mr. Chairman, a great deal has been said about the present system being well enough and that rates generally are reasonable, and all that. Mr. Chairman, in connection with that they tell us that Great Britain, the only country which has the system that we are now seeking by this bill to obtain—because all other countries either have total or partial governmental ownership or laws conferring an unrestricted private ownership—that Great Britain's freight rates are ever so much higher than ours. I doubt that when you take it by and large there is no doubt of the fact that the cheapest freight rates in the world, measuring per ton per mile, are the freight rates of the United States. What brings the average down consists in the long-haul freight rates from New York to San Francisco, from Chicago to New Orleans, across the continent, up and down, sidewise and transversely. That brings the average down. But if you take the freight rates from Shubuta to Toomsuba, and that ilk, and compare them with any freight rates of equal length in Great Britain on the short haul, you will find that ours are greater. In other words, our system is starving all the intermediate points to build up the great and extravagant extremities. [Applause.]

In that way is brought about a small average freight per ton mile. Then you must remember that in Great Britain the freight rates consist not only of the transportation of the goods, but of what they call "collection and delivery." The railroad goes to the shipper's place, gets the goods, hauls them to the car and loads them on it, and then when they come to the consignee's place they take the goods out of the cars, haul them to his shop, and unload them. Then you must remember another thing in this connection, and that is the most important of all.

Where one life is sacrificed to the Moloch of transportation in Great Britain, some ten are sacrificed in the United States. In other words, a part of the freight rate in Great Britain consists of better tracks, better equipment, and consequently larger capitalization upon which dividends must be earned, all of which has been due to the anxiety of the people and of the Government there to protect life and limb as well as business. It would be better for the American people if we took a little bit more care to see to it that fewer people are killed and crippled each year, even if the freight rates were a little bit higher. [Applause.]

Another thing: Their roads are better ballasted; they take no such chances of immense speed on an unsafe road as we take. Of course all this necessitates a higher capitalization, and if the dividends be paid it necessitates a higher freight rate than otherwise would prevail there. I doubt, though, if local rates are given due weight, if the charge there is as high even though the service be safer.

Now, Mr. Chairman, some of the gentlemen—I think it was my friend from Maine, Mr. LITTLEFIELD—and it has been my misfortune, by the way, to have been so much occupied with other things when this discussion was going on as to have heard only parts of several speeches, I have heard but two speeches from beginning to end, and I have not had time to read the RECORDS—but this much I heard from my friend from Maine: He went on to tell how many cases had been carried up to the courts from the Interstate Commerce Commision, how many of

them had been set aside, and how many of them had been affirmed, and he intended to show by this that the Interstate Commerce Commission was a very unsafe tribunal, a very incorrect and unreliable tribunal, for the decision of cases of this sort.

But the gentleman from Maine forgot that while a score of cases were carried up, there were hundreds of cases decided by the Commission so plainly and palpably right that even the railroads never dared to carry them up, and the very fact that so few cases have been carried up, acquainted as you and I are with the litigant spirit of railroad companies, is a tribute to the Commission.

The gentleman wanted a system which would be elastic. Now, I am going to leave that point to be explained by the gentleman from Iowa [Mr. HEPBURN], who has knowledge of the intricacies and details of this bill perhaps not excelled by the knowledge of any other man.

This bill does leave plenty of elasticity—free play for competitive forces. It does leave elasticity, but while you are talking about elesticity, there are two sides to that question. There may be such a thing as too much elasticity. You do not want things in what my friend, the Speaker, would call such an "India-rubber" condition, as that the rate may be stretched or contracted regardless of right, regardless of justice, or reasonableness, just to suit the whim of a man who chooses to stretch or contract it.

There is nothing that is such a drawback upon rascality as publicity. Men who are expert in these matters will tell you that two or three great electric lights on a great street are worth fifty policemen, because a man can not go into a dwelling without thinking himself that somebody may see him. The great advantage of this sort of legislation is that the rate-fixing power, as far as this bill confers any rate-fixing power at all, is lodged with men who must exercise it in public, after hearing both sides; whose decision must be given publicity and with which all the world becomes acquainted almost at once. So that if it shall be that any unfair or corrupt motive guide them to a decision, that will appear to the people from the very nature and character of the decision itself. It can not appear where men meet in secret for the purpose of determining questions of this sort. The gentleman said that we are taking away from the railroads the power to fix rates. Mr. Chairman, this bill does not do that. No bill offered has pretended to do that. Nobody has proposed to take away from the great transportation companies the power to initiate the rates, and, as a matter of fact, out of 10,000 rates there will probably not be 20 that will be questioned and challenged and brought before the Interstate Commerce Commission.

The balance will remain as they were initiated by the railroads, and the only rates that will be attacked, the only rates that will be challenged, will be those that are thought by somebody to be unjust, unreasonable, or discriminatory, and the only rates that will be set aside will be those thought by the Commission to be unjust, unreasonable, or discriminatory. Aye, and there I have gone a bit too far, because there is a right of appeal from this board to the courts of the country. Congress could not take that right away if it wanted to. In that particular I wish that the bill were a little bit better than it is. I do not believe that a court ought to have anything except two things to do with the action of Congress or with a law passed by Congress or with the decision of the Interstate Commission having powers delegated by Congress. I do not think it ought to have anything to do with the decision of a tribunal of this sort organized by Congress to act in lieu of Congress itself with regard to certain particular things, except this: The court ought to have, and we could not take away from it if we wanted to, these two powers: First, to say that the decision arrived at by the tribunal is unconstitutional, because it takes private property without due process of law and without adequate compensation—that is, in a word, confiscatory. Mr. Chairman, if we said in the bill that the courts should not have that power, they would have it anyhow. We could not prevent them from having it. Then they ought to have this power—to say that the decision arrived at is beyond the scope of the authority given to the tribunal by the Congress of the United States. In the first case they would say that it was unconstitutional because it was beyond any power that Congress itself had, and therefore beyond any power that it could confer. In the second case they would say that the decision was unlawful because it was beyond any power that Congress had as an actuality conferred. That is as far as the power ought to go—to condemn as unconstitutional or unlawful.

Now, Mr. Chairman, a few general words about the great underlying principle of the bill. There has never been a court that I know of which has passed upon a railroad question that has not in some language or other expressed the idea that the railroad was a quasi public body, exercising public functions as well as private functions. It is partly private in its organization, in its contribution, in its management. To a certain extent it is public in this, that it occupies the public highway and is subjected, like all highways, to the government of the state.

The state—using the term right now in the sense of government and not particular States in the Union—has exactly originally the same control over a railroad that it has over a turnpike, over a dirt road—the right to say where it shall run, who shall travel it, and on what terms; and there never was from the beginning of time in English-speaking countries a day when the state did not reserve to itself the right to say what tolls upon a highway should be, what tolls upon a canal should be, what rates upon a railroad should be. Why, in Great Britain they went so far that they always put the railroad tolls in the charter when they chartered a railroad company until after a while, with changed conditions, the charter rates became so much greater than any rates that were actually charged that they organized the great canal and railway commission, which is exactly what we are doing here, and gave them power to do more than we are giving the Interstate Commerce Commission power to do under this bill. They gave them full power to make—to initiate—schedules of rates.

You would think, to hear our opponents talk, that having done that anarchy would have come about, Populism would have been in control of the Government of Great Britain, that all the railroad property in Great Britain would have been confiscated, that the whole political sky would have been dissolved into its original elements, that everything would have gone back to chaos; but I do not find from recent reading of English history that anything of that sort occurred.

Why, to hear some of these gentlemen you would think that when Mississippi, for example, organized her railroad commission and gave general rate-making powers to it, and general regulatory powers to boot, all these things would have happened. Now, I want to make a confession, Mr. Chairman. When I was younger by some twenty-odd years, when it was first proposed in Mississippi to organize a railroad commission with these powers, tons of literature were sent out by the railroads, just as tons of literature have been sent out by them in connection with this matter, and being naturally conservative I became alarmed.

I thought if we should do this thing, a lot of demagogues constituting a railroad commission might deal drastically with these great corporations in order to make themselves popular and secure reelection, while discouraging capital from coming into that State to build railroads, and I thought I would go to Jackson, where the legislature sat, and use my influence with my friends to keep them from doing this awfully radical and dangerous thing. Luckily for me, it turned out I was too busy to go and I did not go. The bill was passed. They brought it to the circuit court of the United States and from there to the Supreme Court, and both courts said the State legislatures had a perfect right to delegate this power, as drastic and as strong as it was; that it was perfectly constitutional. It went into operation and the railroad commissioners began to perform their duties under it. Mississippi built more railroads in the next ten years after the act passed than it ever built in any thirty years of its previous history. That is what is going to happen now.

I can assure my friend from Massachusetts [Mr. MCCALL] I know how honest he is, and I know what a perfect natural-born conservative dread he has of having the Government do too much. I share it with him, but I can assure him that within five years from now he will not know that this legislation was ever passed, except that he will find out that whenever unfair and unreasonable preferentials or discriminations exist that they have been terminated. He will find that the railroads will not have many lawsuits, because with this law on the statute books they will themselves correct culpable discriminations between persons or places for the purpose of avoiding being brought up before the Interstate Commerce Commission and being made subject to all this expense. He will not find much litigation about it, and the law will be, to a very large extent, self-executing—automatic—that is to say, the fact of the existence of the law will make the railroads, without waiting for the initiation of suits before the Interstate Commerce Commission, do what the law requires to be done upon their own initiative.

Now, Mr. Chairman, as to the Federal Government taking too much authority upon itself in the regulation of interstate commerce, with regard to this particular question I want to say this to Democrats: They seem to forget one side of what old

Thomas Jefferson said years ago. He believed in preserving inviolate the reserved rights of the State as the sheet anchor of local self-government and individual liberty, but he added to it, "and the delegated powers of the Federal Government in their full integrity as the only safeguard of national independence."

Now there are two sorts of States rights. The States right to insist that its reserved rights shall not be usurped by the Federal Government, and generally that is all men think about when they think about States rights, but there is a coordinate and coequal States right which exists in this; the right of the State to insist that the Federal Government shall perform the duty delegated to it by the Federal Government for the protection of the State and of the people. [Applause.] That is the States right for which I stand here. The Federal Government has the delegated power to regulate interstate commerce, and it follows, as four follows the addition of two and two, that this power having been conferred for the protection of the State, for the protection of the people of the State, that when evils exist that the States can not remedy, because that power having been delegated they are powerless, it is the most sacred of all States rights that the people of the States shall make the Federal Government exercise the duty of which their people have deprived themselves and which they have delegated to their other servant, the Government of the United States.

Mr. Chairman, we on this side of the Chamber have dreamed for years that some time we might get into power, and when we did one of the things we were going to do was to pass a bill like this. Now, I think I see this bill take its way out of this Chamber northward, and as it goes northward it shall go as a catapult, overcoming every possible obstruction in its pathway. Oh, it may receive a few stabs over there under the fifth rib in the shape of amendments coming from the enemy acting as nurses to the bill for the time being, while they pretend they are friends of it; a few little railroad jokers may be put in it, but when it comes back let us all, Democrats and Republicans, make up our minds right here to stay here until the next session of Congress comes before we in conference cede one single essential principle in this bill or adopt as an amendment upon it one single thing that will devitalize it in the slightest degree or deprive the Commission of that power which it ought to have. [Applause.]

What are we? The American House of Commons. Who are our allies? The man in the White House for one, and he is no contemptible ally either, and I am glad he is with us; the people of the United States, greater than he or we both put together and multiplied by ten. They are with us in this thing. Let us find out who governs America—the President and the House of Commons and the people all added together, or somebody else somewhere else. As for my part, I would be willing to stay here and make it a condition sine qua non to the passage of ordinary appropriation bills, that this bill should come back from whencesoever it may go—virtually as it now is, or at any rate not rendered impotent of operation by amendment. That is the reason that I spoke in the beginning of the grand, strategic, and tactical importance of a united House front overshadowing minor differences about details in this bill. That is what William Tecumseh Sherman called "grand strategy" in opposition to "skirmish strategy."

Now, Mr. Chairman, I have spoken longer than I intended to. I did not want to speak at all, because everything has been said that could be said. I did not know of any good that could be done by speaking. Friends would have me do it as party representative. Old Thomas Jefferson was once asked why he took so little part in debate. He said that he seldom heard a debate in which nearly every question and nearly every point had not been covered. He preferred for somebody else to take the laboring oar, and as for himself he took it only when he found some essential point had been neglected or had been brought forward so weakly as not to have its due effect. This is one of the greatest debates before this House concerning which neither one of those two things could possibly be said. I have never known of a question being so thoroughly elucidated by both sides as this question. I have never known of a committee on both sides of it, Republican and Democratic, that had exhaustively followed out all the intricacies and complexities of a question as this Committee on Interstate and Foreign Commerce has in this particular case.

Mr. Chairman, I thank the House for its attention. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, before the gentleman from Iowa [Mr. HEPBURN] begins, I wish to make a request. He generously offered to divide the remaining time with the gentleman from Mississippi [Mr. WILLIAMS], and I have no doubt that if left to himself he would consume much less time than that remaining to his credit. But I realize that he is the chairman of the committee and the author of this bill, and will be interrupted very often and will desire to answer those questions, and it is for the good of the country that he should answer them. Therefore, I request unanimous consent that he speak until the conclusion of his argument and at his own will. [Applause.]

The CHAIRMAN. The Chair's recollection is that the House fixed the time for closing the debate at 4.30 p. m. It may be open to a question if this committee can extend the time now.

Mr. ADAMSON. Then, Mr. Chairman, I move that the committee rise informally for the purpose of making that request.

Mr. HEPBURN. Mr. Chairman, permit me to say that that is entirely unnecessary. The gentleman does not desire to consume more time than given under the order.

Mr. ADAMSON. I think the gentleman will be interrupted a good deal.

The CHAIRMAN. The gentleman from Iowa has remaining under the rule one hour and forty-five minutes.

Mr. HEPBURN. That is all of the time that I will desire.

Mr. ADAMSON. I have no doubt that it is all the time the gentleman desires, but I do not believe it is all the committee desires him to have.

The CHAIRMAN. If a longer time than that is desired, it can possibly be arranged later.

Mr. ADAMSON. We can renew it later, if necessary.

Mr. HEPBURN. Mr. Chairman, I do not desire to occupy even the time that might be allotted to me under the existing orders of the House. I would be glad, indeed, if it were possible to conclude this matter to-night; and I am hopeful that there will be sufficient time after I have concluded my remarks to read this bill, pass upon the proposed amendments, and carry the bill to its final passage before adjournment. [Applause.]

Mr. Chairman, I want at the outset to make my acknowledgments to my colleagues on the committee and to some other gentlemen for kindly expressions they have indulged in personal to myself. I feel very grateful for all of these expressions, and I am not less grateful, among others, to the gentleman from Pennsylvania for the nomination that he gave to me to a high office, because of the fact that I know that there are constitutional provisions which would make me ineligible to that appointment. [Laughter.] My gratitude is none the less profound.

Mr. Chairman, I regret somewhat that some gentlemen participating in this debate should have used the occasion for the purpose of exploiting political organizations or taking the credit to themselves and to organizations that they are connected with for the present state of legislation upon this great question. This is a matter that ought to rise higher than party, at least higher than partisan politics. It ought to engage the attention of men because of other motives than that of promoting this organization or the other. I do not choose to follow any of those who have spoken on these lines further than to suggest that the law that we have was written by Republican hands and pressed through Congress by the arguments and efforts of members of the Republican organization. I want to remind them that the amendments to that law adopted two years later were written by a distinguished Republican, and it was Republican zeal that secured them as part of the law of the land. I want to remind gentlemen that the act of 1890—the Sherman Act—was written by a distinguished Republican Senator; and, further, I want to remind gentlemen that the act of 1903—the Elkins Act—was the work of a distinguished Republican member of the Senate; and that if there have been shortcomings in the way of declarations in national platforms upon the part of the Republican party, there has been no failure when work was to be done and things were to be accomplished. [Loud applause on the Republican side.]

Mr. Chairman, I remember twenty years ago, about this time, when the first act—the act of 1887—was being discussed in this House. I remember with what zeal that measure was attacked as destructive to the great interests of the country, revolutionary in character, full of socialism. It was a measure that was to introduce then, as now, European methods in place of American, and was in the direction of an experiment that would be fatal to the great commercial institutions of the country, and it was amidst denunciations of that character, prophecies of that doleful nature, that the legislation was had and that the bill became law. What one of those prophecies in the fullness of time do we now recognize as facts? Not one.

Then, Mr. Chairman, the railway mileage of the United States was 137,000 miles, now 220,000; then the gross earnings of the railways were $931,000,000, now $2,100,000,000; then the cost per ton per mile was 1.17, now 0.74; then the dividend on stocks was only 1.81 per cent, now 3.03 per cent; then the gross earnings per mile were $6,861, now $9,301; then, in 1887, 61,000,000,000 of tons of freight were carried 1 mile. In 1893,

171,000,000,000 of tons of freight were carried 1 mile. In 1886, 45 railroads, with a mileage of 7,887 miles and stocks and bonds aggregating $374,000,000, were sold under foreclosure proceedings. In 1894, 13 railroads, with a mileage of 534 miles and stocks and bonds of $28,000,000, were sold under foreclosure. Under this legislation the facts show that this great industry has prospered beyond compare. Nowhere else in all the world is there such a state of prosperity, notwithstanding the fact of this governmental supervision and notwithstanding the dolorous fears of the gentlemen who indulged in jeremiads twenty years ago—so like the speech of my friend from Massachusetts the other day—his speech was full of shadows; no sunlight anywhere in all the horizon of his sentences. I have stated what I have in order that he may be consoled and that hope again may spring in his bosom and that he may believe that even New England may prosper under this legislation. [Applause.]

Mr. Chairman, this is a great question. Any proposition of law that involves an interest so great as the railway interests of the United States ought to be regarded with solicitude by those who are charged with responsibility in that behalf.

One-twelfth of all the wealth in the United States is involved in greater or less degree in this bill. The earnings of the railways are so colossal that two billions and one hundred millions mark the amount of this great interest in one year. Our whole wealth production is but ten times more than that. Think how colossal this is. But the aggregate of investments, the aggregate of annual earnings, does not mark fairly the importance of this subject to the American people. Think how dependent we are for our prosperity, for the comforts of life even, upon the common carriers of the land. Think of the infinitude of the transactions between the carriers and those they serve—millions and millions of transactions.

And yet, Mr. Chairman, the gentleman from Massachusetts [Mr. McCALL] announced the astonishing doctrine that with all these varied and varying interests, with all of these interests, the people can not separate themselves from—they can not separate their connection with the railways—yet in all of these multiplied transactions there shall be no practical arbiter, no one to settle disputes except one of the parties in interest.

Mr. McCALL. If the gentleman will permit me, and the courts.

Mr. HEPBURN. I am going to speak of that. And the courts! Ah, yes, the courts. But we have had the courts during all these years, and I am not like the gentleman from New York, disposed to decry the power, or honor, or necessity for preserving respect for the courts. [Applause.] I recognize they are a necessary agency in the preservation of everything that is dear to the American citizen, and I reprobate, at least, the good taste of any gentleman who undertakes to disparage them in the minds of the people. [Applause.]

I tell you, Mr. Chairman, that whenever that evil day comes, should it ever come, when the people of the United States feel that in the courts they can not hope for justice, that in the courts they can not find an agency that will protect them in their rights and punish their offenders—whenever that day comes, and that other spirit "of righting oneself"—when that evil spirit takes possession of the public mind, there is an end to our institutions and to our boasted liberty. [Applause.]

The gentleman from Massachusetts says the remedies by courts are ample. Experience teaches that they are not. Not because of the fault of the courts, but because of the peculiar character of the transactions involved and because of the disparity in individual power of the contestants in the courts.

Mr. COCKRAN. Mr. Chairman, I am sure the gentleman wants to be fair. I would like to know how the statement of the gentleman differs in the slightest degree from the statement that I made. I have not criticised the courts any more than has the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. The remarks of the gentleman from New York seemed to me, if not intended for the purpose, had the result of inflaming one man's mind against the courts, because that man was taught that, being poor, he lacked the power and could not have that efficient justice, that quick disposal of his business that another man with wealth behind him and station to aid him could have, and it was that spirit that I found in the gentleman's language that seemed to me ought not to pass unrebuked.

Mr. COCKRAN. Mr. Chairman, I would like to ask the gentleman how his statement now differs from mine. It is undisputed that the one person whose imprisonment I took occasion to mention—and I do not at all criticise the justice of that decision—was committed to jail for violation of an injunction, while others, although pronounced guilty of a crime by the decision of that same court, had not been actually incarcerated or even prosecuted.

Mr. HEPBURN. If I misunderstood the character and purpose of the gentleman's remarks, I am sorry.

Mr. COCKRAN. Well, I want to congratulate the committee on this contribution to the discussion, as I understand the gentleman now corroborates me by stating that, so far as the courts are concerned, they are inadequate, and therefore a more efficient agency to effect a remedy must be established.

Mr. HEPBURN. With that portion of the gentleman's remarks I am in entire accord. I was about saying that the courts had proved inadequate because of these reasons: The subject of the controversy in all of the cases that I can conceive is an involved one to the plaintiff; the knowledge and information that would enable the plaintiff to maintain his action for an overcharge are not in his possession. He could not give that expert testimony as to all the elements that would enter into the composition of a just and reasonable charge or an overcharge, while a knowledge of all these facts are in the hands of his adversary, and therefore he could not recover.

That is one of the difficulties, not with the courts, but because of the peculiarities of the subject of controversy. The courts have not been adequate and therefore some other means had to be substituted. With what abhorence would we look upon a proposition, if gentlemen should make it, with reference to controversies other than of this class that were certain to rise and be numerous in the community, providing that one of the parties alone should determine the rightfulness of the controversy; and yet that is what is involved in all of these multitudes of possible disputes between carrier and shipper. It is the carrier that fixes the rate. He imposes upon the other party the necessity of accepting his rate. There is no escape from it. He may pay the charge and then the common law, says the gentleman from Maine [Mr. LITTLEFIELD], gives him a remedy and allows him to recover for the overcharge. Ah, how barren is that remedy, and while it is a known fact that the cases where such suits might be instituted are counted by millions, none is ever brought because of the expense, because of the delay, because of the inability to secure the proof whereby a judgment is within the limits of possibility. Therefore it is futile to talk about the courts as they are constituted furnishing that remedy that ought to be somewhere existent. Now, what do we do by this bill? The gentlemen who oppose it have discussed it as though it conferred upon the railway commission the power to establish schedules and rates. They have, I think, sometimes purposely set up this bogy for the purpose of combating it. No one has proposed that. The jurisdiction of the Commission is limited, as is its power limited, by this law. They can not at pleasure establish a rate. Before their jurisdiction attaches it must be ascertained that a wrong has been done, an overcharge has been made, a wrong in an extravagant, unreasonable rate, because the law to-day and the common law provide that the carriers' charge shall be just and reasonable. That is the limit to which he is permitted to go in fixing his tariff of schedules.

Now, under the operation of this bill, if it should become a law, it is necessary for some one to allege a violation of the statute—that a crime, in other words, has been done—because the overcharge is a crime, as well as being prohibited, and remedies furnished civilly by the courts. He has committed a crime. What then? Investigation follows, and if it is ascertained that the carrier is in violation of the law, then the jurisdiction of the Commission attaches, and it is permitted to do what? Fix a rate? Oh, no; oh, no. It is permitted to establish a just, reasonable, and fairly remunerative rate that shall be the maximum rate that the carrier shall charge. That is all. Can you think of any legislative effort in the direction of control more conservative than this? First, the carrier must be in the wrong—the carrier must be a criminal. His criminality must be ascertained. When it is ascertained by a dispassionate Commission then a rate within limitations, fair and certain and well defined, may be established as the maximum that the carrier may charge, leaving the feature of flexibility still remaining in the rate, and permitting the carrier to charge that lower sum that the exigencies of business or the activities of competition may make it prudent and wise for him to adopt. One gentleman complains of this bill because the words "unreasonable" or "reasonable" have no accurate judicial determination. There are some words, I think, that can not be defined, and yet we use them every day, and the courts use them. Would it be possible for the four critics of this bill to define the word "fraud?" Is it probable that any two of them would agree as to the legal definition of the word "fraud?" And yet the courts have been industriously at work upon that

for centuries, trying to find out what constitutes fraud. There is no definition that would be satisfactory to any lawyer that ever read a law book. There are proximations, and yet you will find after the study of the most carefully prepared definitions that in your own experience you have had cases that do not come within that definition.

I could not define the word "reasonable" in a way satisfactory to myself. I doubt whether any gentleman could do that, but he could in a series of cases, exercising his best discretion, looking at all the facts that may be brought to bear upon a given case, arrive at a conclusion that will be in harmony with the demands of justice and will be right in all of its bearings upon all of the parties. It is a very difficult thing, a very difficult thing, to use words of our English language that are not susceptible of varying interpretations. My friend on my right, the gentleman from Ohio [Mr. GROSVENOR], was exercised the other day because there was not sufficient definiteness in the language used. I do not know that I see before me one individual whom I believe can write an English sentence of twenty words that I can not give more than one meaning to. It is an exceedingly difficult thing to use the English language in such way that ingenious carping can not find fault with it. My friend here undoubtedly has heard the story of the little girl who at her prayers in the morning said, "Good-by, God; we are going to move to Missouri?" [Laughter.] Her wicked brother, who happened to overhear her, and who was jubilant at the idea of the journey, used the very same sentence, but he said, "Good! By God, we are going to move to Missouri!" [Renewed laughter and applause.]

In view of this great difficulty of using the English language so as to convey a given idea with absolute certainty I thought that some of the comments of my distinguished friend a day or two ago reached the dignity only of carping criticism. [Applause.] The gentleman from New York [Mr. SULZER] last night indulged in a character of comment I thought not differing greatly from that of the gentleman from Ohio. [Laughter and applause.] But there was something at least interesting in the remarks made by the gentleman from New York. [Laughter.] They tended to give to the membership of this House a more exalted idea of the aggregate of manliness which was on our roll. Patriotism of a rare character was illustrated by what he said. It is seldom that you find a man so patriotic and so self-abnegating that he will refuse the princely income of $25,000 a year and content himself with the beggarly stipend of 20 per cent of that in order that he may do good to all mankind. [Laughter and applause.]

Do good! Not here; ah, no pent-up Utica like this meets the exalted aspirations of the gentleman from New York. He stands on a pedestal of his greatness, either above or below the Statue of Liberty, I do not know which [laughter], proclaiming to all the world, "Come ye that are heavy laden, and I will give you rest." [Laughter and applause.] And yet, Mr. Chairman, when the gentleman attempts to be practical I am not sure that he reaches the high-sounding phrases of his declaration of greatness. He told us this bill was lacking in great essentials—that it did not include in its provisions a class of instrumentalities of commerce that it was wicked and criminal to omit. He told us that this bill did not provide dire and certain punishments behind the bars of the penitentiary where the criminal classes—those whom gentlemen here will agree are violating the provisions of this law or engaged in conduct now that if continued after the proposed law would become criminal—where those people should be incarcerated, and that it was because of these two defects that the law was fundamentally and radically deficient. He told us with much elation that he had prepared a bill—No. 8414. Those figures impressed themselves upon my memory, and I never will forget them [applause] as the file number of a bill embodying all wisdom upon this subject and a proposition that would give to the country what the country wants and give to all of the rich clients of my friends that which they do not want. I sent for the bill, and, lo! here it is. He told us that a dozen lines alone would furnish the legislation that was to bring about the cure for all of our difficulties, and here is the bill—8414. [Laughter and applause.] Make a mental picture of it, gentlemen. Write it upon the tablets of your memory, so that no time, no circumstance, no conditions of horror or joy shall ever permit you to lose that mental impression. 8414! [Laughter and applause.] And yet, gentlemen, the class of instrumentalities that is omitted from the committee's bill is omitted from this one. [Laughter.] The gentleman had never thought of it, probably, until he got upon his feet. [Laughter.] I say that in order that I may be kind to him. [Laughter.]

But here is the provision, gentlemen. Here is the provision of bill No. 8414 on the subject of punishments. The gentleman wanted Rockefeller and all those gentlemen he named behind the bars, so that he could enjoy the sight of them as prison convicts.

That any person, association, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor—

[Laughter.]

The penitentiary is "suspended." [Laughter and applause.]

And on conviction thereof shall be punished in the manner provided by the act approved February 19, 1903, entitled "An act to further regulate interstate commerce."

You may recollect, gentlemen, that the act of 1903 repealed the prison penalty of the interstate-commerce act. [Laughter and applause.] I am not quite certain in my mind——

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. HEPBURN. I yield for a question only.

Mr. SULZER. My question is this: If I made an error in regard to the extent of the punishment, why did not the gentleman from Iowa, as chairman of the committee, in the interest of the people, amend my bill and make the punishment fit the crime?

Mr. HEPBURN. There is no trouble about answering that question at all, sir. We had an act passed in 1887 that provided vigorous, severe prison penalties for the violation of many provisions of the interstate-commerce act.

Up to 1903, sixteen years, no conviction had been had under that act. It was said here upon this floor and elsewhere that the reason was obvious—that the men who knew the facts by which convictions before juries could be made possible were all of them railroad men. They were the men familiar with conditions, familiar with facts, the only ones whose testimony would be adequate to secure convictions, and that there was that esprit du corps among them that they would not testify where it meant going to prison on the part of their fellows and that if the punishment were by fine largely increased convictions could be had. This Congress—and I think the gentleman from New York [Mr. SULZER] voted for it——

Mr. SULZER. The gentleman is in error. I voted against it, knowing what the consequences would be.

Mr. HEPBURN. All right. I am willing to admit that he thinks he did. [Laughter.]

Mr. SULZER. The RECORD will show that I voted against it.

Mr. HEPBURN. I may be wrong, but I will look it up. [Laughter.]

Mr. SULZER. The gentleman better look it up, and had better look up some other things, too.

Mr. HEPBURN. Mr. Chairman, this bill does not do the things that many gentleman said it would do, and yet I believe that it will do all that is recommended to be done in the annual messages of the President. The committee tried to do no more than that. A year ago we did. At that time the Committee on Interstate and Foreign Commerce presented to this House a bill that met the approval of the membership largely, except the gentleman from Massachusetts [Mr. MCCALL], and he seemed to think that he might derive some consolation from the broad statement that not more than two Members of this House that voted for that bill would now repeat that vote. I think he was in error. I for one would vote for that bill if that were the pending bill. While I do not believe that its provisions are as safe as this one, yet I think that that was so much better than having no legislation at all that I would cheerfully give it my vote, and I believe that every member of the committee of which I am a member would so act. [Applause.] It was not perfect—no more than this bill. I have no doubt that future legislation will improve upon the measure that we now propose, but it is the best that we can give you. We have harmonized all the differences that stood in the way of an unanimous report.

I do not think the bill is exactly in accord with the views of any one member of the committee, not more than two at all events, but each one has been willing to yield something. Something always has to be done in this way. I understand that my friend on the right [Mr. GROSVENOR] was made unhappy in his remarks the other day by the thought of a preternatural unanimity on the part of the committee. We were trying to get legislation. We were trying to secure a result that we believed would do good, and therefore it was that the minority of the committee waived much of their preference and the majority waived much that they would have preferred would be in the bill or omitted from the bill, and we secured that which we have.

Mr. UNDERWOOD rose.

The CHAIRMAN. Will the gentleman from Iowa [Mr. HEPBURN] yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. HEPBURN. Certainly.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question for information?

Mr. HEPBURN. Yes, sir.

Mr. UNDERWOOD. I desire to ask the gentleman, as chairman of the committee, for my information, and I am sure the House would like to have it, whether he claims that the bill as now reported will enable the Interstate Commerce Commission to regulate express companies?

Mr. HEPBURN. I do not.

Mr. UNDERWOOD. They are not included in the terms of the bill, then?

Mr. HEPBURN. I would say not.

Mr. UNDERWOOD. Now, I will ask the gentleman another question: Do the terms of the bill include the regulation of Pullman cars?

Mr. HEPBURN. I would say not.

Mr. UNDERWOOD. Then, may I ask the gentleman to state to the House why the committee, in its wisdom, saw fit to leave the regulation of those two companies out of the bill?

Mr HEPBURN. I will state that the committee, as I said a little while ago, confined its recommendations solely to the recommendations made by the President of the United States. That is the reason. We wanted to put no more into the bill than would meet the demands of the public that had been crystallized upon two or three propositions by the challenge in the President's message to the attention of the whole American people.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kentucky [Mr. SHERLEY]?

Mr. HEPBURN. I do.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman whether, in his opinion, this bill provides for the review of the action of the Commission by the courts in any other sense than they can always review the constitutionality of any act?

Mr. HEPBURN. I have no doubt, Mr. Chairman, that whatever rights now exist to review the action of the Commission exist under this bill. There have been no changes whatever in the court procedure or court plans; no curtailment of the power of the court, no effort in that direction, and whatever power the courts to-day have they will have and they must have under this bill.

Mr. SHERLEY. If the gentleman will permit another question—I am sure that he realizes that I am asking it for no other purpose than that of obtaining information. You are conferring a new power, a power after a rate is set aside to fix a rate, a maximum rate, that shall be observed by the railroads. I would like to know whether, in your judgment, the court, in reviewing that order, can pass upon the reasonableness of that rate or can only pass upon the question of whether it is so low as to confiscate the property.

Mr. HEPBURN. I have no hesitation in saying that, in my judgment, the court will have the power to determine, first, whether the Commission had jurisdiction of the subject-matter; whether it had the power to act at all. That would be dependent upon the question of whether an unjust or an unreasonable rate was condemned, and whenever it passed upon that they would then seek to know whether the Commission had acted within the scope of its authority. It is authorized to fix a just, a reasonable, and fairly compensatory rate. That is to be the maximum, and the court would inquire—and it would be a legitimate subject of inquiry—as to whether the Commission had confined itself within the limitations that the law had thrown around it.

Mr. SHERLEY. Has the gentleman considered the matter in connection with the view frequently expressed by the courts, that a legislative act can not be reviewed except in regard to its constitutionality?

Mr. HEPBURN. Another question is possibly presented here, as to whether or not the Commission has jurisdiction to act; and then, second, whether or not it has exceeded the authority that was conferred.

Mr. SHERLEY. The gentleman, of course, recognizes the distinction——

Mr. HEPBURN. I do not care to argue this matter further. I have stated my views in regard to it. The gentleman will not understand me as being disrespectful, but simply wanting to proceed.

That is the view I take of this matter. I do not believe that we can take from the courts their power to inquire whether or not a citizen was being bereft of one of his constitutional prerogatives or rights. You must remember, gentlemen, that the courts are a coordinate branch of this Government; that the courts in their sphere are the equals of the legislative branch or the executive branch. You must remember, further, that our action may not be final. We may assume to exercise authority. There is a power, the Supreme Court, that passes upon that, and we, in that respect, are not supreme. The Executive finds that the Supreme Court is above him. It will pass upon the constitutionality of an act of the President; but who passes upon the declaration as to the power of the Supreme Court? They have the final word. When did you hear of any court assenting to a proposition that curtails and puts a limitation upon its jurisdiction?

Mr. SULLIVAN of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HEPBURN. Yes, sir.

Mr. SULLIVAN of Massachusetts. I submit a question to the gentleman which I hope he will answer in order to bring out what I am trying to learn as a matter of information about the terms of this bill upon which the court will have to act, and that is whether "unreasonably low" and "confiscatory" are, in your opinion, synonymous terms?

Mr. HEPBURN. If I were a judge, I would say that they were synonymous terms.

Mr. SULLIVAN of Massachusetts. Then, in your opinion, the court, under this bill, if it becomes law, will have the right to enjoin a rate fixed by the Commission if it is unreasonably low, but yet does not amount to confiscation?

Mr. HEPBURN. I think there is no doubt about that. I think if there was any doubt about it at all the words "fairly remunerative" would remove the doubt.

Mr. SULLIVAN of Massachusetts. Then, if I may ask the gentleman's attention to one more question——

Mr. HEPBURN. I yield to the gentleman.

Mr. SULLIVAN of Massachusetts. Then in any case where the Commission fixed a rate as a reasonable rate the carrier would have the right to ask the court to enjoin the rate, and that court would have the right to enjoin it if it found that it reduced the profit of the railroad in that particular below a fair reurn upon the capital invested.

Mr. HEPBURN. I do not know just what view the courts may take as to the elements that would be considered when they were construing or ascertaining what was a reasonable rate. They may wonderfully vary; they are infinite in number. It is a difficult proposition, I take it, but I do not understand that it would be wise for us to refuse to impose the duty when it must some time be determined by somebody because of the difficulties involved.

Mr. SULLIVAN of Massachusetts. In view of the opinion as expressed by the gentleman from Iowa, would he be willing, in order to set the matter completely at rest, to accept an amendment to this bill which would give the carrier a right to ask to have a rate enjoined on the ground that it was unreasonably low?

Mr. HEPBURN. I should object to any amendment.

Mr. COCKRAN. Will the gentleman allow a question?

Mr. HEPBURN. Certainly.

Mr. COCKRAN. Would it be possible to deprive the courts of power to enjoin the operation of an order which forced a carrier to transact business at a rate that would not yield a fairly remunerative return?

Mr. HEPBURN. I do not think we could take that power away from the courts.

Mr. COCKRAN. I agree with the gentleman, and therefore there is no necessity for embodying a provision to that effect in the bill.

Mr. HEPBURN. Mr. Chairman, I was a little surprised at the selfish candor exhibited by the gentleman from Maine [Mr. LITTLEFIELD] in his opposition to this bill. We are apt to be candid when the expressions of candor are complimentary to us. We are not apt to be quite so candid when there is selfishness embraced in the expression. The gentleman from Maine is fearful, apparently, that the extraordinarily unjust and unfair rate on cotton that the people of his community are now receiving may not be continued to them in case the Commission is invested with the power to adjust rates.

Mr. Chairman, I scarcely thought that there was any situation that would justly alarm the gentleman until I investigated the matter slightly, and I found that in the Southern States, in their cotton mills twenty-five years ago, there was invested but $21,000,000. Now there is invested in the same region $225,000,000. In 1880 the spindles in the South were but 667,000. Last year there were 9,205,000 cotton spindles used in the South. Twenty-five years ago they used 225,000 bales of cotton. Last year they used 2,163,000 bales.

Now, if this grand progress had been made under the disadvantages that the gentleman from Maine says the Southern cotton spinner now suffers, what will be the strides of prog-

ress, what will be the wonderful growth in manufactures, what will be the beneficent results that will come to that people when fairness is secured, and when their rivals are not built up at their expense by unjust and wicked discrimination? [Applause.]

Mr. Chairman, with reference to the differences of opinion that have prevailed in regard to some features of the bill, I do not now care to say anything, but we were agreed in regard to two fundamental propositions: One was the investment of the Interstate Commerce Commission with the measure of power, the full measure of power, that the President in his message said he thought they ought to have. That we have done. Then to include by changes enlargement of the definition of the word "railroad" and "transportation," to bring in all of those auxiliaries, or aids, or instrumentalities through which so many frauds and wrongs in the nature of rebates and discriminations have occurred. We believe that we have done that. These we regard as the two essential things. The other changes or provisions that there are in this bill are simply changes of existing law, so as to make more easy, more certain, the administration of the power that the Commission now has. We have disposed, we think, successfully of wrongs that are accomplished through what is known as the "midnight tariff," those sudden changes prearranged for, whereby one man would have large discriminations in his favor, and after he had benefited thereby, the rate going back to the old schedule, and things move on placidly, notwithstanding that it is a legally recognized cut in the rate.

We have disposed of that by insisting that changes should not be made without thirty days' notice, and yet, recognizing the fact that there might be an emergency when a notice less than that should be sufficient, we have provided in the bill that the Commission might, in a proper case, alter that rule and so arrange that the schedules may be filed and become operative with less than that notice.

We have modified somewhat that section of the statute that sought to give a wronged shipper the power to be righted through the Commission and through the courts.

Heretofore practically that part of the law has been inoperative. We have now, we think, somewhat smoothed the machinery, so that when damages have been awarded by the Commission the complainant may, by simpler processes in the courts, recover judgment.

Mr. HOGG. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. Certainly.

Mr. HOGG. Is it the understanding of the committee that this Commission is a judicial tribunal?

Mr. HEPBURN. Well, I know the gentleman from Colorado to be a profound lawyer—constitutional, statutory, common law, and otherwise—and I shall remand that inquiry to him. [Laughter.]

Mr. HOGG. Let me ask the gentleman another question.

Mr. HEPBURN. Oh, Mr. Chairman, I do not care to answer questions of that kind. We have changed somewhat the requirements with regard to the filing of schedules, so that greater certainty may be had. We have relieved the Commission from the necessity of making a full statement of its findings of fact in certain classes of cases, which has been a burdensome labor, of which complaint is made, and so far as we could learn no adequate result followed it. Therefore we have proposed to modify that. We have given to the Commission the power to investigate more fully, more completely, the financial affairs of the different railways, compelling fuller, more complete, more frequent reports to be made to them. We have given them the authority, if they see fit to exercise it, of prescribing a system of bookkeeping, uniform in its character, to apply to all carriers, prescribing the kinds of accounts that shall be kept and prohibiting the keeping of others, making it impossible, it is thought, for a carrier to use any portion of its revenues for purposes of rebates or improper compensation to shippers that will escape the vigilant eye of the Commission. We propose that the Commission should consist of seven members and the compensation should be $10,000 a year and the term of office seven years. These are the changes that have been made in existing law.

Mr. Chairman, I am very grateful for the attention that the House has given me. I regard this question as one of great importance. I think it is the most important single question that we now have to deal with. I do not believe that we will be able by this legislation or any other to prevent rebates in some instances being given, to prevent preferences being shown to some locality, to some person, or to some character of traffic, but it will aid toward minifying a number of wrongs; it will give greater contentment to all the people in the belief that they are not being made the puppet and the football of carriers. I would be glad if certain other enactments might have been a part of this bill, but I contented myself in omitting them with the hope that we could unite upon this measure in the committee with unanimity and secure its passage through this House without amendment, believing that in other places there might be a moral effect from that action that would aid in the completion of the legislation. My friend on my right, the gentleman from Ohio [Mr. GROSVENOR], has one proposition that I do not hesitate to say that as an original proposition I would be glad to favor, but as an addendum to this bill—as one of those propositions that I know will secure dissent somewhere and create opposition against the bill—I shall resist as best I can its being projected into this measure. I thank the members of the committee. [Prolonged applause.]

Mr. Chairman, I call for the reading of the bill.

The CHAIRMAN. No other gentleman having sought the floor, the Clerk will read the bill by paragraphs.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, be amended so as to read as follows:

"SEC. 1. That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

"The term 'railroad,' as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term 'transportation' shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownersip or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

"All charges made for any services rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful."

Mr. GROSVENOR. Mr. Chairman, at the time I spoke upon the subject of this bill I sent to the Clerk's desk and had read in my time an amendment to the bill which I proposed to offer in the form of an independent section. It will be remembered that the subject-matter of that amendment related to the ownership by officers of railroad corporations of property and productive industries along the line of road.

Mr. OLMSTED. Mr. Chairman, I would like to understand whether that amendment is now being debated.

Mr. GROSVENOR. No; it is not, but if the gentleman will wait a moment he will be satisfied with the course that I am taking. As I say, it related to the subject of officers and directors of railroad corporations being the owners of property and productive industries along the line of road, and thereby becoming interested in the subject of the transportation thereof. I have concluded, after a careful study of the subjcet, not to offer that amendment at this time for this reason. I do not care to impede the progress of this bill, nor do I care to delay the progress of the bill. I am of opinion that the subject-matter of my amendment ought to be considered more fully than I have had an opportunity to do so far, and that I should add to it the other side of the Pennsylvania constitution, and I therefore have concluded to introduce as an original proposition into the House at some early day a comprehensive bill upon the subject, have it referred to the appropriate committee, and let the House take such action as it may deem wise.

I think the matter to which I now refer is of the greatest possible interest to the producing industries of the country. I believe that there can be a remedy applied in this direction

which will do more to prevent rebates and discriminations than all that this bill contains.

I make this statement because I had said I would offer this amendment, and if any other gentleman wishes to do so, of course, I can not bar his right, but my reason for not offering it is that I am not satisfied that it ought to be offered in connection with the legislation now pending.

Mr. UNDERWOOD. Mr. Chairman, I desire to send the following amendment to the Clerk's desk, which I offer to the pending section, and have it read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend by inserting, on page 3, at the end of line 13, the following: "That all the provisions of the act to regulate commerce, approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, and the provisions of this act shall extend to and embrace all express companies engaged in the transportation of property from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country. And it shall be unlawful for such express companies to act as agents in the sale of property transported by them."

Mr. UNDERWOOD. Mr. Chairman, I have agreed heartily with the wishes of the committee, who have presented to this House a most excellent bill, that the bill should pass the House without amendment, if possible, but I believe the proposition of leaving out of the terms of this bill the regulation of express companies is vital to the very proposition that the President of the United States has asked the Congress to legislate upon, and that, therefore, we can not afford to let this bill pass the House without remedying it to that extent. Now, what is the one great proposition from which the country is crying to Congress for relief? It is against rebates; it is against preferences. We passed the Elkins bill and yet the great shippers of the country, the great monopolies of the country, continued to receive rebates and preferences, called by another name. How did they accomplish it? They accomplished it by the use of private cars, by the use of terminal tracks, and by other alternatives they got around and escaped the law. Now, Mr. Chairman, if we do not carry this legislation to the control of the express business of the country we will leave undoubtedly another opening, another gap by which the great monopolistic shippers of this country may avoid the rebate laws and may obtain their preferences and get around the legislation that we are attempting to pass. To-day you can ship as express business certain commodities in the country, but where is the definition of express business? Who decides exactly what express business is? It is fast freight as far as we can decide it so far. If that is the case, who can tell us but that to-morrow all the refrigerator cars will go into an express company, all the meat that is shipped across the country, all the fruits and all the vegetables and marketable stuffs that go from the south to New York, from the Gulf to Chicago, or from the western plains to the eastern market, will not become express business, and instead of having an express car attached to a train we will have an express train moving across the continent controlled and owned by a different corporation from the railroads and controlled and owned for the purpose of giving rebates and special rates and privileges to certain commodities and certain classes of shippers? Now, I agree with the gentleman from Iowa and I do not think the terms of this bill go far enough to control the express business of the country; but I say that if you do not by your legislation control that express business you leave the gap down and a hole open for those who seek to avoid the law as they have avoided the Elkins law to go through and the very object of your bill will be defeated, and for that reason I think it most important that this House shall at this time amend the bill by providing that the express companies and express business of the country shall come within the terms of the bill.

Mr. HEPBURN. Mr. Chairman, I do not care about discussing the proposition at all. I have already stated the reason why the committee omitted this subject, and I therefore ask for a vote.

Mr. TOWNSEND. Mr. Chairman, I would just like to be recognized for a moment on this proposition. I do not agree with the statement of our distinguished chairman [Mr. HEPBURN] that this bill does not cover the very question which the gentleman from Alabama [Mr. UNDERWOOD] seeks to incorporate in it now. I have never understood it any other way. And the very suggestions which the gentleman offers, it seems to me, make it absolutely necessary that it should be considered as one of the facilities or instrumentalities of commerce. I can not read this section in any other way. Certainly the express company is engaged in interstate commerce over the highways, and it affords an instrumentality of commerce.

I oppose the amendment for the reason that I believe it already contains this. I also believe it covers Pullman cars, and I have also understood it from the beginning. I can not possibly in my own mind separate these various facilities or instrumentalities from those things which are necessarily included in the terms of the bill. I do not know how the language can be construed any wider or to cover more. It is true we have attempted in here to be specific in certain instances, and we have done that because our attention has been called specifically to those matters. I will say to the gentleman that in all of our hearings we have never had one word of testimony, no complainant has been before us, finding fault with the express companies or Pullman-car companies.

Mr. SAMUEL W. SMITH. Why not make it so plain that there can not be any mistake about it, if the gentleman thinks that express companies should be included in the provisions of the interstate-commerce laws?

Mr. TOWNSEND. Because I believe it is in there now, and I believe, with the gentlemen who have spoken before, that we do not want to amend this bill. I believe it covers the case.

Mr. HAMILTON rose.

The CHAIRMAN. Does the gentleman from Michigan [Mr. TOWNSEND] yield to his colleague [Mr. HAMILTON]?

Mr. TOWNSEND. Certainly.

Mr. HAMILTON. Will the gentleman permit a question?

Mr. TOWNSEND. Certainly.

Mr. HAMILTON. Will the gentleman specify the language in the bill which he thinks covers express companies and Pullman cars?

Mr. TOWNSEND. The language has been read. It is very brief. It states that—

The term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage—

"Carriage" applies as much to passengers, I will say, as it does to freight—

irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

I do not know how language could be broader than that.

Mr. COOPER of Wisconsin. Mr. Chairman, I think that the question raised by the remark of the gentleman from Alabama [Mr. UNDERWOOD] is a very important one. This question is whether the pending bill does or does not cover express companies. A speech was made during the debate by the gentleman from Wisconsin [Mr. ESCH] in which he said that the bill covers express companies. I was not present when, as I am told, the distinguished chairman of the committee [Mr. HEPBURN] asserted that the bill does not cover express companies. I desire to say, Mr. Chairman, in this connection, that to me it is clear that the bill does not cover express companies. I base my contention first upon the construction of the original act by the Interstate Commerce Commission. The original act contains this language:

And the term "transportation" shall include all instrumentalities of shipment or carriage.

That is the exact phraseology, practically, to which the gentleman from Michigan [Mr. TOWNSEND] has just called the attention of his colleague from Michigan [Mr. HAMILTON]. But that language, as I said, has been held from the beginning by the Interstate Commerce Commission not to cover express companies. Now, what is the language of the pending bill. It reads:

Transportation shall include cars and other vehicles and all instrumentalities.

And the word "facilities" is added. No other word than "facilities" of any significance, and that has no especial legal significance in this connection, is added to the old statute in defining the word "transportation" to make it applicable to express companies. But what else is there to show, Mr. Chairman, that the pending bill does not cover express companies? The same section (sec. 1) of the pending bill contains this language: "Every carrier;" and the word "carrier" here means a railroad company.

Mr. TOWNSEND. We have enlarged "carrier" and we have enlarged "railroad."

Mr. COOPER of Wisconsin. Just a moment. It says:

And it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation.

Now, that is the transportation in cars. That is not the transportation that comes under the definition of "instrumentalities and facilities," to cover express companies.

Mr. TOWNSEND. How does the gentleman expect to cover express companies?

Mr. COOPER of Wisconsin (continuing). Because an express company is a separate corporation entirely.

Mr. TOWNSEND. It is carried in cars, is it not?

Mr. COOPER of Wisconsin (continuing). And the railroad company does not presume to dictate at the office of an express company what package shall or shall not be carried. The railroad company simply supplies cars for the express company, a separate corporation, to use.

Day before yesterday I said to a member of the present Interstate Commerce Commission that in my judgment the pending bill does not cover express companies and asked him as to his views on this point. Without a moment's hesitation, he replied that it does not cover express companies and that the provisions of the bill do not essentially enlarge the provisions of the original act in this regard.

Mr. STEENERSON. Mr. Chairman, I send up an amendment or a substitute which I offer as an amendment to the amendment proposed by the gentleman from Alabama.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend the bill by inserting after line 12 and before line 13, on page 2, the following words: "including express companies."

The CHAIRMAN. The Chair understood the gentleman to say that he offered an amendment to the amendment. The language he has sent up seems to be an amendment to the bill.

Mr. STEENERSON. It was written before the amendment of the gentleman from Alabama was sent up. I desire to have it modified so as to offer it as an amendment to the amendment or as a substitute.

Mr. LITTLEFIELD. Mr. Chairman, I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLEFIELD. What portion of the bill does this last amendment propose to amend—that is, where is it proposed to insert it?

Mr. STEENERSON. In section 1, page 2.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Minnesota, although germane to the bill, is not in order as an amendment to my amendment. My amendment is offered as a separate section. His amendment is offered to the bill.

The CHAIRMAN. The point of order is sustained. The amendment offered by the gentleman from Minnesota is an independent amendment.

Mr. MANN. The gentleman from Alabama has just stated his amendment is a new section to the bill. I beg to ask, if that is the case, where it comes in?

Mr. UNDERWOOD. I should have said a new paragraph to this section. My words were not well chosen.

Mr. STEENERSON. I desire to inquire what the status of my proposition is?

The CHAIRMAN. The amendment of the gentleman from Minnesota has been ruled out on a point of order.

Mr. STEENERSON. I desire to ask the gentleman to reserve the point of order. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama, which the Clerk will again report for the information of the committee.

The amendment was again reported.

The question was taken on the adoption of the amendment, and the Chairman announced that the noes appeared to have it.

Mr. UNDERWOOD. I ask for a division.

The committee divided; and there were—ayes 129, noes 129.

Mr. UNDERWOOD. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] and the gentleman from Alabama [Mr. UNDERWOOD] will please take their places as tellers.

The committee again divided; and the tellers reported—ayes 119, noes 146.

So the amendment was rejected.

Mr. HARDWICK. Mr. Chairman——

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] has the first right to recognition.

Mr. STEENERSON. I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by inserting after line 12 and before line 13, page 2, the following words: "including express companies."

Mr. ADAMSON. Mr. Chairman, I make the point of order that we have just voted on that subject-matter, and no other business has been transacted.

The CHAIRMAN. It is not within the right of the Chair to pass upon the subject-matter or the propriety of an amendment offered.

Mr. STEENERSON. So far as I am concerned, I desire to say that I do not introduce this amendment for the purpose of embarrassing the committee.

Mr. MANN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. As I understand it, the gentleman must be mistaken about where he is proposing this amendment to be inserted, and therefore I ask where this amendment is proposed to be made?

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. MANN. May I ask that the amendment be reported for information.

Mr. STEENERSON. I desire to explain the amendment.

The amendment was again reported.

Mr. MANN. If the gentleman will pardon me, if the gentleman wants to accomplish anything by offering his amendment he should ask to have it inserted in a place where it will have some relation to the matter.

Mr. STEENERSON. I suppose, Mr. Chairman, I have the floor.

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. STEENERSON. As I have just stated, Mr. Chairman, I do not offer this amendment because I want to embarrass this committee.

Mr. NORRIS. I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. STEENERSON. I yield.

Mr. NORRIS. From what I heard the Clerk read, the amendment of the gentleman from Minnesota does not mean anything.

Mr. MANN. That is just what I said to him, but he didn't pay any attention to it. [Laughter.]

Mr. STEENERSON. Where would the gentleman put it in?

Mr. NORRIS. I would favor the gentleman's amendment if he would put it in where it would do some good.

Mr. STEENERSON. I would put it in anywhere, but this is the place I have selected. The purpose of the amendment, Mr. Chairman, is just the same as that which was intended by the amendment we just voted down, so I do not expect that the committee will reverse itself on that proposition. I desire to say, however, that I think it was a great mistake in framing the bill not to include express companies. The bill loses a good deal of its merit by not including that provision. The most valuable provisions in this bill are those sections which seek to make the present law more effective and invest the Commission with power to execute all existing law with greater efficiency, but to leave out the express companies, it seems to me, leaves a loophole, which makes it ineffective, indeed, so far as that part of the bill is concerned. I think all that is necessary to make the bill cover express companies is to insert it in this part of the section that I have indicated. I will say that I examined the question very carefully, and I am sorry to differ with the gentleman from Illinois [Mr. MANN] and the gentleman from Nebraska. The gentleman from Wisconsin [Mr. ESCH] said the other day that it was his opinion that express companies were included by implication. The chairman of the committee [Mr. HEPBURN] has just told us that it does not include express companies, so there seems to be a divided opinion among the members of the committee, and the only way to remedy it, it seems to me, is to make the express provision covering this matter.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following substitute to the gentleman's amendment.

The Clerk read as follows:

Amend by adding to end of line 12, page 2, the following: "and the term 'common carrier' shall include the business done by postal cars, express and terminal companies."

Mr. SHERMAN. Mr. Chairman, I make the point of order that this is not germane to the section, and, besides, that it attempts to place the postal cars of the country under the Interstate Commerce Commission.

Mr. STEPHENS of Texas. Mr. Chairman, I have examined the section, and it strikes me that it is germane. The section provides that "the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad," etc. Now, this amendment defines the term "common carrier," and if this amendment is adopted the charges made for hauling postal cars will be regulated by the Commission and the Government will save many millions of dollars each year.

Mr. MANN. Will the gentleman from Texas yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Does not the gentleman from Texas think that while we are amending the bill we ought to amend the eight-hour law, too?

Mr. STEPHENS of Texas. We will reach that in due time.

Mr. MANN. It might as well be put in this bill as anywhere else.

Mr. STEPHENS of Texas. At the present time we are engaged in trying to amend this bill.

Mr. Chairman, I desire to state that, in my judgment, this amendment is germane to this section of this bill, because a charge is made by railroad companies for hauling mail cars, and the object of this section, and in fact of this bill, is to fix maximum rates for common carriers, and by my amendment I desire to place postal cars, express and terminal cars under the provisions of the act.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Texas on the question of the point of order—on the question of whether the mail business done by the postal cars is germane to the bill.

Mr. STEPHENS of Texas. Mr. Chairman, this amendment is germane because it will regulate charges made by common carriers for transporting postal, express, or terminal cars. It makes no difference whether the property is mail matter and belongs to the United States, or whether it is something to be carried for hire, and we are by this bill engaged in regulating freight charges. It makes no difference whether it is for the United States or whether it is for a citizen of the United States if it is property and a charge is made for hauling it. Now, this amendment would give the Commission the right to regulate the rates charged for the business done in postal cars, terminal cars, or express cars. I do not understand that any question is raised by the gentleman's point of order about the terminal or express cars, but his objection only relates to the cars carrying mail or postal cars.

The CHAIRMAN. The Chair rules that perhaps as the gentleman from Texas has stated it it would very likely be in order, but the proposition as stated in his amendment as read at the desk, the Chair thinks, would not be in order.

The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken; and the amendment was rejected.

Mr. HARDWICK. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding after line 12, page 2, the following:
"The term 'common carrier' as used in this act shall include all Pullman-car companies and sleeping-car companies, and all persons, firms, or corporations engaged in the business of operating Pullman, sleeping, dining, or drawing-room cars."

Mr. HARDWICK. Mr. Chairman, I want to say just a word to the committee about this amendment. The gentleman from Wisconsin stated the case correctly and very lucidly, I thought, when he said that the Interstate Commerce Commission had decided under the provisions of the original Reagan Act that the language therein used was not broad enough to cover express car companies. Of course it would not cover Pullman car companies. The gentleman from Michigan [Mr. TOWNSEND] disagrees with the chairman of the committee, the gentleman from Iowa [Mr. HEPBURN], about whether or not Pullman car companies are included within the provision of this bill. I think there ought to be no doubt about it, and that they ought to be included in it so that they can not make unreasonable charges. I hope the amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division, demanded by Mr. HARDWICK, there were—ayes 74, noes 143.

So the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, in line 6, page 2, after the words "United States," the words "not in the same State in which said transportation began;" so that as amended it will read, "from any place in the United States through a foreign country to any other place in the United States not in the same State in which the said transportation began."

Mr. OLMSTED. Mr. Chairman, I desire to call this to the attention of the distinguished chairman of the committee, the gentleman from Iowa [Mr. HEPBURN]. I offer it simply because the Supreme Court of the United States has decided that transportation from a point in one State passing out of the State into another State, but coming back into the same State—the transportation both beginning and ending in the same State—is to be treated as domestic commerce and not within the commerce clause of the Constitution which confers the power of regulation on Congress.

Mr. SHERMAN. Why is it necessary, if the Supreme Court has so held?

Mr. OLMSTED. Mr. Chairman, my idea is to get this portion of the act in harmony with the Supreme Court and the Constitution, and not to complicate the act at all.

Mr. HEPBURN. This is the language of the present law, Mr. Chairman.

Mr. OLMSTED. This is the language of the Supreme Court. That tribunal had decided that transportation from a point in Pennsylvania to a point in New Jersey was interstate commerce, and not subject to regulation or taxation by the State, but subject to regulation by Congress only. In a subsequent case the Supreme Court distinctly decided that transportation from a point in Pennsylvania crossing the Delaware River into New Jersey and passing 50 miles through New Jersey and back into Philadelphia was domestic commerce, subject to regulation by the State and not by Congress.

Mr. SHERMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. SHERMAN. Why is it not better to retain the language that has been adjudicated upon?

Mr. OLMSTED. Because the court has adjudicated that the language is unconstitutional and goes beyond the powers of Congress.

Mr. SHERMAN. Not that the language is unconstitutional?

Mr. OLMSTED. That the provision is. The Chief Justice of the Supreme Court, delivering the unanimous opinion of the court, said:

The question is simply whether in the carriage of freight and passengers between two points in one State the mere passage over the soil of another State renders that business foreign business, which is domestic. We do not think such a view can be reasonably entertained.

The case to which I refer is Lehigh Valley Railroad Company, reported in 144 United States, page 192.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was rejected.

Mr. SHACKLEFORD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "unlawful," line 19, page 3, insert the following:
"It shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of the same class or like kind of property for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance."

Mr. MANN. Mr. Chairman, I make the point of order on that if it is offered as an amendment to section 1 of this bill.

Mr. SHACKLEFORD. It is offered as an amendment to a section of this bill.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MANN. Mr. Chairman, the point of order is that this section of the bill does not relate to that matter at all; that this is not germane to section 1 of the bill. The bill relates to the original act, and section 4 of the original act relates to that matter. It would be germane as an original section or as an amendment to the original section 4 of the act, but it is not germane as an amendment to this section of the bill.

Mr. SHACKLEFORD. Just one word on the point of order, Mr. Chairman. I offer this as an amendment to the end of line 19 on page 3. That immediate paragraph reads as follows:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful.

Mr. Chairman, I want to call the attention of this committee distinctly to the fact that the immediate paragraph which I seek to amend is dealing with what shall and what shall not be deemed unreasonable charges, and this defines as a matter of law one of the things that shall be deemed unreasonable.

The CHAIRMAN. Does the gentleman from Missouri offer it as a new paragraph, following the last paragraph in section 1?

Mr. SHACKLEFORD. No, sir. I offer this as an addition to the end of line 19 in section 1. That part of the paragraph treats of unreasonable charges, and I desire to add at the end of line, after the word "unlawful," on line 19, one of the things which shall be declared an unreasonable charge.

The CHAIRMAN. The Chair is of the opinion that the paragraph is germane offered as a new paragraph to line 19.

The question was taken; and the amendment was rejected.

Mr. PRINCE. Mr. Chairman, I desire to offer the following as a paragraph to follow in line 13, on page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 13, page 3, insert the following:

"That from and after the 1st day of January 1910, it shall be unlawful for any common carrier engaged in interstate commerce by railroad to use or haul or permit to be used or hauled on its line any car not owned by it or some other such common carrier."

Mr. PRINCE. Mr. Chairman, I desire to make a few remarks on this question. It can not well be claimed that I am not in favor of rate regulation. One year ago, when, perhaps, very few men in this House stood up and made speeches upon this question, I was one of the few who spoke out at that time. I am in favor of rate regulation to-day. I would not have offered this amendment had I believed that this bill that is now under consideration fairly covers private car lines. I heard the speeches of two honorable members of this committee, and they declared to Members of this House that this bill did cover private car lines and regulate them. I heard to-day from the honorable Member, the chairman of the committee, in whose judgment I have great confidence, a statement to this House that it did not cover private car lines. Now, if there is any question about private car lines, we ought to settle it here and now. I am informed, when the managers of private car lines are called upon by the Interstate Commerce Commission to tell with regard to their transactions, they fold their arms and say, "We are not common carriers; you have no authority over us; we are private car lines and are not amenable to the law that governs common carriers."

If, then, they are not amenable to the law that governs common carriers, if they are private car lines, they have no authority, in my judgment, to haul their cars or permit them to be hauled upon a public highway any more than I have the right to build a car and have it hauled upon a public highway. The railroads have the power of eminent domain; they can take my property; they can go through a cemetery or go everywhere and anywhere and take property that is needed for public purposes as a public highway. Mr. Armour, with all his great interests, can not take a foot of ground from me to run his cars. If this bill passes, you permit him to be a common carrier to all intents and purposes, and you permit other private car lines in the United States to continue as private car lines and not to be amenable to the law as common carriers. Now, I have offered a simple, plain proposition that needs no parsing, that needs no interpretation, which he who runneth may read, and I have struck at the very root of the whole proposition, and that is to let the common carriers of this country that have the right of eminent domain, that have the power to go where they please, furnish the facilities to the public for transporting passengers and freight, and this will do it. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PRINCE].

The question was taken, and the amendment was rejected.

Mr. SHEPPARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SHEPPARD] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend section 1, line 8, page 1, by inserting, after the word "railroad," the words "or wholly by water."

Mr. SHEPPARD. As the bill reads now, it applies to transportation wholly by railroad or partly by railroad and partly by water. It does not apply to transportation wholly by water, and the same reasons which make regulation applicable to transportation wholly by railroad ought to make it also applicable to transportation wholly by water. I trust that the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SHEPPARD].

The question was taken, and the amendment was rejected.

Mr. THOMAS of North Carolina. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. THOMAS] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Line 12, page 3, after the word "therefor," add the words "and to furnish the number of cars necessary for such transportation without delay."

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to say one word on that amendment. I am very heartily in favor of this particular section of the bill, and if this amendment is not necessary I do not want it to pass. The purpose and the effect of the amendment is this: In addition to requiring the private car companies to furnish proper refrigeration, icing, and other facilities of transportation, I want, Mr. Chairman, by this amendment also to require them to furnish the proper number of cars. And if the term "transportation," as used in the bill, covers the proper number of cars, why, all well and good. We had, during the last strawberry season, in my section of the country a car famine, and I want to provide against that. If this bill covers it, why, all right. If it does not cover it, I think this amendment ought to be adopted and that the common carriers ought to be compelled without delay to furnish the proper number of cars for the transportation that is necessary. I know the disposition is not to amend the bill. I offer the amendment out of abundant caution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. THOMAS].

The question was taken, and the amendment was rejected.

Mr. HEPBURN. Mr. Chairman, I move that all debate upon this section and upon amendments offered thereto be now closed.

Mr. JAMES. Mr. Chairman, I want to offer an independent paragraph to section 1, and I hope the gentleman will not insist upon closing. We sat here and listened to him for a long time.

The CHAIRMAN. The gentleman from Iowa moves that all debate upon this section and amendments be now closed.

Mr. JAMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAMES. Does the motion made by the gentleman from Iowa preclude the offering of a new paragraph to section 1?

The CHAIRMAN. The Chair understands the adoption of the motion of the gentleman from Iowa by the committee will not interfere with further amendment, but will stop further debate.

The question is now on the motion offered by the gentleman from Iowa [Mr. HEPBURN].

The question was taken, and the motion was agreed to.

Mr. JAMES. Mr. Chairman, I would like to offer this paragraph to which I have referred.

The CHAIRMAN. The gentleman from Kentucky offers a paragraph to section 1 of the bill, which the Clerk will read.

The Clerk read as follows:

That all corporations engaged in interstate commerce shall, within ninety days after the passage of this act and every six months thereafter, file with the Interstate Commerce Commission a statement, sworn and subscribed to by the president and secretary of said corporation before an officer with authority to administer an oath in the State in which said corporation resides, setting forth that said corporation has not monopolized, and is not attempting to monopolize, any branch of business or the production of any articles of commerce. Any corporation engaged in interstate commerce which has monopolized any branch of business or the production of any article of commerce shall be denied the right of interstate shipment upon the common carriers mentioned in this bill, and for a violation shall be subject to a fine of not less than $5,000 or confinement in prison for not less than one year nor more than five years, or both such fine and imprisonment.

Any person swearing falsely to such statement aforesaid required of such corporations shall be subject, upon conviction, to a fine of not less than $5,000 and imprisonment for not less than three years nor more than ten years, such penalty aforesaid to be enforced in any court of the United State of competent jurisdiction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. JAMES].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. JAMES. Division!

The committee divided, and the Chair counted the affirmative vote.

The CHAIRMAN. Does the gentleman from Kentucky demand further count?

Mr. JAMES. No, sir; I see they have outvoted us; I merely wanted to show that all the Republicans would vote against the amendment.

So the amendment was rejected.

Mr. LAMAR. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. LAMAR. I offer that amendment for the benefit of the Pennsylvania Railroad and the coal trust.

The Clerk read as follows:

That whenever any common carrier, subject to the provisions of this act, shall fail or refuse, after reasonable notice, to furnish cars to shippers for the transportation of freight as interstate commerce, or to forward and deliver such freight at destination within a reasonable time, such failure or refusal shall be deemed to constitute unjust discrimination and undue and unreasonable prejudice and disadvantage, and in any case or proceeding pending before the Commission or any circuit or district court of the United States based upon such failure or refusal on the part of any such common carrier, proof that in the furnishing of cars or forwarding or delivery of its traffic other shippers have been preferred shall not be required.

The question was taken, and the amendment was rejected.

Mr. SAMUEL W. SMITH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 19, page 3, insert: "It shall be unlawful for any common carrier or carriers subject to this act to charge, demand, accept, or receive, for the transportation of passengers as aforesaid, for the sale of so-called 'mileage books,' any sum in excess of the actual value thereof; no deposit shall be required from the purchaser of any such 'mileage book,' and no refund shall be made to such purchaser except for unused mileage."

The question was taken, and the amendment was rejected.

Mr. HARDWICK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after line 12, page 2, the following:

"The term 'common carrier' as used in this act shall include all telephone and telegraph companies, and all persons, firms, or corporations engaged in the telephone or telegraph business."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That section 6 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates, fares, and charges for the transportation of passengers and property which any such common carrier has established, and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, icing charges, and all other charges which the Commission may require, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been established and published by any common carrier in compliance with the requirements of this section, except after thirty days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commision may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

"And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

"Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same. Every such common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, fares, or charges for such continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with said Commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said Commission, in so far as may, in the judgment of the Commission, be deemed practicable; and said Commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

"No change shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after thirty days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect. The Commission may make public or require the carriers to make public such proposed changes in such manner as may, in its judgment, be deemed practicable and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier party to any joint tariff to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon, than is specified in the schedule filed with the Commission in force at the time.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal operating office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commission appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commission, as complainant, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act."

Mr. SHACKLEFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 17, page 4, add:

"The Interstate Commerce Commission shall, on the 1st day of January, 1907, make and publish a uniform classification of freight articles, which shall thereafter be invariably observed and applied in the transportation of interstate commerce: *Provided*, That the Commission may at any time after reasonable notice modify such classification, but any such modification shall apply uniformly to all interstate commerce transported by any carrier subject to the provisions of this act."

Mr. SHACKLEFORD. The amendment provides that the Commission shall make a uniform classification of rates to be observed throughout the country. It is not necessary for me to take the time of the House to show how the railroads will be absolutely free from regulation by the Commission without such a provision. We all remember the Hay cases that were decided at Cincinnati something over a year ago, where the railroad raised the rate by simply shifting the class of goods from one class to another. Now, having one classification in one part of the country and making a different classification in a different section of the country by the mere difference of the classification producers are made to pay different freight rates for the transportation of their products. I discussed this at length the other day, and I shall not take the time of the committee now except to say that this is another provision of the Hearst bill, which we presented at the last session, which I desire to have inserted in this bill.

Mr. SHERMAN. Mr. Chairman, I move that all debate upon this section and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. LITTLEFIELD. Mr. Chairman, I submit the following amendment, which I send to the Chair.

The Clerk read as follows:

Insert after line 5, on page 9, the following section:

"SEC. 3. That section 13 of said act be amended by repealing so much thereof as reads as follows: 'And may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.'"

The question was taken, and the amendment was rejected.

Mr. LAMAR. Mr. Chairman, I submit an amendment on page 6, line 6, after the word "force."

The Clerk read as follows:

On page 6, line 6, after the word "force," insert the following:

"That when any notice of advance in rates, fares, or charges shall be filed with the Commission, the said Commission shall have authority to inquire into the lawfulness of such advance and make orders in respect thereof to the same effect as if such advanced rate, fare, or charge were actually in force. The provisions of this section shall also apply to notice of any change in classification of freight or other regulations affecting rates."

The question was taken, and the amendment was rejected.

Mr. SHACKLEFORD. Another amendment, Mr. Chairman. I ask the Clerk to read them as one amendment.

The Clerk read as follows:

On page 7, in line 12, strike out the word "may" and insert "shall;" and in line 15 strike out the words "measure of publicity" and insert in lieu thereof the words "the method by;" and in line 16 strike out the word "to" and insert in lieu thereof the words "notice of;" commencing immediately after the word "carriers," in line 25, on page 6, strike out all to the end of line 6, on page 7, and insert in lieu thereof the following: "fully and completely in such manner as the Commission shall direct."

The question was taken, and the amendment was rejected.

Mr. WEISSE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 2, page 7, line 8, by inserting after the word "tariffs" the following: "except on full hearing before the Commission and after thirty days' notice to each shipper by letter before the new rate goes into effect," and by striking out lines 10, 11, and 12.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That section 15 of said act be amended so as to read as follows:

"SEC. 15. That the Commission is authorized and empowered, and it

shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the Commission, or otherwise, shall publish and file joint rates, fares, or charges, and fail to agree among themselves upon the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the portion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

"The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists.

"If the owner of property transported under this act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall not be more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for in this section.

"The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this act."

Mr. LITTLEFIELD. Mr. Chairman, I submit the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding, after the word "prescribed," in line 5, page 11, the following:

"Nothing herein contained shall be construed as authorizing the Commission to hear any complaint based upon an alleged preference given to one locality over another, nor to set aside or substitute any rate because of any alleged preference of one locality over another."

Mr. LITTLEFIELD. Mr. Chairman, I have only a word to say. This amendment simply puts the bill in the position in which the committee believe it to be, but as to which there is considerable difference of opinion. It confines the Commission to the provisions of the existing law, and does not allow them to take into account the question of undue or unjust preferences. I merely offer it in order that the committee may have an opportunity to express its opinion on that specific provision.

Mr. SHERMAN. Mr. Chairman, I move that all debate upon this section and the amendments thereto be now closed.

Mr. SULZER. I object, Mr. Chairman, and I hope it will be voted down.

Mr. SHERMAN. This does not cut off any amendment.

The CHAIRMAN. The gentleman can offer any amendment he sees fit. The question is on the motion of the gentleman from New York to close debate.

The question was taken; and the motion was agreed to.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move an amendment to the amendment. The gentleman from Maine uses the word "illegal" in line 2, and I offer to amend by striking that out and inserting the word "alleged;" so that it will read: "based upon an alleged preference."

Mr. LITTLEFIELD. I will accept the suggestion of the gentleman from Massachusetts.

Mr. HEFLIN. Mr. Chairman, I would like to have the amendment read as amended by the gentleman from Massachusetts.

The CHAIRMAN. The Clerk will read the amendment as it will read when amended.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts to the amendment offered by the gentleman from Maine.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The question was taken; and the Chair announced that the amendment was lost.

Mr. LITTLEFIELD. Mr. Chairman, I ask for a division.

The House proceeded to divide; and the Chairman announced that there were 20 ayes.

Mr. LITTLEFIELD. Mr. Chairman, I do not ask for the other side.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

In line 15, on page 10, after the word "any," insert "relation of rates or;" and in line 23, after the word "what," insert "relation of rates or."

Mr. SULZER. Mr. Chairman, I want to say one word. It is a shame to rush this bill through the House in this unparliamentary way. The bill is very imperfect. We should endeavor in a decent way to correct the errors in the bill and make it a better bill by amendment.

The CHAIRMAN. Debate has been closed.

The question was taken; and the Chairman announced that the noes had it.

Mr. SULZER. Division, Mr. Chairman!

The House proceeded to divide; and the Chairman announced that there were 30 ayes.

Mr. SULZER. Mr. Chairman, I withdraw the demand for a division and offer the following amendment, which I send to the desk.

The Clerk read as follows:

On page 11, line 6, strike out the words "thirty days after notice to the carrier" and insert the word "immediately."

In line 8 strike out the words "be suspended."

In line 9 strike out the words "be suspended or" and insert "or modified." Strike out the words "competent jurisdiction" and insert in lieu thereof the words "last resort."

Mr. SULZER. Mr. Chairman, I ask unanimous consent to say just a word or two. This is a vital matter, and the amendment should be agreed to—— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from New York [Mr. SULZER].

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 20, noes 168.

So the amendment was rejected.

Mr. SULZER. I ask for tellers, Mr. Chairman.

The question was taken, and tellers were refused.

Mr. WEEKS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert immediately after line 11, page 12, the following:

"Railroad or other corporations engaged in interstate traffic shall issue only such amounts of stock and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission shall determine is necessary for the purpose for which such issue of stock or bonds has been authorized. Said corporations shall file with the said Commission a statement showing the amount of stock or bonds which it desires to issue, the purposes to which the proceeds are to be applied, and certified copies of the votes of the board of directors and shareholders authorizing the issue, on receipt of which statement the said Board of Commissioners shall order a public hearing and shall render a decision upon the application within thirty days after the final hearing thereon. Such decision shall be in writing; shall assign the reasons therefor; shall, if authorizing such issue, specify the respective amounts of stock or bonds or coupon notes authorized, and shall define the respective purposes to which the proceeds thereof are to be applied. A copy of this rendering and the vote of the Commissioners making it shall be made a part of the records of the said Commission, and a certified copy of the vote of the Commission, with the statement of the application of the proceeds of the issue, shall be filed with the corporation making the application and shall become a part of its records. A company which is within the provisions of this section shall not apply the proceeds of such stock or bonds or coupon notes or other evidences of indebtedness as aforesaid to any purpose not specified in such certificate.

"Any United States district court shall have jurisdiction in equity upon the application of the Interstate Commerce Commissioners to enforce the provisions of the preceding section and all lawful orders and decisions, conditions, or requirements of said Board of Commissioners made in pursuance thereof.

"An officer, director, or agent of any corporation engaged in interstate commerce who knowingly votes to authorize the issue of or signs, certifies, or issues stock or bonds or other evidences of indebtedness, or who knowingly votes to authorize the application or applies the proceeds of such stock or bonds or other evidences of indebtedness contrary to the provisions of this section shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

"Whenever it becomes necessary for a corporation engaged in interstate commerce to increase its capital stock, and such increase is authorized by the Interstate Commerce Commission, such new shares as are necessary to produce the amount of increased capital stock shall be offered proportionately to its stockholders at not less than the fair market value thereof at the time of increase, which value shall be determined by the Interstate Commerce Commissioners, who shall consider previous sales of the stock of said corporation and other pertinent conditions in determining value. The decision of the Commissioners shall be made in writing, shall be certified to, and shall become part of the records of the Commissioners, and a copy shall be recorded in the books of the corporation.

"The directors, upon the approval of such increase and the deter-

mination of the market value as hereinbefore provided, shall cause written notice of such increase to be given to each stockholder who was such at the date of the vote to increase, stating the amount of such increase, the number of shares or fractions of shares to which he, according to the proportionate number of his shares at the date of such vote, is entitled, the price at which he is entitled to take them, and fixing a time, not less than thirty days after the date of such determination, within which he may subscribe for such additional stock. Each stockholder may, within the time limit, subscribe for his portion of such stock, which shall be paid for in cash before the issue of a certificate therefor.

"If after the expiration of the time limit in the notice required by this section any shares remain unsubscribed for by the stockholders entitled to take them, the directors shall sell them by auction to the highest bidder. Such shares shall be offered for sale in any city or town prescribed by the Interstate Commerce Commission. Notice of the time, place, and manner of making the sale, which shall include the amount of stock to be sold in any one lot, shall be published at least three times during the thirty days immediately preceding the sale in each of at least five daily newspapers, as may be prescribed by said Commissioners.

"A railroad or other corporation engaged in interstate commerce may, by vote at a meeting called for the purpose in accordance with the provisions of this section, issue coupon or registered bonds or other evidences of indebtedness, payable at periods of more than twelve months from the date hereof, to provide means for funding its floating debt, lawfully incurred, or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge as security for the payment of such indebtedness a part or all of its road, equipment, or franchise, or a part or all of its real or personal property. Such bonds, coupon notes, or other evidences of indebtedness shall be recorded by its treasurer in books to be kept in his office, but shall not be issued unless approved by a person or trust company appointed by the corporation for that purpose, who shall certify that it is properly issued and recorded."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting after the word "hearing," in lines 8 and 9, on page 10, the following: "upon its own motion or."

Mr. SMITH of Texas. Mr. Chairman, the status of railroad property in this country is in some respects unique. It has never, in my judgment, been more correctly and lucidly defined than it was by the Supreme Court of the United States in the case of Smyth *v.* Ames, from the State of Nebraska. In that case the court said:

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. * * * It can not, therefore, be admitted that a railroad corporation maintaining a highway under the authority of the State may fix its rates with a view solely to its own interests and ignore the rights of the public.

Again, the court says in that case:

A corporation maintaining a public highway, although it owns the property it employs for accomplishing public objects, must be held to have accepted its rights, privileges, and franchises subject to the condition that the government creating it, or the government within whose limits it conducts its business, may by legislation protect the people against unreasonable charges for the services rendered by it. It can not be assumed that any railroad corporation accepting franchises, rights, and privileges at the hands of the public ever supposed that it acquired, or that it was intended to grant to it, the power to construct and maintain a public highway simply for its benefit without regard to the rights of the public. * * *

What the company is entitled to ask—

Says the court—

is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

Mr. Chairman, the doctrine recognized by the court in that case has been so long, so clearly, and so firmly established in our political economy and jurisprudence that it is inconceivable to me that anyone can be found possessing sufficient audacity to call it in question. But how often do we hear it flippantly proclaimed that the railroad business is private business with which the Government has no right to interfere; that any attempt to regulate that business is socialistic, and only a step toward the regulation of all other private business of the country.

This has been the ceaseless cry of the propaganda which has been so extravagantly carried on by the railroad interests in this country ever since the question of their further regulation began to be agitated in Congress. Those of us who stand for justice to the people through effective regulation of railways might well ignore this fallacious argument engendered by self-interest. We all know that error and sophistry are quite good enough for the monopolist who would, through self-interest, continue to plunder the people and force unjust tribute from them.

But, extraordinary as it may seem, we have heard proclaimed on the floor of this House these same fallacies and sophistries and have heard the doctrine of the true status of railroad property denied by gentlemen of ability and learning who ought to know better.

Mr. Chairman, prior to the construction of steam railroads the public highways were owned by the sovereign and were kept open to the public at all times upon equal terms. Those engaged as common carriers upon the public highways were subject to regulation by law. Their freedom of contract was limited. They were denied the right to make any contract unreasonably limiting their liability as insurers of the safety of the goods carried, and they were not permitted to charge more than a reasonable compensation for the service performed. Under the common law an overcharge could be recovered back at the suit of the shipper. The strong arm of the government was ever ready to protect the shipper from both discrimination and extortion.

These principles and policies have come down to us as a part of the common law, and we have in many forms recognized them and crystallized them into both organic and statutory law. The transportation business, like many other elements of commerce, has undergone radical changes.

Upon the invention of the steam railway the State began the creation of railroad corporations, endowed them with the power of eminent domain and other attributes of sovereignty, surrendered to them the exclusive use of the public highways, and gave them a monopoly of the transportation business.

With this great evolution came the necessity for greater and more effective regulation by the State. The whole transportation business passed into the hands of private monopoly. As was so aptly said by the Supreme Court of the United States:

While shippers of merchandise are under no legal necessity to use the railroads, they are so practically. The demand for speedy and prompt movement virtually forbids the employment of slow and old-fashioned methods of transportation, at least in the case of more valuable articles of traffic. At the same time, the immense outlay of money required to build and maintain railroads and the necessity for resorting in securing the rights of way to the power of eminent domain in effect disable individual merchants and shippers from themselves providing such means of carriage. From the very nature of the case, therefore, railroads are monopolies, and the evils that usually accompany monopolies soon began to show themselves and were the cause of loud complaint.

Mr. Chairman, these remarks of the Supreme Court would be true in a large measure if every railroad in the country was operated independently of every other railroad, but it is especially true now when all the railroads which permeate every part of the country are combined into a few groups and are, to a large extent, under a common management. So while good and sufficient reasons existed at common law for Government supervision of the rates of common carriers an additional very potent reason now exists why the modern carrier shall be subject to rigid regulation by the Government, and that is it is a monopoly holding within its grasp the whole transportation business of this country, an element that enters into our whole commercial and industrial life, and unless this monopoly is restrained or regulated it has the power to charge what it chooses and thus levy whatever tax it pleases upon every form of property.

Mr. Chairman, I have no doubt of the constitutionality, the morality, or the wisdom of the legislation now under consideration in this House. The States, sovereign in their character, possessing the inherent right to regulate the common carriers doing business within their own limits, delegated to the National Government so much of this right as might be required for the regulation of interstate commerce. It is this power that Congress is being called upon to exercise. I have no doubt Congress can adopt whatever means may be necessary, in its judgment, to carry this power into effect. No character of regulation of railroads, in my judgment, is worthy of the name of regulation which does not protect the public from discrimination and extortion in rates. The fixing of any portion of the rates of a railroad necessarily involves, it seems to me, a comprehensive review if not a supervision of all its rates. And therefore when we consider the vast number of railroads engaged in interstate transportation, the great multitude and variety of the rates of each, and the rapidly changing conditions which ought to be considered in the fixing and regulation of rates, it must be admitted by all that it is absolutely beyond the power of Congress to effectively regulate rates except through the instrumentality of an administrative board. The creation of a commission with the power to fix rates, in my judgment, is justified by the very necessities of the case. In no other way can Congress exercise efficaciously the power to regulate interstate commerce. This is well-settled doctrine. Both Congress and the Supreme Court have recognized it. Some years ago Congress passed an act excluding the importation of tea below standards to be fixed by a board to be selected by the Secretary of the Treasury. This act for the regulation of com-

merce with foreign nations, you will observe, not only left the determination of the quality of the teas to be excluded or admitted to custom-administrative officers, but also delegated the fixing of the standards to an administrative board. The constitutionality of this act was called in question in the case of Butterfield *v.* Stanahan (192 U. S., 471), and the court held that the act was not unconstitutional, because it delegated authority which belonged exclusively to Congress. In that case the court said:

> Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

In the bill under consideration it is not proposed to go so far as Congress went in that tea act toward delegating legislative authority to administrative officers. We here propose for Congress itself to fix the standard—to say that a rate or practice of the railroad should be just and reasonable—and we leave to the Commission only the duty of seeing that the rate or practice conforms to the standard thus laid down.

I want to say that, in my humble judgment, to deny that Congress can confer such power upon a Commission is to ignore the decision of the Supreme Court to which I have referred and to declare that the plenary power vested in Congress to regulate commerce between the States can not be efficaciously exerted.

Mr. Chairman, as I have already said, I have no doubt as to the morality of this measure. We are not, as has so often been intimated, attempting to confiscate the property of those whose money is invested in railroads. We are only acting in self-defense. We are not only willing but anxious to accord to them every farthing to which, under the law and the Constitution, they are entitled, but we think the time has come when we should safeguard our own interests, and let them know that they can no longer confiscate our property.

Common carriers have never been entitled to charge a higher rate than was just and reasonable, and whoever has invested his money in railroad property has done so with full knowledge of this principle, and therefore can not now complain if he be required to conform to it. He can not be injured. It is beyond the power of Congress to deprive him of just compensation. Any attempt to do so would contravene a plain guaranty of the Constitution and be null and void, for "the power to regulate is not the power to destroy."

Another thing in this connection I desire to call attention to, and that is that we are not only not attempting to deprive the railroad people of their substantive rights, but we have no desire to deprive them of any of their remedies. Indeed, such a thing would also be beyond our power. The courts of this country are always open alike to every citizen, and he can go there and have his rights, whatever they may be, adjudicated and enforced. All the hue and cry which we have heard about the right of appeal from the orders of the Commission and of having rates fixed by the courts have not been for the purpose of preserving the legitimate rights of the railroads, but of defeating effective and proper regulation. The railroads know as well as we do that the power to fix rates can not be conferred upon the courts, either in an original suit or on an appeal, even if an appeal to the courts could be provided from an administrative order, which is impossible.

Mr. Chairman, I have no doubt that a commission would be better qualified for the business of regulating rates fairly and justly between the railroads and the people than the courts could possibly be. And I believe it is not only right and proper, but absolutely essential to any sort of effective rate regulation, that the findings of the Commission on questions of fact be given not only prima facie, but conclusive effect; that whenever it fixes a rate as just and reasonable such rate shall be accepted as such by all the world, unless it can be shown in a judicial proceeding to be so low as to amount to confiscation. The giving of such effect to acts of an administrative officer is no new doctrine. It has been frequently recognized by the Supreme Court of the United States.

Mr. Chairman, I have said this much upon the general subject of the power of Congress to regulate railroad rates by means of a commission in order to give expression to my belief that this measure is undoubtedly constitutional and valid. I have no doubt it will be upheld by the courts in its present form, and would be if amended so as to give more radical, substantial, and effective relief to the people.

The bill is good as far as it goes. If passed in its present form, it would be a great improvement upon existing law, under which the unbridled railroads plunder the people and demoralize the commercial and industrial interests of the country.

But, sir, I think it is no disrespect to the committee which brought this bill in to say that it might be improved. I believe it could be vastly improved by the adoption of the amendment which I have had read from the Clerk's desk.

Under the bill in its present form the Commission will be permitted to act only upon complaint and, as I understand it, can revise only the rate or rates specified in the complaint. I can not understand how the question can be determined as to whether or not a given rate, or even a group of rates, of a railroad are either "just," "reasonable," "nondiscriminatory," or "fairly remunerative" without a comprehensive review and investigation of all the rates of that railroad in connection with all the other facts which should be taken into consideration as a basis for fixing rates. Upon such a review and investigation I can very well see how the Commission may, and probably will, in almost every instance find the adjustment or revision of some kindred rate or rates other than those embraced in the complaint necessary to the full and complete relief of the public.

Why should not the Commission be given power to act, upon its own motion, in such instances after notice to the railroad and after full hearing? Why should not the public be allowed the full benefit of the knowledge acquired by the Commission in its investigations? I do not believe any good reason can be given in answer to these questions.

Mr. Chairman, as a general rule the consumers of this country pay the freight. The producer or middleman may pay the transportation charges in the first instance, but in the end the burden falls upon the shoulders of the consumer. They may be paid to the railroad by the producer or the jobber in a lump sum, but it is paid back to the jobber little by little in the increased cost of the goods they purchase from him. The jobber rarely ever complains of excessive freight charges. He merely shifts the burden to his customers by adding the freight to the price at which he sells his goods. He will never go to the Commission with a complaint except when the railroad by discrimination gives to his competitor some advantage over him, but never merely to correct an excessive rate.

Likewise the producer takes no notice of excessive freight charges when the burden of paying them can be shifted to the consumer. When the circumstances are such that the producer himself must bear the losses incident to excessive charges he will complain to the Commission, but not otherwise.

So I believe I am safe in saying that much the larger part of the stupendous sum of money paid to the railroads annually in this country as freight charges is paid by the consumers, and therefore the greater part of the injustice resulting from excessive rates has fallen upon their shoulders. They have not paid it to the railroads direct. They have not, it may be, dealt with the railroads at all. They are the millions of plain people in this country who create its wealth, who eat bread by the sweat of their brows, who fill the workshops, and who till the soil and dig the mines.

They pay the freight when they buy food and clothing for their families or material to build, improve, and furnish their homes. They pay it unconsciously. They have had no opportunity to study or investigate freight problems and are without means of informing themselves upon the question as to whether they have been imposed upon. These are the people, Mr. Chairman, in whose behalf I have offered my amendment.

The bill makes ample protection for the producers of the country. It will afford ample relief for the jobber or middleman. But it still leaves the consumer without remedy. Having had no direct transaction with the railroad, he can make no complaint to the Commission, and no one will make such complaint for him.

Let's give the Commission power to take care of him by authorizing that body to act upon its own motion. This we can do by adopting the amendment which I have offered. But, Mr. Chairman, it may be vain for me to indulge the hope or expectation that the powers of the Commission will be further enlarged at this time by this House by the adoption of any amendment. It is an open secret here that the Democratic members of the committee had to make many concessions and had to even go so far as to pledge themselves to resist all amendments that might be offered in order to secure the favorable report and passage of the bill giving the inadequate relief that it does.

For ten years the Democratic party, always the stanch champion of the people, has demanded the enlargement of the powers of the Commission and such control of railroads as would protect the people from robbery and oppression. For ten years the people have petitioned for relief. During all this time the Republican party has been in absolute control of every

department of the Government and has had the power to enact any sort of legislation for their relief.

But up to this time the demands of the people have been wholly disregarded by that party, while the oppressions they have suffered have continued. So I suppose under the circumstances the people should be congratulated that you, gentlemen on the other side of this Chamber, have been induced to yield as far as you have. The "big stick" may have influenced you some, but to the insistent, determined demands of an outraged people, who could no longer be turned aside, is due whatever measure of relief this bill affords. You will yet yield further. The masses of this country have awakened to the situation and are demanding their rights. You can no longer continue your policy of fostering private monopoly to plunder the people and remain in power. I warn you now that you must continue the work of reform in which you have been forced to make a small beginning or give place to others who will be sent here to continue it. I speak now not only of reform in legislation with reference to the control of the railroad monopoly, but also of reform in the policy you are maintaining with reference to the great private monopolies of the country. For forty years your legislation has been in the interest of special classes. By a protective tariff in the interest of the manufacturer, which has been so high as to outrage every just principle of international trade, you have protected him from all competition from abroad, while you have permitted him to stifle all competition at home by means of combinations and agreements in restraint of trade in violation of law. Under this vicious policy, under which you have up to this time been "standing pat," have been built up the most gigantic trusts and combinations the world has ever known. They have multiplied in number and grown in power until they hold within their merciless grasp the commercial and industrial welfare of this country. They corrupt our elections, debauch our officials, plunder both the producers and consumers of the country, and defy the Government itself.

Mr. Chairman, the people of this country feel that they have endured quite long enough the oppressions visited upon them by this infamous policy. They are now asking a change—a "square deal." Wanting no special favors from the Government themselves, they demand that none shall be given to others. "Equal rights to all and special privileges to none"—the very corner stone of our Government—has ever been their motto. They feel that this Government is "of the people, by the people, and for the people." They are terribly in earnest. So let those in power beware who would turn a deaf ear to them. As certain as God reigns they are going to have, in due season, by proper legislation, full and complete relief, not only from the abuses and oppressions of the railroads, but from every other form of monopoly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. LITTLEFIELD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting after line 9, on page 11, the following:

"Any carrier may, within thirty days from the service upon it of any order, other than an order for the payment of money, begin in the circuit court of the United States for the district in which its principal operating office is situated, proceedings to set aside and vacate such order; and in case such order affects two or more carriers, such proceedings may be brought by them jointly in the district in which the principal operating office of either of them is situated. Such proceedings shall be begun by filing on the equity side of the court a petition or bill in equity, which shall briefly state the matters embraced in such order and the particulars in which it is alleged to be unlawful, and in such proceedings the complainant and the Commission shall be made defendants.

"Upon the filing of such a petition or bill the clerk of such circuit court shall forthwith mail a copy thereof to the Commission, with notice that the same has been filed; and the Commission shall thereupon, within twenty days from the receipt of such notice, cause to be filed in such court a complete certified copy of the record in the proceeding wherein the order complained of was made, including the pleadings, the testimony, and exhibits, the report and opinion of the Commission, and its order in the premises. If it is impracticable to send up a copy of any exhibit, the exhibit itself may be forwarded. The defendant may answer or demur to such petition or bill according to the usual practice in equity cases.

"If upon hearing such petition the court shall be of opinion that the order of the Commission is not a lawful order, it shall set aside and vacate the same; otherwise it shall dismiss the petition. In either case the court shall file with its decision a statement of the reasons upon which the decision is based, a copy of which shall be certified forthwith to the Commission. If the order of the Commission is vacated, and if the defendant does not appeal to the Supreme Court of the United States, the Commission may reopen the case for further hearing and order, or it may make a new order without further hearing, not inconsistent with the decision and opinion of the circuit court. Any such subsequent order shall be subject to the same provisions as an original order.

"Upon the filing of such a petition the circuit court may, upon such notice to the complainant and to the Commission as the court deems proper, extend the time within which such order shall take effect, not to exceed in all sixty days from the date of service of the order upon the carrier. The court may also, if it plainly appears that the order is unlawful, and not otherwise, suspend the operation of the order during the pendency of the proceeding or until the further order of the court.

"Either party may appeal from the judgment or decree of the circuit court to the Supreme Court of the United States; but such appeal shall not operate to stay or supersede the order of the circuit court nor the execution of any writ or process thereon. In the circuit court and in the Supreme Court the cause shall be given preference over all others except criminal causes."

Mr. CLAYTON. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding to the amendment, between lines 17 and 18, the following: "In the circuit court the petition shall have priority in hearing and determination over all other causes except criminal causes."

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Alabama.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Maine.

The question was taken, and the amendment was rejected.

Mr. LAMAR. Mr. Chairman, if it is permissible, I would like to offer two amendments to the same section and have them read at the same time. I send them to the desk.

The Clerk read as follows:

On page 10, section 4, line 15, after the word "regulations," insert the words "or classifications;" and after the word "regulation," in line 23, insert the words "or classification;" and on page 11, line 5, after the word "regulation," insert the words "or classification."

On page 10, section 4, line 22, after the word "charged," insert the following: "in determining and prescribing what is a just and reasonable and fairly remunerative rate or charge the Commission shall ignore all stocks, bonds, or other obligations of the carriers so far as such stocks, bonds, or other obligations represent amounts in excess of the fair value of the property of the carrier."

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida.

The question was taken; and the amendments were rejected.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after the word "jurisdiction," page 11, line 9, the words *"Provided, however,* That any party to the proceeding may forthwith appeal from any order of said Commission fixing a rate by petition to the circuit court in the jurisdiction where the controversy arises, under such rules of procedure as may be prescribed by said court, which court shall have the power to determine whether or not said order is just and reasonable, and if found unjust and unreasonable to set it aside, and in such case it shall be the duty of the court to ascertain what is a just and reasonable rate."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. GILBERT of Kentucky. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 11, at the end of line 9, after the word "jurisdiction," insert these words: "And any carrier affected by any such order is authorized to file complaint in any such court, making the Commissioners and shipper at whose instance the complaint was instituted defendants, and seek a rescission or modification of such order."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. SHACKLEFORD. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding the following to the end of line 16, page 11: "But the Commission shall not in any case have power to require any carrier subject to the provisions of this act to raise any rate which such carrier has duly filed and published."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. HARDWICK. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all that follows the word "duty," in line 8, page 10, through the word "act," in line 19, page 10; also by striking out all that follows the word "carrier," in line 25, page 10, through the word "and," in line 2, page 11; also by striking out all of line 17, page 11, that follows the word "also" in said line; also by striking out all of page 11 that follows the word "operated" in line 21 of said page; also by striking out all that follows the word "may," in line 5, page 12, through the word "complaint," in line 6, page 12.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That section 16 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 16. That if, after hearing on a complaint made as provided

In section 13 of this act, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this act for a violation thereof, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

"If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the circuit court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit. All complaints for the recovery of damages shall be filed with the Commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court within one year from the date of the order, and not after.

"In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

"Every order of the Commission shall be forthwith served by mailing to any one of the principal officers or agents of the carrier at his usual place of business a copy thereof; and the registry mail receipt shall be prima facie evidence of the receipt of such order by the carrier in due course of mail.

"The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper, and the orders of the Commission shall take effect at the end of thirty days after notice thereof to the carriers directed to obey the same, unless such orders shall have been suspended or modified by the Commission or suspended or set aside by the order or decree of a court of competent jurisdiction: *Provided, however,* That the Commission, for good cause shown, may extend the time in which such order shall take effect.

"It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

"Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act, shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

"The forfeiture provided for in this act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

"It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. The Commission may, with the consent of the Attorney-General, employ special counsel in any proceeding under this act, paying the expenses of such employment out of its own appropriation.

"If any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the circuit court in the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order. Such application shall be by petition, which shall state the substance of the order and the respect in which the carrier has failed of obedience, and shall be served upon the carrier in such manner as the court may direct, and the court shall prosecute such inquiries and make such investigations, through such means as it shall deem needful in the ascertainment of the facts at issue or which may arise upon the hearing of such petition. If, upon such hearing as the court may determine to be necessary, it appears that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction, or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus.

"From any action upon such petition an appeal shall lie by either party to the Supreme Court of the United States, and in such court the case shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from.

"The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office. The provisions of 'An act to expedite the hearing and determination of suits in equity, and so forth,' approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, and are also made applicable to any proceeding in equity to enforce any order or requirement of the Commission, or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto. It shall be the duty of the Attorney-General in every such case to file the certificate provided for in said expediting act of February 11, 1903, as necessary to the application of the provisions thereof, and upon appeal as therein authorized to the Supreme Court of the United States, the case shall have in such court priority in hearing and determination over all other causes except criminal causes.

"The copies of schedules and tariffs of rates, fares, and charges, and of all contracts, agreements, or arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual reports of carriers made to the Commission, as required by the provisions of this act, shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of or extracts from any of said schedules, tariffs, contracts, agreements, arrangements, or reports made public records as aforesaid, certified by the secretary under its seal, shall be received in evidence with like effect as the originals."

Mr. CLAYTON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the word "mandamus," line 17, page 16, the following: "In such circuit court such petition shall have priority in hearing and determination over all other causes except criminal causes."

The question was taken, and the amendment was rejected.

Mr. STANLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend amended section 16 by striking out the word "knowingly" in line 8 of page 15.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. The debate is closed.

Mr. STANLEY. I do not think debate has been closed on this paragraph. I wish to call the attention of the committee to this word "knowingly," not in any spirit of carping or with any desire to find fault with this bill, but I firmly believe that this matter has been overlooked by the committee.

The word "knowingly" infallibly refers to the order of the Commission, and is not used in the sense of willfully or feloniously. In simple English it means whosoever, knowing the order of the Commission, violates its provisions, shall be subject to its pains and penalties.

It inevitably follows that if the offender is ignorant of the order of the Commission he is not liable to any punishment incident to its violation. Immunity from the severe pains and penalties denounced by this provision of the bill is dependent not upon the obedience of the carrier, but upon its ignorance.

You arraign the agents of the railroads for the most palpable violation of the wise and beneficent provisions of this most necessary law, and behold, they plead not their innocence, but their ignorance, of the law. Yea, more; you penalize the carrier who makes an honest effort to obey the orders of this august Commission, for the carrier who, knowing the law, violates it, is liable to heavy pains and penalties. The railroad which delegates to agents who can neither read nor write the task of defying the law is absolutely immune, for it is only the agent or employee who knows the law and violates it that is liable.

It is the first instance in the criminal jurisprudence of any civilized country that ignorance in the mouth of the malefactor was made a complete defense. The dangerous thing, under this strange provision of the law, the thing punished by heavy fine, is not guilt, but knowledge. It practically emasculates the law, and renders any punishment under it absolutely ineffectual. This section reads:

Any carrier, any officer, representative, or any agent or carrier, or any receiver, trustee, lessee, or agent, or either of them, who knowingly fails or neglects to obey any order under the provisions of section 15 of this act, shall forfeit to the United States the sum of $5,000 for each offense.

Any man can come into court and say that he did not know the law, and you have to prove his knowledge of the law.

The principle that "ignorance of the law excuses no man" is as old as the law. Ignorance of a fact may constitute a valid defense; ignorance of the law never. The accused may show, for instance, that he has no knowledge that money uttered by him is counterfeit, and his ignorance of the fact may constitute a valid defense; but if you passed a law providing that a man could not be punished who passes spurious money unless he knew there was a law against it you would never punish a counterfeiter. So with the word "knowingly" in this bill it is an absolute impossibility to effectually execute its provisions. It is absurd to say that a man shall know the law before he violates it. It is a preposterous proposition, and an anomaly in the law, abhorrent to every principle of common justice and common sense, to solemnly declare that before you punish the violation of this law, which is so necessary, which is demanded by the President, and which is hailed with delight by the people, that you must show that the criminal could read and

write; that he not only violated its provisions, but that he did it knowingly.

How in the name of common sense are you going to prove what the accused knew? You can easily establish what an offender has done, but to prove what is hidden in his mind and heart is another question. I urge this committee for once to shake off the silly delusion that wisdom will die with the eighteen men who reported this bill, to for once depart from your unwise and unconsidered determination to regard it as the paragon and perfection of legislation, simply because it embodies a much-needed reform, and to strike out this superfluous, dangerous, and deadly provision which renders absolutely ineffective all the necessary legislation, which without it would be effective, and sheaths the sword of justice, which you pretend to draw. This single word is pregnant with evil; it is a menace to every honest carrier who may attempt to know the law, and it is a bonus and a shield to perjury and ignorance.

Mr. SHERMAN. Mr. Chairman, I move that all debate upon this section and all amendments be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. JAMES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all on page 15, commencing with the word "shall," in line 9, and all thereafter down to and including the word "runs," on page 19, and insert in lieu thereof the following: "shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $5,000, or imprisonment for a term of not less than one nor more than three years, or both such fine and imprisonment. Every violation shall be a distinct offense."

The question was taken, and the amendment was rejected.

Mr. HEFLIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, at the end of line 10, amend by adding the following: "and shall also be imprisoned for a term of not less than two years for each offense."

The question was taken, and the amendment was rejected.

Mr. STANLEY. Mr. Chairman, I wish to submit the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 16a of H. R. 12987 by adding, after the word "thereof," on page 20, at the end of line 20, the following words, viz: "The weight of rails, condition and character of roads and switches, and character of safety appliances employed for prevention of accident or injury to passengers and employees."

The question was taken, and the amendment was rejected.

Mr. STANLEY. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 16 of H. R. 12987 by striking out the words "prima facie evidence," in lines 10 and 11, on page 13, and insert in lieu thereof the words "taken as a true statement."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 6. That a new section be added to said act immediately after section 16, to be numbered as section 16a, as follows:

"SEC. 16a. That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order. Whenever an order of the Commission made in pursuance of section 15 as amended, other than an order for the payment of money, shall have been complied with for the period of three years such order shall not thereafter be in force as against the carrier so complying therewith."

Mr. SULZER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add new section after line 2, page 20, as follows:

"SEC. 16b. That every common carrier by railroad subject to the provisions of this act shall be liable to any of its employees who are engaged in the transportation of such persons or property, or, in the case of his death, to his personal representative or heirs at law, for all damages which may result from the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

"That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight in comparison to that of the employer.

"That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however,* That upon the trial of such action against any such common carrier by railroad the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his heirs at law.

"That nothing in this act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance act of March 2, 1893, as amended April 1, 1896, and March 2, 1903."

Mr. SULZER. Mr. Chairman, my amendment simply provides——

Mr. TOWNSEND. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSEND. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. SULZER] may have five minutes.

Mr. SULZER. Mr. Chairman, I desire to be heard on the point of order.

Mr. ADAMSON. The gentleman had time granted to him yesterday. I think all amendments ought to be limited to at least 9,000 words. [Laughter.]

The CHAIRMAN. In the opinion of the Chair, the amendment offered by the gentleman from New York is out of order.

Mr. SULZER. I desire to be heard on the point of order. In my opinion this point of order is untenable. I think this amendment is germane to the bill.

The CHAIRMAN. The Chair would state that he has already ruled on this subject, and is not inclined to hear further on the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 7. That section 20 of said act be amended so as to read as follows:

"SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, and shall be made out under oath and filed with the Commission, at its office in Washington, on or before the 30th day of September then next following, unless additional time be granted in any case by the Commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The Commission shall also have authority to require said carriers to file monthly reports of earnings and expenses or special reports within a specified period, and if any such carrier shall fail to file such reports within

the time fixed by the Commission it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

"The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

"In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the Commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or imprisonment for a term not exceeding two years, or both.

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce or of any act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of said acts, or any of them, the Commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence."

Mr. GOULDEN. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Insert after line 5, page 24, the following: "Any person who shall solicit or accept a rebate from a common carrier or a rate lower than that contained in their published schedules shall be guilty of a misdemeanor, and, on conviction thereof in any court of competent jurisdiction, be fined not less than $1,000 or imprisonment for a term not less than one year, or both, at the discretion of the court."

Mr. GOULDEN. Mr. Chairman, no words are necessary. The amendment carries with it a better argument than anyone could possibly give upon the subject. I think the amendment should be adopted.

Mr. SHERMAN. Mr. Chairman, I move that debate upon this section and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York, that the debate upon this section and the amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GOULDEN].

The question was taken, and the amendment was rejected.

Mr. SOUTHWICK. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk, and ask for silence on the part of Members during the reading of it.

The CHAIRMAN. The gentleman from New York [Mr. SOUTHWICK] offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 25, line 2, after the word "evidence," add the following: "No railroad subject to the provisions of this act shall be allowed to discriminate in accommodations or otherwise between persons on account of their race, color, or previous condition of servitude."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOUTHWICK].

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. SOUTHWICK) the Chair announced that there were—ayes 11, noes 143.

So the amendment was rejected.

Mr. HEFLIN. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 24, line 13, amend by adding at the end of line 13 the following: "And it shall be unlawful for any circuit judge of the United States to accept free passes or free transportation in any form from any railroad, and for each offense shall be fined $500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. HEFLIN) there were—ayes 46, noes 136.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That a new section be added to said act at the end thereof, to be numbered as section 24, as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1911, one for a term expiring December 31, 1912. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Not more than four Commissioners shall be appointed from the same political party."

Mr. COUSINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. SIBLEY] was first at the desk, and was overlooked by inadvertence. The gentleman from Pennsylvania is recognized.

Mr. SIBLEY. I offer the amendment which I sent to the desk.

The Clerk read as follows:

Amend section 24 so it shall read:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive $12,000 compensation annually; one of such Commissioners shall be designated as chairman, whose annual compensation shall be $15,000. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners. Not more than four Commissioners shall be appointed from the same political party.

The question was taken; and the amendment was rejected.

Mr. COUSINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 8, page 25, strike out the words "ten thousand" and insert in lieu thereof "seven thousand five hundred."

The question was taken; and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add a new section, as follows, after section 8.

"SEC. 9. That section 22 of the act of February 4, 1887, entitled 'An act to regulate commerce,' be amended by adding thereto the following:

"'Any officer or employee of any railroad included within the provisions of this act who shall make, issue, or give any free pass or passage ticket, which ticket is not in good faith intended to be paid for, over such railroad, or any railroad connecting therewith, to any person not allowed or authorized to pass free according to the provisions of this section, or who shall pass or cause to pass free over such railroad any such person, and any person not so allowed or authorized to pass free who shall receive and use any such free pass, or free passage ticket, or any evidence thereof, shall be punished by fine not exceeding $1,000 for each offense, and it shall be the duty of the several courts having jurisdiction to charge regularly their grand juries to investigate violations of this section.

"'No free passes, or free passage ticket, or evidence thereof, shall be issued by or in behalf of any railroad corporation unless they are signed by some officer of said corporation authorized by vote of the directors to sign the same; and every railroad corporation shall keep a record showing the date of every free pass, the name of the person to whom it is issued, the points between which the passage is granted, and whether a single trip or time pass, and if the latter, the time for which it is issued; and this record shall at all times be open to every stockholder in said corporation and to the Interstate Commerce Commission; and any railroad or person failing to comply with this provision shall be punished by fine not less than $2,000 nor more than $5,000 for each offense; and it shall be the duty of said Commission to cause prosecutions to be instituted on account of the issue of any free passes, or free passage tickets, or evidence thereof, contrary to law.'"

Mr. SHERMAN. Mr. Chairman, I raise the point of order that the amendment offered by the gentleman from Tennessee is not germane to this section.

Mr. GAINES of Tennessee. It is a new section.

Mr. SHERMAN. It does not purport to apply to this section.

Mr. GAINES of Tennessee. It is an entirely new section.

Mr. SHERMAN. And it is not in order at this time.

Mr. GAINES of Tennessee. It is a new section, and so states, and I desire to be heard for a moment. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from New York rises to a point of order. The gentleman will please state it.

Mr. SHERMAN. Mr. Chairman, I raise the point of order that this amendment is not germane to the section now under consideration. It does not purport to be. It purports to be a new section, and we have not disposed of this section yet.

The CHAIRMAN. The Chair understands that the gentleman from Tennessee offers this as a new section, and not as an amendment to any existing section of the bill.

Mr. GAINES of Tennessee. That is exactly so. Now, Mr. Chairman——

Mr. SHERMAN. Then, Mr. Chairman, I move that all debate upon this section and all amendments thereto be now closed.

Mr. GAINES of Tennessee. I have the floor, and do not yield it to the gentleman to make any such motion. I hope he will be fair for a moment, and then I will yield the floor. [Cries of "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from New York, that all debate upon this section and all amendments thereto be now closed.

The question was taken; and the Chair announced that the ayes had it.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that this does not apply to the amendment of the gentleman from Tennessee.

Mr. GAINES of Tennessee. I call for a division, Mr. Chairman.

The question was taken; and the Chair announced that the ayes had it, and the motion was agreed to.

Mr. WILLIAMS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. The gentleman from Tennessee had the floor. The gentleman from New York made a point of order that did not take the gentleman from Tennessee off his feet for any other purpose except the point-of-order purpose itself. Then, after that the gentleman from Tennessee, still having the floor, except for the point of order, and that point of order having been overruled, I make the point that the gentleman from New York can not make the motion which he did make in the time of the gentleman from Tennessee. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Tennessee seems to be proceeding on the theory that we had finished section 8. The committee has not concluded the consideration of section 8; therefore the gentleman from Tennessee was not in order.

Mr. GAINES of Tennessee. The Chair, as I heard him, has already ruled that "the gentleman from Tennessee" had offered his amendment in time, and was in order, and when the gentleman made his motion upon that proposition the Chair ruled with "the gentleman from Tennessee." Mr. Chairman, I do not want to impose myself upon the House, but I shall have and demand simple justice; no more and no less.

The CHAIRMAN. The gentleman from Tennessee will suspend for a moment.

Mr. SHERMAN. I ask unanimous consent that the gentleman have three minutes.

Mr. GAINES of Tennessee. Mr. Chairman, I stand on my rights.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Tennessee will be entitled to five minutes.

Mr. GAINES of Tennessee. Exactly. I hope my friend from New York will suspend for a moment.

Mr. Chairman, this amendment I offered——

The CHAIRMAN. Will the gentleman from Tennessee suspend? The Chair is of the opinion that the gentleman from Tennessee has five minutes upon his amendment when his amendment is in order. We are not through with the consideration of section 8. Now, if anyone wishes to offer an amendment to section 8, it will be in order.

Mr. JAMES. Mr. Chairman, I offer the following amendment to section 8.

The Clerk read as follows:

Add after section 8 the following:

"It shall be unlawful, after the approval of this act, for any officer, director, stockholder, or receiver of any corporation engaged as a common carrier as hereinbefore defined, either for said corporation or for himself, to give or contribute any sum of money or thing of value, either directly or through some one else, to any political party or organization, or to aid in the election of any candidate or candidates of any political party, or for the purpose of in any manner influencing the result of any election; and any person violating the provisions of this paragraph may be prosecuted therefor in any court of competent jurisdiction, and on conviction shall be punished by confinement in the penitentiary for any period not less than one year nor more than five years."

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I renew the offer of my amendment.

The Clerk again read the amendment offered by Mr. GAINES of Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, this amendment makes it unlawful, and provides a penalty for violations, for any railroad, or the agent of any railroad, to issue a pass to "any person" who is not entitled to it, under the exemption set out in section 22 of the act of 1887—the commerce law. It also requires the Federal judges to charge their grand juries at every session of their courts as to violations of section 22, which prohibits the giving of passes to persons other than those named in that section, who, in brief, are objects of charity, ministers, railroad officials, and their own employees. The law as it stands is a dead letter.

It also provides that no free passes, or free-passage tickets, or evidence thereof, shall be issued by or in behalf of any railroad corporation, unless they are signed by some officer of said corporation authorized by vote of the directors to sign the same; and every railroad corporation shall keep a record showing the date of every free pass, the name of the person to whom it is issued, the points between which the passage is granted, and whether a single trip or a time pass, and if the latter, the time for which it is issued; and this record shall at all times be open to every stockholder in said corporation and to the Interstate Commerce Commission; and any railroad or person failing to comply with this provision shall be punished by fine—not less than $2,000 for each offense—and it shall be the duty of said Commission to cause prosecutions to be instituted on account of the issue of any free passes, or free-passage tickets, or evidence thereof, contrary to law.

This penalty provision I have added in this paragraph, at the suggestion of the gentleman from Nebraska [Mr. NORRIS].

Every one of the many railroad representatives who testified before the Industrial Commission a few years ago, on this pass abuse, wanted a law that would take this free-pass burden, this imposition, this incubus off the railroads.

In addition to that, the Cullom report of 1886, the Industrial Commission report, the Cooley Commission, and reports by Commissioner Knapp and other men who ought to know, state that the issuance of passes in the promiscuous way that railroads issue them are usually issued because the railroads are compelled to do so by the blackmailers of the country, who hold them up, and they say they want a law that will stop that. This law will stop it if the judges of this country will enforce the law as is proposed in this amendment. Official propriety and common decency demand this law. Let us help the people and the railroads and raise ourselves above criticism and suspicion by enacting this measure. [Applause.]

Now, Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 111, noes 147.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman!

Tellers were ordered; and the Chair appointed Mr. GAINES of Tennessee and Mr. HEPBURN.

The committee again divided; and the tellers reported—ayes 99, noes 137.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add after line 14, page 26, the following: "That there shall be at the seat of government an executive department to be known as the 'Department of Transportation,' and a Secretary of Transportation, who shall be a Cabinet officer and the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $8,000——

Mr. MANN (interrupting the reading). Mr. Chairman, I raise the point of order that that amendment is not germane to the bill.

Mr. SULZER. The gentleman can not tell whether it is germane until the amendment is read.

Mr. MANN. The Clerk has read far enough to develop the fact that it is not germane.

The CHAIRMAN. The Chair is of the opinion, from the reading thus far, that it discloses the fact that it is not germane, and the Chair sustains the point of order.

The question now is on the amendment to the title.

The question was taken, and the amendment to the title was agreed to.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise and report the bill, with the amended title, to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad rate bill—and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. HEPBURN. Mr. Speaker, I ask for the previous question on the bill and amendment to its final passage.

Mr. GAINES of Tennessee rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I move to recommit the bill with instructions.

The SPEAKER. That is not in order at this time.

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Speaker. When will it be in order to recommit the bill with instructions to report a provision against the issuing of free passes?

The SPEAKER. After the engrossment and third reading of the bill. If the previous question is ordered, which is now moved, and the bill is engrossed and read a third time, then a motion to recommit would be in order. The gentleman from Iowa demands the previous question. The question is upon ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SHERMAN. Mr. Speaker, I now move to recommit the bill to the Committee on Interstate and Foreign Commerce, and upon that motion I demand the previous question.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from New York to recommit the bill to the Committee on Interstate and Foreign Commerce.

Mr. GAINES of Tennessee. Upon that, Mr. Speaker, I demand the yeas and nays. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is that motion subject to amendment?

The SPEAKER. It is not, if the previous question is ordered.

Mr. WILLIAMS. Mr. Speaker, I hope the gentleman from Tennessee [Mr. GAINES] will withdraw his call for the yeas and nays, because there is nothing to be accomplished by it. We do not want to recommit this bill, of course.

Mr. GAINES of Tennessee. I simply want the bill sent back to the committee with instructions, if I can get it, to bring it in with an antifree-pass provision similar to the one I have offered or a better one.

The SPEAKER. Debate is not in order. Does the gentleman from Tennessee withdraw his demand for the yeas and nays?

Mr. GAINES of Tennessee. I withdraw the demand for the yeas and nays.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and the motion was rejected.

The SPEAKER. The question now is on the final passage of the bill.

Mr. WILLIAMS. Mr. Speaker, upon that I demand the yeas and nays.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BINGHAM for one week, on account of sickness.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road—to the Committee on the District of Columbia.

S. 54. An act to provide a public park on Georgetown Heights, in the District of Columbia—to the Committee on the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4177. An act granting a pension to Susan H. Chadsey;
H. R. 5208. An act granting a pension to Susan J. Rounds;
H. R. 5654. An act granting a pension to Moses Eggleston;
H. R. 5779. An act granting a pension to Hannah W. Green;
H. R. 6116. An act granting a pension to John Gainsback;
H. R. 6166. An act granting a pension to Else C. Isachsen;
H. R. 7206. An act granting a pension to Nannie Frazier;
H. R. 7423. An act granting a pension to Rachel A. Dailey;
H. R. 8071. An act granting a pension to Mary Mitchell;
H. R. 8689. An act granting a pension to Frank P. Haas;
H. R. 8832. An act granting a pension to William I. Heed;
H. R. 9092. An act granting a pension to Lucy Walke;
H. R. 9382. An act granting a pension to Mariam T. Shreve;
H. R. 10365. An act granting a pension to Emeline S. Hayner;
H. R. 10573. An act granting a pension to Mariah Baughman;
H. R. 519. An act granting an increase of pension to William C. Stewart;
H. R. 520. An act granting an increase of pension to Henry C. Stern;
H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;
H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;
H. R. 1435. An act granting an increase of pension to Jason Robbins;
H. R. 1548. An act granting an increase of pension to Emma Leviness;
H. R. 1810. An act granting an increase of pension to James E. Post;
H. R. 1971. An act granting an increase of pension to Melville A. Smith;
H. R. 1972. An act granting an increase of pension to Stephen Gillen;
H. R. 2262. An act granting an increase of pension to John Seymour;
H. R. 2266. An act granting an increase of pension to George H. Hodges;
H. R. 2800. An act granting an increase of pension to Thomas Manahan;
H. R. 2959. An act granting an increase of pension to Amos H. Tenant;
H. R. 3295. An act granting an increase of pension to George W. Knapp;
H. R. 4223. An act granting an increase of pension to Frederick Schultz;
H. R. 4226. An act granting an increase of pension to William Painter;
H. R. 4392. An act granting an increase of pension to Joseph Miller;
H. R. 4393. An act granting an increase of pension to Henry Allen;
H. R. 4643. An act granting an increase of pension to Orlena F. Seaver;
H. R. 4682. An act granting an increase of pension to James Whiteman;
H. R. 4706. An act granting an increase of pension to Anna M. Gardner;
H. R. 4731. An act granting an increase of pension to Robert McMullen;
H. R. 4733. An act granting an increase of pension to John L. Files;
H. R. 4740. An act granting an increase of pension to Ransom L. Logan;
H. R. 4742. An act granting an increase of pension to Edward Coy;
H. R. 4744. An act granting an increase of pension to Thomas O'Connor;
H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;
H. R. 4991. An act granting an increase of pension to William R. Glisan;
H. R. 5158. An act granting an increase of pension to Ephraim N. R. Ohl;
H. R. 5182. An act granting an increase of pension to Robert S. Williams;
H. R. 5236. An act granting an increase of pension to Mary Greene;

H. R. 5237. An act granting an increase of pension to Rebecca Garland;
H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;
H. R. 5546. An act granting an increase of pension to James Eastwood;
H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;
H. R. 5642. An act granting an increase of pension to John W. Bancroft;
H. R. 5643. An act granting an increase of pension to Wells Briggs;
H. R. 5653. An act granting an increase of pension to Henry W. Wells;
H. R. 5831. An act granting an increase of pension to Julius Zuehlke;
H. R. 5845. An act granting an increase of pension to Robert T. Knox;
H. R. 5939. An act granting an increase of pension to James Brody;
H. R. 6113. An act granting an increase of pension to Moses Schoonmaker;
H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;
H. R. 6183. An act granting an increase of pension to Amanuel Russell;
H. R. 6186. An act granting an increase of pension to William Harvey;
H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;
H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;
H. R. 6447. An act granting an increase of pension to Mary E. Davenport;
H. R. 6544. An act granting an increase of pension to Buford P. Moss;
H. R. 6916. An act granting an increase of pension to Jacob Meier;
H. R. 6917. An act granting an increase of pension to Edmund R. Strang;
H. R. 6983. An act granting an increase of pension to Chalkley Petitt;
H. R. 7230. An act granting an increase of pension to John M. Wells;
H. R. 7237. An act granting an increase of pension to Philip Bacon;
H. R. 7509. An act granting an increase of pension to John N. Stone;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 7662. An act granting an increase of pension to Barney Shultz;
H. R. 7673. An act granting an increase of pension to Homer A. Barrows;
H. R. 7735. An act granting an increase of pension to James Hartzel;
H. R. 7755. An act granting an increase of pension to Adam Wenzel;
H. R. 7758. An act granting an increase of pension to John L. Whitman;
H. R. 7878. An act granting an increase of pension to Ann Betts;
H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;
H. R. 7889. An act granting an increase of pension to Aaron Noble;
H. R. 7950. An act granting an increase of pension to Emma M. Heath;
H. R. 7952. An act granting an increase of pension to Detrick Norrup;
H. R. 8181. An act granting an increase of pension to Martin B. Noyes;
H. R. 8237. An act granting an increase of pension to Noah Palmer;
H. R. 8374. An act granting an increase of pension to Ellen R. Graham;
H. R. 8403. An act granting an increase of pension to James L. Rector;
H. R. 8404. An act granting an increase of pension to John H. Ferguson;
H. R. 8409. An act granting an increase of pension to George H. Stowits;
H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;
H. R. 8659. An act granting an increase of pension to James Powers;
H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;
H. R. 9130. An act granting an increase of pension to John Brinkley;
H. R. 9659. An act granting an increase of pension to Abram V. Smith;
H. R. 9984. An act granting an increase of pension to Samuel McKinney;
H. R. 10142. An act granting an increase of pension to Thomas Bush;
H. R. 10218. An act granting an increase of pension to Melissa Chase;
H. R. 10352. An act granting an increase of pension to Sarah A. Boush;
H. R. 10389. An act granting an increase of pension to John W. Ellsworth;
H. R. 10572. An act granting an increase of pension to Mary A. Hackley; and
H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

ADJOURNMENT.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. I understand that after the yeas and nays were ordered and before the roll was called the gentleman from Iowa moved to adjourn. Is that motion in order?

The SPEAKER. Undoubtedly. The question is on the motion to adjourn.

The question was taken, and the motion was agreed to.

Accordingly (at 6 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Willapa River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 983) to validate certain certificates of soldiers' additional homestead right, reported the same without amendment, accompanied by a report (No. 1062); which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7139) legalizing the removal of the county seat of Washita County, Oklahoma Territory, reported the same without amendment, accompanied by a report (No. 1065); which said bill and report were referred to the House Calendar.

Mr. BONYNGE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 13550) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1066); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 436) establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith, reported the same without amendment, accompanied by a report (No. 1067); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on Militia, to which was referred the bill of the House (H. R. 7136) to increase the efficiency of the militia and promote rifle practice, reported the

same with amendment, accompanied by a report (No. 1068); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4202) granting an increase of pension to John C. Umstead, reported the same with amendment, accompanied by a report (No. 1058); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3959, reported in lieu thereof a resolution (H. Res. 261) referring to the Court of Claims the papers in the case of the trustees of the Methodist Episcopal Church South, of Pine Bluff, Ark., accompanied by a report (No. 1059); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported the same without amendment, accompanied by a report (No. 1060); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2872) for the relief of the French Trans-Atlantic Cable Company, reported the same without amendment, accompanied by a report (No. 1061); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8233) granting an increase of pension to Charles A. Power, reported the same without amendment, accompanied by a report (No. 1063); which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14206) to carry out the findings of the Court of Claims in the case of James A. Paulk, reported the same without amendment, accompanied by a report (No. 1064); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 14304) to provide for the readjustment and settlement of accounts between certain Osage Indians and traders of the Osage Reservation—to the Committee on Indian Affairs.

By Mr. BEDE: A bill (H. R. 14305) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River, between the States of Wisconsin and Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 14306) making an appropriation for the completion of Locks and Dams Nos. 19 and 20, on the Cumberland River, in Kentucky—to the Committee on Rivers and Harbors.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14307) to provide for the erection of a public building at Waynesburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. REID: A bill (H. R. 14308) to authorize the construction of a bridge at or near Van Buren, Ark.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14309) to authorize the construction of a bridge across Fourche la Fave River, in Perry County, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: A bill (H. R. 14310) appropriating money for certain work on the Missouri River—to the Committee on Rivers and Harbors.

By Mr. BURLESON: A bill (H. R. 14311) authorizing a survey of the Colorado River, in Texas, from its mouth to the city of Austin—to the Committee on Rivers and Harbors.

By Mr. McNARY: A bill (H. R. 14312) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, as to import duties on band or belting leather (finished), dressed upper leather, patent and japanned leather, leather cut into shoe uppers or vamps, and boots and shoes—to the Committee on Ways and Means.

By Mr. JONES of Washington: A bill (H. R. 14313) to recognize the claim of the Colville and confederated tribes of Indians, State of Washington, and providing for the payment thereof—to the Committee on Indian Affairs.

Also, a bill (H. R. 14314) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 14315) to regulate appeals in criminal prosecutions—to the Committee on the Judiciary.

By Mr. WILLIAMS: A bill (H. R. 14316) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE (by request): A bill (H. R. 14317) to amend section 183 of the Revised Statutes of the United States, giving authodity to officers of the Departments to administer oaths to witnesses in investigations—to the Committee on the Judiciary.

By Mr. MORRELL: A bill (H. R. 14318) to prohibit shanghaiing in the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. MEYER: A bill (H. R. 14394) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District Almshouse—to the Committee on the District of Columbia.

By Mr. RAINEY: A bill (H. R. 14395) to prohibit corporations from making money contributions in connection with political elections—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. DALZELL: A bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce—to the Committee on Railways and Canals.

By Mr. HAMILTON: A joint resolution (H. J. Res. 97) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska—to the Committee on the Territories.

Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 261) referring to the Court of Claims H. R. 3959—to the Private Calendar.

By Mr. WANGER: A resolution (H. Res. 262) directing the Clerk of the House to pay Mrs. Annie L. Harmer a certain sum of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 14319) granting to the town of Gallup, McKinley County, Territory of New Mexico, 160 acres of land—to the Committee on the Territories.

Also, a bill (H. R. 14320) granting an increase of pension to Gottlieb Honzaker—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 14321) granting a pension to Daniel G. Harrison—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 14322) granting a pension to Abbie L. Hanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14323) granting an increase of pension to Thomas Thornton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 14324) granting an increase of pension to Charles T. Murray—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 14325) granting an increase of pension to Wesley A. Hampton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14326) for the relief of William H. Taylor—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 14327) granting an increase of pension to Amelia Nichols—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 14328) granting an increase of pension to Charles M. Mears—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 14329) granting a pension to Mary M. Strong—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 14330) granting a pension to Sarah J. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14331) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 14332) for the relief of John Depew, late of Battery E, Fifth United States Artillery—to the Committee on Military Affairs.

Also, a bill (H. R. 14333) granting a pension to Elizabeth Jeremiah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14334) granting a pension to Helen F. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14335) to remove the charge of desertion from the record of Patrick F. McDermott—to the Committee on Military Affairs.

Also, a bill (H. R. 14336) to remove the charge of desertion from the military record of Alexander Todd—to the Committee on Military Affairs.

By Mr. DAWES: A bill (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 14338) granting an increase of pension to William A. Rice—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 14339) for the relief of John Tucker—to the Committee on Military Affairs.

Also, a bill (H. R. 14340) granting a pension to Mary A. S. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14341) granting a pension to Nancy A. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14342) granting an increase of pension to London C. Miller—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 14343) for the relief of James C. Slaght—to the Committee on War Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 14344) for the relief of Col. Medad C. Martin—to the Committee on Claims.

By Mr. FULKERSON: A bill (H. R. 14345) granting an increase of pension to Peter Noblet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting an increase of pension to Henry C. Edmiston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) granting an increase of pension to Jarvis Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14348) granting an increase of pension to Joseph Hoy—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 14349) authorizing the appointment of William I. Reed, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 14350) granting an increase of pension to Theodore W. Allen—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14351) granting an increase of pension to Susan Sewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14352) granting an increase of pension to Samuel J. Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14353) granting an increase of pension to John A. Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14354) granting an increase of pension to Samuel F. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14355) granting an increase of pension to George W. Florey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14356) to correct the military record of Sylvester Weaver—to the Committee on Military Affairs.

Also, a bill (H. R. 14357) to correct the military record of George Pile—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 14358) granting an increase of pension to William H. Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14359) granting a pension to James H. Stone—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 14360) for the relief of John McDonald, alias John Shannon—to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 14361) granting an honorable discharge to David Harrington—to the Committee on Military Affairs.

Also, a bill (H. R. 14362) to authorize payment of commutation to David Jones—to the Committee on War Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14363) granting a pension to Mary Z. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14364) for the relief of James M. Blankenship—to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 14365) for the relief of William D. Law—to the Committee an War Claims.

By Mr. LESTER: A bill (H. R. 14366) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.—to the Committee on War Claims.

By Mr. McGAVIN: A bill (H. R. 14367) granting an increase of pension to Lemuel O. Gilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14368) granting an increase of pension to Margaret F. Hogan—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 14369) granting an increase of pension to Sumner P. Wyman—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14370) granting an increase of pension to Theodore Hogener—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 14371) granting an increase of pension to William H. Capehart—to the Committee on Pensions.

Also, a bill (H. R. 14372) to carry out the findings of the Court of Claims in the case of James E. Meacham—to the Committee on War Claims.

By Mr. MOUSER: A bill (H. R. 14373) to remove charge of desertion and grant honorable discharge to John A. Boston, alias John Boston Irwin—to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 14374) granting an increase of pension to Benjamin B. Cahoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14375) granting an increase of pension to Edmond R. Haywood—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14376) for the relief of William Bushby—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 14377) granting an increase of pension to William Stephens—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 14378) granting an increase of pension to Charles Settle—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14379) for the relief of Sylvanus Cobble, of Gainesville, Tex.—to the Committee on War Claims.

Also, a bill (H. R. 14380) to authorize the Court of Claims to consider the claims of Charles F. Winton, deceased, and others, against the Mississippi Choctaw Indians for services rendered and expenses incurred—to the Committee on Indian Affairs.

By Mr. WEEKS: A bill (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department—to the Committee on Claims.

By Mr. WOOD of New Jersey: A bill (H. R. 14382) granting an increase of pension to William Antes—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 14383) granting an honorable discharge to Jonas O. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 14384) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14385) granting an increase of pension to Joseph Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14386) granting an increase of pension to Anthony L. Bledsoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14387) for the relief of John Nelson—to the Committee on Claims.

By Mr. MEYER: A bill (H. R. 14388) granting an increase of pension to A. L. Barthelemy—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 14389) granting an increase of pension to Amos Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting an increase of pension to William F. Burnet—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 14391) granting an increase of pension to Franklin Cooley—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 14392) for the relief of Thomas Hanlon—to the Committee on War Claims.

Also, a bill (H. R. 14393) to remove the charge of desertion from the military record of William P. Edmonson—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8891) granting a pension to Mrs. R. C. Rogers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14196) for the relief of Bessie McAlester McGuirk—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 2224) granting an increase of pension to Henry

L. Karns--Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13339) granting a military bounty land warrant to John B. Anderson—Committee on Pensions discharged, and referred to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Elgin J. Cole et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of William H. Burns et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of citizens of Wampum, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

Also, petition of the National Board of Trade, for improvement of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Petitions of Chapin Post, No. 2, Grand Army of the Republic, and Emerson H. Liscum Camp, Sons of Veterans, of Buffalo, N. Y., for bill H. R. 13090—to the Committee on Naval Affairs.

By Mr. ALLEN of New Jersey: Petition of the National Board of Trade, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTLETT: Petition of Macon Council, No. 290, Order of United Commercial Travelers of America, for amendment to the bankruptcy law—to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of Bullville Grange, Patrons of Husbandry, of Orange County, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Cora A. Booth—to the Committee on Pensions.

Also, paper to accompany bill for relief of Margaret E. Foster—to the Committee on Pensions.

Also, paper to accompany bill for relief of William T. Edwards—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jobery Mullinax—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, against amendment of the Grout law—to the Committee on Agriculture.

By Mr. CAPRON: Petitions of the Manton Baptist Mission; the First Baptist Church of Hope Valley; the Free Evangelical Church of Providence; the Woman's Christian Temperance Union of Carolina; the Arlington Free Baptist Church, of Manton; the Centerville Methodist Episcopal Church, of Cumberland; the Warren Baptist Church, of Phoenix; the Exeter Baptist Church, of Woonsocket; the Warwick Central Free Baptist Church; the People's Free Baptist Church, of Auburn; the Methodist Episcopal Church of East Greenwich, and of sundry citizens of Rhode Island, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of the State board of agriculture of Rhode Island and the Newport County Agricultural Society, favoring placing basic-slag meal on the free list—to the Committee on Ways and Means.

Also, petition of West Kingston (R. I.) Grange, No. 10, Patrons of Husbandry, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Newport County (R. I.) Agricultural Society, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Rhode Island State board of agriculture, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Rhode Island Lumber Dealers' Association, for national forest reserves—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Chamber of Commerce of New York, in favor of Chinese exclusion (bill H. R. 12973)—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion Society, favoring strict observance of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Commodore Perry and Pawtucket councils, Junior Order United Amercan Mechanics, of Rhode Island, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALE: Petition of the Union League Club of New York, favoring the President's policy relative to the Philippines and urging passage of the bill H. R. 3—to the Committee on Ways and Means.

Also, petition of the Union League Club of New York City, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of Garfield Council, No. 354, Order United American Mechanics, of Scranton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Mining Congress, for working sundry mines on Spanish and Mexican land grants—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for assistance to schools of mines—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for a Department of Mines and Mining—to the Committee on Mines and Mining.

Also, petition of the Western Fruit Growers' Association, relative to abuses of the private car companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Father Whitty Young Men's Total Abstinence and Benevolent Society, of Scranton, Pa., against bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of Hon. J. A. Scranton and 50 other citizens of Scranton, Pa., and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of State Grange No. 1199, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of George E. Briggs, against free alcohol of all kinds—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., for bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., for passage of bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

Also, petition of the National German-American Alliance of the United States and a million and a half of German citizens, against franking scientific literature on beer—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Japanese and Korean Exclusion League, for strict enforcement of Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Luzerne Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Dairy Union, indorsing bill H. R. 345—to the Committee on Agriculture.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of Ezra C. Griffin Camp, No. 8, Sons of Veterans, Pennsylvania Division, against the Morrell bill—to the Committee on Military Affairs.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., for bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of the Commercial Law League, favoring the Lodge bill, relating to the consular service—to the Committee on Foreign Affairs.

Also, petition of Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton, Pa., for passage of bills H. R. 239 and 9328—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DOVENER: Affidavits in support of bill (H. R. 5388) for the relief of Silas Garrison—to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Theodore Groezinger—to the Committee on Invalid Pensions.

Also, petition of the National Board of Trade, for bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Petition of the Newport Produce Exchange, for modification of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of the National Board of Steam

Navigation, favoring bills H. R. 369 and 370—to the Committee on Rivers and Harbors.

Also, petition of the Board of Steam Navigation, favoring lighting of Statue of Liberty, New York Harbor—to the Committee on Appropriations.

By Mr. GRAFF: Petition of the State Grange, Patrons of Husbandry, of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, for the Interstate Commerce Commission to control railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, favoring reciprocal trade relations with foreign countries—to the Committee on Foreign Affairs.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, for control of freight rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Grange of Illinois, Patrons of Husbandry, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, against ship subsidies—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, for election of United States Senators by popular vote—to the Committee on the Judiciary.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, favoring the referendum to legalize all important enactments—to the Committee on the Judiciary.

Also, petition of the State Grange, Patrons of Husbandry, of Illinois, against the present method of seed distribution—to the Committee on Agriculture.

Also, petition of the State Grange of Illinois, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the North Congregational Church, of Providence, for prohibition of liquor selling in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. GROSVENOR: Paper to accompany bill for relief of Albert C. Roach—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of Russell Post, No. 77, Department of Nebraska, Grand Army of the Republic, for relief of George C. Vance—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of citizens of Rochelle, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HUFF: Paper to accompany bill for relief of William H. Altmain—to the Committee on Invalid Pensions.

Also, petition of the Charleroi Merchants' Association, of Washington County, Pa., favoring bill H. R. 8106—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of William H. Morrow—to the Committee on Invalid Pensions.

Also, petition of the National Board of Trade, of Philadelphia, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Excelsior Council, No. 366, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of S. Foster & Co., of San Francisco, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the San Francisco Labor Council, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Sacramento Valley Development Association, for an appropriation for roads, etc., in Yosemite Valley—to the Committee on Appropriations.

By Mr. KENNEDY of Nebraska: Papers to accompany bills H. R. 11686, granting a pension to William C. Berghahen; H. R. 11689, granting a pension to Byard H. Church; H. R. 11690, granting a pension to Lewis Lowry; H. R. 11692, granting a pension to John P. Wishart; H. R. 12797, granting a peinsion to Alvin Denning; H. R. 13342, granting a pension to Morris W. Clark; H. R. 11140, granting a pension to Henry Russell; H. R. 11142, granting a pension to James McQuade; H. R. 11360, granting a pension to John Sylvester; H. R. 11363, granting a pension to Elizabeth McCormick; H. R. 11364, granting a pension to Richard Allbery; H. R. 11365, granting a pension to Robert D. Williamson, and H. R. 11687, granting a pension to Matt Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the National Board of Trade, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Produce Exchange, against the Interstate Commerce Commission having control of railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, for modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. McCALL: Petition of the First Baptist Church of Cambridge, Mass., against sale of liquor at Army posts—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Massachusetts, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Women's Clubs of Massachusetts, for forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. MAHON: Petition of Lodge No. 736, Brotherhood of Railway Trainmen, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of J. E. White et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of William H. Capehart—to the Committee on Pensions.

By Mr. MORRELL: Petition of F. O. Raymond et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the Merchants' Association, for an appropriation to improve the Yosemite Valley—to the Committee on Appropriations.

Also, petition of the Sacramento Valley Development Association, for improvement of the Yosemite Valley—to the Committee on Appropriations.

Also, petition of the Azusa-Covina-Glendora Fruit Exchange, of Azusa, Cal., relative to abuses of private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fresno County Chamber of Commerce, favoring bills H. R. 9753 and 9754—to the Committee on the Post-Office and Post-Roads.

Also, petition of the San Francisco Labor Council, for an improved merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. OLCOTT: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Indianapolis Live Stock Association, for an appropriation for live-stock inspection—to the Committee on Agriculture.

Also, petition of Henry Schurman, favoring improvement in the merchant-marine service—to the Committee on the Merchant Marine and Fisheries.

By Mr. POLLARD: Petition of the Swine Breeders' Association of Nebraska, for bill H. R. 345—to the Committee on Agriculture.

By Mr. RHODES: Paper to accompany bill for relief of Benjamin B. Cahoon—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Roy F. Walker—to the Committee on War Claims.

By Mr. RYAN: Petition of the National Board of Trade, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Produce Exchange, against the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of Kilpatrick Camp, No. 233, Sons of Veterans, of Easton, Pa., favoring bill H. R. 12085—to the Committee on Military Affairs.

Also, petition of Packer Lodge, No. 85, Brotherhood of Railroad Trainmen, of Easton, Pa., favoring bills H. R. 239 and 9325 and S. 1657—to the Committee on the Judiciary.

Also, petition of Lehigh Lodge, No. 403, Association of Merchants, of Easton, Pa., favoring bill H. R. 10046—to the Committee on Military Affairs.

Also, petition of Council No. 159, Order United American Mechanics, of Easton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Henry Gabriel's Sons, against any increase of duty on aniline colors and salts—to the Committee on Ways and Means.

Also, petition of J. H. Romig, of San Francisco, favoring establishment of a Government hospital at Bristol Bay, Alaska—to the Committee on the Territories.

By Mr. SHACKLEFORD: Petition of the Missouri Corn Growers' Association, for reciprocal commercial relations with other countries—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., for establishment of a forest reserve in White Mountains—to the Committee on Agriculture.

Also, petition of Massachusetts Council, No. 42, Middletown, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Elm City Division, No. 317, Order of Railway Conductors, for bill H. R. 239—to the Committee on the Judiciary.

Also, petition of citizens of New Haven, Conn., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of J. W. Noffsinger et al., for repeal of revenue tax an denaturized alcohol—to the Committee on Ways and Means.

Also, petition of dairymen of Minnesota, protesting against the Grosvenor bill—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of Andrew L. Hook—to the Committee on Pensions.

By Mr. SULZER: Petition of the New York Produce Exchange, for modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boyne City Charcoal Iron Company, against the free-alcohol bill—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 8, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. Without objection, the Journal stands approved.

ARMY QUARTERS, PHILIPPINE ISLANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an emergency estimate of appropriation for barracks and quarters, Philippine Islands, $100,000, being additional to the urgent deficiency estimate of like amount transmitted to Congress on the 1st instant; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2582) to authorize the American National Bank, of Graham, Va., to change its location and name.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commission; and

H. R. 13372. An act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin.

COAL-MINING INTERESTS IN WEST VIRGINIA.

Mr. TILLMAN. Mr. President, some days ago I presented to the Senate a communication from the Red Rock Fuel Company, of West Virginia, relating to some abuses or outrages that had been perpetrated upon them by the Baltimore and Ohio Railroad. In connection with that document I said that I presumed there was redress for the particular grievance complained of, which was that this coal company had lands contiguous to the Baltimore and Ohio road and had opened their coal lands—their mines—and had constructed a railroad track, so as to get within touch of the Baltimore and Ohio, and had been refused connections, so that they were stopped up, or bottled up, so to speak, and not allowed to ship their product. I indicated that it appeared to me there was a chance for the company to get redress and to secure its rights under State laws or else the State was disgraced. The senior Senator from West Virginia [Mr. ELKINS] declared that there was such a law, and that the coal company could get redress.

I dismissed the subject from my mind, supposing, of course, that the statement was entirely accurate, but last evening I received a letter on this whole question of the situation in regard to the transportation of coal in West Virginia which is so illuminating that I feel it obligatory on me to ask to have it read in the nature of a petition. I send it to the desk for that purpose.

The VICE-PRESIDENT. Without objection, the communication will be read. The Secretary will read it.

The Secretary read as follows:

STATE OF WEST VIRGINIA, GOVERNOR'S OFFICE,
Charleston, W. Va., February 6, 1906.

Hon. BENJAMIN R. TILLMAN.
United States Senate, Washington, D. C.

DEAR SENATOR: I do not know that you remember me. I met you at a dinner given by Senator SCOTT at the New Willard two years ago. I have read with interest and satisfaction your remarks in the Senate a few days ago in presenting the letter of Mr. Bullitt, of the Red Rock Coal Company, of Upshur County, this State. You said that "that such things could be in this State was a disgrace to the State." Senator ELKINS said that we had a law in this State providing a remedy for the outrageous treatment of shippers by railroads. You are nearer right than Senator ELKINS. We have some law in this State bearing on that subject, but it is inadequate, and we have no means of enforcing it. I have been trying since 1881 to get a railroad commission in West Virginia, but the railroad lobby would never let us have it. I regret to have to admit that there is much truth in what you say, that this state of things is a disgrace to West Virginia.

The case that you presented to the Senate of the said coal company is only a sample of many. The Baltimore and Ohio Railroad Company has been a great sinner in this respect for many years. For a while, when the late John K. Cowan was in charge of the company, there was a good state of affairs. I think an investigation would show that the Baltimore and Ohio Railroad Company is interested in the production of coal; not directly, perhaps, but indirectly and substantially. It makes little difference as to the effect upon our people whether the corporation itself is directly interested in the production of coal in competition with other producers of coal or whether officers or directors or controlling stockholders are so interested. The result is the same. I have heard of cases where this company has attempted to say who shall ship coal and who shall not, and when they should ship it, and where they should ship it and where they should not. It may be that the Pennsylvania Railroad Company does not legally own a controlling part of the stock of the Baltimore and Ohio Railroad Company or the Chesapeake and Ohio Railway Company or the Norfolk and Western Railway Company, but I have no doubt that an investigation will show that the Pennsylvania Railroad Company practically controls these three great trunk lines which traverse West Virginia, and which are the only means whereby the products of this State, including coal, can be shipped either to the Lakes in the West or other markets in the East. Hence it is a fact that West Virginia to-day is in the grasp of a railroad trust which practically says what part of the State shall be developed and what shall not be developed, how much coal shall be shipped out of this State, to what points or parts it shall be shipped, and when it shall be shipped.

Of course, it makes its own rates, and our people are helpless. The Pennsylvania Railroad is very largely interested itself in the production or shipment of bituminous coal. It will naturally look after its own interest and the interest of the people along its lines in Pennsylvania and elsewhere first of all, and therefore the interests of West Virginia are subordinated to the interests of these others, and our railroads, upon which we are dependent, as before stated, are controlled by an alien corporation practically in direct competition with us. The State authorities stand ready to do everything in their power, and are anxious to do that, to protect our people from these intolerable conditions.

You will be doing a great public benefit if you succeed in having a thorough investigation made of the conditions referred to existing in this State.

Very respectfully, yours,

WM. W. W. DAWSON, *Governor.*

Mr. TILLMAN. I wish to remark, by way of brief comment, that the statements made by the governor of West Virginia are of such transcendent importance and relate to a subject of such vital moment at this time, and coming as they do, too, from a man who is a Republican in the best standing and from a State which has a Republican legislature, I do not see how we can refuse to have the conditions investigated. I would move along that line but for the fact that there is something of the sort on foot in the House. Mr. GILLESPIE has been endeavoring to secure the information in regard to the merger or control of the Chesapeake and Ohio, the Baltimore and Ohio, and the Norfolk and Western by the Pennsylvania, and I do not want to appear to take jurisdiction of a question that is now pending there. There is no need of two investigations; there might be a joint one of both Houses; but I will wait until I see what developments shall come. Unless the House shall move actively in a way to secure the facts I shall be compelled to ask the Senate a little later to take some action itself.

Mr. ELKINS. Mr. President, I listened to the communication from the governor of West Virginia read at the desk. The only reason that I made any reference to the remarks of the Senator from South Carolina a few days ago was because he stated that if such a state of affairs existed it was a disgrace to West Virginia. I felt obliged to resent that to the extent of saying——

Mr. TILLMAN. I hope the Senator will do me the justice to say that I thought the State of West Virginia must necessarily have laws on its statute book that would give redress, and the Senator said they did have, and I took him at his word. Now, the governor comes forward and says it has not got it, and can not get it because of the railroad lobby that is there, or the influences which govern the State.

Mr. ELKINS. The governor does not say that there is no redress. He states that the Senator from South Carolina was partly right and that I was partly right in our statements.

The facts are, Mr. President, that under the laws of West Virginia there is an adequate remedy by mandamus to compel the physical connection of a switch lateral or branch road with the main line, or between any two roads. In resorting to that remedy it is claimed that the shippers hesitate by reason of the long time and the expense, and incurring probably the hostility of the railroad with which they seek connection. But the law is plain and it is on the statute book.

Now, as to the State not having a railroad commission, my colleague and myself have earnestly favored for years the passage of a law creating a railroad commission in West Virginia, but it has failed. There are a great many States in the Union that have no railroad commissions.

Now, Mr. President, as to the allegations about the state of affairs in West Virginia, unless the Senator wants to make the governor's letter the basis of a resolution for investigation it probably should go to the Committee on Interstate Commerce, which is considering this very question of abuses growing out of the refusal to grant connecting running arrangements and other things; and if the Senator does not propose to make it the basis of an inquiry, which I think, perhaps, was in his mind, then I will ask that it be referred to the committee having these matters in hand now.

Mr. TILLMAN. I have no objection to the reference of the communication to the Committee on Interstate Commerce, of which I am an humble member. I merely meant to state my position in the event that the efforts now being made in the House by a gentleman from Texas to investigate this whole question, not with regard to the bottling up of competing coal mines or miners, but the question of merger, shall fail. If that investigation shall fail of being ordered, I shall then endeavor to get the Senate to order an investigation of the whole question, both as to the merger and as to this particular grievance of the railroad trust in West Virginia, which presumes to say who shall ship coal, where they shall ship coal, when they shall ship coal, and whether they shall ship coal at all, and also refuses to allow men to make connection with their railroads, and also, as I have understood, has torn up spur tracks leading to mines so as to bottle up the mines entirely, with a view, I suppose, to their purchase, or something like that.

I do not want to do anything to-day. I am perfectly willing to allow the petition to go to the Committee on Interstate Commerce; but I say I shall feel compelled a little later to ask the Senate to do something unless the House does something.

Mr. ELKINS. If the Senator is willing to allow the communication of the governor to go before the Committee on Interstate Commerce, I shall be glad, because we are considering this very subject.

The VICE-PRESIDENT. The communication will be referred to the Committee on Interstate Commerce.

Mr. FORAKER. I was out of the Chamber—detained by a committee meeting—when the communication was read. It will appear, I presume, in the RECORD.

The VICE-PRESIDENT. It has been read, and will appear in the RECORD.

Mr. TILLMAN. It is a letter from the present Republican governor of West Virginia, in which he makes a disclosure or statement as to the situation there that is appalling to any man who has any conception of a free government.

Mr. FORAKER. I gathered, from what I heard the Senator from South Carolina say, the nature of the communication, and I only rose to state that I am in hearty sympathy with the suggestion he makes, that there should be an investigation with a view to arriving at some means of remedying just what is complained of. This communication, if it is of the character I understand it to be, goes to the very heart of the trouble that is causing all the disquiet and all the contention in the country; and if we can arrive at a just apprehension of just what that condition is, and then find a legitimate remedy for it, we will do a great deal more to benefit and promote the interests of the country than in any other way which has yet been suggested.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Board of Trade, of Philadelphia, Pa., praying for the passage of the so-called "ship subsidy bill;" which was ordered to lie on the table.

Mr. PLATT presented a memorial of the Lake Seamen's Union of Buffalo, N. Y., remonstrating against the abolishment of the United States marine hospitals now located at various points in the United States; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Atlantic Coast Seamen's Union, of New York City, N. Y., remonstrating against the passage of the so-called "ship subsidy bill;" which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Yonkers, N. Y., and a memorial of the First Baptist Church of Rhinebeck, N. Y., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of Local Council No. 165, United Commercial Travelers, of Brooklyn, N. Y., praying for the adoption of an amendment to the present bankruptcy law to include employees employed as traveling or city salesmen as preferred creditors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club, of Pawhuska, Okla., praying for the adoption of a clause in the statehood bill making the Osage Reservation one county; which was ordered to lie on the table.

He also presented the petition of Charles Gibson and sundry other citizens of Albany, N. Y., praying for an investigation of the conditions now existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of Richard A. Bindhardt and sundry other citizens of New York City, N. Y., praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of Milton-on-Hudson Grange, No. 884, Patrons of Husbandry, of Milton, N. Y., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Lake Seamen's Union of Buffalo, N. Y., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a memorial of the Columbia County Department of the Mohawk and Hudson River Humane Society, of Hudson, N. Y., remonstrating against the enactment of legislation extending the time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chautauqua County Pomona Grange, Patrons of Husbandry, of Chautauqua County, N. Y., and a petition of the New York Hay Exchange, of New York City, N. Y., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Manufacturers' Association of Jamestown, N. Y., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Buffalo, Rochester, and New York City, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Canadawaran Division, No. 341, Order of Railway Conductors, of Norwich; of Trojan Lodge, No. 90, Brotherhood of Railroad Trainmen, of Troy; of Local Lodge No. 417, Brotherhood of Railroad Trainmen, of East Buffalo; of Metropolitan Lodge, No. 363, Brotherhood of Locomotive Firemen, of New York City; of Local Division, Order of Railway Conductors, of Buffalo; of Local Division, Order of Railway Conductors, of Corning; of Local Lodge No. 164, Brotherhood of Railroad Trainmen, of Utica, and of Local Lodge No. 623, Brotherhood of Railroad Trainmen, of Central

Valley, all in the State of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry employees of Dunn & McCarthy, of Auburn, N. Y., praying for the enactment of legislation to remove the duty on imported hides and leather; which was referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of Granite State Lodge, No. 306, Brotherhood of Locomotive Firemen, of Concord, N. H., remonstrating against the passage of the so-called "Esch-Townsend railroad rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the legislative committee of the American Federation of Labor of Washington, D. C., praying for the enactment of legislation granting relief to ship keepers of the Mare Island Navy-Yard, Cal.; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of the crews of vessels; which was referred to the Committee on Commerce.

He also presented the petition of F. E. Barber, of Billings, Okla., and the petition of John P. Algie, of Pondcreek, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. PENROSE presented a petition of the clergy of the diocese of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. BURNHAM presented the petition of Mary E. Rowe, of Henniker, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a memorial of Granite State Lodge, No. 306, Brotherhood of Locomotive Firemen, of Concord, N. H., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of G. O. Shields, of New York City, N. Y., praying for the enactment of legislation to establish game refuges in national forest reserves; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. ANKENY presented a petition of the Chamber of Commerce of Spokane, Wash., praying that more liberal appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to increase the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Washington Inland Empire Retail Dealers' Association, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of sundry homesteaders of the Red Lake Indian Reservation of Minnesota, praying for the enactment of legislation extending the time for payment of their homesteads within that reservation; which was referred to the Committee on Indian Affairs.

Mr. HOPKINS presented a petition of the Illinois Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation providing for the construction of a deep waterway between the Great Lakes and the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented a memorial of the Retail Merchants and Business Men's Association of Hoopeston, Ill., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the congregation of the Universalist Church of Woonsocket, R. I., and a petition of the congregation of the First Methodist Episcopal Church of Woonsocket, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

Mr. FLINT presented a petition of the congregation of the Church of the Unity of Santa Barbara, Cal., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Los Angeles, Cal., and of Fred L. Ingraham, of Yuma, Ariz., praying for the enactment of legislation to remove the duty on linotype and composing machines; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Bruceville, Cal., remonstrating against any increase of the tax on sweet wines; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation appropriating for a period of twenty years 75 per cent of the internal revenue and customs receipts from the Territory of Hawaii as a special fund to be expended in that Territory for Territorial and Federal purposes; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Shipowners' Association of the Pacific Coast, praying for the enactment of legislation to abolish the use of Government transports for carrying troops and freight in time of peace; which was referred to the Committee on Commerce.

Mr. LA FOLLETTE presented petitions of sundry citizens of Mattoon, Suring, Madison, and Phlox, all in the State of Wisconsin, praying for the enactment of legislation to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in that State; which were referred to the Committee on Indian Affairs.

He also presented memorials of sundry citizens of the State of Wisconsin, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

He also presented petitions of sundry citizens of Mayville, Prairie du Chien, and Wausau, all in the State of Wisconsin, praying for the enactment of legislation to remove the duty on linotype and composing machines; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Fond du Lac, Wis., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Neenah, Watertown, Appleton, and Westley, and of Local Union No. 61, Cigar Makers' International Union, of La Crosse, all in the State of Wisconsin, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. STONE presented a memorial of the Mercantile Association of St. Louis, Mo., remonstrating against the adoption of the proposed amendment to the copyright law to prevent the importation of foreign publications by libraries; which was referred to the Committee on Patents.

He also presented a memorial of the Woman's Christian Temperance Union of Kansas City, Mo., remonstrating against the repeal of the present anticanteen law, and praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Robertson & Ball, of Gallatin, Mo., praying for the enactment of legislation for the removal of the tariff on linotype and composing machines; which was referred to the Committee on Finance.

Mr. MILLARD presented a petition of the Commercial Club of Grand Island, Nebr., praying for the enactment of legislation for the holding of the United States court at that place; which was referred to the Committee on the Judiciary.

THE FIVE CIVILIZED TRIBES OF INDIANS.

Mr. TILLMAN. Mr. President, I rise to something that is in the nature of a question of personal privilege, but not so much personal as official.

It was called to my attention last night for the first time that an important bill—House bill 5976—dealing with the affairs

of the Five Civilized Tribes of Indians had been prepared in the House and had passed that body and been sent to the Senate, and by some inadvertence on the part of the presiding officer the bill was referred to the Committee on Indian Affairs. As I am chairman of the Committee on the Five Civilized Tribes of Indians, having previously been chairman of the Committee on Revolutionary Claims, and during the two years I occupied that honorable position never having had but one bill sent to that committee, which almost took my breath away, I had not expected to have much to do as chairman of the Committee on the Five Civilized Tribes of Indians. But as such a bill has come to this body and has been sent to the wrong committee, I merely rise to ask that that error be corrected, and that the bill, with the accompanying papers, shall be sent to the committee to which it justly belongs—that is, the committee of which I have the honor to be chairman.

The VICE-PRESIDENT. The Chair will state that a similar bill had been introduced in the Senate and referred to the Committee on Indian Affairs, and——

Mr. TILLMAN. Still that was another inadvertence, because otherwise the Committee on the Five Civilized Tribes of Indians has no reason for being in existence.

The VICE-PRESIDENT. The bill was referred to the Committee on Indian Affairs at the request of the Senator introducing it——

Mr. TILLMAN. I can not help that. Suppose I were to get up here and introduce a bill relating to the Army——

Mr. LODGE. I suggest that we have order, Mr. President. I should like to hear the Chair complete his statement.

The VICE-PRESIDENT. The Chair will complete his statement, if the Senator from South Carolina will suspend for a moment.

Mr. TILLMAN. I will try to do so, sir.

The VICE-PRESIDENT. The Senate bill was referred to the Committee on Indian Affairs at the request of the Senator introducing it. There was no objection then made to the reference, or after the reference had been made. When a similar bill came from the House the same reference was made, and it was made without objection until this moment. If the Senator desires to have the bill recalled from the Committee on Indian Affairs and referred to the Committee on the Five Civilized Tribes, it may be done if there is no objection. Is there objection?

Mr. CLARK of Wyoming. Mr. President——

Mr. TILLMAN. Will the Senator now permit me to finish what I was trying to say when my kind guide and friend from Massachusetts took charge of the affairs of the Senate?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. TILLMAN. Oh, with pleasure.

Mr. CLARK of Wyoming. The announcement having been made by the Chair that the bill would be withdrawn from the Committee on Indian Affairs unless objection were made, I desire to say that it has been the custom in this body for many years to refer all bills relating to the affairs of the Indian Territory, including the affairs of the Five Civilized Tribes, to the Committee on Indian Affairs. The bill followed the regular course in the Senate in that matter.

In the absence of the Senator from Minnesota [Mr. CLAPP], the chairman of the Committee on Indian Affairs, I would suggest to the Senator from South Carolina that he defer his request until that Senator shall be present.

Mr. TILLMAN. I am perfectly willing. I do not want to have any unseemly wrangle as to who shall take charge of the bill, but I simply want to say again that there is no excuse or reason for this body to have a Committee on the Five Civilized Tribes of Indians and put five or seven Senators on it—I have forgotten which—and then have bills relating to those Five Civilized Tribes referred, at the request of Senators introducing them, to some other committee, because—let me suppose for an instant, that I shall introduce a bill relating to the Army and ask that it be referred to the Committee on Naval Affairs, of which I happen to be a member, is it to be thought for a moment that the bill would go that way, or would it go where it belongs—to the Committee on Military Affairs?

I am merely contending for decent and orderly procedure in referring measures that relate to a specific subject to the committee charged with looking after such matters. The Chair, inadvertently, I suppose, of course—I do not blame the Chair at all—referred both these bills erroneously. I am merely asking the Senate to correct the mistake.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that the Chair made each reference advisedly and according to the practice of the Senate.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, to report it with amendments. I submit a report thereon, and give notice that I will try to call up the bill to-morrow morning at the expiration of the routine morning business.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4095) to establish a light and fog-signal station at or near Isle au Haut Harbor, Maine, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 2703) to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2704) to establish a light-house and fog signal on Ocean Cape, Yakutat Bay, in the district of Alaska, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 35) to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 961) to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Minnesota, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2801) to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich., reported it without amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service, reported it with an amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 2705) to establish a light-house and fog signal on Cape Spencer, at the entrance to Cross Sound, in the district of Alaska, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 26) to promote the efficiency of the Life-Saving Service, reported it with amendments, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C., reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 2056) to correct the military record of David Horner, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2054) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge;

A bill (S. 728) to correct the military record of James W. Houser; and

A bill (S. 729) for the relief of George H. White.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 1700) to remove the charge of desertion appearing against the military record of David W. Trumpeller, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1305) to provide for the purchase of a site and the erection of a public building thereon at Salisbury, in the State of North Carolina, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Military Affairs, to whom was referred the bill (S. 661) for the relief of Levi J.

Billings, reported it without amendment, and submitted a report thereon.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 659) granting an honorable discharge to William S. Dunn, reported it with an amendment.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (H. R. 8773) granting an increase of pension to William H. Joslin, reported it without amendment, and submitted a report thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 1430) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 338) making an appropriation for a public building at Houston, Tex., reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 3724) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels, reported it without amendment, and submitted a report thereon.

Mr. HOPKINS, from he Committee on Post-Offices and Post-Roads, reported an amendment proposing to appropriate $60,000 for additional clerk hire in the city post-office at Chicago, Ill., intended to be proposed to the urgent deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

PUBLIC BUILDING AT FERNANDINA, FLA.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1724) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes, to report it favorably with an amendment.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in line 8, after the word "city," to strike out the words "with fireproof vaults extending to each story;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site and to cause to be erected at the city of Fernandina, in the State of Florida, a suitable building for a custom-house and for the use and accommodation of the post-office, the United States courts, and other Government offices in said city, the site and the building thereon, when completed according to plans and specifications, to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000: *Provided*, That there shall be an open space of not less than 40 feet upon every side of said building, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAM AT GRAND DETOUR, ILL.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8442) permitting the building of a dam across the Rock River, at Grand Detour, Ill., to report it favorably without amendment, and I ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. LODGE. I suggest that we finish the morning business before that is done.

The VICE-PRESIDENT. There is objection, and the bill will be placed upon the Calendar.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 4253) for the relief of Hetterman Brothers Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4254) to incorporate the East Washington Heights Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 4255) for the relief of Charles E. Fenner, executor of George E. Payne, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 4256) for the relief of The Alaska Short Line Railway and Navigation Company's Railroad; which was read twice by its title, and referred to the Committee on Territories.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4257) granting an increase of pension to Mary R. Dobyns;

A bill (S. 4258) granting an increase of pension to James F. Hackney; and

A bill (S. 4259) granting a pension to A. P. Gadd.

Mr. McCREARY introduced a bill (S. 4260) for the relief of the estate of George W. Taylor, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 4261) granting an increase of pension to Samuel C. White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4262) granting an increase of pension to Elizabeth M. J. Meagher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4263) for the relief of Hamilton D. South;

A bill (S. 4264) for the relief of Emaline Johns; and

A bill (S. 4265) providing for reopening and readjustment of the accounts of Herbert Cushman, captain, United States Army, retired, and for other purposes.

Mr. PENROSE introduced a bill (S. 4266) granting a pension to Matilda C. Heilman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District Almshouse; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4268) changing the name of Douglas street to Clifton street; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURNHAM inroduced a bill (S. 4269) granting an increase of pension to Martin White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4270) granting a pension to Williette L. Norton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4271) for the establishment of a national park and forest reserve in the Appalachian Mountains, and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, and so forth; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia; and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; also to embrace the western slope of the Appalachian Mountains to the Ohio River included in the States of West Virginia, Pennsylvania, and Kentucky, and embracing the watersheds of the Monongahela, Big Kanawha, Little Kanawha, and Big Sandy rivers and their tributaries, and to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when supplied in abundance; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4272) granting a pension to John H. Crumbaugh;

A bill (S. 4273) granting an increase of pension to William J. Martin;

A bill (S. 4274) granting a pension to George W. Mullins; and

A bill (S. 4275) granting a pension to John W. Smith.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4276) for the relief of Lorenzo D. Corrick, administrator of William Corrick, deceased; and

A bill (S. 4277) for the relief of St. Clair Nicely.

Mr. LODGE introduced a bill (S. 4278) to establish a library post; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER (by request) introduced a bill (S. 4279) granting an increase of pension to Fannie E. Malone; which

was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4280) granting a pension to Amelia Cotten; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 4281) granting an increase of pension to Lycurgus D. Riggs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4282) to correct the military record of Francis M. Price; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LA FOLLETTE introduced a bill (S. 4283) to prohibit public officers from asking, accepting, or using a free pass, frank, or privilege withheld from other persons for the traveling accommodation or transportation of any person or property or the transmission of any message or communication; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 4285) to establish a fish-cultural station in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 4286) granting an increase of pension to Thomas J. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 4287) granting an increase of pension to George W. Tilman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4288) granting an increase of pension to William E. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4289) for the relief of Mary E. Forrester and Alexander B. Duncan;

A bill (S. 4290) for the relief of Mary A. F. Preston (with accompanying papers);

A bill (S. 4291) for the relief of the heirs of W. S. Brown, deceased (with accompanying papers);

A bill (S. 4292) for the relief of the heirs of Eliza Ann Davis, deceased (with accompanying papers); and

A bill (S. 4293) for the relief of Mrs. Susanna M. Clay (with accompanying papers).

Mr. FORAKER introduced a bill (S. 4294) for the relief of Frank M. Wyant; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4295) to carry out the findings of the Court of Claims in the case of James A. Paulk; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

PHILIPPINE TARIFF BILL.

Mr. ELKINS submitted an amendment intended to be proposed by him to the bill (H. R. 3) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902; which was referred to the Committee on the Philippines, and ordered to be printed.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

On motion of Mr. PENROSE, it was

Ordered, That there be printed for the use of the Senate document room 500 copies of Senate bill No. 3644, first session, Fifty-ninth Congress.

HOUSE BILLS REFERRED.

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, was read twice by its title, and referred to the Committee on Interstate Commerce.

H. R. 13372. An act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, was read twice by its title, and referred to the Committee on Indian Affairs.

LOUISIANA PURCHASE EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State submitting the final report of the Louisiana Purchase Exposition, furnished in pursuance of section 11 of the "Act to provide for celebrating the one-hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1906.*

THE FIVE CIVILIZED TRIBES OF INDIANS.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed, and the Calendar under Rule VIII is in order.

Mr. SCOTT. Mr. President, some days ago——

Mr. TILLMAN. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SCOTT. I do.

Mr. TILLMAN. At the suggestion of the chairman of the Committee on Indian Affairs [Mr. CLAPP], I will ask the Senate to determine the question as to the jurisdiction over the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

A moment ago I called the attention of the Senate to the fact that I had not before known that this bill had come here. As it relates indubitably to the affairs of the Five Civilized Tribes, and does not relate to general Indian affairs at all, I felt constrained to claim jurisdiction of it for the committee of which I have the honor to be chairman.

The VICE-PRESIDENT. Does the Senator ask unanimous consent?

Mr. TILLMAN. Why is it necessary to have unanimous consent for the Senate to correct an error that has come about by some strange inadvertence or something like that? Of course, however, if that is the rule, I will ask for unanimous consent.

The VICE-PRESIDENT. The question can be easily reached either by asking unanimous consent or by moving that the Committee on Indian Affairs be discharged from the further consideration of the bill and that it be referred to the Select Committee on the Five Civilized Tribes of Indians.

Mr. TILLMAN. I make that motion, Mr. President.

The VICE-PRESIDENT. The Chair will state that the consideration of the motion would have to lie over one day unless by unanimous consent.

Mr. CLAPP. Mr. President, if there is no objection to the consideration of the motion, why can it not be disposed of this morning?

Mr. FRYE. It can by unanimous consent.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, and that it be referred to the Select Committee on the Five Civilized Tribes of Indians. Is there objection?

Mr. NELSON. I object. I raise the question, and, therefore, it must be decided by motion.

The VICE-PRESIDENT. The Senator from Minnesota [Mr. NELSON] objects. Now, then, the Chair understands the Senator from South Carolina [Mr. TILLMAN] to move that the Committee on Indian Affairs be discharged from the further consideration of the bill, and that it be referred to the Select Committee on the Five Civilized Tribes of Indians. Under objection, that motion would lie over until to-morrow.

Mr. CLAPP. Mr. President, can not that motion by unanimous consent be also taken up and considered, so that we may have this question disposed of? I have just left the work of the Committee on Indian Affairs on this bill to come here to explain the status of it. I think it can be just as well disposed of now as at any other time.

The VICE-PRESIDENT. Yes; by unanimous consent the motion may be now considered.

Mr. TILLMAN. I ask unanimous consent. I hope the Senator from Minnesota [Mr. NELSON] will not object to our disposing of the question. We may as well dispose of it on one day as another.

Mr. NELSON. My objection does not go to the consideration of the motion. It simply goes to the request for unanimous consent to change the reference. As to the motion, I have no objection to its consideration at this time, but I object to unanimous consent.

The VICE-PRESIDENT. The question is on the adoption of the motion of the Senator from South Carolina. Is there objection to the consideration of it at this time? [Putting the question.] The motion is agreed to.

Mr. CLAPP. The motion was not to make the transfer, but for unanimous consent to consider it at this time. If the motion which has been stated has been agreed to, I ask that the vote by which it was agreed to may be reconsidered.

Mr. TILLMAN. I hope the chairman of the Committee on Indian Affairs will make his statement and restore the status quo. As soon as the Senator from Minnesota withdrew his objection, I made the motion to have the Committee on Indian Affairs discharged from the further consideration of the bill. My friend here misunderstood the situation, and instead of putting in his explanation, the motion was put which took the matter out of his hands and left him with nothing to speak about.

Mr. SCOTT. Mr. President, I believe I have the floor——

Mr. CLAPP. The Senator from South Carolina does not understand me. A motion was not made, but a request was made for unanimous consent.

Mr. SCOTT. I had the floor, Mr. President, and yielded to the Senator from South Carolina.

The VICE-PRESIDENT. The Senator from West Virginia, when he yielded the floor, lost it.

Mr. CLAPP. Mr. President, I should like, so long as this question has been raised, to have it disposed of this morning. When the Chair suggested that unanimous consent would be necessary, I asked the Senator from South Carolina to request unanimous consent. On that vote the Chair ruled on the motion itself, undoubtedly not understanding the request of the Senator from South Carolina.

The VICE-PRESIDENT. Will the Senator from Minnesota kindly state what is his specific object?

Mr. CLAPP. The object is this, Mr. President: A proposition has been made this morning to transfer this bill from one committee to another. I was called from the work of the Committee on Indian Affairs to come up to the Senate and meet this proposition. Having come here, it occurred to me, if there was no objection in the Senate, the question might as well be disposed of this morning.

The VICE-PRESIDENT. What question, the Chair would ask?

Mr. CLAPP. The question of discharging the Committee on Indian Affairs from the further consideration of this bill, which I want to oppose and to say a few words by way of explanation.

The VICE-PRESIDENT. In the absence of objection, that motion will be regarded as still before the Senate. Is there objection to the request for the present consideration of the motion to discharge the Committee on Indian Affairs from the consideration of the bill and refer it to the Committee on the Five Civilized Tribes of Indians? The Chair hears no objection.

Mr. CLAPP. Now, Mr. President, I should like to make a statement concerning this matter. In the first place, two bills on this subject were introduced, one in the Senate and one in the House of Representatives. They were bills prepared by the Department and turned over to members of the Committee on Indian Affairs in each House for their management. When I introduced the bill in the Senate I expressly called attention to the fact that the Committee on the Five Civilized Tribes of Indians was practically a nominal committee, which never had given this subject any consideration whatever, and that all the legislation which had been enacted by this body in regard to the Five Civilized Tribes had been in the hands of the Committee on Indian Affairs. I doubt if the Senator can refer to a single bill which has been considered by the Committee on the Five Civilized Tribes. All such legislation has been worked out, analyzed, reported, and passed upon by the Committee on Indian Affairs.

When the House bill came here it was referred to the Committee on Indian Affairs. That committee has sat for eight or nine days taking testimony, and a subcommittee has prepared a bill to present to the full committee. It would therefore be simply absurd at this time to transfer that bill to any other committee.

This is a matter about which I should have personally cared nothing, but I have been obliged to refrain from sitting here and listening to debates to which I should have been glad to have listened because I was engaged in working out this measure through a subcommittee. After the bill has gone that far, it is a mere waste of time now to refer it to a committee which never has passed upon a single measure in regard to the Five Civilized Tribes, and which would have to start in from the very beginning, except in so far as some of its members may be familiar with the subject by having been members of the Committee on Indian Affairs.

If, under those circumstances, the Senate desires to take this bill from the Committee on Indian Affairs and transfer it to a committee that is practically a nominal committee, a committee which the records will show has never passed upon legislation nor wrought out any of the features of the legislation for the Five Civilized Tribes, personally I have no objection to it; but it seems to me that it is boys' play at this stage, when a subcommittee has sat day after day working out the details of this measure when they would much have preferred to have been present in this Chamber, to now throw their work to the winds for a mere technicality and refer this matter to another committee.

Mr. TILLMAN. Mr. President, my friend displays a great deal of unnecessary fervor and earnestness in regard to this matter. I have no desire to add to the already enormous amount of work I feel compelled to try to do——

Mr. CLAPP. Will the Senator pardon me for an interruption?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. I do.

Mr. CLAPP. I confess it was very difficult for me to decide whether the Senator was really in earnest or not in making the motion, and I may have expended some unnecessary energy in meeting it.

Mr. TILLMAN. The Senator will judge for himself whether I am in earnest or not after I get through. He ought not to cut me off before I get fairly started.

I have been looking over the list of committees of the Senate. I find that there are select committees and standing committees, and I find that the Committee on the Five Civilized Tribes of Indians, to whose chairmanship I was recently promoted, is composed of one BENJAMIN R. TILLMAN, HENRY M. TELLER, ALFRED B. KITTREDGE, JULIUS C. BURROWS, and REDFIELD PROCTOR. It is natural to assume that Mr. KITTREDGE, who lives in South Dakota, knows more about Indians than I do, and it is very natural to me to suppose that HENRY M. TELLER, who was at one time in the Cabinet as the head of the Interior Department, knows as much about Indians as anybody in this Chamber.

Mr. CLAPP. Will the Senator pardon an interruption?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. Oh, certainly.

Mr. CLAPP. We get the benefit of the valuable services of Senator HENRY M. TELLER as a member of the Committee on Indian Affairs.

Mr. TILLMAN. But he did not know until a minute ago that this bill had gone to the Committee on Indian Affairs.

Mr. TELLER. Oh, yes; I knew the bill had been referred to the Committee on Indian Affairs, but I did not know the Senator from South Carolina desired that it should be referred to his committee.

Mr. TILLMAN. Mr. President, the committee of which I have the honor to be chairman may be a purely ornamental affair, but as the affairs of the Five Civilized Tribes are now being administered on finally, and they will soon be citizens either of the Indian Territory or of the State of Oklahoma, I want to get the last chance I shall have while I preside over this important committee of sitting at the head of the table. I have been here for eleven years. During all that time I have been sitting down toward the foot of the table and taking service from the plates as they were passed around, after everybody else had been helped, and getting the crumbs that were handed to me. [Laughter.]

My only desire in now asking that this bill—it is the last one that will ever come to my committee while I or anybody else is on it—shall be sent to it is because otherwise the Committee on the Five Civilized Tribes of Indians has no reasonable excuse for existence, unless it be for the purpose of giving me a committee room, for which I am very thankful.

I have not the slightest feeling in this matter. If the Senator from Minnesota and his colleagues have devoted a great deal of time and labor in trying to legislate intelligently on this subject, as I know they have, I do not want to stickle for the dignity of presiding over the destinies of the Five Civilized Tribes, as they are about to expire as such. I will therefore withdraw the motion to have the transfer made. I merely wanted to have the Senator from Minesota understand, if he does preside over the great Committee on Indian Affairs, that I have some conception of my dignity as a chairman of a committee, and I do not like to have anything which belongs to me or to my committee taken by anybody else. That is the whole truth about it.

Mr. CLAPP. Mr. President, I will see to it that some bill is introduced that can be referred to the Senator's committee. I think we have one now that we want to indefinitely postpone, and I will ask the Senator to have his committee consider that bill. [Laughter.]

Mr. TILLMAN. The Senator can do that kind of work for himself, but not for me. I do not want to have any bill sent to my committee just for the purpose of having it indefinitely postponed.

The VICE-PRESIDENT. The Senator from South Carolina

has withdrawn his motion, and the bill stands as originally referred.

PENSIONS TO MILITARY TELEGRAPHERS.

Mr. SCOTT. Mr. President, after the battle between the giants, such as we all witnessed on yesterday, I certainly approach the delivery of the essay that I shall read to you now with a great deal of fear and trembling. I am sure if there is any Senator here who has any work to do in his committee room this would be a very good time for him to go there and attend to it. I shall probably consume twenty-five minutes in reading this essay.

I ask unanimous consent for the consideration at this time of the bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SCOTT. I now ask for the reading of the bill.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That all persons placed upon the roll of military telegraph operators under the provisions of an act approved January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," and who have been granted suitable certificates of honorable service as provided in said act, are hereby declared to have been a part of the Army of the United States; and the provisions of all laws granting pensions to the officers and enlisted men who served in the war of the rebellion, their widows, minor children, and dependent relatives, are hereby extended so as to apply to the said persons: *Provided*, That the rates of pensions hereunder shall be the same as that granted to private soldiers.

Mr. SCOTT. I see that the majority of my colleagues have taken me at my word and have either gone to lunch or to committee work, which I commend them for doing.

Mr. President, I now desire to call the attention of the Senate to the bill which has just been read.

It is a bill, in my judgment, Mr. President, that ought to pass; one that is intended to correct a great injustice and wrong that, I think, has been perpetrated on a deserving class of men who served during the late war between the two sections of our country.

It was my privilege, on December 7, 1904, to advocate the passage of a similar bill, and in my advocacy at that time I urged that these men be put on a pensionable status, because of the very dangerous and hazardous positions in which they were placed during the time of our civil war. I at that time took occasion to say that not only was I in favor of the passage of this or a similar bill, but I stood ready at any time to give my vote to any special bill that would pension any man, whether he was mustered into the United States service or otherwise, if he was doing duty for his country and endangered his life or was crippled, or by any other reason incapacitated from taking care of himself or his family; that I was willing at all times to make it possible for him to be put upon the pension rolls, or in case of his death that his widow or his orphans might be cared for by this Government. Mr. President, we are too rich, too great, and, I believe, to patriotic a country to allow any man, woman, or child to suffer whose suffering is caused by the patriotism of the husband or father.

In advocating the passage of this bill as an act of long-delayed justice to as brave a soldiery as was ever embraced in any army, your attention is invited to the epitome of the history of the United States Military Telegraph Corps.

Upon the opening of the war of the rebellion, with perhaps the exception of one untried corps in Germany, no army system in the world embraced a telegraphic department, and it was reserved for mere boys—American boys—to inaugurate that arm of the service and demonstrate amid the din and carnage of war its immeasurable value. To-day every nation, ours among the number, following that demonstration, operates a military telegraph as an integral part of its army. At the opening of May, 1861—we were all boys then, though there are some of us who now wear the Grand Army button who have wrinkles in our faces, and the ex-governor of Ohio [Mr. FORAKER], now sitting at my left, when he enlisted in 1861 did not have the gray hair that he has to-day—at the opening of May, 1861, on the call of Simon Cameron, Secretary of War, Thomas A. Scott, of Pennsylvania, appeared in Washington, was commissioned colonel of the First Regiment District of Columbia Volunteers, and placed in charge of the military telegraph and railroads. The powers the President and Secretary of War clothed him with were unlimited and practically made him dictator, at least so far as the military telegraph was concerned. Within a week after his arrival military telegraph lines were run around and through Washington, connecting the War Department with the arsenal, the navy-yard, the Capitol, the railroad station, Georgetown, Chain Bridge, Long Bridge, and the various camps as they were formed, and operators were placed at those points day and night. Simultaneous with the crossing of the Potomac by the Government forces the military telegraph and its operators crossed that river, stations were opened in the Arlington House at Alexandria, at Camp Upton, Camp McDowell, and Camp Trenton. Thus it was that a new factor in war was ushered in, and necessity made essential its spread throughout the Union armies. Henceforth it became an indispensable adjunct to each of our armies and every post, and in its fuller development also of every army corps.

It was no fault of these 1,200 men that they were not enlisted. They were willing to be enlisted, but they were not permitted. They were regarded as a special class of confidential men, and they were compelled to take the following oath:

I do solemnly swear that I will bear true allegiance to the United States of America, and that I will support and sustain the Constitution and laws made in pursuance thereof as the supreme law of the land, anything in any State constitution or laws to the contrary notwithstanding; that I will not take up arms against the United States, or give aid and comfort to the enemies thereof, or to any authority or pretended authority that is or may hereafter be engaged in armed hostility thereto; and that I disclaim all fellowship with the so-called "Confederate States and Confederate armies." I do further swear that I will not reveal to any person or persons the contents of any dispatch, report, or other communication, either directly or indirectly, that may come to my knowledge through my connection with the telegraph, in any manner whatever; that I will not reveal or divulge to any person or persons any cipher that may be given me for United States military purposes; and that I will faithfully keep and observe this my solemn oath of secrecy and allegiance to the Government of the United States of America.

Now, Mr. President, I believe that if any Senator will read that oath carefully he will come to the conclusion that these men were by their acts, and that of the Government, when they took this oath actually mustered into the military service of the United States.

The telegraphers at the various departments were under the military orders of special commissioned officers, who were given rank in the Army solely with a view of such a command. Not one of these telegraphers ever had any other duties assigned to him. The reports on file in the War Department go to show that General Grant and other distinguished generals required these operators to send their reports to them and to them only.

As the Army expanded so did the Military Telegraph Corps, and at the close of the war it had, like the Army, become a finely organized, well-equipped, well-disciplined force, with a history unexcelled for bravery, fidelity, and heroism. The military telegraph had assumed large proportions and penetrated every portion of the Union where a Union Army was to be found, and its delicate yet potent power was felt by every department of the Government. It was in fact the very nerves of the Army and so considered by all those who came in contact with it. The position of these military telegraphers was peculiar, whether as enlisted men or volunteers, and there were both classes in the service. They were not subject to the orders of active officers of the Army, but came under the immediate direction of President Lincoln as Commander in Chief through the Secretary of War. They were in effect field couriers with enlarged responsibilities. The secrets of the nation were intrusted to them, and the countersign of the Army was often in their possession a week or more in advance of its promulgation. All the movements of the Army, all the confidence of the commanders, were intrusted to them, and yet not one was ever known to betray that knowledge and confidence in the most remote degree.

They came under the rules of war, and whilst independent of the commanding officer in the field they could not leave without running the risk of being shot.

In the front when the Army was advancing, in the midst of battle, and bringing up the rear in case of the Army's retreat, the corps left upon the battlefields, in the hospitals, and war prisons hundreds of its numbers who were never restored to family, home, and friends, nor were their services officially recognized by the Government for which they had laid down their lives.

The survivors battled for many years to have the wrong righted and achieved a partial success in the act of January 26, 1897, which whilst recognizing them as an integral part, a corps, of the United States Army, denied them the rights such relation entitled them to. They now come to the doors of the present Congress, firm in the belief that the patriotism of its Members will accord them the long-delayed justice by removing the bar sinister which the act of 1897 placed against them. Less than 180 survive, and the lengthened shadows admonish them that their days are few and short.

It is incontestable that the military telegraphers operated their wires upon the field of battle in every Territorial depart-

ment; that every important cavalry movement was accompanied by one or more of their number; that in the great movements, especially from the fall of 1863, every section of the armies in near proximity to the enemy, even on the march, was kept in constant intercommunication; that unparalleled facilities for communicating with distant forces were provided by them; that thousands of lives and millions of treasure were saved by the timely aid of the corps; that the war was shortened, perhaps years, by the concertive and cooperative use of the military telegraph, which first declared victory or defeat, the need of troops, or munitions of war, of quartermaster, commissary, and medical supplies; which patrolled the seacoast and the whole Army front, keeping every post and division in constant touch, and, in emergencies, beat the "long roll" to arms. Theirs was the mystic chord which alone enabled Grant to command a million of men and brought assurance and repose to many a commander during all hours of the day and night, for they kept vigils day and night in the fort, in the tent, in the lonely bivouac, on the ground, in the malaria of the Chickahominies or the Yazoos, in unprotected guerrilla countries, and upon the battlefields; always in posts of danger, but as secretive and confidential as are the bolts and bars of the Federal Treasury.

The survivors have seen their comrades shot down in battle, torn to pieces by buried torpedoes, imprisoned in Libby, Anderville, Cahaba, and other bastiles, where some died and others became helpless wrecks. They have seen them in the delirium of smallpox and other fevers, seen them at work when weak and emaciated by chronic diarrhea or other camp diseases until the hospital or the grave brought relief. They have seen them in later years in the county poorhouses, absolute paupers, because there was no pension for them save what comrades donated, and they know that five-sixths of all those who formed the corps are in their graves, unthanked and unhonored.

The Army commanders originated plans of operation, but the Army operator was the safety vault where they were kept. Sherman at Atlanta formed his purposes to march to the sea, but he was powerless to move without the consent of Grant at City Point. Thomas was in peril in middle Tennessee, but Smith could not go to his help unless Grant so telegraphed. Grant was in imminent danger at Shiloh, and Buell could not be gotten there in time but for wire. Thomas was being starved at Chattanooga, but the two corps from the eastern army could not clear the way without the telegraph. Pope was in greatest danger at Culpeper Court House, so the telegraph reenforced him from McClellan's army and Burnside's command. Lee and Jackson pressed Pope across the Rappahannock, bent upon the destruction of the Federal Army and capture of Washington; the telegraph had ordered the Army of the Potomac from Harrisons Landing; Cedar Mountain and the fords of the Rappahannock had decimated the army which was scattered from Centerville, via Manassas Junction, to Gainesville, and while Longstreet was pouring through Thoroughfare Gap, Franklin's Porter's, and Sumner's corps of McClellan's army had come and the Army and capital were safe, due largely to the telegraph, which wrote emergency in every sentence and sent messages upon lightning's wings. From the field of Antietam McClellan telegraphed for ammunition and men whilst the battle raged, and subsequently rejoiced the nation by telegraphing: "The enemy is driven back into Virginia; Maryland and Pennsylvania are now safe."

About these times the Union Army had 919 miles of telegraph lines between the Tennessee and Mississippi rivers. When Price threatened Rosecrans at Corinth and cut the wires, operator Beckwith escaped the enemy's vigilance, and, passing the break, telegraphed Grant at Jackson in time to bring Ord's forces from Bolivar to the aid of Rosecrans after he had repulsed the enemy's many desperate assaults.

Vicksburg was surrounded by wires. Every move along the whole front was at once indicated by the electric nerves centering at Grant's headquarters. No commander ever had sentinels so efficient unless he duplicated Grant's. On a larger scale, owing to the example our military operators set, the German investment of Paris doubtless presented a more scientific exhibition of telegraphic achievements for war purposes, but it was not in any sense more efficient.

Fredericksburg and Chancellorsville were followed by Gettysburg. The telegraph, of course, took a prominent part, but not so important as thence on to the close of the war, when every corps, and ofttimes divisions, of the Army were kept in constant communication with each other and the general in chief. What had originated as a doubtful experiment in my own State of West Virginia in McClellan's campaign to Cheat Mountain ended in absolute perfection from the Rapidan to Appomattox, from Chattanooga to Atlanta, about the Capitol at Washington, along the Army front when Bragg's army, as such, was destroyed before Nashville, and many other places in Louisiana, Alabama, South Carolina, North Carolina, Virginia, and elsewhere.

History records no other war where the armies were so widely scattered, and, prior to ours, where they were so well informed of each other's movements.

Whether Sheridan, Stoneman, Rousseau, Kilpatrick, Wilson, or other great riders pushed rapidly, and even deeply into the enemy's territory, or slower, like Sherman to the sea, or northward, like Banks up Red River, or Curtis to Little Rock, the telegrapher went with his instrument and cipher key, that greatest of all secrets except the secrets it hid and, in proper hands only, disclosed.

Every campaign had its victims, and every Confederate prison had its representative from the ranks of the telegraph corps. Every great battle had telegraphers within range of the enemy's small arms. Every great raid was aided by one or more telegraphers. Every pressing want was heralded and every victory or defeat, great or small, was first told by the boys of the telegraph.

An erroneous estimate has heretofore been made and a wrong opinion formed as to the true status of these men. To quote from the committee's report at the second session of the Senate in the last Congress:

> It appears from a careful examination of the duties of the men whom this bill seeks to pension that their services were of an irregular character, there never having been previous to the war of the rebellion a use of the telegraph as an agency for disseminating intelligence from the battlefield; connecting the different armies, much less placing the Commander in Chief of the Army himself at Washington in touch with all the commanding generals of the Army, as this agency enabled President Lincoln to do during the war of the rebellion.
>
> There was at that time a mystery about the art of telegraphy that surrounded it with a peculiar charm. The men who controlled the telegraph keys manipulated an agency under the conditions of the war powerful for good or evil. Great care was necessary in the selection of the men, not alone because they were familiar with this new art, but it was also necessary to carefully select men in whom special confidence would be reposed. Their posts were at places of extreme danger; their duties were almost continuous, unrelieved by the excitement and relaxation of ordinary camp life.
>
> It is surprising that so important an arm of the service during that war should have been organized on a civil basis and its members only regarded as employees of the Quartermaster's Department. Their duties were purely of a military character. They were directed and commanded by officers of military title and rank. As stated above, their duties were performed at points of great danger in nearly every instance, and with the same exposure to dangers of the field and disease as fell to the lot of the ordinary military officer and private soldier. They constituted an integral and vitally essential part of the Army and brought the telegraph, as used by armies in the field, to a state of perfection never before equaled in military science. Their duties required the service of persons of peculiar intelligence, and their members were picked from among the great number of operators on account of special prominence acquired in the mysterious art.

Mr. President, as I said before, the services of these men were analogous to those of the Signal Corps, and that they were not enlisted men was no fault of theirs. They wanted to enlist, but the War Department not only discouraged enlistments of telegraphers in other branches of the service, and by general order prohibited their conscription, but permanently detailed or discharged to enter the military telegraph service 175 telegraphers who had already enlisted. As has been stated, there were about 1,200 who served a greater or less time during the war. Of these many died in service or shortly after the war closed, unmarried. Of the remainder, less than 200 survive. In the nine years since the act of 1897 was passed but 189 certificates have been issued under the provisions of that act to members of the corps or to their heirs, and of these certificate holders a number have since died. It is estimated that, exclusive of those already on the pension rolls by reason of their enlistment, not more than 200 persons would be eligible to pensions under this bill. As to the pay of the military telegrapher, while it was higher than that of the private soldier, it was not augmented like that of the private by local or Government bounties, was less than that of the commissioned officer whose rank he assimilated, and less than he could have received at the time from employment by the commercial telegraph companies.

Soldiers de facto, they did a soldier's part, endured the soldier's sacrifices and sufferings, and are entitled to the soldier's reward. It behoves the American Congress to complete their record by passing this bill and making them soldiers de jure.

Mr. President, I ask that the little pamphlet I hold in my hand be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Is there objection to the request of the Senator from West Virginia? The Chair hears none.

The pamphlet referred to is as follows:

SOCIETY OF THE UNITED STATES MILITARY TELEGRAPH CORPS,

New York, December, 1889.

Your committee on Congressional action believe that if the facts herein shown are made known to the Senators and Representatives with whom you may be acquainted, there will be no doubt of their favorable consideration of the bill now before Congress for the relief of telegraph operators during the war.

The Secretary of War in 1862 reported to the President "that in diligence, fidelity, and important aid the telegraph corps has been unsurpassed by any branch of the service;" and in an order, November 13, 1862, to the telegraphers, says: "In no case will you allow the original ciphers to be given up or destroyed, except to prevent their falling into the hands of the enemy."

In his report to the President, December 5, 1863, submitted to the first session of the Thirty-eighth Congress, he says:

"The military telegraph, under the general direction of Colonel Stager and Major Eckert, has been of inestimable value to the service, and no corps has surpassed, few have equaled, the telegraph operators in diligence and devotion to their duty."

In January, 1864, he issued an order that even staff officers should not be permitted to interfere with operators in their duties, and in construing this order General Halleck wrote that no one, no matter what his rank, was to know the cipher except the operator in whose custody it was placed.

Secretary Stanton said if operators were commissioned it would enable their superior officers to command them, a result he was most anxious to avoid; he wanted them entirely under his own control.

General Grant, in the second volume of his memoirs, says of the military telegraph operators: "Nothing could be more complete than the organization of this body of brave and intelligent men;" again, "No orders had ever to be given to establish the telegraph;" and again, "In very many instances our offices were worked in the very front lines of battle."

One hundred and ninety-nine United States military telegraph operators were killed, died of disease, or captured while in the line of duty, and more than 100 others suffered from the casualties of the service.

General Halleck's special field order No. 156, from headquarters Army of the Mississippi, July 14, 1862, says: "Telegraph operators and employees are, as a general rule, subject only to the officers of their corps or orders communicated to them by the Secretary of War or commanding general of the department."

Although paid as civilians, the telegraph operators were military men, and history shows they did a high order of military duty.

The Army, by means of the telegraph, was in constant communication in all its parts, not only while encamped but while actually moving, and the telegraph was confidently relied on by the commanders, the Army, and the people.

General Haupt, referring to a service in East Tennessee, in which Confederate wires were tapped, said: "I can not speak in too strong terms of commendation of the zeal and courage of the telegraph operators who, with a full understanding that the service was very hazardous, volunteered for the occasion," and he added that nearly all the information given to the War Department at Washington for the remaining days of the fight was received through this channel; and, in connection with this same matter, Secretary Stanton encouragingly telegraphed two of the operators as follows: "I have mentioned your valuable services to the President, and am assured by him that they are appreciated."

General Banks has written that "the military telegraph was in truth an electric nerve that united the armies, consolidated their powers, inspired them with courage and hope, and finally led them to victory. It was the trusted agent in all great movements."

General Stager's report to the Secretary of War, 1863, says:

"Follow the army where you will, there you will find the telegraph exercising its vigilance and its protection over the surrounding camps; at the foremost pickets, in the rifle pits, and in the advance parallels, at any hour of the day or of the night, you can listen to the mysterious yet intellectual click of the telegraph instrument; amidst the strife of battle and the whistling of bullets, its swift, silent messages pass unseen and unharmed."

From the beginning to the close of the war the Army operator was made the medium of the most secret communications. He frequently held the countersign a week in advance. These great confidential trusts, on which the fate of armies rested, were never betrayed, but were fulfilled with zeal, devotion, and ability.

It was officially reported that during the operations at Spottsylvania, on the North Anna, in the march from Cold Harbor to City Point, and in the battles in front of Petersburg, the telegraph worked with great success, and invaluable aid was thus rendered to the Army. Lines were constructed and worked—many times in the face of the enemy—exposed to the fire, without shelter day and night.

General Sheridan says:

"In my own experience I found the telegraph operators invariably active, brave, and honorable."

Maj. Gen. J. B. Sanborn says:

"There can be no doubt that in the late war thousands of lives and millions of treasure were saved by the field telegraph operators; so far as my operations extended they were, as a class, brave, energetic, and faithful young men, and deserve well of their country."

General Logan said:

"No part of the Army during the war discharged its duties more intelligently and faithfully than the telegraphic corps."

Comte de Paris, of General McClellan's staff, in his History of the Civil War in America (Vol. I, 280), says, referring to the telegraph corps:

"Sufferings and dangers were not spared those men, whose merit was the greater in that it was less conspicuous. More than one among them, shivering with fever in an unhealthy station, lay down with his ear against the instrument to write with a trembling hand, under dictation, some important dispatches, whose secret he would confide to no one. Many paid with their lives for their boldness in setting up their instruments under the very fire of the enemy; and one fact, almost incredible, bears testimony to the dangers to which they were exposed. During the siege of Charleston the wire which connected the besieging batteries ran so close to the rifle pits of the Confederate skirmishers that it was frequently cut by their balls."

General Franklin said:

"I know of no class of men in the Army who were more faithful and energetic than the telegraph operators. The fact that they were not military men who depended upon proper notice from their commanding generals for their reputation and protection, is probably the reason for this neglect of the Government to recognize them. In my own case I testify that I always found them alert, intelligent, and courageous, and it gives me pleasure to testify to this fact even at this late day. * * * I recall that it was always a surprise to me, and a very pleasant one too, to learn—often within an hour or two after getting into camp, after a long day's march—that telegraphic communication was open with headquarters, several days' march in the rear, thus saving the lives and time of couriers and horses and giving a comfortable feeling of security, which would otherwise have been wanting, as well as enabling the commanding general to receive and impart important information." And on another occasion he wrote: "The duties of the telegraph operators who accompanied armies in the field during the late war were so well performed and the men themselves were so modest and unobtrusive that their merits have not received sufficient notice from the generals with whom they served."

General McClellan said:

"I do not think that anyone appreciates more than I do the value of those services, and the loyal and invaluable devotion so constantly displayed by the men of whom Caldwell [his chief operator] was so excellent an example. It affords me sincere pleasure to bear testimony to my appreciation of the great value of the services rendered by the members of the United States military telegraph corps during the war. I had ample occasion to recognize the devotion to duty which so often kept them at their posts in the midst of danger, the patience, intelligence, and thorough honesty they displayed, and the great debt—still unpaid and too little recognized—due them by the country. I sincerely trust that they may receive the recognition they so richly merit, and can not doubt that upon a presentation of the case Congress will take favorable action."

General Burnside said:

"I have no hesitation in saying that the telegraph corps was of infinite service during the late war, and I am free to say that I never knew a body of men who possessed more integrity, industry, and efficiency than the operators with whom I was thrown."

General Palmer, reporting from headquarters army and district of North Carolina, Newberne, February 17, 1864, to General Butler, says:

"The attack had scarcely commenced at the outposts than the telegraph had not only informed me of all that was going on in front, but the whole line of posts to Morehead was put upon its guard."

Major-General Thomas, in General Orders, No. 51, headquarters Department of Cumberland, March 26, 1864, authorized the military telegraph operators to wear an undress uniform—blouse, dark blue; trousers, dark blue with silver cord one-eighth of an inch in diameter along the outer seam; vest, buff, white, or blue; forage cap, like that worn by commissioned officers, but without any distinctive mark or ornament; buttons, like those worn by officers of the general staff.

General McPherson, commanding the Department of the Tennessee, issued a similar order July 5, 1864, and other generals, by such orders, recognized that the military telegraph operators, though paid as civilians, were nevertheless military men, entitled to commissioned rank.

The success of Major-General Sherman's raid into western Virginia in December, 1864, was acknowledged by him to be "attributable in a great degree to the information derived by his operator, E. T. Chapman, from the rebel telegraph line."

Gen. G. K. Warren wrote:

"I was intimately connected with the telegraph operators, and felt a kind interest in their faithful work and long vigils at their posts. I often talk with those who were with me of the operator who, in the first of our attacks on Petersburg, brought his wire to the front under musket range of the enemy and operated it behind a tree that proved to be hollow and which any one of the cannon shot, which were at close range flying fast, would have gone clear through with little loss of force; and, again, one on the Welden Railroad on the Sunday morning we were shelled out of it both from the north and west and who worked his recorder in the southeast angle and outside under the musketry fire that, by its sound so near and the pattering of the balls around, confused the records of his sounder, and many others on many other occasions. I have always felt a great deal of regard for their heroism. I don't want to see the telegraph operator of the war neglected as far as I can have anything to say."

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., August 31, 1882.

R. B. HOOVER, Esq., *Mansfield, Ohio:*

I am always glad to bear testimony to the services of the young gentlemen who had charge of the military telegraph during the civil war. They were, as a class, so far as they fell under my observation, most efficient, clever, and worthy. As a matter of course, but few of them were personally near me, and to those I have given the highest testimonials. The greater number were distributed among the lines; had to work day and night, and were as much a part of the Army as though armed with muskets in the ranks, for before the discovery of the magnetic telegraph the sending of messages back and forth, to and fro, was always done by armed cavalry messengers and escorts, consuming a large portion of the active army. In fact, there should have been in the civil war a regular corps of telegraph operators with regular muster roll, so that the wounded and disabled could be entitled to the same pension as other staff soldiers and officers. Whether it now be too late or not I do not know, but I will take pleasure in aiding you to correct this mistake at this late day if it be practicable. But this will need a law of Congress, so that you will do well in interesting Senators and Representatives in your scheme. With great respect,

Your friend,

W. T. SHERMAN, *General.*

"The value of the magnetic telegraph in war," says General Sherman, "can not be exaggerated, as was illustrated by the perfect concert of action between the armies in Virginia and Georgia during 1864. Hardly a day intervened when General Grant did not know the exact state of facts with me, more than fifteen hundred miles away, as the wires ran."

Patrick Mullarkey and F. S. Van Valkenburg, two telegraph operators with General Rosecrans's army, were in the enemy's country, between Chattanooga and Richmond, for thirty-three days tapping wires, and after repeated narrow escapes, returned to Nashville and reported.

In the Department of the Gulf, Army telegraphers blew two sunken gunboats and two other vessels out of the waters of the Bayou Teche.

At the Milwaukee encampment of the Grand Army of the Republic the following was adopted:

"Whereas the United States military telegraph corps of the late war of the rebellion constituted, in fact, a part of the Union Army, and

partook largely of its hardships and dangers while rendering invaluable aid; and,

"Whereas Congress has wholly ignored this branch of the service, though many of its members were killed, wounded, or died at their post of duty: Therefore, be it

"*Resolved*, That it is the sense of the Grand Army of the Republic, in national encampment assembled, that Congress should promptly recognize the status and services of said corps by appropriate legislation."

The Society of the Army of the Tennessee, at its Cincinnati reunion, adopted the following:

"Whereas the telegraphers of the war of the rebellion were dismissed at the close of the war without any recognition by the Government of their faithful, devoted, and vitally important services from the beginning to the close of the war; and

"Whereas several succeeding Congresses have referred the matter to committees, and said committees have reported favorably upon the subject, and no action has been taken by Congress upon said report: Therefore,

"*Resolved*, That it is the sense of the Society of the Army of the Tennessee that Congress should take immediate action upon this subject, and adopt measures that will give speedy and substantial recognition to all telegraphers who served in the Army during the war of 1861–1865."

Army telegraphers were with every cavalry expedition into the enemy's country, tapping Confederate wires.

Before the Confederates encamped in front of Chattanooga the telegraphers had run wires outside of the town, just above the ground, to throw the enemy in charging, and thus confuse and break the assault, as they did afterwards at Fort Saunders.

Many telegraphers were retained in the service at important points in reconstructing the States.

Fraternally yours,

COMMITTEE ON CONGRESSIONAL ACTION:
W. J. DEALY, *Chairman*,
195 Broadway, New York.
E. ROSEWATER, *Omaha.*
W. B. WILSON, *Holmesburg, Pa.*
J. H. EMERICK, *Field Building, New York.*
L. C. WEIR, *Supt. Adams Express,*
Cincinnati, Ohio.

Mr. SCOTT. I hope the bill will now be placed upon its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE W. ELLIOTT.

Mr. GALLINGER. Let the Calendar be considered.

The PRESIDING OFFICER. The Calendar is in order.

The bill (S. 3402) granting an increase of pension to Jesse W. Elliott was announced as the first business in order on the Calendar, and the Senate as in Committee of the Whole proceeded to its consideration. It proposes to place on the pension roll the name of Jesse W. Elliott, late of Company M, First Regiment New Mexico Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. SEEBER.

The bill (H. R. 3216) granting an increase of pension to John W. Seeber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Seeber, late of Company I, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGGIE PARKER.

The bill (H. R. 3214) granting a pension to Maggie Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie Parker, widow of Stephen Parker, late of Company C, Twelfth Regiment United States Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY LOGAN.

The bill (S. 1799) granting an increase of pension to Henry Logan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Logan, late captain Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT K. SMITH.

The bill (S. 1798) granting an increase of pension to Robert K. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert K. Smith, late of Company A, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYMAN E. FARRAND.

The bill (S. 201) granting an increase of pension to Lyman E. Farrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman E. Farrand, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. BENEDICT.

The bill (S. 984) granting an increase of pension to William W. Benedict was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Benedict, late of Company A, First Regiment Dakota Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BUGGIE.

The bill (S. 2797) granting an increase of pension to James Buggie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Buggie, late of Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN FRANKLIN BIGELOW.

The bill (S. 2328) granting an increase of pension to Benjamin Franklin Bigelow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Franklin Bigelow, late of Company G, Twentieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARION F. HOWE.

The bill (S. 207) granting an increase of pension to Marion F. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion F. Howe, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY G. SMITH.

The bill (S. 1414) granting an increase of pension to Sidney G. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney G. Smith, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY DRISCOLL.

The bill (S. 3120) granting an increase of pension to Mary Driscoll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Driscoll, widow of Daniel Driscoll, late of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Daniel Driscoll until she reaches the age of 16 years: *Provided*, That in the event of the death of Ellen Driscoll, helpless and dependent child of said Daniel Driscoll, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. MILLER.

The bill (S. 2975) granting a pension to Mary Z. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Mary," to strike out the initial "Z" and insert "L;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Miller, widow of Abram O. Miller, late colonel Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary L. Miller."

KNUTE TORGESON.

The bill (S. 2329) granting an increase of pension to Kund Targerson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out "Kund Targerson" and insert "Knute Torgeson;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Knute Torgeson, late of Second Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Knute Torgeson."

SIDNEY F. MULLIN.

The bill (S. 2327) granting an increase of pension to Sidney F. Mullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Mullen" and insert "Mullin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney F. Mullin, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sidney F. Mullin."

PATRICK FALLIHEE.

The bill (S. 1465) granting an increase of pension to Patrick Fallihee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "B;" in line 7, before the word "Volunteer," to insert "Minnesota;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Fallihee, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate $40 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment by inserting before the word "forty," in line 8, the word "of;" so as to read, "at the rate of."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ALBAN.

The bill (S. 3123) granting an increase of pension to W. H. Alban was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the initial "W." and insert "William;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Alban, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Alban."

ELLEN S. LARNED.

The bill (S. 2337) granting an increase of pension to Ellen S. Larned was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen S. Larned, widow of Sylvester Larned, late lieutenant-colonel Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. CAMPBELL.

The bill (S. 2257) granting an increase of pension to Mary J. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Campbell, widow of Michael J. Campbell, late of Company G, Twenty-eighth Regiment, and Company K, Thirteenth Regiment, Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. WILEY.

The bill (H. R. 4708) granting an increase of pension to William T. Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Wiley, late of Company H, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN T. JONES.

The bill (S. 3240) granting an increase of pension to John T. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Jones, late of Company H, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WINGET.

The bill (S. 2405) granting an increase of pension to John P. Winget was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" in line 9, before the word "and," to insert "and late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry;" and in the same line, before the word "dollars" to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Winget, late first lieutenant Company K, Thirty-fourth Regiment Ohio Volunteer Infantry, and late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE RAYMOND.

The bill (S. 1883) granting an increase of pension to Nellie Raymond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "colonel" and insert "captain Company F, and lieutenant-colonel;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Raymond, widow of Henry S. Raymond, late captain Company F, and lieutenant-colonel Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAMILTON SECHEVERELL.

The bill (H. R. 4195) granting an increase of pension to Hamilton Secheverell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hamilton Secheverell, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. C. MANNING.

The bill (H. R. 4713) granting an increase of pension to Mary M. C. Manning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. C. Manning, widow of William C. Manning, late captain, Twenty-third Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SHEPHERD.

The bill (H. R. 4765) granting an increase of pension to George W. Shepherd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Shepherd, late of Company K, Thirty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY VAN BLARCOM.

The bill (H. R. 9352) granting a pension to Mary Van Blarcom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Van Blarcom, widow of Lewis Van Blarcom, late captain Company C, Fifteenth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK BUNCHER.

The bill (H. R. 2394) granting an increase of pension to Frank Buncher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Buncher, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM E. MONROE.

The bill (H. R. 1467) granting an increase of pension to Hiram E. Monroe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram E. Monroe, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOWN SITES IN CONNECTION WITH IRRIGATION PROJECTS.

The bill (S. 87) providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. GALLINGER subsequently said: A moment ago I objected to Senate bill 87. I desire to withdraw the objection, having examined the bill and the report.

Mr. ANKENY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior may withdraw from public entry any lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, not exceeding 160 acres in each case, and survey and subdivide the same into town lots, with appropriate reservations for public purposes.

SEC. 2. That the lots so surveyed shall be sold at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sales shall be covered into the reclamation fund.

SEC. 3. That the public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for the purposes for which they were reserved.

SEC. 4. That the Secretary of the Interior may sell and dispose of rights to the use of water available under the provisions of the said reclamation act for municipal, domestic, fire, and other necessary purposes, to any city, town, or village, established as herein provided, and also to any other cities, towns, or villages, in or near irrigation projects under the reclamation act. Such water rights shall be applied for by the proper town authorities subject to the provisions of the reclamation act, in so far as the same may be applicable, and the charges therefor shall be paid by such town authorities in sums not less and upon terms not more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water rights are taken.

SEC. 5. That whenever there is a development of power for use in connection with any irrigation project under the said reclamation act, the Secretary of the Interior is authorized to lease, for municipal or other purposes, the right to use surplus power developed, or which can be developed, in such manner and upon such terms as he may deem proper, and any moneys received therefor shall be covered into the reclamation fund and credited to such project: *Provided*, That the use of surplus water for power may be discontinued on one year's notice whenever, in the opinion of the Secretary of the Interior or his successors in the control of the project, the same can be more profitably used for irrigation purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. MUNSON.

The bill (S. 533) granting an increase of pension to Francis M. Munson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Munson, late of Company D, Seventh Regiment California Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ADAIR.

The bill (H. R. 4735) granting an increase of pension to Thomas Adair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Adair, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ODILIA LOGAN.

The bill (H. R. 4737) granting an increase of pension to Odilia Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Odilia Logan, widow of William Logan, late captain Company A, Seventh Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. WILBURN.

The bill (H. R. 3380) granting an increase of pension to George W. Wilburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wilburn, late of Company K, Second Regiment District of Columbia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. ROWAN.

The bill (H. R. 8618) granting an increase of pension to John G. Rowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Rowan, late of Company I, Twenty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. COLE, ALIAS JOHN V. COLE.

The bill (H. R. 1797) granting a pension to James H. Cole, alias John V. Cole, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Cole, alias John V. Cole, late of Company H, Fortieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DIGHTMAN.

The bill (S. 2702) granting an increase of pension to George W. Dightman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Dightman, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANTHONY W. PRESLEY.

The bill (S. 3537) granting an increase of pension to Anthony W. Presley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all ofter the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony W. Presley, late of Capt. C. Bennett's company F, First Regiment Oregon Mounted Volunteers, and first lieutenant Capt. B. Miller's company J, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH SMITH.

The bill (S. 3039) granting an increase of pension to Joseph Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Smith, late captain Company A, Fifth Regiment California Volunteer Infantry, and major First Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALDO W. PAINE.

The bill (S. 1753) granting an increase of pension to Waldo W. Paine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waldo W. Paine, late captain Company K, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT E. LYON.

The bill (S. 992) granting a pension to Albert E. Lyon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert E. Lyon, late of Company H, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Albert E. Lyon."

MARTIN L. BARBER.

The bill (S. 3630) granting an increase of pension to Martin L. Barber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin L. Barber, late of Company H, Fifty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'NABB.

The bill (S. 1670) granting an increase of pension to William McNabb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McNabb, late of Company K, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE A. SEWELL.

The bill (S. 894) granting an increase of pension to Mrs. Sewall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence A. Sewell, widow of Thomas Sewell, late second lieutenant Company G, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Florence A. Sewell."

SETH RAYMOND.

The bill (S. 3643) granting an increase of pension to Seth Raymond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth Raymond, late first lieutenant Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. GRANT.

The bill (H. R. 1124) granting an increase of pension to John J. Grant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Grant, late of Captain Fowler's company, Second Regiment Georgia Volunteers, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES ANN BATCHELOR.

The bill (H. R. 1125) granting an increase of pension to Frances Ann Batchelor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Ann Batchelor, widow of James C. Batchelor, late of Captain Nott's company, Alabama Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH EMALINE FINKLEA.

The bill (H. R. 1123) granting an increase of pension to Sarah Emaline Finklea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Emaline Finklea, widow of James Finklea, late of Company H, Fifth Regiment Louisiana Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. HADSALL.

The bill (S. 125) granting an increase of pension to John E. Hadsall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Hadsall, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARA T. LEATHERS.

The bill (S. 2377) granting a pension to Clara T. Leathers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara T. Leathers, widow of Alexander T. Leathers, late of Company C, Fourth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. WILLARD.

The bill (S. 1433) granting an increase of pension to Joseph W. Willard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Willard, late of Company E, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CURTIS B. M'INTOSH.

The bill (S. 124) granting an increase of pension to Curtis B. McIntosh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Curtis B. McIntosh, late of Company I, Twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA G. ARCHER.

The bill (S. 4029) granting an increase of pension to Martha G. Archer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 7, after the word "Infantry," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Archer, widow of Fletcher H. Archer, late captain Company E, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID B. M'CREARY.

The bill (S. 2380) granting an increase of pension to David B. McCreary was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "colonel" and insert "lieutenant-colonel;" in line 8, after the word "Infantry," to insert "and brevet brigadier-general, United States Volunteers;" and in line 10, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. McCreary, late lieutenant-colonel One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER subsequently said: I move that the vote by which Senate bill 2380 was passed be reconsidered.

The VICE-PRESIDENT. The Senator from North Dakota moves that the votes by which Senate bill 2380 was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. McCUMBER. I move that the bill be indefinitely postponed. The claimant under the bill has died since it was reported.

The motion was agreed to.

JOHN A. ROBERTS.

The bill (H. R. 4215) granting an increase of pension to John A. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Roberts, late of Company K, First Regiment Georgia Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. ROSE.

The bill (H. R. 4217) granting an increase of pension to Daniel M. Rose was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Daniel M. Rose, late of Company F, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. WILLIAMSON.

The bill (H. R. 4218) granting an increase of pension to John M. Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Williamson, late of Company A, Third Regiment United States Dragoons, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY ROBERTS.

The bill (H. R. 4738) granting an increase of pension to Henry Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Roberts, late of Company B, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENCE B. SMITH.

The bill (H. R. 4739) granting an increase of pension to Lawrence B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawrence B. Smith, late of Company I, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOCKEY STUARD.

The bill (H. R. 5238) granting an increase of pension to Lockey Stuard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lockey Stuard, widow of William R. Stuard, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPSY ANN AUSTIN.

The bill (H. R. 1283) granting an increase of pension to Epsy Ann Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Epsy Ann Austin, widow of John A. Austin, late of Captain Coleman's company, Alabama Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISHA WHITE.

The bill (H. R. 2169) granting an increase of pension to Elisha White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha White, late of Company F, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ELMES.

The bill (H. R. 2291) granting an increase of pension to William Elmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Elmes, late of Company F, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and Company I, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALGERNON LIGHTCAP.

The bill (H. R. 2289) granting an increase of pension to Algernon Lightcap was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Algernon Lightcap, late of Company E, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY K. LEWIS.

The bill (H. R. 1280) granting a pension to Mary K. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary K. Lewis, widow of Green B. Lewis, late of Captain Dennard's company, First Regiment Georgia Mounted Volunteers, Creek Indian War, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN C. S. TWITCHELL.

The bill (H. R. 3678) granting an increase of pension to Jonathan C. S. Twitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan C. S. Twitchell, late of Company B, and captain Company H, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES G. DOANE.

The bill (S. 1835) granting an increase of pension to James G. Doane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Doane, late of Company A, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH S. LAW.

The bill (S. 620) granting an increase of pension to Elizabeth S. Law was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth S. Law, widow of Thomas W. Law, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

Mr. ALLISON subsequently moved to reconsider the vote by which the Senate ordered an adjournment until Monday next; and the motion to reconsider was agreed to.

HUGH P. BUFFON.

The bill (S. 640) granting an increase of pension to Hugh P. Buffon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh P. Buffon, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA J. BRISCO.

The bill (S. 3667) granting an increase of pension to Martha J. Brisco was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a;" in line 7, before the words "United States," to strike out "in the;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Brisco, widow of John A. Brisco, late boatswain, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DRAINAGE OF LANDS IN NORTH DAKOTA.

The bill (S. 3687) providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Irrigation with an amendment, to strike out all after the enacting clause and to insert:

That $1,000,000 of the moneys hereafter arising from the sale of public lands in the State of North Dakota, and which, under the act of June 17, 1902, would otherwise become a part of the reclamation fund, may be used for the purpose of constructing a suitable and comprehensive system of drainage of lands in the counties of Pembina, Walsh, Grand Forks, Traill, Cass, and Richland, in the said State of North Dakota, under the supervision of the Secretary of Agriculture: *Provided*, That all the expense of such construction, including salaries and the maintenance of works for a period not exceeding ten years, shall be assessed against the lands proposed to be drained in proportion to benefits, said assessments to be levied and the moneys to be paid in not to exceed ten annual installments, under such laws and regulations duly enacted by the legislature of said State of North Dakota as in the judgment of the President of the United States shall be adequate to insure the repayment to the United States of all moneys expended under the terms of this act: *Provided further*, That all moneys derived from such assessments shall be paid into the Treasury of the United States by the said State of North Dakota, and when so paid shall be covered into the reclamation fund to be used under the provisions of said act of June 17, 1902: *And provided further*, That any moneys paid in by said State of North Dakota in excess of the total amount paid out by the United States when the said works are completed, including the maintenance of the works, shall be returned to the said State of North Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the use of $1,000,000 of the moneys that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Dakota, and for other purposes."

SCHOOLS AND ROADS IN ALASKA.

The bill (S. 3522) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I understand that certain Senators very much desire an early executive session, but as many Senators are now at their luncheon, I ask unanimous consent that the unfinished business be temporarily laid aside for the period of thirty minutes.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. MALLORY. Before that is done, I desire to offer an amendment to the pending bill. I ask that it be read and printed.

The VICE-PRESIDENT. The Senator from Florida offers a proposed amendment to the pending bill, which will be read, printed, and lie on the table.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

Strike out all of paragraph "Fifth," on page 13, beginning at and including the word "Fifth," in line 3, down to and including the word "year," in line 7, on said page, and insert the following in lieu thereof, viz:

"Fifth. From a port of the United States on the Atlantic coast south of Cape Hatteras, and from a port on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed for a weekly service, at a maximum compensation not exceeding $75,000 a year, or for a semiweekly service, at a maximum compensation not exceeding $125,000 a year."

The VICE-PRESIDENT. The Calendar will be proceeded with.

JAMES C. BABER.

The bill (S. 3309) granting an increase of pension to James C. Baber was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of John C. Baber, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT S. MOORE.

The bill (S. 2752) granting an increase of pension to Robert S. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Moore, late colonel Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WHITE.

The bill (S. 590) granting a pension to John White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the second time, to strike out "Company" and insert "Troop;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John White, late of Troop M, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. P. FOALE.

The bill (H. R. 1974) granting an increase of pension to William R. P. Foale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. P. Foale, late of Company D, Sixteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, reading the third time, and passed.

SARAH E. MACGOWAN.

The bill (H. R. 11324) granting an increase of pension to Sarah E. MacGowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. MacGowan, widow of Alexander B. MacGowan, late captain, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MICHAEL WREN.

The bill (H. R. 7420) granting an increase of pension to Michael Wren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Wren, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRITZ MULLER.

The bill (H. R. 7418) granting an increase of pension to Fritz Muller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fritz Muller, late of Company E, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of $60 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD J. MILLS.

The bill (H. R. 6192) granting an increase of pension to Edward J. Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward J. Mills, late of Company H, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS CAREY.

The bill (H. R. 5016) granting an increase of pension to Francis Carey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Carey, late of Company L, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN R. GOODELL.

The bill (H. R. 5015) granting an increase of pension to Edwin R. Goodell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin R. Goodell, late of Company I, First Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. ROACHE.

The bill (H. R. 4879) granting an increase of pension to John W. Roache was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Roache, late of Company E, Eighth Regiment United States Infantry, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE ROHR.

The bill (H. R. 4607) granting a pension to Annie Rohr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Rohr, former widow of Frederick A. H. Gaebel, late first lieutenant, Forty-fifth Regiment, United States Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA ORR.

The bill (S. 3587) granting an increase of pension to Eliza Orr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty," and in line 9, after the word "receiving," to insert the following proviso:

Provided, That in the event of the death of Ida Orr, helpless and dependent child of said David Orr, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza Orr the name of the said Ida Orr shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza Orr.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Orr, widow of David Orr, late of Company I, Forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of death, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC VAN VOLKENBURGH.

The bill (S. 3507) granting an increase of pension to Isaac Van Valkenburg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out "Valkenburg" and insert "Volkenburgh; in line 8, before the word "Heavy," to insert "Volunteer;" and in line 9, before the word "dollars," to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Van Volkenburgh, late of Company E, Thirteenth Regiment, and Company K, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaac Van Volkenburgh."

MATTHEW D. RAKER, JR.

The bill (S. 3291) granting an increase of pension to Mathew D. Raker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew D. Raker, jr., late of Captains Burney and Mews's companies, Florida Militia, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Matthew D. Raker, jr."

FRANCIS W. USHER.

The bill (S. 1298) granting an increase of pension to Francis W. Usher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis W. Usher, late first lieutenant Company B, Thirty-fourth Regiment New York Volunteer Infantry, and landsman, U. S. S. Ohio and Connecticut, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. COLSON.

The bill (S. 1731) granting an increase of pension to William O. Colson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Colson, late of Capt. A. D. Johnston's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. PAPY.

The bill (S. 1744) granting an increase of pension to Joseph B. Papy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Papy, late of Captain Mickler's company, Florida Volunteer Mounted Infantry, Seminole Indian war, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION AT FARGO, N. DAK.

The bill (S. 132) to establish a fish-culture station at the city of Fargo, in the State of North Dakota, was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-culture station at the city of Fargo, in the State of North Dakota, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF SALMON FISHERIES OF ALASKA.

The bill (S. 967) to amend section 2 of an act entitled "An act to amend an act entitled 'An act to provide for the protection of the salmon fisheries of Alaska,'" approved June 9, 1896, was considered as in Committee of the Whole. It proposes to amend section 2 of the act so as to read:

SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any of the waters of the Territory of Alaska, either in the streams or tide waters, except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Saturday of each week until midnight of the Sunday following; or to fish for or catch or kill in any manner or by any appliance, except by rod or spear, any salmon in any stream of less than 100 yards in width in the said Territory of Alaska between the hours of 6 o'clock in the evening and 6 o'clock in the morning of the following day of each and every day of the week.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAM AT GRAND DETOUR, ILL.

Mr. HOPKINS. I desire to take from the Calendar, out of its order, the bill (H. R. 8442) permitting the building of a dam across the Rock River at Grand Detour, Ill., and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN TERRELL.

The bill (H. R. 6228) granting an increase of pension to Jonathan Terrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Terrell, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M. WHITSON.

The bill (H. R. 10765) granting an increase of pension to Robert M. Whitson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. Whitson, late of Company A, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA B. JACKSON.

The bill (H. R. 2113) granting an increase of pension to Lydia B. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia B. Jackson, widow of Barzillia N. Jackson, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER PLETZKE.

The bill (H. R. 4224) granting an increase of pension to Christopher Pletzke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher Pletzke, late of Company B, Eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL COOPER.

The bill (H. R. 4225) granting an increase of pension to Nathaniel Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Cooper, late of Company E, Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. BOYER.

The bill (H. R. 4727) granting a pension to Emma M. Boyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma M. Boyer, widow of Paul K. Boyer, late of Company I, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said Paul K. Boyer until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESHACK L. JONES.

The bill (H. R. 4730) granting an increase of pension to Meshack L. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Meshack L. Jones, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SCROGUM.

The bill (H. R. 4732) granting an increase of pension to James Scrogum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Scrogum, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. ENSMINGER.

The bill (H. R. 10436) granting an increase of pension to John A. Ensminger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Ensminger, late second lieutenant Company C, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. MORROW.

The bill (H. R. 4827) granting an increase of pension to Thomas E. Morrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Morrow, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY STILLWELL.

The bill (H. R. 4964) granting an increase of pension to Nancy Stillwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Stillwell, widow of George W. Stillwell, late of Company F, Thirty-third Regiment, and Company E, Thirty-fourth Regi-

ment, Iowa Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL A. SHAW.

The bill (H. R. 6448) granting an increase of pension to Samuel A. Shaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. Shaw, late of Company C, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOKART.

The bill (H. R. 4884) granting an increase of pension to John Bokart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bokart, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRAVIS W. TICHENOR.

The bill (H. R. 5254) granting an increase of pension to Travis W. Tichenor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Travis W. Tichenor, late Company L, Thirteenth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM WUCHER.

The bill (H. R. 6451) granting an increase of pension to Adam Wucher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Wucher, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH SPANGLER.

The bill (H. R. 1059) granting an increase of pension to Elijah Spangler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Spangler, late of Company C, Ninety-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BREDEN.

The bill (H. R. 1213) granting an increase of pension to John Breden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Breden, late of Company K, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MAGINLEY.

The bill (H. R. 2084) granting an increase of pension to Thomas Maginley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Maginley, late of Company B, Tenth Regiment Massachusetts Volunteer Infantry; Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and One hundred and fifth company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS A. SLACK.

The bill (H. R. 2083) granting an increase of pension to Thomas A. Slack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas A. Slack, late captain Company C, Twenty-ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. JORDAN.

The bill (H. R. 8222) granting an increase of pension to Henry B. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Jordan, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION H. LONG.

The bill (H. R. 11596) granting a pension to Marion H. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion H. Long, widow of John C. Long, late first lieutenant and adjutant, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGIE A. MARVIN.

The bill (H. R. 2811) granting a pension to Angie A. Marvin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angie A. Marvin, widow of Mathew Marvin, late of Company K, First Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD MAXWELL.

The bill (H. R. 1201) granting an increase of pension to Edward Maxwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Maxwell, late second lieutenant Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

OSCAR WILLIAMSON.

The bill (H. R. 5597) granting an increase of pension to Oscar Williamson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Williamson, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CASWELL D. FERGUSON.

The bill (H. R. 1057) granting an increase of pension to Caswell D. Ferguson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caswell D. Ferguson, late of Second Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY PHILIPPS SEED AND IMPLEMENT COMPANY.

The bill (S. 1236) to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Henry Philipps Seed and Implement Company, of Toledo, Ohio, for seeds furnished to the Department of Agriculture during the fiscal year 1902, accepted by the Department, and distributed by order of the Secretary of Agriculture, $3,633.11.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID R. PRINGLE.

The bill (H. R. 5170) granting an increase of pension to David R. Pringle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David R. Pringle, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SARGENT.

The bill (H. R. 1131) granting an increase of pension to George Sargent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Sargent, late of Company D, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. STAUFFER.

The bill (H. R. 1136) granting an increase of pension to William D. Stauffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Stauffer, late of Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN FAGLEY.

The bill (H. R. 1382) granting an increase of pension to Benjamin Fagley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Fagley, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA ALDRED.

The bill (H. R. 11310) granting a pension to Emma Aldred was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Aldred, widow of James Aldred, late of Company B, Fourth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FISHER.

The bill (H. R. 1072) granting an increase of pension to John Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Fisher, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA L. AND CLARA E. WINTERS.

The bill (H. R. 1958) granting a pension to Ida L. and Clara E. Winters was considered as in Committee of the Whole. It proposes to place on the pension roll the names of Ida L. and Clara E. Winters, helpless and dependent children of James Winters, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and to pay them each a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID E. LONGSDORF.

The bill (H. R. 11403) granting an increase of pension to David E. Longsdorf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David E. Longsdorf, late first lieutenant and regimental quartermaster One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GABRIEL SMITH.

The bill (H. R. 4822) granting an increase of pension to Gabriel Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gabriel Smith, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. J. TAYMAN.

The bill (H. R. 8217) granting an increase of pension to Sarah A. J. Tayman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. J. Tayman, widow of Jacob Tayman, alias Jacob Tarman, late of Captain Trysinger's company, Pennsylvania Militia, war of 1812, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL C. LONG.

The bill (H. R. 10299) granting an increase of pension to Samuel C. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. Long, late of Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company G, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRAHAM.

The bill (H. R. 10296) granting an increase of pension to James Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Graham, late of Light Battery, Mississippi Marine Brigade, and Company E, First Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. MARSH.

The bill (S. 176) granting an increase of pension to Benjamin F. Marsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Marsh, late of Company B, First Regiment New Hampshire Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE P. HOWE.

The bill (S. 186) granting an increase of pension to George P. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George P. Howe, late of Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN B. TARLTON.

The bill (S. 3126) granting an increase of pension to Stephen B. Tarlton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen B. Tarlton, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUTLER A. CHAMBERLIN.

The bill (S. 2482) granting an increase of pension to Cutler A. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cutler A. Chamberlin, late of Company K, Third Regiment Vermont Vol-

unteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAPOLEON D. O. LORD.

The bill (H. R. 5808) granting an increase of pension to Napoleon D. O. Lord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Napoleon D. O. Lord, late of Company K, Fourteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE L. OVERTON.

The bill (H. R. 5955) granting an increase of pension to Jennie L. Overton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie L. Overton, widow of Clough Overton, late captain, Fifteenth Regiment United States Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. ROSS.

The bill (H. R. 530) granting an increase of pension to George E. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Ross, late of Company E, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM JOHN STEWART, ALIAS JOHN SCOTT.

The bill (H. R. 4391) granting an increase of pension to William John Stewart, alias John Scott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William John Stewart, alias John Scott, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and Company K, Fifth Regiment Connecticut Veteran Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA AUGER.

The bill (H. R. 2795) granting a pension to Emma Auger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Auger, dependent mother of Hector Auger, late ship's cook, third class, United States ship *Dixie*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M'CABE.

The bill (H. R. 2771) granting an increase of pension to Thomas McCabe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas McCabe, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON K. CARR.

The bill (H. R. 3400) granting an increase of pension to Anson K. Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anson K. Carr, late of Company F, Ninth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT SMITH.

The bill (S. 3605) granting an increase of pension to Albert Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Smith, late of United States ship Lodona, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. TUCK.

The bill (S. 717) granting an increase of pension to Charles H. Tuck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Tuck, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES LANDER.

The bill (S. 853) granting an increase of pension to Charles Lander was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc.; That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Lander, late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. HALL.

The bill (S. 8) granting an increase of pension to William M. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Hall, late of Company K, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANA A. PAUL.

The bill (S. 1538) granting a pension to Indiana A. Paul was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Indiana A. Paul, widow of Edward A. Paul, late captain Company F, First Regiment Massachusetts Volunteers, war with Mexico, and captain and volunteer aid-de-camp on staff of General Kilpatrick, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Indiana A. Paul."

MARY E. WOLF.

The bill (S. 789) granting a pension to Mary E. Wolf was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Wolf, widow of Henry Wolf, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Wolf."

WILLIAM W. GAUTHIER.

The bill (S. 854) granting a pension to W. W. Gauthier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "W." and insert the name "William;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Gauthier, late of United States Marine Corps, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William W. Gauthier."

ALBERT LATHROP.

The bill (H. R. 3605) granting an increase of pension to Albert Lathrop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Lathrop, late of Company L, Twenty-fourth Regiment New York Volunteer Cavalry, and Company L, First Regiment New York Provisional Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI BRAZELTON.

The bill (H. R. 6144) granting an increase of pension to Eli Brazelton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Brazelton, late of Company B, Thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES EIFFERT.

The bill (H. R. 6143) granting an increase of pension to James Eiffert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Eiffert, late of Captain Powell's company, Tennessee Volunteers, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE J. WILCOX.

The bill (H. R. 5644) granting an increase of pension to George J. Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George J. Wilcox, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN J. BOYER.

The bill (H. R. 6157) granting an increase of pension to Jonathan J. Boyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan J. Boyer, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD M'CARTHY.

The bill (H. R. 6338) granting an increase of pension to Richard McCarthy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard McCarthy, late of Company D, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL J. JONES.

The bill (H. R. 6227) granting an increase of pension to Samuel J. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel J. Jones, late of Fourth Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT PURCELL.

The bill (H. R. 1884) granting an increase of pension to Robert Purcell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Purcell, late of Company K, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE D. RAFFERTY.

The bill (H. R. 1545) granting a pension to Florence D. Rafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence D. Rafferty, widow of Malcolm A. Rafferty, late captain of Company F, Seventy-first Regiment New York Volunteer Infantry, war with Spain, and to pay her a pension of $20 per month and $2 per month additional on account of the minor child of said Malcolm A. Rafferty until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AXEL A. M. NATT OCH DAG.

The bill (H. R. 1952) granting an increase of pension to Axel A. M. Natt och Dag was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Axel A. M. Natt och Dag, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL F. KING.

The bill (H. R. 10434) granting an increase of pension to Samuel F. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel F. King, late of Company C, Third Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE.

Mr. GALLINGER. I now ask that the regular order, which is the unfinished business, may be laid before the Senate.

The VICE-PRESIDENT. At the request of the Senator from New Hampshire, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I am not informed that any Senator desires to be heard on the bill, and, unless some Senator does desire to speak to it, I will move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator withhold his motion for a moment until I can secure the passage of a short bill?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. With pleasure.

PUBLIC BUILDING AT RAWLINS, WYO.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 611) to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, after line 16, to strike out the following:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, court, and other Government offices in the city of Rawlins and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in the said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré.

Mr. WARREN. I ask the Senator from New Hampshire, who gave notice that he would move an executive session, if he will not withhold that motion until we can complete the Calendar, which will include the bill which has just been called up by the Senator from Louisiana [Mr. McENERY]. There are not many bills left, and it will probably not take more than ten minutes to dispose of them.

Mr. GALLINGER. I think, Mr. President, that is a reasonable request, and I will withhold my motion, so that the Senate may proceed with the consideration of the Calendar.

The VICE-PRESIDENT. The Secretary will state the next bill on the Calendar.

DAVID L. DAVIDSON.

The bill (H. R. 5925) granting an increase of pension to David L. Davidson was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of David L. Davidson, late of Company C, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. COULTER.

The bill (H. R. 724) granting an increase of pension to John A. Coulter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Coulter, late second lieutenant Company E, One hundred and forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALANSON B. THOMAS.

The bill (H. R. 10192) granting an increase of pension to Alanson B. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alanson B. Thomas, late of Company C, Third Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. CASSIDY.

The bill (H. R. 611) granting an increase of pension to John H. Cassidy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Cassidy, late of Company B, Third Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES G. HEAD.

The bill (H. R. 7302) granting an increase of pension to James G. Head was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Head, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES H. OLIVER.

The bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, on page 2, line 6, after the word "Navy," to strike out "to take rank at the foot of said grade next after Commander Frank M. Bostwick;" and in line 11, after the word "grade," to insert the following proviso:

Provided further, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint James H. Oliver, now a commander on the retired list of the United States Navy, to the grade of commander on the active list of the United States Navy: *Provided*, That the said James H. Oliver shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That said James H. Oliver shall not by the passage of this act be entitled to back pay of any kind.

The amendments were agreed to.

Mr. DANIEL. Mr. President, this is a somewhat extraordinary bill, it seems to me, and it should be explained to the Senate. It is for a promotion out of the ordinary course of events. I do not know who is the patron of the bill.

Mr. SCOTT. I did not understand the Senator from Virginia.

Mr. GALLINGER. Let the bill go over, Mr. President. The Senator who reported it is absent.

The VICE-PRESIDENT. Objection being made, the bill will go over, retaining its place on the Calendar.

INSIGNIA OF THE GRAND ARMY OF THE REPUBLIC.

The bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 1, line 8, after the word "Veterans," to insert "of the National Society of the Daughters of the American Revolution;" so as to make the bill read:

Be it enacted, etc., That whoever, in the District of Columbia, not being a member of the Military Order of the Loyal Legion of the United States, of the Grand Army of the Republic, of the Sons of Veterans, of the Woman's Relief Corps, of the Union Veteran's Union, of the Union Veteran Legion, of the United Spanish War Veterans, of the National Society of the Daughters of the American Revolution, and not entitled under the rules of the order to wear the same, willfully wears or uses the insignia, distinctive ribbon, or badge of membership, rosette, or button thereof, or who uses or wears the same to obtain aid or assistance thereby, shall be punished by a fine of not more than $20 or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire if that bill is limited in its application to the District of Columbia?

The VICE-PRESIDENT. The bill reads "That whoever, in the District of Columbia, not being a member," etc.

Mr. MALLORY. "Whoever, in the District of Columbia?"

Mr. SCOTT. Its application is not limited to the District of Columbia, as I understand.

Mr. GALLINGER. Yes, it is.

The VICE-PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SCOTT. Mr. President, it is not the intention, as I understand, to limit the bill to the District of Columbia, but that it shall be general in its application.

Mr. MALLORY. If that is the case, I shall have to object to it.

Mr. SPOONER. Does the Senator from West Virginia think that Congress can prohibit a man from wearing a badge in a State?

Mr. MALLORY. I think the Senator from West Virginia, if he will let the bill go through as it is, will find it to his advantage.

Mr. GALLINGER. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. The Senator from West Virginia has the floor. Does he yield to the Senator from New Hampshire?

Mr. SCOTT. I yield to the Senator from New Hampshire for just a moment.

Mr. GALLINGER. The bill reads, "That whoever, in the District of Columbia." That is the form in which it passed the House and came to the Committee on the District of Columbia, and I think the Senator had better let it pass in that form.

Mr. SPOONER. It could be amended to include the Territories.

Mr. GALLINGER. We might include the Territories, if we chose, but we could not include the States.

Mr. SCOTT. I will let the bill pass confining it to the District of Columbia, but I think it is an insult to the uniform of the United States that it should be put upon those who are members of musical organizations and those who are members of theatrical troupes who wear the United States uniform for the purpose of personal gain. I am perfectly willing that this bill shall pass in its present form, but I do hope that it will be the pleasure of the Senate of the United States and of the Congress of the United States to pass a bill that will prohibit the wearing of the United States uniform, either that of a private or of a commissioned officer, except by one who is an officer or a private soldier.

The VICE-PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SPOONER. Is it a House bill?

The VICE-PRESIDENT. It is a House bill.

Mr. SPOONER. Is it regularly before the Senate?

The VICE-PRESIDENT. It is regularly before the Senate on the call of the Calendar.

Mr. SPOONER. I ask that it may go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. SCOTT. Why does the Senator object to the bill?

Mr. SPOONER. I want it to go over in order to help the Senator to broaden it, if it can be done.

Mr. SCOTT. I thank the Senator.

FISHING IN ALASKAN WATERS.

The bill (S. 267) to prohibit aliens from taking fish in the waters of the district of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful for any person not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, or any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod or spear, any fish of any kind or species whatsoever, in any of the waters of Alaska, or in any of the waters within the jurisdiction of the United States, within 1 marine league of any of the coasts, bays, creeks, rivers, or harbors of the territory known as Alaska, ceded to the United States by Russia by the treaty of March 31, 1867: *Provided, however,* That nothing contained in this act shall prevent citizens of the United States or natives of Alaska, or any company or corporation lawfully taking fish in the said waters, from selling the same, fresh or cured, to any alien person, company, or vessel complying with the laws of the United States defining the rights and duties of aliens while in United States waters or territory: *And provided further,* That nothing contained in this act shall prevent American citizens from employing alien labor, either at a stated wage or by piecework, in connection with Alaskan fisheries.

SEC. 2. That every person guilty of a violation of the provisions of this act, or of any regulations made thereunder, shall, for each offense, be fined not less than $100 nor more than $500, which fine shall be a lien against the vessel on which the offense was committed. And every vessel used or employed in violation of this act, or the regulations made thereunder, shall be liable to a fine of not less than $100 or more than $500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

SEC. 3. That any violation of the provisions of this act, or of any regulation made thereunder, may be prosecuted in any district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 4. That the Secretary of Commerce and Labor shall have power to authorize any officer of the Navy or of the Revenue-Cutter Service, or any agent of the Department of Commerce and Labor or officer of the District of Alaska, to search and seize any foreign vessel and arrest any person violating the provisions of this act or the regulations made thereunder. If any foreign vessel shall be found within the waters to which this act applies, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 3 of this act, and shall be held by him subject to the proceedings provided for in section 2 of this act. The facts in connection with such seizures shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the necessary proceedings.

SEC. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this act, and such rules and regulations shall have the force and effect of law. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however,* That nothing contained in this act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to prohibit aliens from fishing in the waters of Alaska."

LEGAL REPRESENTATIVES OF LAPÉNE & FERRÉ.

The bill (S. 1532) for the relief of the legal representatives of the late firm of Lapéne & Ferré was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to insert at the end of the bill the following additional proviso:

Provided further, That any judgment recovered pursuant to this act shall only be paid out of the funds derived from the sale of cotton under the act of March 12, 1863, known as "the captured and abandoned property act."

So as to make the bill read:

Be it enacted, etc., That the legal representatives of Jules Lapène, late of New Orleans, La., deceased, and the legal representatives of Auguste Ferré, late of Pau, France, deceased, formerly partners in trade engaged in a general mercantile business in said city of New Orleans and State of Louisiana, under the firm name of Lapène & Ferré, be, and they are hereby, authorized and empowered to bring suit in the Court of Claims against the Government of the United States for the net proceeds of the sale by the agents of the United States, of 179 bales of cotton, now in the Treasury of the United States, claimed to be the property of said firm of Lapène & Ferré; and jurisdiction is hereby conferred on said Court of Claims to hear and determine said suit in the same manner and under the same rules of procedure as if the said suit now authorized had been originally commenced in said court under the provisions of the act of March 12, 1863, and amendments thereto, within the period of limitation provided in said act, the bar of the statute of limitations and the bar of any previous adjudication of said claim being hereby expressly removed, and to enter final judgment in said cause, subject to the right of appeal by either party to the Supreme Court of the United States; and the evidence heretofore taken and used by either party in the Court of Claims shall in a certain cause and proceeding heretofore brought and heard in said court by the said firm of Lapène & Ferré for the determination and allowance of the claim hereinbefore specified, under the provisions of the said act of 1863 and amendments thereto, be competent in this suit and considered with such other evidence as either party may introduce: *Provided,* That the suit hereby authorized shall be commenced by petition filed in said Court of Claims within six months from the passage of this act, and the Government shall, upon notice served according to the rules and practice of said court, appear and defend against said suit: *Provided further,* etc.

The amendment was agreed to.

Mr. SPOONER. Is there a report accompanying the bill?

The VICE-PRESIDENT. The Chair is informed there is a report, but that it has not yet come from the Government Printing Office.

Mr. SPOONER. I have no objection to the passage of the bill, if I may enter a motion to reconsider and examine into it a little.

The VICE-PRESIDENT. The Senator will have that right.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER subsequently said: I enter a motion to recon-

sider the votes by which Senate bill 1532 was ordered to a third reading and passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

PROPOSED EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. I ask the Senator from Rhode Island to withhold that motion for five minutes. There are only a few more bills on the Calendar.

Mr. MORGAN. Only a few.

Mr. ALDRICH. Are they all pension bills?

Mr. McCUMBER. All but one.

Mr. ALDRICH. I withdraw the motion.

DECORATION OF PROF. SIMON NEWCOMB.

The bill (S. 4198) granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER subsequently said: I enter a motion to reconsider the votes by which Senate bill 4198 was ordered to a third reading and passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

DARIUS J. BROWN.

The bill (H. R. 1437) granting an increase of pension to Darius J. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Darius J. Brown, late of Company E, One hundred and twenty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTOINETTE HANNAHS.

The bill (H. R. 2345) granting an increase of pension to Antoinette Hannahs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Antoinette Hannahs, widow of Franklin Hannahs, late captain Company C, Eighty-first Regiment New York Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. CARPENTER.

The bill (H. R. 4666) granting an increase of pension to David A. Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Carpenter, late of U. S. S. *Sunflower* and *North Carolina*, United States Navy, and Company E, First Regiment Rhode Island Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL B. SPINNING.

The bill (H. R. 1554) granting an increase of pension to Samuel B. Spinning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Spinning, late of Second Battery, Connecticut Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINIFRED E. LEWIS.

The bill (H. R. 2342) granting a pension to Winifred E. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winifred E. Lewis, late nurse, Medical Department, United States Army, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVELYN S. BEARDSLEE.

The bill (H. R. 2340) granting an increase of pension to Evelyn S. Beardslee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evelyn S. Beardslee, widow of Lester A. Beardslee, late rear-admiral, United States Navy, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. DICKENS.

The bill (H. R. 4644) granting an increase of pension to Sarah J. Dickens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Dickens, widow of Ira S. Dickens, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of Ira S. Dickens until it arrives at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE MARIE HESTER.

The bill (H. R. 3229) granting a pension to Jessie Marie Hester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jessie Marie Hester, widow of William W. Hester, late first lieutenant Company L, Third Regiment Kentucky Volunteer Cavalry, and lieutenant-colonel Forty-eighth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA H. BENHAM.

The bill (H. R. 8090) granting an increase of pension to Emma H. Benham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma H. Benham, widow of Andrew E. K. Benham, late rear-admiral United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT HOUSTON, TEX.

Mr. CULBERSON. I notice that the Calendar has been completed.

The VICE-PRESIDENT. This completes the Calendar.

Mr. CULBERSON. I should like to ask for the present consideration of a bill reported this morning. It is the bill (S. 338) making an appropriation for a public building at Houston, Tex.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Houston, Tex., a building to be used as and for a post-office building, as a place for holding United States courts, and for other purposes of the Federal Government at the said city of Houston, Tex., which said building shall cost, complete, not to exceed the sum of $500,000.

SEC. 2. That the plans, specifications, and full estimate for said building shall be made and approved according to law before work thereon shall be commenced. Until this is done none of the money so appropriated shall be used.

SEC. 3. That the building shall contain such fireproof vaults as may be necessary to protect from destruction by fire the funds and post-office, court, and other records, and it shall also be provided with proper heating and ventilating apparatus.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the erection of a public building in the city of Houston, Tex."

PUBLIC BUILDING AT DOVER, N. H.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 35) to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $100,000 for the acquisition of a site and the erection thereon of a suitable building for the use of the United States post-office and other Government offices in the city of Dover, N. H.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, on page 2, beginning with line 16, to strike out all of the bill down to and including line 15, on page 4, as follows:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or

submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of New Hampshire shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to strike out "thirty" and insert "forty;" so as to read:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ALEXANDRIA, MINN.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (S. 961) to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in line 12, page 1, to strike out "fifty" and insert "forty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the village of Alexandria and State of Minnesota, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to strike out all of the bill down to and including line 10 on page 3, as follows:

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 9, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, February 8, 1906.

COLLECTOR OF CUSTOMS.

Myron H. McCord, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona, to succeed Edwin Baker, removed.

SURVEYOR OF CUSTOMS.

Mahlon M. Garland, of Pennsylvania, to be surveyor of customs for the port of Pittsburg, in the State of Pennsylvania. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Griffith T. Davis, of Pennsylvania, to be collector of internal revenue for the twelfth district of Pennsylvania, to succeed Thomas F. Penman, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1906.

SECRETARY OF LEGATION.

U. Grant Smith, of Pennsylvania, now second secretary of the legation to Turkey, to be third secretary of the embassy of the United States to Great Britain.

REGISTERS OF THE LAND OFFICE.

Luke M. Bates, of Long Pine, Nebr., to be register of the land office at Valentine, Nebr.

Stephen J. Weekes, of Nebraska, to be register of the land office at O'Neill, Nebr.

DISTRICT ATTORNEYS.

Erastus J. Parsons, of Alabama, to be United States attorney for the middle district of Alabama.

RECEIVERS OF PUBLIC MONEYS.

Sanford Parker, of Spencer, Nebr., to be receiver of public moneys at O'Neill, Nebr.

Elof Olson, of Bassett, Nebr., to be receiver of public moneys at Valentine, Nebr.

POSTMASTERS.

PENNSYLVANIA.

Frank N. Donahue to be postmaster at Carrolltown, in the county of Cambria and State of Pennsylvania.

Charles J. McGill to be postmaster at Dawson, in the county of Fayette and State of Pennsylvania.

Joseph S. Paul to be postmaster at South Fork, in the county of Cambria and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 8, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 5, 1906:

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district; and

H. R. 5023. An act granting an increase of pension to Augustus Westfield.

AUTHORIZING THE AMERICAN NATIONAL BANK OF GRAHAM, VA., TO CHANGE ITS LOCATION AND NAME.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2582.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2582) to authorize The American National Bank of Graham, Va., to change its location and name.

Be it enacted, etc., That The American National Bank of Graham, now located at Graham, Tazewell County, State of Virginia, is hereby authorized to change its location, or place where its operations of discount and deposit are carried on, to the town of Bluefield, Mercer County, State of West Virginia, and its corporate title to The American National Bank of Bluefield, by and with the consent of the Comptroller of the Currency, whenever the shareholders owning two-thirds of the stock of said bank, at a meeting called for that purpose, determine to make such change: *Provided*, That there shall be sent to the Comptroller of the Currency a duly authenticated notice of the vote for removal and change of title. The change of location and title, however, shall not be valid until the Comptroller of the Currency shall have issued his certificate of approval.

SEC. 2. That all debts, liabilities, rights, provisions, and powers of said association under its old name shall devolve upon and inure to the said association under its new name.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the said bank under its old name or at its old location from any liability, or affect any action or proceeding in law in which said bank may be or become a party or interested.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, I would like to inquire of the gentleman if what is sought to be accomplished by that bill can not be accomplished under the general banking laws of the United States now?

Mr. FOWLER. No, sir.

Mr. KEIFER. Why not?

Mr. HUGHES. If the gentleman will allow me, I will explain why this bill is necessary.

Mr. KEIFER. Certainly.

Mr. HUGHES. The present law does not give this right, for the reason this changes this bank from one State to another. It is now located in Graham, Va., and this bill seeks to change it to Bluefield, W. Va., a distance of only 7 or 8 miles, and that is the necessity for this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. FOWLER, a motion to reconsider the last vote was laid on the table.

CERTAIN LANDS IN OKLAHOMA TERRITORY TO BE OPENED FOR SETTLEMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 431. The bill has been before the Speaker for some time.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 431) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have an explanation of the bill.

Mr. MANN. Mr. Speaker, I think this is too important a measure to be taken up at this time under the circumstances, and I will object.

Mr. STEPHENS of Texas. If the gentleman will permit——

Mr. MANN. At some other time I will be glad to hear the gentleman.

ARMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order upon the bill.

REGULATION OF RAILROAD RATES.

Mr. SHERMAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York demands the regular order, which is the question upon the passage of the bill H. R. 12987, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The SPEAKER. Upon the passage of the bill the gentleman from Mississippi [Mr. WILLIAMS] demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 346, nays 7, answered "present" 3, not voting 29, as follows:

YEAS—346.

Acheson	Driscoll	Kennedy, Ohio	Reeder
Adams, Pa.	Dunwell	Ketcham	Reid
Adams, Wis.	Dwight	Kinkaid	Reynolds
Adamson	Edwards	Kitchin, Claude	Rhinock
Aiken	Ellerbe	Kitchin, Wm. W.	Rhodes
Alexander	Ellis	Klepper	Richardson, Ala.
Allen, Me.	Esch	Kline	Richardson, Ky.
Allen, N. J.	Fassett	Knapp	Rives
Ames	Field	Knowland	Roby
Andrus	Finley	Lacey	Roberts
Babcock	Fitzgerald	Latimer	Robertson, La.
Bankhead	Fitzk	Lamar	Robinson, Ark.
Barchfeld	Flood	Lamb	Rodenberg
Bartholdt	Floyd	Landis, Chas. B.	Rucker
Bartlett	Ferdney	Landis, Frederick	Ruppert
Bates	Foes	Law	Russell
Beall, Tex.	Foster, Ind.	Lee	Ryan
Bede	Foster, Vt.	Le Fevre	Samuel
Beidler	Fowler	Legare	Schneebell
Bell, Ga.	French	Lester	Scroggy
Bennet, N. Y.	Fulkerson	Lever	Shackleford
Bennett, Ky.	Fuller	Lewis	Shartel
Birdsall	Gaines, Tenn.	Lilley, Conn.	Sheppard
Bishop	Gaines, W. Va.	Lilley, Pa.	Sherman
Blackburn	Garber	Lindsay	Sims
Bonynge	Gardner, Mass.	Littauer	Slayden
Boutell	Gardner, Mich.	Livingston	Slemp
Bowers	Gardner, N. J.	Lloyd	Small
Bradley	Garner	Longworth	Smith, Cal.
Brick	Garrett	Lorimer	Smith, Ill.
Broocks, Tex.	Gilbert, Ind.	Loud	Smith, Iowa
Brooks, Colo.	Gilbert, Ky.	Loudenslager	Smith, Ky.
Brown	Gill	Lovering	Smith, Md.
Brownlow	Gillespie	McCarthy	Smith, Samuel W.
Brundidge	Gillett, Cal.	McCleary, Minn.	Smith, Wm. Alden
Buckman	Glass	McCreary, Pa.	Smith, Pa.
Burgess	Goebel	McGavin	Smith, Tex.
Burke, Pa.	Goldfogle	McKinlay, Cal.	Smyser
Burke, S. Dak.	Goulden	McKinley, Ill.	Snapp
Burleigh	Graff	McKinney	Southard
Burleson	Graham	McLachlan	Sparkman
Burnett	Granger	McLain	Sperry
Burton, Del.	Greene	McMorran	Spight
Burton, Ohio	Gregg	McNary	Stafford
Butler, Pa.	Griggs	Macon	Stanley
Butler, Tenn.	Gronna	Madden	Stevenson
Byrd	Grosvenor	Mahon	Stephens, Tex.
Calder	Hale	Mann	Sterling
Calderhead	Hamilton	Marshall	Stevens, Minn.
Campbell, Kans.	Haskins	Martin	Stilloway
Campbell, Ohio	Haugen	Meyer	Sulzer
Candler	Hay	Michalek	Talbott
Capron	Hayes	Miller	Tawney
Cassel	Hearst	Minor	Taylor, Ala.
Chaney	Hedge	Mondell	Taylor, Ohio
Chapman	Heflin	Moon, Pa.	Thomas, N. C.
Clark, Fla.	Henry, Conn.	Moon, Tenn.	Thomas, Ohio
Clark, Mo.	Henry, Tex.	Moore	Tirrell
Clayton	Hepburn	Morrell	Towne
Cockran	Hermann	Mosser	Townsend
Cocks	Higgins	Mudd	Trimble
Cole	Hill, Conn.	Murdock	Tyndall
Conner	Hill, Miss.	Murphy	Underwood
Cooper, Pa.	Hinshaw	Needham	Van Winkle
Cooper, Wis.	Hogg	Nevin	Volstead
Cousins	Holliday	Norris	Wachter
Cromer	Hopkins	Olcott	Wadsworth
Crumpacker	Houston	Olmsted	Waldo
Currier	Howard	Otjen	Wallace
Curtis	Howell, N. J.	Overstreet	Wanger
Cushman	Howell, Utah	Padgett	Watkins
Dale	Hubbard	Page	Webb
Dalzell	Huff	Parker	Webber
Darragh	Hughes	Parsons	Weems
Davey, La.	Hull	Patterson, N. C.	Weisse
Davidson	Humphrey, Wash.	Patterson, Pa.	Welborn
Davis, Minn.	Humphreys, Miss.	Patterson, S. C.	Wharton
Davis, W. Va.	Hunt	Payne	Wiley, Ala.
Dawes	James	Pearre	Wiley, N. J.
Dawson	Jenkins	Pollard	Williams
Deemer	Johnson	Pou	Wilson
Denby	Jones, Va.	Powers	Wood, N. J.
Dickson, Ill.	Jones, Wash.	Prince	Woodyard
Dixon, Ind.	Kahn	Pujo	Young
Dixon, Mont.	Keifer	Rainey	The Speaker
Dresser	Kelliher	Randell, Tex.	
	Kennedy, Nebr.	Ransdell, La.	

NAYS—7.

Littlefield	Perkins	Southwick	Weeks
McCall	Sibley	Vreeland	

ANSWERED "PRESENT"—3.

Hardwick	Sherley	Sullivan, Mass.	

NOT VOTING—29.

Bannon	Draper	Little	Van Duzer
Bingham	Fletcher	McDermott	Watson
Bowersock	Gillett, Mass.	Maynard	Williamson
Bowie	Gudger	Palmer	Wood, Mo.
Brantley	Hitt	Patterson, Tenn.	Zenor
Broussard	Hoar	Scott	
Castor	Knopf	Southall	
De Armond	Lawrence	Sullivan, N. Y.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he voted "yea."

So the bill was passed.

The following pairs were announced:

For the rate bill:

Mr. BOWERSOCK with Mr. LITTLE.

For the day:
Mr. HOAR with Mr. MCDERMOTT.
Mr. KNOPF with Mr. MAYNARD.
Mr. FLETCHER with Mr. SULLIVAN of New York.
Mr. BINGHAM with Mr. BRANTLEY.
Mr. BANNON with Mr. SOUTHALL.
Mr. GILLETT of Massachusetts with Mr. BROUSSARD.
Mr. PALMER with Mr. GUDGER.
Mr. HITT with Mr. DE ARMOND.
Mr. LAWRENCE with Mr. ZENOR.
Mr. HOAR with Mr. VAN DUZER.
Until further notice:
Mr. SCOTT with Mr. HARDWICK.
Mr. DRAPER with Mr. BOWIE.
Mr. WATSON with Mr. SHERLEY.

The result of the vote was then announced as above recorded.

[Loud applause.]

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT OF BILL.

Mr. RANDELL of Texas. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 13943.

The SPEAKER. The gentleman from Texas asks unanimous consent for a reprint of the bill H. R. 13943. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on the bill we have just voted on, H. R. 12987, the railroad-rate bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent for leave to print remarks in the RECORD upon the railroad-rate bill (H. R. 12987). Is there objection? [After a pause.] The Chair hears none.

FINAL REPORT OF LOUISIANA PURCHASE EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Select Committee on Industrial Arts and Expositions, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State submitting the final report of the Louisiana Purchase Exposition Commission, furnished in pursuance of section 11 of the "act to provide for celebrating the one-hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1906.*

SPECIAL IMMIGRANT INSPECTOR MARCUS BRAUN.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

The House of Representatives:

In response to the resolution of the House of Representatives of January 16, 1906, I transmit herewith a report by the Secretary of State, with accompanying papers, regarding the case of Special Immigrant Inspector Marcus Braun.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1906.*

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; and pending that motion I ask unanimous consent that general debate be limited to three hours, one hour and a half on a side, one-half to be controlled by the gentleman from Massachusetts [Mr. SULLIVAN] and the other half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate be closed on the pension appropriation bill in three hours, one-half to be controlled by himself and one-half by the gentleman from Massachusetts. Is there objection? [After a pause.] The Chair hears none. The gentleman moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13103—the pension appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13103, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen mous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen of the House, in presenting the bill which provides for the largest single annual appropriation from the National Treasury, save only that for the mail service, and for which latter the postal revenues almost wholly provide, it seems proper to say that in no single respect is the appreciation of our countrymen better manifested nor the measure of their gratitude made more apparent than in the ungrudging manner with which year after year they pay the vast sum which this interest entails upon the national resources. The pending bill carries $139,000,000 with which to pay for the ensuing year the claims of almost an even million of pensioners. On the roll are claimants representing every war in our history, from the Revolution to the Philippine insurrection, inclusive. All of these but 53,424 are the heritage of the war for the Union. It is now full forty years since the termination of that war, and it seems an opportune time to forecast, with some degree of accuracy, the probable future drain upon the Treasury of the United States from this and kindred sources. The youngest of the men who served in the Union Army are fast approaching 60 years of age, while the average is believed to be not far from 65. It would seem in the course of nature that in the near future there must inevitably be a rapid decline in the number of civil war pensioners. Twenty years ago it was commonly remarked that forty years after the war there would be but few of the Federal soldiers left and that long before that time there would be a marked decline in the annual appropriation for pensions. As a matter of fact, the average for the last fifteen years, including the deficit for the current year, has been about one hundred and forty millions, and the amount asked for the ensuing year is one hundred and thirty-nine millions.

Forty years after the close of the struggle for national existence we have not only the maximum number of pensioners, but are nearly up to the maximum amount of pension appropriations. This is due in comparatively small part to the more recent war with Spain and to the troubles in China and the Philippine Islands. The civil war was estimated to have cost the nation six thousand millions of dollars. Already $3,222,414,578, or more than one-half of the first cost of the war, has been paid out on account of pensions, and I confidently make the prediction that before death has removed from the rolls the last pensioner on account of the civil war an aggregate will have been paid equal to the entire first cost, in which event, the two combined would total twelve thousand millions of dollars, or three-fourths of the property valuation of the entire country at the beginning of the conflict. I desire to make another prediction, and that is, that twenty years from now, if in the meantime we have no war at home or abroad, there will be on the pension roll of the nation approximately a half million names. I am aware that this is contrary to all preconceived notions, but I think the truth of these two propositions can be shown. We are now removed in time one hundred and twenty-three years from the close of the war of the Revolution, and yet there were on the rolls June 30 last the names of five persons pensioned on account of that war. Granted the same degree of longevity on the part of individuals and the same measure of liberality on the part of the Government, and if we may rely on the same ratio (which is as 1 to 12) of soldiers in the two wars, there will be in the year 1989 sixty civil-war pensioners. In other words, a child that was born on the 30th of last June and lives to be 83 years old will find sixty persons drawing pensions from the Government on account of the war that ended now full forty years ago.

Eighty-one years have passed since our second war with Great Britain terminated. The last participant in that conflict has been but a few months in his grave, while of widows of soldiers who served in that war 776 are now drawing pensions. Granting like conditions and estimating the same per cent of surviving widows, and there will be in 1947, 6,208 persons who will be receiving pensions chargeable to the war of 1861–1865. It is fifty-eight years since the conclusion of our war with Mexico, and there are at this time the names of 4,540 soldiers and 7,653 widows of soldiers who served in that war, making a total of 12,293 pensioners on account of a war that ended ten years before the present President of the United States was born. In the war for the Union there were more than twenty-eight times as many soldiers as in the war with Mexico. Assuming that like conditions as to marriage and longevity will obtain—certainly not an unwarranted assumption—and it fol-

lows that in 1924 there will be 346,662 civil war pensioners. At that time twenty-six years will have intervened since the cessation of hostilities in the war with Spain. If the army in that war furnishes the same ratio of pensioners as the Union army in the civil war, there will be 132,414 chargeable to the Spanish-American war, making, from these two sources alone, a total of 479,076. Add to these a reasonable per cent from our enlarged regular establishment and from a constantly increasing Navy, and it is entirely within the probabilities that twenty years from now—that is, in 1931—the nation will have, from the material now on hand and in prospect, without any more wars, nearly, if not quite, 500,000 pensioners.

I trust I shall not be misunderstood either by my comrades or my countrymen when I ask you to stop and consider the possibilities that lie in this direction in the event of other wars, for we can only judge the future by the past. During the fiscal year ending June 30, 1905, the total expenses of the Government, including the deficit in postal revenues, was $567,278,913. During the same time there was expended for pensions $141,773,961—that is, almost exactly one-fourth of every dollar paid by the Government last year was for pensions. In 1867, one year after the close of the war, there was expended for pensions $20,933,551. That same year the interest on the public debt reached its maximum at $143,781,591. That year these two sums equaled $164,715,142. In 1905 the amount from the same sources was $166,364,908. The combined sum paid last year for pensions and for interest on the public debt is but one and one-half million dollars more than in 1867, when interest and principal reached their maximum. In other words, as the public debt has been reduced and the interest charge lessened the appropriations for pensions have increased, so that what may be called the fixed current expenses of the war remain practically the same now as thirty-eight years ago.

One of the first acts of the first Congress under the Constitution was to provide pensions for the soldiers and the sailors who made possible our independence. From that Congress to this the whole tendency of pension legislation has been toward greater liberality. No government on the earth approaches that of the United States in the generosity with which it treats the men who fight its battles.

In proof of this, it may be stated that France, which most nearly approaches our Government in the sum total for pensions, pays but $26,189,800. Germany follows next in order, with an annual expenditure for this purpose of $21,658,000, Austria-Hungary is third, with $10,723,482, and Great Britain is fourth, with $9,856,405. These four great powers, whose soldiers have fought some of the bloodiest battles in modern warfare, pay an aggregate of $68,427,687, which is less than one-half that paid by the United States. It may not be uninteresting, by way of comparison, to mention the fact that the annual cost of maintaining the standing army of Russia, numbering more than a million men, is not as much by over $7,000,000 as our Government paid last year for pensions. France maintains her army of 608,293, on a peace footing, and at the same time pays the largest pension appropriation of any Government in Europe, with less than $10,000,000 more than the United States pays for pensions alone. Germany has in her standing army 605,976 soldiers, and the annual cost of these, together with what she pays for pensions, is less than $17,000,000 more than our Government pays for pensions. The united cost of Great Britain's standing army, the most expensive among foreign governments, and her pensions is but fifteen millions more than our pension bill, while Austria-Hungary maintains a standing army of 409,771 soldiers and pays the third largest pension allowance of any European government with $65,757,350, which is less than half the amount of our pension appropriations.

But, sir, when this has been said, it still remains an indisputable fact, and one which reflects unfading luster on the valor of the American soldier, whether he wore the blue or the gray, that the pension roll of the Union Army represents more hard fighting and more battlefield casualties than all the soldiers in all the armies of Europe since the standards of Napoleon went down at Waterloo.

It is due to the veterans of the civil war, to the Members of this House, and to the country to say that there is a general misapprehension as to the relative amount which the Union soldiers receive as compared with those who served in other wars. The average monthly value of each invalid pension in the Regular Army is $13.86. The average monthly value of each invalid pension in the Mexican war is $12.31. The average monthly value of each invalid pension in all our wars is $12.08. The average monthly value of each invalid pension in the civil war is $12.04. The average monthly value of each invalid pension in the war with Spain is $8.91. The average monthly value of each invalid pension under the law of 1890 is $9.82. The average monthly value of each invalid civil-war pension under the general law is $16.75. Out of the nearly round million pensioners there are but 219,384 enrolled under the general law, while under the act of June 27, 1890, there are 465,224. A large per cent of the latter class served for three years or during the war. Physically speaking, they constituted the very flower of the Federal Army. They were men of such superb constitutions that they largely endured to the end without a hospital record. They fought heroically in many fierce battles and yet were so fortunate as to not receive disabling wounds. They were generally men of this class who marched in the grand review, and the historic Avenue never echoed to the tread of more heroic men. In all her splendid history the nation can point to no equal number of her sons who are to be preferred before these for unselfish patriotism, steadfast devotion, and consummate heroism. They exemplified the loftiest spirit of self-sacrifice, for again and again they counted not their lives dear unto themselves that they might save the life of the nation. These men are receiving at this time an average of but $9.82 per month. This is less on the average than the Spanish war soldiers are receiving, materially less than the average in all our wars, and but about three-fourths of the amount received by the soldiers in the war with Mexico. It is because of the great number rather than the relatively high rating that the civil-war pension budget is so great.

It has been asked how much additional to the present appropriation would be required if all civil-war soldiers now receiving less were brought up to $12 per month. I answer $15,383,094, and if all widows receiving $8 were increased to $12 it would add $8,362,066 more, or together a total increase of $23,709,160, making the appropriation for the ensuing year $163,000,000. As men charged with the responsibility of disposing of the Government's revenues, we may well pause and consider before giving assent to such a proposition at this time.

The whole pension business has grown with that upon which it feeds. In all our history prior to the civil war there were but 1,700 special pension bills enacted into law. Now, more than half that number are passed in a single session of Congress, while the total since 1861 is 13,708. Every such bill which becomes a law is like a fruitful seed cast into good soil, bringing forth an abundant harvest of applicants, until in the first six weeks of this session there were introduced in the two Houses, of private pension bills, a total of 8,905, a number for the same length of time far in excess of any previous Congress. The demand upon Members for the introduction of bills looking to this kind of legislation has become almost constant and irresistable. Again, what may be termed class legislation for specific disabilities has led to a multiplication of measures discriminatory in their nature and often unjust in their operation. Special legislation and class legislation are sources of discontent and unrest among the great body of equally deserving men and women who have not and will not be affected otherwise than injuriously by this species of discrimination.

The pension results of the Spanish-American war illustrate another phase of this subject. That war furnished a total of 312,000 enlistments. To-day there are more pensioners on the rolls from the Spanish-war soldiers than the maximum number of men in Shafter's army in Cuba. During the war there were killed and died of wounds received in action a total of 698 officers and enlisted men. The entire number killed and wounded was 3,457, and the deaths from all causes were 6,610, or a small fraction over 2 per cent of the aggregate enrollment. The deaths and casualities of every sort and kind of both officers and enlisted men foot up a total of 9,378, or 3 per cent of the enrollment.

From that army there have already been filed with the Bureau 69,687 applications for pensions. In a corresponding length of time after the war for the preservation of the Union the Federal soldiers, numbering 2,213,365, furnished but 102,493 applications. Had they applied at the same rate as the soldiers in the war with Spain the number would have been almost 500,000. During the civil war there died on the battlefield and from wounds received in action, from disease and in prison, 359,000 Union soldiers, or almost 50,000 more than the entire Spanish-American war enrollment.

Since the close of the war with Spain there have been pensioned 5,416 widows of soldiers in that war, while in a corresponding length of time after the civil war there was a total of but 10,695, while of soldiers the ratio has been as two to one in favor of the war in later years. It is easily within the memory of many now here when a determined but unsuccessful effort was made to put teamsters who served with the army in the

war with Mexico upon the roll as pensioners at $12 per month—men who never mustered into the United States service, but who were hired as civilians, worked as civilians, and were paid as civilians. It simply illustrates the tendency in this matter of pensions. It shows the perils to which the Government may be subjected in its noble purpose to be just and even generous to those who serve it in time of war.

This bill by an amendment makes age a permanent and specific disability within the meaning of the pension laws. It will be recalled that when Order No. 78 was issued it provoked a great deal of discussion, not so much because of any material advantage the veterans who came within the scope of its provisions might have under its operation as that the issuance of the order by Executive authority was claimed by some to be virtually an assumption of a legislative function which is lodged only in the legislative branch of the Government.

When Order No. 78 was issued it was understood by the then Pension Commissioner, by the Secretary of the Interior, by the President, by the Congress, and the country that it would act automatically; that under its provisions every Union soldier of requisite service would, on arriving at 62 years of age, receive $6 per month on account of age only; at 65, $8; at 68, $10, and at 70, $12, which latter sum was to be the maximum under the law of June 27, 1890, just as the Mexican war soldiers were put on the rolls at $8 per month on arriving at 62, and later a law was enacted giving them $12 per month on reaching 70 years of age. In other words, it was intended that Order No. 78 would, as the statute relative to the Mexican war veterans did, make age a specific disability. Commissioner Ware so held, and I think his construction of the law has never been publicly questioned. When Commissioner Warner came to interpret Order 78 he found it in conflict with section 4698½ of the Revised Statutes, which defines the commencement of disabilities which are permanent or specific, and which says:

> Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same, made under the pending claim for increase, and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

No one, so far as I know, challenges the correctness of Commissioner Warner's interpretation of the now famous Order No. 78, and your committee asks by the proposed amendment to have the Congress put a legislative construction upon the order which will be final and which will be in harmony with the original intent and with the universal understanding in Congress and out. The effect of this amendment will be to make age in and of itself a permanent specific disability within the meaning of the statutes, and that when a soldier arrives at 62, 65, 68, and 70 years of age, respectively, he shall draw the sum named under each of these periods on proof of age and service without an examination.

It is believed that the adoption of this amendment will result in an actual saving to the Government.

As a result of an examination of thousands of cases instituted for the purpose of finding out the proportions of rejections of those who were 65 or over, it was estimated that not over 2 per cent of those who were 62 years old were finally rejected and not over 3 per cent of those who were 70 were denied pensions for total disability. In addition to the Bureau expense, the average field cost to the Government each time a soldier goes before a board of pension examiners is $5. There are 267,000 eligibles—that is, men who are drawing less than $12 per month, and hence may avail themselves of this order. Many of these would be examined three and some even four times under Commissioner Warner's interpretation of the law. It will readily be seen that the expense of examination of all would be more than the saving from the very small number of rejections. In view of the probable passage of this amendment the estimated appropriation for fees to examining surgeons has been reduced $100,000 below the estimate for the ensuing year, and it is expected that the saving will be more than that.

There is another phase of this question which I trust the Congress will not overlook, and that is that the men affected by this order are getting old, a large per cent of them are feeble in body, and very many are poor in purse. In some sections of the country pensioners have to go from 50 to 200 miles to be examined, necessitating a journey not only wearisome and expensive, but in some cases perilous even to life. The passage of this amendment will do away with the necessity of further physical examinations of this class of veterans. Proof of the requisite service and age, which is a matter of record, will be all that is necessary. Given these and the law becomes automatic in its operation.

If this amendment prevails it will in time place every honorably discharged soldier of the civil war who has ninety days or more of service to his credit on the rolls at a maximum of $12 per month, in reality making it a service-pension law. [Applause.]

As time bears them toward life's evening the men who served in the Spanish-American army may reasonably anticipate as much. They can hardly ask for more. If, unhappily, other wars shall come, let the standard set for the men who saved the nation's life mark the limit of the nation's generosity. [Applause.] Let it ever be borne in mind that to the true soldier and patriot in any war, infinitely above the paltry sum he may receive as a pension is the consciousness of having served his country faithfully and deserved well of his countrymen and of mankind. [Loud applause on the Republican side.]

Now I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. The gentleman has spoken along the line of frugal expenditure of public moneys. I take it in a great many ways that can be done. I want to call the gentleman's attention to a press statement I saw not long ago, that you may look after that and see if something can not be done to prevent it. The statement was that a millionaire—I know the word millionaire was used—had just received a pension which amounted to a thousand dollars, or up to that time it had amounted to that—I think the former. I think it was furthermore stated that he asked for it for the purpose of rounding out his military record. He did not need it and did not want it for any other reason but to round out his military record, and the statement went on, as I recollect it, that Mr. Warner, the Commissioner, whom we all respect, stated that such a pension had been issued and that there were other similar cases possibly. Now, it seems to me that no millionaire should want a pension, and that no real soldier should want to round out his military record in such a way as that; and I suggest to my friend, from this bit of information, seeming to come pretty straight, if he does not think that that sort of pension ought to be stopped?

Mr. GARDNER of Michigan. In the first place, that does not come within the purview of the pending bill. In the next place, I know a very wealthy man who applied for a pension that his name might appear on the rolls and then, after the allowance, stopped his pension.

Mr. GAINES of Tennessee. Now, that kind of a case is all right.

Mr. SAMUEL W. SMITH. And I know, too, of some soldiers who are wealthy getting pensions, and they pay these pensions to other soldiers who are not getting as much as they think they ought to.

Mr. GAINES of Tennessee. That is right and wrong, too.

Mr. SMITH of Iowa. I will say a soldier does not draw his pension on the basis of pauperism, and there is only one way that the gentleman's suggestion can be carried out, and that is to require a man to prove poverty, and then he can get on the pension list, and soldiers do not want to do that.

Mr. GAINES of Tennessee. Not at all. The gentleman has unintentionally misconstrued my question. He has misconstrued both the purpose of my inquiry and my statement. I am in favor of an honorable pension roll, and of even raising some pensions, but I do not want to pay a pension to any millionaire.

Mr. SMITH of Iowa. How can you exclude a millionaire from getting a pension except by requiring applicants to prove poverty?

Mr. GAINES of Tennessee. How can you pension a millionaire on his poverty?

Mr. SMITH of Iowa. We can pension on service and without any reference to financial condition of the man who draws it.

Mr. GAINES of Tennessee. Do you think that a millionaire should have a pension?

Mr. SMITH of Iowa. I say the only way a millionaire can be excluded from the roll is by requiring proof of poverty and making the right to draw a pension dependent on poverty.

Mr. GAINES of Tennessee. Why would you want to pension any millionaire in this country?

Mr. SMITH of Iowa. I do not want to pass any law whereby a millionaire would be excluded from the pension roll by requiring every soldier applicant to prove his poverty.

Mr. GAINES of Tennessee. Does the gentleman want to pension any millionaire? Will he answer that question?

Mr. SMITH of Iowa. I would not vote for a law that a man, in order to draw a pension, must make proof of his poverty.

Mr. GAINES of Tennessee. Then you decline to answer my question whether we ought to pension a millionaire?

Mr. SMITH of Iowa. I have answered the gentleman's question.

Mr. GAINES of Tennessee. I do not think you have.

Mr. GOULDEN. I would like to ask the chairman of the

subcommittee if he can tell me the amount carried under Special Order No. 78, if he has ascertained?

Mr. GARDNER of Michigan. I think it is between two and three millions of dollars—not a very large sum.

Mr. GOULDEN. I want to say to the gentleman that this is the first time I have heard it required an examination under that order. However, the bill now under consideration is proposed to be amended so as to make examinations unnecessary under Special Order No. 78.

I remember a gentleman who served ably and efficiently as colonel of the Fifty-ninth New York Regiment, now a clergyman, wanting to know if I could not get him a pension under the special order. I said, "No; you can't get it; you are 70 years of age, it is true, but you have a comfortable bank account, and this is intended only for men who are really disabled on account of old age. You are not disabled; you are drawing a salary of $1,000." He made his application and came in within three weeks and handed me a notice that his pension had been granted under Special Order 78 and without an examination.

Mr. SMITH of Iowa. But he couldn't get an increase under this order.

Mr. GOULDEN. I understood the chairman to say that after he had reached the age of 65 he was obliged to submit to an examination in order to have it increased.

Mr. GARDNER of Michigan. That is right. Under Commissioner Warner's ruling, if a man was admitted to the pension roll at the age of 62, he had to be again examined when he reached the age of 65, again examined when he reached the age of 68, and again when he reached the age of 70, at each step in the progress of his increase of age.

Mr. GOULDEN. If the gentleman can tell me, how much is carried on the pension roll for the pensioners of the Spanish-American war?

Mr. GARDNER of Michigan. I think about $3,000,000.

Mr. GOULDEN. Can the gentleman also give me an idea how much would be carried if the 70,000 applications for this war now on file in the Pension Office were granted?

Mr. GARDNER of Michigan. Oh, no; I could not.

Mr. GOULDEN. Now, the gentleman says that this year we have 9,000 special pension bills before the Committee on Invalid Pensions and the Committee on Pensions?

Mr. GARDNER of Michigan. Yes; that is, in both House and Senate.

Mr. GOULDEN. Can the gentleman give me any idea how much that would carry, approximately, if those bills were law?

Mr. GARDNER of Michigan. No; I could not estimate that. If the gentleman will allow me, I will refer to the official figures for pensioners of the Spanish-American war. It is $3,409,000.

Mr. GOULDEN. I only want to say a word, Mr. Chairman, in reference to the special order, that after it was issued, I presented, in behalf of the Grand Army of the Republic, of New York, resolutions thanking the President for that order, and in reply he gave us to understand that it was simply an age service pension, and was not intended to meet any case that could be granted under the general law.

Mr. GARDNER of Michigan. That was the understanding in the House.

Mr. GOULDEN. I make that statement because I wanted to know whether the intent and purpose of the order had been carried out—whether it is now carried out in accordance with the intent and purpose as defined by the President.

Mr. GARDNER of Michigan. That is the intent of the amendment.

Mr. KEIFER. That is not all of the intent of the amendment.

Mr. NORRIS. Now, if the gentleman will yield to me——

Mr. GARDNER of Michigan. Certainly.

Mr. NORRIS. Some of the information that I was about to ask for has been elicited by the questions of the gentleman from New York. I want to know when it was that the Pension Department changed the rule in reference to Order 78.

Mr. GARDNER of Michigan. It never has changed it.

Mr. NORRIS. Is it not true that for a while at least after the promulgation of that order soldiers who had arrived at the age of 62 and got $6, when they got to be 65 their pension would be raised without any examination? Have they not been doing that?

Mr. GARDNER of Michigan. There has been no case of that kind because time enough has not intervened since Order 78 went into effect. Commissioner Ware ruled that age was a specific disability. Now Commissioner Warner rules that, under the statute referred to in my remarks, in order to get an increase you must have an examination, and that was based upon this. I will read:

The Attorney-General has decided that permanent disability is one authorized by Congress in which they fix a given rate of disability such as Congress has fixed a rate for, as for example, the loss of a leg or an arm.

Mr. NORRIS. But has it not been true, has it not been the practice since the promulgation of that order that the soldier arriving at the age of 70 years who is getting a less pension than $12 could make application and be allowed a pension of $12 without any examination? I want to say to the gentleman that I have personal knowledge of a good many instances of that kind, where they have arrived at the age of 65, 68, and 70; I am almost positive that there never was an examination of any kind. In many cases the applicants have told me that they had never had any examination, and from conversation with officials in the Department I have understood that that was the rule.

Mr. GARDNER of Michigan. I think I can make myself clear to the gentleman. If a man has reached the age of 70 years and alleges age only, he will be put upon the rolls at $12 a month without any examination, but if he alleges age and rheumatism and heart disease, or other disabilities, he will be examined as to whether or not they exist.

Mr. NORRIS. I understand that. I have known that to be done a good many times where he put in nothing but age, but allow me to ask this question: Suppose a soldier arrives at the age of 62, we will say, or 68, and then he makes an application and he puts in nothing but the claim on account of his age. He is granted a pension of $10, and then he reaches the age of 70 and he makes another application and bases it only upon the ground of his age. Would he not then be given $12 a month without examination?

Mr. GARDNER of Michigan. Not under the ruling of Commissioner Warner.

Mr. NORRIS. I have had this occur. I would like to call the gentleman's attention to this, that I have made applications for soldiers under one limit, we will say, one age limit, when they had nearly reached the next step, and within three or four months of the time the first pension was granted had it increased to the next step without any examination at all.

Mr. GARDNER of Michigan. Allow me to say to my friend right there that I am sorry, but he is certainly mistaken.

Mr. NORRIS. Of course it is possible I am.

Mr. GARDNER of Michigan. I will show the gentleman why. This law did not go into effect until two years ago next April, so that no man could have been advanced on account of age at the time, and can not until next April.

Mr. NORRIS. But the gentleman does not get my idea. To give it to him I will illustrate. If the gentleman will give me his attention, suppose the soldier comes into my office and he is 69 years old. He is getting $6 a month pension. Now, under that rule he ought to be getting $10. I make the application and he gets ten. By the time the pension gets around, or within a few months afterwards, he arrives at the age of 70 and I make an application and he gets $12—all this within a year, going from one step to the other. Of course the gentleman is putting the proposition on the theory that we wait these two years, which, of course, we could not have done since the order went into effect, but in the case I put they might both happen in one year.

Mr. GARDNER of Michigan. The way the gentleman puts it it is all right under the law, but he would have to have his examination.

Mr. NORRIS. Well, I do not want to dispute the gentleman, of course. Now, I desire to ask the gentleman another question. This law or amendment which he proposes in this bill will make unnecessary these examinations.

Mr. GARDNER of Michigan. That is the object of it.

Mr. MARSHALL. Mr. Chairman, if the gentleman from Michigan will pardon me, I will offer this suggestion in explanation of what the gentleman from Nebraska [Mr. NORRIS] has in his mind. I think it is quite possible that the man or men to whom the gentleman from Nebraska refers might have been examined under some other law and that examination was taken in lieu of the one which the gentleman from Michigan [Mr. GARDNER] claimed has to be had now. I have had some cases of that kind, and that must be the explanation.

Mr. NORRIS. They said to me they had no examination whatever.

Mr. MARSHALL. But under some previous application they may have had.

Mr. NORRIS. Oh, they probably had been examined before.

Mr. MARSHALL. And that examination stood in lieu of the one that the gentleman from Michigan claims is necessary under the present rule, which would explain why they did not have to have an examination.

Mr. SMITH of Iowa. Mr. Chairman, I would like to ask the gentleman from Michigan a question.

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Michigan. Certainly.

Mr. SMITH of Iowa. Do I understand that if this provision contained in this bill should in any way go out that that would leave the fund for examinations approximately $100,000 short?

Mr. GARDNER of Michigan. Yes; this House would have to make the appropriation here $100,000 more, or else make up the deficit.

Mr. SMITH of Iowa. So that if this provision that the gentleman desires in the bill goes out we have got to immediately appropriate $100,000 more for examinations by amendment to this bill, or else have a deficiency in that item, or have men go unexamined for want of money to pay for it.

Mr. GARDNER of Michigan. That is the situation, as I understand it.

Mr. WEBBER. Mr. Chairman, I rise to ask for information solely. As I understand the pension law, when a special act is passed the pension the soldier has been getting is taken away by virtue of the special act which takes its place.

Mr. GARDNER of Michigan. If the special act carries more than the other. If it carries the same amount, he can elect.

Mr. WEBBER. I am assuming that it carries more.

Mr. GARDNER of Michigan. Surely; he can draw but one pension.

Mr. WEBBER. About how much does it augment the appropriation necessary, we will say, this term, in round numbers, to meet the special pension acts that have been passed?

Mr. GARDNER of Michigan. The chairman of the Committee on Invalid Pensions, the gentleman from New Hampshire [Mr. SULLOWAY], is present, and he may be able to answer that inquiry. I can not.

Mr. SULLOWAY. That would be a mental impossibility. Nobody knows how many bills will be passed or at what rate.

Mr. WEBBER. Judging from the past, about how much?

Mr. SULLOWAY. Oh, I think it amounted to $250,000, or something of that kind, in the course of a Congress—about as much as we pay for cigars and knicknacks down in the restaurant during a session.

Mr. WEBBER. Now, Mr. Chairman of the subcommittee, with no reflection upon the committee, because the committee on special cases is limited by the appropriation, is it not a fact that only about one-third or one-fourth the number of worthy bills that are placed before that committee can be granted because of the appropriation?

Mr. HOLLIDAY. Mr. Chairman, with the gentleman's permission, I would like to say to the gentleman that the Pensions Committee feels an obligation to examine every bill closely that is presented to it. It would be a physical impossibility for that committee to do the necessary work and make an honest report upon all the bills that are introduced into Congress. The committee does report as many bills as they can find time to give the necessary examination to, and it is impossible without critical examination to determine whether a bill contains sufficient equity to entitle it to pass. Bills have been presented to the committee wholly inequitable, bills which we thought absolutely certain on reading the record the men were getting as much pension and in some cases more than that to which they were entitled. In order to make a report that will bear the scrutiny of this House and which could be carried through this House we must give an enormous amount of careful consideration to these bills, and we do consider as many bills as we can properly consider.

Mr. GOULDEN. Are you not limited by the appropriation?

Mr. HOLLIDAY. Oh, no.

Mr. WEBBER. Then why should there not be three times as much of the present force to examine into pension claims regarded as just?

Mr. HOLLIDAY. I suppose they might make the committee three times as big. We never thought about that.

Mr. GARDNER of Michigan. The whole thing resolves itself into this: How far will you go? Now, as a matter of fact, when it comes to paying men or compensating them for their suffering it is simply out of the question. You can not do it. You might just as well undertake to pay a mother for the suffering she has endured for her child as to undertake to pay for the suffering of the men who served in the war, or in any war for that matter; but the Government must draw the line somewhere. It has drawn the line more liberally, as I have shown in previous remarks, than any other government on the earth, and it is our duty as we look at it, and I say, with the consciousness of my obligations to my comrades by whose side I marched for three years, we must draw the line as the guardians of the country's interests, and it is for this House to do it. [Applause.]

Mr. WEBBER. One more question, please, and I will——

Mr. GARDNER of Michigan. Just a moment. How much time has this side consumed?

The CHAIRMAN. One hour and one minute so far has been occupied by that side.

Mr. WEBBER. If it is a fact that not more than one-third can be considered, because, as I understand the workings before the committee, one member ordinarily can get through about five special pension acts; now, if he ought to get through fifteen cases which are worthy, why should not there be some legislation or reorganization of the committees in some way and an added force to give this relief to these worthy old soldiers, who are by reason of age and disabilities crippled or impoverished so that they can not live without its help?

Mr. GARDNER of Michigan. If I may repeat myself, I endeavored to show during my statement that whenever a special bill is passed it brings forth a lot of applications in that neighborhood, and if you pass fifteen you will have five times as many applications as you have now, and then you would not get all the necessitous cases.

Mr. BLACKBURN. The gentleman from Tennessee suggested he would not vote for a pension for a man if he was a millionaire. Now, my idea has always been of the law of the land that a man is granted a pension because he has served the Union, and the primary object was to give a pension to a man who deserved it and needed it. Now, it is not a question to my mind whether a man has made a million dollars since that time or whether he has not, I would vote for that pension just the same; but the question I want to ask is this: Are not the pension laws of this country originally framed for the purpose of providing for men who have given their services to the Union, who by that fact had been disabled afterwards? Is not that the fundamental reason?

Mr. GARDNER of Michigan. Oh, yes; the whole theory of the pension system is that it is a supplemental financial aid to what the soldier might otherwise have been able to do for himself.

Mr. BLACKBURN. Certainly. And then if it happens afterwards that he makes a million dollars by hard work, would he not be just as much entitled to a pension as the man who had not been so fortunate as to make a million dollars?

Mr. GARDNER of Michigan. There is no question about that. If a man had an arm shot off, and subsequently accumulated a million dollars, under the law he is entitled to a pension just as much as the other soldier who was equally disabled and who is not worth a dollar.

Mr. GOULDEN. Does not Special Order No. 78 relieve the House and the committee and the Pension Department from much additional work?

Mr. GARDNER of Michigan. It will if this bill passes; yes, sir.

I think, Mr. Chairman, if you will allow me to say so, we ought to give the other side time now. Therefore, we will for the present suspend on this side.

I yield, first, Mr. Chairman, to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

[Mr. SAMUEL W. SMITH addressed the committee. See Appendix.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, nothing shows more clearly the necessity of people to consider calmly the cost of wars than the pension rolls of the United States. No man objects to the payment of a pension to any valiant soldiers who have served their country. But the amount of the pension roll to-day is sufficient in size to give men of judgment pause in determining whether that country should embark in the hazardous enterprise of war. The gentleman from Michigan [Mr. GARDNER] made a very interesting computation, which he gave me in private conversation, which illustrates this point. He informed me that the total cost of the civil war, including the cost of pensions, would amount to about $12,000,000,000; that the total physical property of the United States at the time of the outbreak of the rebellion, including the value of slaves, was only $16,000,000,000; and that, excluding the value of slaves—namely, $4,000,000,000—the remainder, being $12,000,000,000, would be only enough to pay the nation's bill for the war which the nation waged. In other words, if the men of that generation were called upon to pay out of their own resources the cost of that war, then, if you exclude the value of the slaves, the cost of the war would have exhausted the entire physical property of the country. Now, we find that there are men upon the pension roll whose ancestors served in the war of the Revolution, so that for a century and a quarter after the close of the war people are found paying the bills of that war. This committee has done its best to reduce the cost of pensions not by taking from the soldier anything that he ought

to have, but by effecting economies in the administration of the pension law. One amendment that has been offered provides that age is a permanent specific disability within the meaning of the pension laws, and that amendment has reference to what has been called "Order No. 78"—the order of the late Pension Commissioner Ware.

I remember the interesting speech of the gentleman from New York after that order had been issued by the Pension Commissioner. It was declared then that that order was not valid, because it was illegal, and that it was an attempt by one in an Executive Department of this Government to usurp the functions of the legislature. The House at that time was not in a mood to pass the resolution which was offered by the gentleman, and we have had no decision by any competent authority on the question whether that order was within the powers of the Commissioner or whether it usurped the functions of the legislature. It is of no great consequence to-day. The amounts which were estimated would have to be expended because of this order have been found by results to be grossly exaggerated. It was thought that something like $30,000,000 would have to be spent by this Government because of Special Order No. 78. It has been estimated by the Pension Commissioner that only a little over one-half a million of dollars has been expended in the first six months during which that order was in operation. So that the amount expended has been but slight after all. That, however, does not affect the question whether, at the time the order was framed and promulgated, a Department of this Government was usurping the function of the legislature.

I was of the opinion then, and I have not changed that opinion, that it was an usurpation of the functions of the legislature. But the committee has decided upon an amendment which reduces that proposition to an academic one merely. It has decided to amend the law. I am glad that it has decided to do it, because it puts the question beyond a possibility of doubt hereafter. It will give to those soldiers who attain the ages of 65, 68, and 70 years, who desire increases of pension, the right to have those increases without passing medical examinations. The results of that order have justified themselves and confirmed the order, so far as the saving of money to the Government was concerned. The Commissioner estimates that there are 267,000 men who will be eligible, under the act of June 27, 1890, to increases of pension under this order. The medical board receives $6 for the examination of each applicant for increase of pension. If all of those who are eligible were subjected to a medical examination, the total amount expended by the Government for examinations would reach $1,602,600. The Commissioner of Pensions says that the results of the examinations of men who have attained the ages of 65, 68, and 70 years confirm the view taken by his predecessor, that there would be very few rejections under this order. In other words, that there are very few men who attain the ages of 65, 68, and 70 years who are not actually found to be disabled from the performance of manual labor. This amendment will save the cost of medical examination in such cases.

Now, I believe that the economy attempted by the committee will be ratified by this House, and an order which was of doubtful validity when it was first laid down will be made valid now by the action of the legislature itself. There is one thing more in this bill which the committee considered, but did not act upon.

Mr. CAMPBELL of Kansas. I want to make this inquiry of the gentleman just for information. I have had a number of letters lately to the effect that the Attorney-General had declared this order invalid. These letters, however, have been unofficial. Has the committee any information as to that matter?

Mr. SULLIVAN of Massachusetts. I think the committee is divided in opinion, and perhaps pretty sharply on political lines, as to the validity of that order.

Mr. KEIFER. But the gentleman is asking about the Attorney General declaring it invalid.

Mr. CAMPBELL of Kansas. My question was as to whether or not the Attorney-General had declared the order invalid?

Mr. SULLIVAN of Massachusetts. I thought you were asking what is the opinion of the committee on that subject. I did not know that the Attorney-General had expressed an opinion upon that subject.

Mr. CAMPBELL of Kansas. I do not know whether he has, but I have letters to the effect that he had made such a decision, though I never had heard of it.

Mr. SULLIVAN of Massachusetts. I have not the slightest doubt that if the Attorney-General were asked for an opinion he would declare that the order is illegal, because I have a very great deal of respect for the legal attainments of the Attorney-General.

Mr. GOULDEN. Do you think that the present bill will legalize Special Order No. 78?

Mr. SULLIVAN of Massachusetts. I have no doubt that the present bill will legalize Special Order No. 78.

Now, another matter which was considered by the committee and which was not acted upon was the proposed consolidation of pension agencies. Under the law the President has the right to establish pension agencies, and the law limits the salaries of those pension agents to $4,000 a year. There are eighteen of them now, and the salaries amount to $72,000. The Pension Commissioner stated to the committee that there are not needed eighteen pension agents for the administration of the pension business of this country through these agencies. He said that, in his judgment, six pension agents would be sufficient. If a law were passed consolidating these agencies, making six where eighteen exist now, a saving of $48,000 annually would be made to the country. It was thought by the committee, however, that it would be well to permit the President to make the consolidation himself, or at least call that to his attention, and as he has the power to do so it is hoped that he will exercise the power and save this country $48,000 annually. If, however, for any reason the Executive should not see fit to consolidate these agencies, then it would be a proper subject for this House itself to consider at a later time, for the Pension Commissioner undoubtedly has the best reason in the world for his statement that eighteen agencies are not necessary, and that much money can be saved to this country by the consolidation of those agencies. Now I yield thirty minutes to the gentleman from Tennessee [Mr. GARRETT.]

Mr. GARRETT. Mr. Chairman, while the House, in Committee of the Whole on the state of the Union, is considering this general pensions appropriation bill, I ask its indulgence for just a few moments in which to discuss a matter incident to the general subject of pensions, which is that of increasing the allowances to survivors of the Mexican war now on the rolls or that may hereafter be placed on the rolls under the general laws applicable to that class of pensioners.

At present, as we know, surviving soldiers and sailors entitled to a pension under the existing provisions and limitations of the general law receive $12 per month and widows receive $8. The first general act granting pensions to Mexican war veterans was that of January 29, 1887, whereby it was provided that soldiers and sailors, and their widows, for service of as much as sixty days, if 62 years of age or disabled or dependent, should receive $8 per month.

In 1893, by act of January 5, the amount allowed the survivors who were then on the rolls under the act of January 29, 1887, was increased to $12 per month when such survivor was totally disabled for manual labor and was in such destitute circumstances that $8 per month were insufficient to provide him the necessities of life. The act of April 23, 1900, extended the provisions of the act of 1893 to all who were placed on the rolls after the passage of the 1893 act. That is to say, the increase provided by the act of 1893 applied only to such as were on the rolls at the time of the pasage of said act, and the act of 1900 amended the law so as to provide for increase to all subsequently placed on the rolls whose condition and circumstances meet the test as to disability, destitution, etc., as fixed by the general law.

The act of March 3, 1903, still further enlarged and rounded out the law so as to give to all survivors on the rolls under preexisting general statutes $12 per month.

The total number of survivors of the Mexican war on the pension rolls, under the general laws, and under special enactments, on June 30, 1905, was 4,540.

Of these, 4,323 were enrolled under the general law and were receiving $12 per month, a total of $51,876 per month, or $622,512 per annum.

In addition to these 4,323 who were on the rolls at $12 per month, there were, as I have stated, 217 who were either originally placed on the roll by a special act of Congress, or else, being on the roll under the general law, had an increase of allowance by special act. These 217 were at that date (June 30, 1905) receiving pensions as follows:

4 were receiving $8 each per month, or a total per month of	$36
36 were receiving $12 each per month, or a total per month of	432
2 were receiving $15 each per month, or a total per month of	30
28 were receiving $16 each per month, or a total per month of	448
2 were receiving $18 each per month, or a total per month of	36
137 were receiving $20 each per month, or a total per month of	2,740
2 were receiving $24 each per month, or a total per month of	48
3 were receiving $25 each per month, or a total per month of	75
2 were receiving $30 each per month, or a total per month of	60
1 was receiving $45 per month, or a total per month of	45
Making the total per month for the 217 so on the rolls	3,950

Or a total of $47,400 per annum. So that the total amount being expended for pensions to survivors of the Mexican war June 30, 1905, was $660,912 per annum.

At the same date there were 7,506 widows on the rolls under the general law receiving at the rate of $8 per month, or a total of $60,048, or $720,576 per annum. There were also by special acts—

42 who were receiving $8 per month each, or a total per month of	$336
86 who were receiving $12 per month each, or a total per month of	1,032
2 who were receiving $15 per month each, or a total per month of	30
4 who were receiving $16 per month each, or a total per month of	64
1 who was receiving $18 per month each, or a total per month of	18
3 who were receiving $20 per month each, or a total per month of	60
2 who were receiving $25 per month each, or a total per month of	50
7 who were receiving $30 per month each, or a total per month of	210
Making the total of these classes per month	1,800

Or $21,600 per annum. So the total being paid to widows of Mexican war survivors June 30, 1905, was $742,176. The total amount being paid to both survivors and widows was therefore on June 30, 1905, $1,412,088.

These figures are taken from the Report of the Commissioner of Pensions for the fiscal year ending June 30, 1905.

Exhibit 10 to that report shows that there was, in fact, paid to survivors for the fiscal year from June 30, 1904, to June 30, 1905, the sum of $739,823.41 and to widows $780,895.31, or a total of $1,520,718.72. The discrepancy between these figures and those I have just given is due, of course, to the deaths of pensioners during the year from June 30, 1904, to June 30, 1905, who were paid pensions for a portion of the year.

The total number of survivors on the rolls at the close of the fiscal year 1904 (June 30) was 5,214, as compared with 4,540 in 1905, a decrease of 674 in a single year. The number of widows on the rolls at the close of the fiscal year 1904 was 7,821, as compared with 7,653 in 1905, a decrease of 168.

The total amount paid out for pensions on account of the Mexican war from January 29, 1887, when Mexican war pensions were first allowed, to June 30, 1905, was $36,682,848.87. Of this $22,928,123.60 was paid to survivors and $13,754,725.27 was paid to widows. The following table shows the amount per annum which has been paid on this account.

Year.	Survivors.	Widows.	Total disbursements.
1887	$53,148.68	$2,458.08	$55,606.76
1888	1,861,756.07	583,056.28	2,444,812.35
1889	1,756,899.30	693,572.45	2,450,471.75
1890	1,728,027.54	695,054.90	2,423,082.44
1891	1,682,114.75	695,314.52	2,377,429.27
1892	1,425,258.18	686,733.57	2,111,991.75
1893	1,396,392.38	736,173.41	2,132,565.79
1894	1,388,707.07	803,345.91	2,192,052.98
1895	1,433,030.86	802,032.96	2,235,723.82
1896	1,368,085.95	814,096.14	2,182,782.09
1897	1,299,188.31	818,563.78	2,097,752.09
1898	1,213,508.63	846,590.26	2,060,098.89
1899	1,107,594.63	818,067.58	1,925,662.21
1900	1,011,503.74	804,308.31	1,815,812.05
1901	921,052.18	794,320.27	1,715,372.45
1902	874,942.13	785,208.75	1,660,150.88
1903	820,449.35	801,522.99	1,621,972.34
1904	885,280.44	793,440.00	1,678,820.44
1905	739,823.41	780,895.11	1,520,718.52
Total	22,928,123.60	13,754,725.27	36,682,848.87

In other words, Mr. Chairman, the whole amount paid to Mexican war survivors and their widows, as pensions during our entire history, is but little more than one-fourth of the amount carried in this bill for a single year.

These figures have been set out, Mr. Chairman, to the end that the financial status of the case may first appear.

It is safe to assume that 90 per cent, at least, of the survivors of the Mexican war are now on the pension rolls of the Government—perhaps more. There were 78,718 soldiers and sailors engaged in that war. Of this number certainly not more than 5,000 now remain. It is safe to say that not 500 of those remaining are now under 75 years of age. Three-fourths of them, I dare say, are more than 80. Within ten years they will all be gone.

I can not conceive of a more graceful act which could be performed by this Congress than to pass a bill providing that the pensions of each of these old men shall be increased to $20 per month. To pay them this additional amount, even should everyone on the roll at the close of the fiscal year 1905 continue to live, would cost but $415,000 per annum, not one-half the amount now being expended for pensions to civil war veterans under the famous pension order No. 78. It has just been stated, however, that there was in 1904–5 a decrease of 674 in the number of survivors. Each succeeding year will see a still greater decrease—it will be, Mr. Chairman, almost in geometric progression.

These men are old. The records, already made up, show their dependence upon their pensions for support. They have passed the age when it is possible for them to contribute in any material degree to their own support by their own labor. The Government has been, and will continue to be, liberal to the veterans of the civil war. There is no disposition to treat them other than generously and fairly. Is it in vain to appeal for a more generous treatment of the 4,000 Mexican veterans remaining? Why, Mr. Chairman, consider what their condition is—old, decrepit, dependent, bent with the burdens that three-fourths of a century has laid upon them.

I saw him once before,
As he passed by the door.
And, again,
The pavement stones resound
As he totters o'er the ground,
With his cane.

They say that in his prime,
Ere the pruning knife of time
Cut him down,
Not a better man was found
By the crier on his round
Through the town.

But now he walks the streets,
And he looks at all he meets
Sad and wan;
And he shakes his feeble head,
That it seems as if he said,
"They are gone."

The mossy marbles rest
On the lips that he has prest
In their bloom,
And the names he loved to hear
Have been carved for many a year
On the tomb.

Let me go back, Mr. Chairman, to the second stanza:

They say that in his prime,
Ere the pruning knife of time
Cut him down,
Not a better man was found
By the crier on his round
Through the town.

Ah, yes, Mr. Chairman; how true that is of the Mexican war survivor. In the prime of his splendid youth the clarion call of his country came, and, flushed with pride and buoyant life, he responded. Out from the cities, up from the valleys, they came, their feet beating rhythmic time to the patriotism that swelled within them. They gathered about the flag and pledged their lives to the purpose that it should float triumphant in the southern heavens.

On the golden slope with Fremont and Stockton they rallied, thrilling with the splendid purpose that moved their youthful souls. In New Mexico, with Kearney, they offered the supremest gift of human life—that life itself. With Taylor on the Rio Grande they marched, and at Palo Alto, at Resaca de la Palma, at Matamoras, and at Monterey added to the luster of American arms, while at Buena Vista, fighting one to four, they covered the land with a glory which gleams even through the drifted mists of the gathered years with a splendor as of the noonday.

Gathering with Scott, they invested Veracruz, captured what had been regarded as an impregnable fortress within less than a month, pressed into the interior, and seized Cerro Gordo, Jalapa, Perote, Puebla. A little farther and the capital city of Mexico loomed before them. Contreras and Churubusco, Molino del Rey, and then Chapultepec, and they entered the city and hung the flag above the walls of the Montezumas. [Applause.]

Sir, what were the results of those splendid campaigns? Measure them, if you will, by the most grossly materialistic standards; forget, if you desire, all the panoply and glory of war per se; count sacrifices as sacrifices nothing; let the inclination to reward the brave who fight at their country's call, without reference to results, but simply because they did their duty in the way that beseemeth men—let this have no influence if you will, and look solely to results. What were those results? Ask Texas, and Texas will tell you that with their blood and sweat they sealed forever what Texas valor had won at San Jacinto, as she remembered the Alamo. [Applause.] Ask New Mexico and Arizona, and their answer will be "they brought us to this nation with our prodigious resources, our salubrious climates, our vast capacities for the development of a splendid empire."

Ask California, and she will tell you, "They gave you me, with all my splendor, my glorious past, my magnificent future, my vast wealth of forest and fruit and golden store." [Applause.] They gave to this country, sir, more than 500,000 square miles of land, an empire four times larger than Great Britain itself. They brought as the fruitage of their toils and marches the three largest (if pending Territorial legislation shall be enacted) States of this Union, Texas, California, Ari-

zona, each of which has within itself resources and men capable of creating in itself an empire vaster and more powerful than ever was Rome in the supremest heights of her imperial glory, and in each of which there will be cities fairer far than was Athens of the violet crown. [Applause.]

Sir, measure the merits of the surviving veterans of the Mexican war by the most materialistic standards; forget that for the fact they fought alone, irrespective of results, it is a duty to serve them now; consider nothing but what they accomplished, can this great, rich Government—richer by an unmeasurable quantum on account of their toils—afford to say to the 4,000 now left of that splendid, courageous band anything other than that "we will minister to your comfort during the few years you have remaining?" Ah, no, Mr. Chairman, surely not; surely not. In the heyday of their lives they fought for generations yet unborn. Our children's children will not see the full fruitage of the seeds they planted before you or I, sir, was born. Beyond our bounds, in a distant land, in the sweet sensuous summer land of the Montezumas, they upheld the glory of American arms and bore aloft the American flag.

The soldiers marched across plain and desert; the sands of a foreign land drank the blood they shed for the integrity of American prestige, and liberty blossomed where they fell—blossomed, sir, in a vast empire which their valor won for us all. The sailors going down to the sea in ships likewise did their duty to their country, justified that country's boasts, illumined that country's history, glorified that country's traditions and tales.

In that war, as had been shown before, as has often been shown since, as will, please God, be always shown, American men

Showed again and again
That on sea or sod
They could meet their God
In the way that beseemeth men.

[Applause.]

Sir, I know that all along our national history there have been critics of that Mexican war. It was bitterly opposed in some sections of this country, and historians have not always indorsed it since. I certainly have no intention of going into that question now. If there be in this House, after all the long years that have elapsed, any lingering antipathy to that part of our history, I shall certainly not try to argue against it. I only speak of it to the end that if any such sentiment exists I may suggest to those who entertain it that, measured by all the rules of patriotism, their displeasure should not be shown by refusing to contribute to the comfort of the individual soldiers who fought in it. They had but little to do with its inception. Their part was to fight at their country's call. They did their duty, and did it, as I have tried to show, wondrously well. It is a sin against the past and the future to refuse to patriotism its full and just reward. [Applause.]

Sir, within very recent years there has been a warfare in which American soldiers were engaged that I did not indorse. The contests in the Philippine Islands have been less tasteful to us all, I presume, than any warfare which has marked our history; but, sir, I shall never visit my displeasure upon any soldier who, responding to his country's call, went where his country asked him to go to help bear aloft his country's flag. I stand ready as one of the humblest Members of this great body to vote every time for any act of justice to any man who wears or has worn this country's uniform and given his best and bravest at his country's call and in behalf of her flag, in whatever war, in whatever cause, on sea or on land, in sunshine or in shadow. [Applause.]

It would not require, sir, a tithe of a tithe of what the valor of those Mexican war veterans won for this country to render easy the last years of the few who are left. May I ask again, is it vain to hope that this will be done? [Loud applause.]

Mr. GOULDEN. Mr. Chairman, I desire to add just a word or two upon the bill now under consideration. First, I wish to extend my hearty congratulations to the gentleman from Tennessee [Mr. GARRETT] for the very able and patriotic speech which he has made upon the floor of this House, and to predict for him a bright future in the halls of legislation. I also desire to extend to the great State of Tennessee my most hearty congratulations upon having discovered so able and so patriotic a young man for the halls of legislation at Washington. [Applause.]

I desire to call the attention of the House just for a minute or two to the fact that the high-water mark was reached in pensions in 1894, twelve years ago, when the sum of $166,581,787.35 was appropriated. The bill for this year calls for $140,245,500, but that includes $3,000,000 of a deficit for the year ending June 30, 1906. It is well understood that this amount will decrease from year to year very rapidly indeed, for the men who saved the Union, the men who in the dark days of 1861 to 1865 followed the flag to victory and saved the nation, are rapidly dying, and the rosters of the different veteran organizations show a rapidly decreasing number each year. It is well, therefore, that the committee has suggested the addition of an amendment to the present law, namely, that age is a "permanent specific disability" within the meaning of the pension laws. I most heartily indorse the proposed amendment and trust that it will prevail by a unanimous vote of this House.

The veterans of the civil war are growing old rapidly and are not able to travel the long distances often required in order to appear before the various medical boards. It is indeed a very great hardship and entirely uncalled for, Mr. Chairman.

When this age service pension, as it has been called by the chairman of the subcommittee, provides that they shall be pensioned when arriving at the age of 62—the age being accepted as a partial disability—at the sum of $6 per month; upon arriving at the age of 65, increase it to $8 per month; 68, to $10 per month, and at 70 to $12 per month. This is eminently fitting and proper and in the interest of humanity and patriotism. I am delighted to know that the committee have introduced this proposed amendment. They have also changed the wording on page 10 from $800,000 to $700,000 for the examinations, which, I think, is entirely justified. All the veterans—in fact, the entire country—will rejoice when this amendment is adopted, so that there may be no further difficulty, no further delay or suffering on the part of men who are now aging and dying so rapidly. I am therefore heartily in favor of not only the amendment but of the amount carried in the bill itself, and believe that the Committee on Appropriations have acted well and wisely.

I think there is no disposition, Mr. Chairman, on the part of anyone to question the right, the propriety, or the patriotism of granting to the men of 1861 to 1865 what they in saving the Union have so richly earned. And I am glad to hear my young friend from Tennessee [Mr. GARRETT] allude especially to the old veterans of the Mexican war. It is a strange fact that a number of those veterans, carried away by their patriotism, are also veterans of the civil war, and I shall be delighted to see those men amply rewarded and to the full meed of their deserts.

I can only say, therefore, Mr. Chairman, in conclusion, that this excellent provision in the pending bill is entitled to our most favorable consideration, and trust that it will pass this House and become a law in the interest of a most deserving and patriotic class of men who saved the nation. [Loud applause.]

I now recognize the gentleman from Pennsylvania [Mr. KLINE] for such time as he may wish.

Mr. KLINE. Mr. Chairman, the gentleman from New York [Mr. GOULDEN], who has presently charge of the time, has taken me very much by surprise in granting me time during this debate. I know that the gentleman is always courteous and liberal, and thank him for his consideration on this occasion in granting me a minute or two. We have been told that during the present session of Congress approximately 9,000 bills for pension or increase of pension have been introduced. I have no doubt that of said number more than one-half were introduced during the sessions of the Fifty-eighth Congress, and during said Congress failed consideration. We are also told that the Invalid Pension Committee is overworked and overcrowded with pension bills, and that it is unable to consider all the bills that are introduced periodically. I have no hesitancy in saying that many of the bills introduced are not meritorious and are not worthy the consideration of the Invalid Pension Committee.

Every Member of Congress is constantly pressed by his soldier constituents for pensions, for increase of pension, and for the introduction of special bills for said purpose. I think I have a remedy by which the Invalid Pension Committee may be relieved from a portion of this work, namely, the consideration of special bills for pension, and increase of the same.

At the beginning of the present session I introduced a bill known as H. R. 393, and I request that the Clerk read the same.

The Clerk read as follows:

A bill (H. R. 393) granting pensions to soldiers and sailors who have lost both eyes or who have become totally blind from causes not occurring while in the military or naval service of the United States.

Be it enacted, etc., That from and after the passage of this act all soldiers and sailors who have served ninety days or more in the military or naval service of the United States during the late war of the rebellion and the Spanish-American war, who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from the loss of sight of both eyes, or who have become totally blind from causes not occurring while in the service of the United States, not the result of vicious habits, shall upon making due proof of the fact of blindness, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and receive and be entitled to receive a pension of $30 per month, which said pension shall be in lieu of any

amount such person or persons are now receiving for disabilities not of service origin: *Provided, however*, That no person thus afflicted shall receive more than one pension for the same period: *And also provided, however*, That this act shall not be construed to reduce any pension under any act, public or private.

Mr. TAWNEY. May I ask the gentleman a question? Is he offering that for information of the House in connection with his remarks, or is he offering it as an amendment?

Mr. KLINE. I am offering it only for information in connection with my remarks.

Mr. Chairman, I understand that similar bills upon this subject were introduced in former years, during former sessions of Congress, and that they did not receive favorable consideration in both branches of Congress. During the present session of Congress I introduced eighteen bills for increase of pension, which were referred to the Committee on Invalid Pensions, and of the eighteen bills that I introduced five of the subjects therein referred to are soldiers who have lost their sight and totally blind, disabilities not of service origin, but a condition which resulted subsequent to their service. I have no doubt that every Member of Congress has introduced similar bills, with similar experiences, and that the proportion of blindness is approximately the same in every locality. In my judgment it is not right, it is not just and fair to the soldiers who are thus afflicted with blindness, that one or two be favored and selected by Members of Congress (by reason of the limited number of pension bills allowed to each Member during a session), while others similarly afflicted, who are equally deserving and just as patriotic soldiers, must wait and stand back until some subsequent Congress or some future time when their meritorious claims for relief can be considered.

We have experienced that each Member of Congress is allowed only favorable consideration of four or five bills for pension, or increase of pension, at each session. If the bill just read and referred to were enacted into law, I believe that the Pension Committee would be relieved of at least one-fourth part of its present labors, and if it were relieved from the consideration of bills for increase of pension where the parties are blind a great many others who are growing old and enfeebled could receive relief at the hands of the Invalid Pensions Committee. I also understand——

Mr. MAHON. Mr. Chairman, I desire to ask the gentleman a question. Why do you confine it to blind men alone? Now, there are a great many men who are blind, but otherwise in good health, and there are thousands of old soldiers in the country who are bedfast, utterly helpless, have to have attendants, have had a paralytic stroke, or something of that kind. These men can not work and can not make a livelihood; they are in a far worse condition than a blind man. Now, my suggestion is that the act of 1899 ought to be amended where a man is totally blind, or is bedfast, or utterly helpless, perhaps a paralytic man, whose condition may have been brought on by exposure in the service. That act should be amended, and the Commissioner of Pensions should have the right to raise the penison of that class of man to $30 a month.

Mr. KLINE. I will answer the gentleman that the reason I selected this class of men for relief by general bill was because of the fact that those soldiers suffering from total blindness have been brought more prominently and noticeably to my attention for consideration. I do not object to any meritorious amendment to this bill, such as the gentleman from Pennsylvania suggests. My experience has been, and I apprehend it has been the experience of every other Member of Congress, that the bill of each soldier suffering from blindness which is presented and is considered by the Invalid Pensions Committee receives a favorable consideration and report, and such bills usually carry $30 per month. I can not see any reason why a general bill of the character which I introduced should not be passed.

Mr. MAHON. I want to say that this House did pass a bill of that kind.

Mr. SULLOWAY. It was an amendment to what is known as the "limbless bill," where they increased the pensions of this class of men, and the House passed the bill giving to that class of pensioners already blind, bedridden, and paralytic $24 and $30 a month. It passed the House unanimously, as I remember, without a dissenting voice.

Mr. KLINE. But they never received the benefits of it.

Mr. SULLOWAY. The Senate defeated the bill.

Mr. KLINE. The Senate defeated it. Introduce such a bill, pass it through the House, and send it to the Senate again for their consideration.

Mr. MAHON. I think that there ought to be an amendment made to the act of 1890, providing that men who are totally blind, bedridden men from disability resulting not from their vicious habits, giving the Commissioner of Pensions the right to raise their pensions to $30 a month.

Mr. KLINE. I certainly would accept an amendment of that kind. On the other hand, I must heartily indorse the bill introduced by the gentleman from Pennsylvania [Mr. SAMUEL]. [Applause.]

Mr. GOULDEN. Mr. Chairman, how much time is remaining for this side?

The CHAIRMAN. Fifty minutes.

Mr. GOULDEN. We will reserve that time and yield to the other side.

The CHAIRMAN. The other side has twenty-five minutes.

Mr. GARDNER of Michigan. I yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, the highest compliment that has been paid to the Committee on Appropriations that reported this bill is the fact that while the committee propose to appropriate $140,245,500, and the subject is up for consideration, the great body of the Members of the House flee from it, knowing that there would be no harm come to the country in their absence. [Applause.] The bill is one, in the main, that has met the approval of all the different influences and political opinions as well as of the members of the subcommittee on appropriations, and, as I understand it, of the whole committee. I do not intend to occupy any considerable time in discussing the measure. I want to say a word, however, Mr. Chairman, about the proposed amendment which is said to be new law. I do not expect anybody to make a point of order against the amendment on the ground that it is new legislation, because the gentlemen on the other side of the House thought it was a good thing, at least to make a portion of the Order No. 78 law, and put an end to all this talk about executive usurpation.

Whatever may have been the opinions at one time of individuals in the Congress of the United States, as to whether Order 242, which I believe was the first one of that character, and later Order 78, being a usurpation, it is not worth while to go over that now. For my part, I believe both orders were such as the statute authorizes the officer having the matter in charge, with the approval of the President of the United States, to issue by the express terms of the act of 1890. I believe that then President Cleveland and the Secretary of the Interior and his Commissioner of Pensions were right about the interpretation they put on the law, and I understand they have never changed their minds since.

I believe that those who were instrumental in issuing Order No. 78, in fixing the question of age as a matter of presumptive disability, were right in following ex-President Cleveland's administration on that subject.

More than that, I believe both orders were right in principle. Order No. 78, as it stands now, and as it has always stood, only raises a presumption that the party who was 62 years of age was under that sort of physical disability—presumptively—which entitled him to a pension of $6 a month because of inability to perform manual labor; at 65, with three years more added, to $8, and at 68 to $10 per month; and when the old soldier had reached the psalmist's limit for a lifetime, three score years and ten, he should be presumed, at least, to have disability for performing manual labor sufficient to entitle him to $12 a month. Now, the order has worked well and nobody seems to be particularly disturbed about it, but it was proposed that we should put a clause in this bill that would put an end to certain things, especially the matter of examination when applications were made for an increase.

There were two objects that took hold of the minds of the members of the Committee on Appropriations, and especially those who heard our excellent Commissioner of Pensions testify. First, we wanted to have the order and the principle of the order recognized by law, so that we should not be on the rostrum or here, from year to year, going over this question of usurpation. Second, and quite as important in one sense, because I think the first question was fairly thrashed out on the political rostrum in 1904 all over this country, and the people approved of the order—as I say, the next important one was that we are assured by the Commissioner of Pensions that if we put this little short clause in this bill and say in the provision that age is a permanent, specific disability within the meaning of the pension laws, we shall save annually to the United States at least $250,000 in the matter of medical examiners' fees. The Commissioner stated the reason why. In his interpretation of Order No. 78 a man who applied for a pension when he reached the age of 62 and put in as the ground of his application solely that of age would be granted, if 62 years of age, without an examination under the law, a pension of $6. Now, by reason of another provision of the statute, when the same pensioner reaches the age of 65 and makes an application for an increase of pension, under Order 78, to $8 a month, the Commissioner was bound to refer his application to a pension board for examination. So

on every increase of pension. The Commissioner says there will be saved by this single short paragraph annually $250,000 to the Government.

Mr. PRINCE. Will the gentleman allow me a question?

Mr. KEIFER. Certainly.

Mr. PRINCE. Right on that line, do I understand the gentleman from Ohio to state to the House and the country that when a man arrives at the age of 62 and makes that statement in writing to the Commissioner, that without any further evidence or examination thereupon he is entitled to a pension of $6 a month?

Mr. KEIFER. Oh, no; not without evidence, but without examination before a medical board. His evidence must be otherwise. A medical board could not find anything more about his age than anybody else. The rolls of the War Department, as the Commissioner of Pensions said, furnishes the information largely—that is, that he served ninety days, and all this matter of age is largely settled there. But I am speaking now of dispensing with the examination as to disability. Let us take this case: A man has been pensioned at $6 because he was 62 years old. Under the order he applies, when he is 65 years old, for an increase to $8. He is obliged to be referred to a pension board. Suppose the pension board in this case, as has happened, according to the testimony of the Commissioner, reports on the capacity and capability and physical qualities of the applicant and says to the Commissioner that his ability to perform physical labor is just as good now at 65 years as it ever was. They then strike him off the rolls altogether. They are obliged to do so under the present law, and so all along the line. This clause makes age under this order, if you please, a specific permanent disability, entitling him to a pension so that he does not have to be referred to a medical board at all, because whatever they might report, the law of the country would say that age is a permanent disability.

Therefore we will have gotten rid of the necessity or possibility of the report of a medical examining board affecting the question of the right of the pensioner at all, and we get rid of it in this way. We examined the Commissioner carefully about this, and said to him: "What will you do?" He said that the pensioners would all keep track of the matter of their age, and when they got to be 65 years old, if they wrote to him and called attention to it he would send them a circular to sign and return stating that they desired their pension increased, and it would be increased without the pensioner having to employ an attorney at all. So as to other age periods. He could send out a simple slip and have it signed, on which the increase would be granted, and the only people that would be affected seriously by this amendment will be the pension attorneys and the medical examining boards of the country. Now, I do not care to follow that further unless some gentleman wants to make some inquiry. The testimony is all here. We heard it all patiently on both sides. The gentleman from Massachusetts [Mr. SULLIVAN] was especially careful in asking questions, and I think we understand the matter substantially alike. That is about all I ought to or need to say. The bill should pass. It is not quite as large as the bill last year, as I understand it, taking into account the deficiency that we provided for the year ending June 30 next. The old soldiers are dying. I myself have offered here a few bills—not many, compared to the number my colleagues and others have offered—for special acts to relieve certain persons who think that under the general law they are not getting enough or who do not come within the general laws or rules of the Pension Bureau. Within the few weeks that I have been a Member of this House I have been notified by members of the families that two of them are dead for whom I have offered bills and there is no need of pressing the bills any further. We are being relieved of the special applications rapidly. The war is over. It closed with Appomattox on the 9th day of April, 1865, in effect, for the surrenders of Joe Johnston, Kirby Smith, and others that followed were the natural and logical result of Appomattox. The country has done its duty well to the old soldier. In individual instances, I have no doubt, there are cases where the soldier has felt that the country has not done all that it ought to have done, and there have been exceptions here and there where there may be room for complaint, but no country, organized as our great country is, has been so generous to its soldiers in the way of pensions, Soldiers' Homes, and all that.

Now, something has been said about increasing the pensions of the Mexican war veteran. He has long been on the roll without reference to age, service, disability, or anything of that kind. I favored that long ago; I favor it still. These old soldiers fought for their country in the years of the Mexican war from 1846 to 1848. It is not a question as to whether the war was justifiable or not. It is a question of patriotism. These Mexican war soldiers, I agree with my friend from Tennessee [Mr. GARRETT], are entitled to be taken care of, because they fought for their country. [Applause.] We need not stop to measure the value of California and New Mexico that we bought with that war. We might have reflections that would be somewhat peculiar. We remember in looking to history that when the commissioner on the part of the United States, Mr. Trist, met the Mexican commissioners to make the treaty that gave us that great and vast territory, the Mexican commissioner said to Mr. N. P. Trist, who represented our Government, "Mr. Commissioner, this territory here has been free under Mexican law, and we want to stipulate in the treaty that it shall forever after be free." Mr. Trist wrote a letter to the Secretary of State, saying that he replied that he would do no such thing; that he would not submit that proposition to his country, even though all the territory was covered all over 1 foot thick in gold, for it was to be slave territory; but, thank God, no foot of it ever became slave territory or ever will. There is nothing to be said against the soldier who fought under Scott at the City of Mexico, or under Taylor at Buena Vista. We are here to do our duty to these patriotic people who answered to the call of their country and fought for it.

Something has been said by the chairman of our subcommittee who has charge of this bill to-day about the Spanish war soldiers, and I have heard, not here, but elsewhere, a good deal of talk about the degeneracy of the day and about the Spanish war soldiers not standing up as well as the old soldiers of the civil war. I do not have any sympathy with any such talk or sentiment.

The Spanish war came naturally, and it is the first one in the history of all the ages where war was declared primarily for the reason that one nation was oppressing its own subjects; in other words, it is the first war ever declared for humanitarian reasons alone. The result justified it all, but the soldiers went from fields, from shops, from office to battle. They went into a sickly country. They had to meet disease and death as all new soldiers do without battle. At one time—I would be ashamed to give the number—there were many thousands of our soldiers sick in hospitals at Chickamauga, on that great battlefield of the civil war, and there were many sick at other places. I remember of seeing at one time in tents over twenty-two hundred men sick with typhoid fever alone. They confronted yellow fever in Cuba. They had to be seasoned from their home lives, and while only a few of the volunteers went to battle they went there proving that they were the equals of their fathers and of their grandfathers in battle and in courage and in skill. [Applause.] I had the honor to command troops from Texas, Alabama, Louisiana, South Carolina, and other States. Most of them were sons of ex-Confederates; many of them were commanded by ex-Confederate officers. They were as fine a body of men as ever mustered for battle in the world. I do not place them above those of the North, but they were their equals and as ready and as willing to do their duty as any others. [Applause.] And to-day we are not here to draw any distinction on account of the cause of war, or of the nature of it. We must look at the conditions and situation, and do our duty to all alike. I have no further remarks to make. I think the bill a just one, and I do not think there is anything serious that we should attempt to legislate about on this bill that is not included in it. There are many things suggested by questions here that belong to general legislation and that ought not to go into an appropriation bill. The very little that we put here is in the interest of economy and in the interest, I believe, of the pensioner. [Applause.]

Mr. WEBBER rose.

The CHAIRMAN. There is one minute remaining of the time of the gentleman from Michigan.

Mr. GARDNER of Michigan. Mr. Chairman, I would say the gentleman from Ohio would like to have five minutes.

The CHAIRMAN. Does the other side yield that amount of time?

Mr. SULLIVAN of Massachusetts. How much time have we remaining?

The CHAIRMAN. Forty-three minutes.

Mr. SULLIVAN of Massachusetts. I will yield the gentleman five minutes.

The CHAIRMAN. That will give the gentleman six minutes.

Mr. WEBBER. Mr. Chairman, we are told that the wealth of this nation is fabulous. No nation on the face of the globe can compare—ever has and the prospect is never will—in riches and material progress to the United States of America, and this has all been made certain to our people by the bravery of our soldiers, living and dead, through the outcome of the civil war. I do not believe, as liberal as our pension laws are, that they begin to be commensurate or in keeping with the ability of this country to pay. The pension laws under which and by which

every old soldier must prove his claim in the Department (unless he has reached a certain age) were passed many years ago when the conditions were different, when proof was easy, when the testimony was alive. I appeal to all the members of this House if it is not common knowledge among us by the character of letters we receive from the old soldiers that it is almost impossible under the pension laws to make connection to-day between the disability now existing and its cause in conection with the war of the rebellion.

We have passed that point. Hence, the needy old soldiers and their widows and dependents who are not able to make proof in order to procure or raise their pensions are driven to the Congressional Committee on Invalid Pensions, of which our distinguished Member and grand character, Mr. SULLOWAY, is chairman, as their last and final hope, but even here tardy justice affords but slow and partial relief, as the committee is too small to cope with the business, so that not more than one-fourth of the worthy cases presented get investigated for the lack of working force. To relieve this congested condition and bring relief to the old soldier and his widow and dependents who are without the comforts of life or the health to secure them, the committee's force should be quadrupled at once and the pension laws revised.

As the years come and go more difficulties on the part of the needy veteran and his widow to make the requisite proof under the existing laws will arise. Then, again, the pensions now paid under the law are inadequate to supply the necessaries of life to either the old soldier without means and health or his widow in like circumstances. I believe the time is fully ripe for a radical revision of our pension laws, to the end that every old veteran or his widow or unfortunate dependent without means of subsistence or the health to attain the same shall be cared for in comfort, without being compelled to find shelter and bread among strangers in a Soldiers' Home. To bring about this better condition to these noble defenders of the flag it will of necessity require a large increase in the pensions appropriations. Should we hesitate over the propriety of a debt of honor because of dollars and cents?

Is it any excuse for refusing to double the pension appropriation because this Government already pays more liberal pensions than any other country on the globe? I answer, not when we consider the results attained. The victory won by our veterans gave liberty to every downtrodden child of the race the wide world round, and a peace and commercial prosperity to all under the flag such as men never knew. So great and good is this country, thus consecrated by their valor and blood, that the struggling of every nation are pressing toward our shores to enjoy its blessings. Double the pensions of the needy soldier and his widow and let the coming generations, whose tread we hear, pay the debt. Legislation that will do this should not be haltingly enacted. The graves of these defenders are rapidly multiplying; their circle is closing in.

Some say if they can no longer keep the wolf from the door let them seek a Soldiers' Home. What cold comfort there! True, ample food and good beds await them at these institutions, but what of the one who has a humble house for which he has provided till his hands and feet no longer answer their bidding? In justice, can this billion-dollar Government so far forget his services on the field of battle as to drive him by necessity from his only home to a public institution in order to hold the nation's pension appropriation within certain bounds? No, a thousand times no, if justice is to prevail. No widow of a veteran should want for the necessities of life among her old neighbors. Congress votes uncounted millions for war ships, bridges, mail service, highways, expositions, and a standing Army and are careful to see that the sums are fully adequate to make them effective, while the defenders of the nation's honor that made these possible are but half paid. How easy to lose sight, in the hurry of life, of our benefactors. As children forget the sacrifices of their parents, so nations in their mad rush for gains and glory remember not the struggles of those who made their success possible. In no way can this Christian nation better show its appreciation of the blessings now its own than by making haste to place in positions of comfort in their old homes any dependent defender of the flag. No longer should it be necessary for such or their widows to adduce evidence they can not secure.

I call upon the Members of this House to consider the letters of touching appeal that are daily coming to you from the soldiers and their widows of your districts, asking for relief.

How powerless you feel, by reason of the law, to alleviate their necessities. I am preparing a bill to correct these injustices. Will you give your vote and influence to hasten the day when every one of these unprovided-for heroes and their widows may for the rest of their days sit down under their own vine and fig tree, and not wonder wherewithal shall they be clothed and fed? I shall give my efforts to bring about this happy condition.

Where is now the hope of the veteran without the ability to work and no income save a $14 pension if not in this body?

Where is there a ray of hope for his destitute widow when he has responded for the last time to the roll call of his comrades, if not with us?

The time is past when the old soldier can seek a home on a Government land claim. Age and the infirmities of years have rendered him unfit for a pioneer. Why not give them title to the same without going upon the same?

Of all the frailties of human nature ingratitude stands first. The glitter of to-day overshadows the past. A halt must be called to correct this injustice. Multiply the working force of the Invalid Pension Committee till all claims filed there may be examined. Sweep away the law requiring proof to secure or increase pensions that all know can not be found, and so adjust this system that all needy worthy soldiers and their widows shall have the comforts of life, and add another star to the glory of our Republic. [Applause.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, there is only one suggestion I wish to make in connection with this matter. I fear that the bill will not accomplish the end that is especially desired. As I understand the real object of the clause that is under discussion is to make advancing age cause an automatic increase of pension. Such object I entirely agree with, but it seems to me, from the wording of the proposed bill, the committee's object will be annulled—the committee seeks to enact what is now a ruling of the Pension Commissioner—the clause in question reads:

That age is a permanent specific disability within the meaning of the pension law.

Section 4698½ provides:

Except in cases of permanent specific disabilities no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate.

If that be so, if that language means anything, it means that no pension for a permanent specific disability can be had until the surgeons examination has been made.

Under those circumstances, if you make advancing age, whether it be 62, 65, 68, or 70, a permanent specific disability, and section 4698½ already provides that no pension for permanent specific disability can be had until after the medical examination, do you not compel a man reaching a certain age to submit to a medical examination in order to start the date when his pension commences? He not only has got to reach his sixty-fifth birthday, he has got to have a medical examination in order to make his pension begin. Under those circumstances it seems to me that the last sentence could be very easily amended by the addition of a very few words, and at the proper time, if the committee consider that my argument is correct, I should be glad to offer the amendment, which, I think, would make it clear and not, as I fear it is now, ambiguous.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from New York [Mr. OLCOTT] yield to the gentleman from Ohio?

Mr. OLCOTT. Certainly.

Mr. KEIFER. I will ask the gentleman to look again at the section that he refers to, and see if that does not require the medical board to report a permanent disability before they can grant a pension? That is just what it requires, is it not?

Mr. OLCOTT. I think it is; yes, sir.

Mr. KEIFER. Now, then, if we say that age is a permanent disability, no report is necessary at all, because all that other section means is that we shall have a medical examination in order that we may have a report to the effect that there is a permanent disability.

Mr. OLCOTT. But it says at the same time that the pension shall not commence until the date of the examination and surgeon's certificate.

Mr. KEIFER. This only relates to increase any way. Gentlemen will see that no medical examination is necessary to fix it as a permanent disability. If there were a hundred examinations it would not change the statute, because the statute says age shall be a permanent disability. That statute simply provides for cases other than those that are made by law, cases of permanent specific disability.

Mr. OLCOTT. I would only say in answer to that, Mr. Chairman, that I believe if under peculiar circumstances, or by any chance we had a Commissioner of Pensions antagonistic to the general idea, he might make the ambiguity in this bill that we are discussing now an opportunity to decline to allow this

automatic rule of increase of pension to work in the manner evidently desired by this committee.

Mr. KEIFER. Mr. Chairman, the gentleman yields me time. I just wish further to say that this clause, short as it is, was drafted by the present Commissioner of Pensions, and he gives that interpretation that I am trying to give to the committee.

Mr. OLCOTT. In response to that, Mr. Chairman, I am fearful that some other Commissioner will at some other time think it is ambiguous, as I do, and, therefore, why not make it so clear that no two minds can differ about it?

The CHAIRMAN. Does the gentleman from Massachusetts desire to use the balance of his time?

Mr. SULLIVAN of Massachusetts. Not just now, Mr. Chairman. I agree with the gentleman from Ohio, that the present law requires no examination in case of permanent specific disabilities, and this proposed amendment will make age of itself a permanent specific disability, and therefore include it in the law. But in regard to the statement of the gentleman from New York upon the other point, I must say that I am of the same opinion that he is, and I suggested that in the committee, but the committee was of a different opinion. I simply deferred to the opinion of my associates. It seems to me still, however—my opinion is unchanged—that an amendment which says simply "age" leaves it uncertain what age is meant; and in order to ascertain what age is meant we will be obliged to refer to the order of the Commissioner. Then we will ascertain that the ages meant are 62, 65, 68, and 70 years; and the question I had in mind was this: If at some later period another Commissioner should frame another order and make the age 60 years, we will see the law we are enacting now automatically applied under the new ruling of the Commissioner of Pensions to that age. If so, it would seem to me that the Commissioner would be again usurping the functions of the legislature. It seems to me that if an age is fixed at which no examination shall be required for an increase of pension, that age should be fixed by the act of Congress and not by an act of an executive officer of the Government.

In order to secure that end I proposed that the ages be definitely mentioned, and that they should be put in an amendment, but, as I said before, my associates on the committee disagreed with me. They thought there was no necessity of enumerating the ages. I am obliged to state that I am still of the opinion that I was correct, and now that the matter has been pointed out by the gentleman from New York. I would be very glad to hear some one advance a reason that would prove to me that I am not correct in that opinion.

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like the gentleman from Michigan, if he desires, to use part of his time.

Mr. GARDNER of Michigan. The time on this side is exhausted.

Mr. SULLIVAN of Massachusetts. Is there anyone on your side who desires to have some time?

Mr. LACEY. I would like to have a few minutes—five minutes.

Mr. SULLIVAN of Massachusetts. I yield five minutes to the gentleman from Iowa.

Mr. LACEY. Mr. Chairman, I want to speak on the subject to which the gentleman from Massachusetts has just referred, as to the necessity for the passage of this law, and the vague character of the law. When this General Order No. 78 was issued, it was a construction put upon the question of age disability by the Department. Under Mr. Cleveland's Administration a similar order was issued fixing 75 as an age which was presumptive evidence of a total disability. This Order 78 was simply a modification of that order, which had already been once more modified under Mr. McKinley's Administration. Under McKinley, 65 had been also fixed as an age creating a presumption of half disability. While there was no specific law confirming the action of the Department as to the scale of rates based upon age as a disability, this Congress immediately ratified the action of the Commissioner by passing an appropriation expressly covering the amounts allowed by the order; and from that time on two appropriation bills have been passed recognizing this construction put upon the law by the Pension Department. It therefore became a Congressional act. Of course, long experience in the Pension Office has taught the medical officers there that age is a disability, and has given a basis of measuring its degree. Our own experience has taught us, unfortunately, too, it is a continuing disability, and when we take account of our assets at the end of each year we find that age is the only asset that always fails to show any diminution. So that experience in the examination of thousands and tens of thousands of cases has demonstrated that age as an element of disability is of a satisfactory character.

No doubt there are exceptions, where age has not had the effect that in general the reports the medical officers make to the Pension Office show in that respect.

But these exceptions are so comparatively few, and the advantage of relieving the office from making a medical examination where disability was predicated wholly upon age was so obvious, that it was thought better to allow those few cases to pass by than to require a medical examination in all. So Congress considered this question, and has, in effect, on two different occasions, passed appropriation bills the legal effect of which is certainly as controlling, certainly as full and complete, as that involved in the proposition in this bill, namely, that age is a permanent disability within the meaning of the pension law. And I see no objection to this further declaration of the intention of Congress in more specific terms to approve of that which the Department has found by experience to be correct.

Let me call attention to the further fact that the Department from year to year is having still additional examinations—medical reports from various boards—which might justify some further modification or Order 78, making the rate a little different from that in the order, and this proposition simply recognizes that age is a specific disability, leaving to the Department the power of graduating that disability as based upon its experience covering a term of years and hundreds of thousands of medical examinations.

Mr. SULLIVAN of Massachusetts. Will the gentleman yield?

Mr. LACEY. Certainly.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman in what manner the passage of an appropriation bill ratified the order of the Commissioner?

Mr. LACEY. In this: We had a similar question up in various treaties of annexation, as to whether a treaty could be made by the President with the consent of the Senate annexing territory without the consent of the House of Representatives. That has been an interesting constitutional question. But immediately following every one of these treaties there has been an appropriation made to carry it out, so the Congress of the United States, acting through both Houses, has passed upon the question by making the appropriation. A similar principle applies in this case. Here we have a report made, an estimate made, saying that they have adopted a certain rule in regard to disabilities based upon age—the specific disability—and graduating it from six up to twelve dollars a month under the act of June 27, 1890; that was fully reported in the House of Representatives through the estimates of the Department. Immediately following that an appropriation is made for the sum that the Department asked for. What more specific recognition of the propriety or legality of this adjudication of age as a disability could you want than that? Now, this, in a little more extended way, amplifies what Congress has done heretofore.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-three minutes.

Mr. SULLIVAN of Massachusetts. Before yielding I want to say, in answer to the gentleman from Iowa [Mr. LACEY], that I can not agree with his doctrine that the passage of an appropriation bill under the circumstances mentioned was a ratification of the Pension Commissioner's order. If the gentleman remembers, at the time that order was framed and put into operation it created a great deal of comment in the House and in the country. It was just prior to a Congressional election, and party feeling ran high concerning it. A resolution was offered by the gentleman from New York investigating the whole question and for the purpose of having an investigation of the question and having a report made to this House as to whether the Executive order did not amount to a usurpation of the rights of the legislator. As I remember it, the House, although strongly Republican, defeated that order by a bare margin of three or four votes.

Now, we are not attempting to inject any politics into this discussion. I must say that there are no politics in this question. The question has been settled as to the desirability of granting this increase of pension to the men who have arrived at the specific ages without a medical examination, and the only question that has occurred to anyone here is whether the amendment offered by the committee is fit to accomplish the intention of the committee. As I tried to point out a moment ago, when this law will be construed the age that is said to be a permanent, specific disability will have to be ascertained by referring, not to a law of Congress, but to an order of an executive officer of this Government, and by referring to that order it will be seen that ages provided in the law are 62, 65, 68, and 70, which are enumerated in the Pension Commissioner's order,

and what I fear may result from that is this: That we will be putting a law on a shifting basis, namely, the order of an executive officer of the Government. We have the power and, I think, the inclination to put it on a firm, stable basis; put it upon the foundation of the law itself, so that hereafter if a Commissioner chooses to reduce the age to 60 years no one will be able to say in this House or this country that an executive officer of the Government by a mere stroke of the pen has appropriated millions of the people's money. All I ask is that the law be made clear and definite in terms, so that there will not be any possibility of a doubtful construction.

Mr. LACEY. Mr. Chairman, I would like to suggest one thing more to the gentleman from Massachusetts.

The CHAIRMAN. Does the gentleman yield?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. LACEY. That is, as to whether or not he has reflected upon the fact that Order No. 78 became merged into thousands of certificates, which have been delivered to the pensioners and which are continuing drafts upon the Treasury and without any further action, and that Congress in legislating and making an appropriation did so in the light of the fact that these certificates had thus been issued and permanent charges had been made upon the Treasury.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, I do not intend to discuss the general proposition of granting pensions or the question of whether or not we should legislate specifically at this time as to the age that shall be considered a permanent disability within the meaning of the pension law. Order No. 78, promulgated by the Chief Executive, is, by statute, given the force and effect of law. It is as much the law to-day as though Congress enacted the order, and we can't change it on this bill. But, Mr. Chairman, there is some misunderstanding with respect to the construction that may hereafter be placed upon the amendment to existing pension laws proposed by the Committee on Appropriations. This amendment expressly provides that hereafter age shall be construed to mean a permanent specific disability within the meaning of the pension law. The necessity for this is the fact that under Order No. 78 when a pension has been granted on account of age alone, without medical examination, the pensioner can not secure an increase when he reaches the age of 65, 68, or 70 except upon a medical examination. Now, under section 4698½ of the Revised Statutes there are classes of disabilities which do not require a medical examination in order to secure an increase. These cases are cases of permanent specific disabilities, which term has been construed by the Attorney-General to mean the loss of a leg or the loss of an arm. These are construed to be permanent specific disabilities, and to obtain an increase of pension upon that ground there is no medical examination required.

Now, this proposed amendment makes age a permanent specific disability, not for the purpose of securing a pension, but only for the purpose of obviating the necessity of a medical examination in order to secure an increase. Some gentlemen have claimed that this bill will not accomplish the purpose intended. The doubt arises from the way in which this section has been framed. The author of this law placed the exception first, instead of writing the exception after the general legislation enacted in this particular section. I will read it first as it is written and then read it as the Commissioner and everybody else would construe it, and I think the House will readily see that under this section of the law this amendment will obviate entirely the necessity for medical examinations in order to secure an increase of pension on account of age. It reads:

Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same, made under the pending claim for increase.

Now, if you read it the other way:

No increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same, made under the pending claims for increase, except in cases of permanent specific disabilities—

It removes all doubt as to what is intended by the law, and what application the pending amendment will have or what construction must be placed upon it by the Commissioner, if it is enacted as proposed by the Committee on Appropriations.

Mr. MANN. Mr. Chairman, I would ask the gentleman, Is the present requirement for a medical examination a matter of regulation?

Mr. TAWNEY. A matter of law.

Mr. MANN. Or a matter of law according to what the gentleman has just read.

Mr. TAWNEY. Yes.

Mr. MANN. Certainly age is a permanent disability if it is a disability at all. A man can not ever get any younger after he has reached a certain age.

Mr. KEIFER. But he may be capable of doing work.

Mr. MANN. If age is a disability, it is a permanent disability.

Mr. TAWNEY. Certainly.

Mr. KEIFER. But it is not specific in the sense that it prevents him from doing as much work as formerly.

Mr. TAWNEY. It is not a permanent disability, however, which, as construed by the Attorney-General, can entitle a pensioner to an increase of pension without a medical examination; and it is to cure that that we propose to make it a permanent specific disability, within the meaning of the law. Certificate for increase of pension will then be issued upon establishing the fact of age without a medical examination.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Minnesota this question: Suppose the Secretary of the Interior should make an order which would be adopted by the Pension Commissioner, providing that when a soldier reached the age of 60 he would be entitled to a rating as being disabled one-half to perform manual labor. Would this law we are passing now apply to that order of the Pension Commissioner fixing the lower age at 60?

Mr. TAWNEY. Undoubtedly it would, just the same as it would apply to 62, 65, 68, and 70, and if a future Commissioner should issue or execute an order of that kind, and in the judgment of Congress it was not a proper order or a proper fixing of a certain age, Congress, of course, could correct it in a future appropriation bill or by other appropriate legislation.

Mr. SULLIVAN of Massachusetts. In other words, that the Commissioner may take the initiative, and then Congress, which is the legislative body of this country, would solemnly ratify the action of that executive officer of this Government?

Mr. TAWNEY. I would say to the gentleman from Massachusetts if we were to adopt the amendment which the gentleman suggests it would not prevent a future Commissioner from issuing an order fixing the age of 60 at which a pensioner would be conclusively presumed to be one-fourth incapacitated and allow a pension on that basis, so that the law authorizing the making of the order still exists, notwithstanding the fact that we may put upon it the limit which the gentleman proposes.

Mr. SULLIVAN of Massachusetts. But the gentleman will concede that the right of the Pension Commissioner to make an order at all is somewhat doubtful; at least honest men may differ in the opinion?

Mr. TAWNEY. The right to do it is questioned.

Mr. SULLIVAN of Massachusetts. Now, if this Congress mentions the ages, does not the gentleman think that that would be serving notice upon an executive officer of the Government that hereafter the Congress intended to legislate, and that he would better keep off the legislative grass?

Mr. TAWNEY. It might have a deterrent effect, no doubt, but the necessity for it I do not concede, as the gentleman from Massachusetts seems to think the necessity exists.

Mr. SULLIVAN of Massachusetts. If I may ask the gentleman one further question. The gentleman concedes the Commissioner would have the right to fix the age of 60, and this law would then apply to it automatically. Does not that involve the further concession upon his part that the Commissioner may repeal all existing orders and make the age 80, if he chooses?

Mr. TAWNEY. Well, I presume that he can.

Mr. SULLIVAN of Massachusetts. Now, that illustrates the whole proposition. We leave the business of legislating concerning the ages at which soldiers may receive increases without medical examination to the discretion of an executive officer of this Government, and if this is not an abdication by Congress of its sole function I would like to know what it is.

Mr. TAWNEY. Well, Mr. Chairman, we deal with conditions as we find them in the statutes at the present time. If the Commissioner should abuse the power which Congress in the past has conferred upon him, the remedy is in our hands and would unquestionably apply it without any delay.

Mr. MAHON. May I ask the gentleman a question?

Mr. TAWNEY. I yield to the gentleman from Pennsylvania.

Mr. MAHON. Why not put in at the end of line 7, "provided this act shall not apply to any pensioner under the age of 62?" That will end the whole controversy.

Mr. TAWNEY. That would not obviate the difficulty complained of by the gentleman from Massachusetts, for the reason that if a future Commissioner should fix by order a lower limit of age at which the pensioner could obtain an increase without medical examination, when he applied for a future increase, why, of course, the law that we are proposing to pass

would apply and he would receive an increase without medical examination.

Mr. MAHON. I would fix it so that age is a permanent specific disability and that the pensioner upon proof of his age would have his pension raised without further examination, provided this act shall not apply to a pensioner under the age of 62 years. That would be the law; I do not care what the Commissioner does.

Mr. TAWNEY. Well, Mr. Chairman, the Committee on Appropriations endeavored to correct by this proposed amendment a mistake or failure to note an existing statute in issuing Order 78, which has prevented the automatic increase of pension on account of age. We do not enter upon the domain of revising our pension laws or the orders which have been lawfully issued under those laws. We want to make this Order 78 what it was intended to be and what it was supposed to be, automatic in its operation, so as to permit a pensioner or an old soldier to obtain his pension under that order without going to the expense of a medical examination, and save the Government of the United States $250,000 annually which is now being expended for medical examinations.

I have nothing further to say, except to repeat that it is the desire of the Committee on Appropriations to accomplish by this amendment what everybody supposed Order No. 78 provided.

Mr. CURTIS. It was not the intention to prevent examinations when other disabilities were alleged?

Mr. TAWNEY. Not at all.

Mr. CURTIS. If a claimant alleged old age, which would only entitle him to $6 a month, and other disabilities in his application that would entitle him to a larger rating, there is nothing in the gentleman's amendment to prevent the claimant being examined?

Mr. TAWNEY. No.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, in connection with the Spanish war pensions, one of the saddest things to me has been the statement that so many of our soldiers died because of unskillful medical attention, and we have been taunted by foreigners since the Japanese-Russian war with the fact that that nation—so lately sprung from a semibarbaric condition, but so splendidly sprung, it is true—has excelled us in that one branch of the service, when we ought from all of our training and experience to excel them. We seem to have forgotten that they shrouded in the densest mystery all of the initial horrors of war. It is with a great deal of satisfaction that I have heard recently that the experts who are now coming back from the Japanese front, even with such limited information as they were able to get, are, even with that, demonstrating that in the Spanish-American war the efficiency of our medical arm excelled that of the Japanese, and particularly in our percentage of recoveries from bullet wounds. I think perhaps in connection with the remarks of the gentleman from Michigan [Mr. GARDNER] in relation to the Spanish-American war and the casualties resulting therefrom this statement may be important. [Applause.]

We find on the authority of Surgeon-General Forward that in Cuba and the Philippines in 1898 there were 1,682 wounded under treatment, of whom but 87 died, or 5.16 per cent. In the Philippines in 1899 there were under treatment 1,759 wounded, of whom even in that tropical climate but 116 died, or but 6.59 per cent. According to Major Seaman, who testified at length before a Congressional committee, the number of wounded under treatment in the Japanese-Russian war was 145,527, of whom at the latest reports 10,970 had died, or 7.53 per cent.

Apparently there are no reliable statistics at hand as to the number of deaths from disease in the Japanese armies or as to the loss of effectiveness through disease, though the American minister at Tokyo reported that at one time 25,000 Japanese were disabled through beriberi in front of Port Arthur. The disease from which a large number of our soldiers died in the Spanish-American war was typhoid fever, and the Japanese surgeons reported that there were no typhoid germs in Manchuria. Our soldiers were also exposed to the anopheles mosquitoes in Cuba. The fact that yellow fever was conveyed by mosquitoes was not fully understood at the time of the Spanish-American war, and it is not the least of the results of that war that such men as Gorgas and others have been enabled to do their work of experiment and cleansing in some heretofore hotbeds of yellow fever.

We can, I think, in view of these figures, feel some degree of confidence that though the unskilled surgeon has been to some degree and always will be one of the perils to be faced in any war, yet, as a whole, and compared with the latest medical department to be tested, that branch of our own service stands comparison well.

Mr. GARDNER of Michigan. Mr. Chairman, I call for the reading of the bill.

The bill was read at length.

Mr. EDWARDS. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will read.

The Clerk read as follows:

At end of line 7, page 2, add: "And that the Commissioner of Pensions is directed to add to the pensions of all pensioners $6 at the age of 62; $8 at the age of 65; $10 at the age of 68, and $12 at the age of 70. *Provided, however,* That no pension on account of age disability shall be more than $24 a month.

Mr. TAWNEY. Mr. Chairman, I make the point of order on that amendment that it changes existing law.

The CHAIRMAN. The bill having been read as a whole, and the paragraph therefore having been passed, it will be impossible for the committee to return to the paragraph sought to be amended unless by unanimous consent. The Chair, therefore, rules the point of order well taken and the amendment out of order.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13103, and had directed him to report the same to the House, with a recommendation that the bill do pass.

Mr. GARDNER of Michigan. Mr. Speaker, I move the previous question on the bill to its passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the passage of the bill.

The bill was ordered to be engrossed for a third reading; was accordingly read a third time, and passed.

On motion of Mr. GARDNER of Michigan, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MICHALEK for ten days, on account of important business.

LAND OFFICE AT KINGFISHER, OKLA.

Mr. LACEY. Mr. Speaker, I call up a privileged resolution—House resolution 202.

The Clerk read as follows:

House resolution No. 202.

Resolved, That the Secretary of the Interior be, and he is hereby, requested to send to the House of Representatives of the United States, for its information, if not inconsistent with public interest, the report of the findings and recommendations made by Inspector E. B. Linnen, who in June, 1905, investigated and reported upon the condition of the land office at Kingfisher, Okla.

Second. That the Secretary of the Interior shall further submit to the House of Representatives of the United States all records, reports, and correspondence of all parties connected with the investigation of the charges of official misconduct against the then register and receiver of the United States land office at Kingfisher, Okla.

Third. That the Secretary of the Interior shall also submit to the House of Representatives a report setting forth his order or rulings relating to the charges against the said register and receiver of the said United States land office.

Fourth. That the Secretary of the Interior shall submit to the House of Representatives a copy of his order abolishing the United States land office at Kingfisher, Okla., and a copy of the records of his office showing the receipts of all of the United States land offices in Oklahoma during the last year preceding the date of his order abolishing the Kingfisher office.

Mr. LACEY. Mr. Speaker, the committee report back a substitute.

The Clerk read as follows:

Substitute for House resolution No. 202.

Strike out all after the word "*Resolved*" and insert the following:

"That the Secretary of the Interior be, and he is hereby, requested to furnish the House of Representatives of the United States, for its information, if not inconsistent with the public interest, copies of all correspondence, records, orders, and a statement of the findings and recommendations of any inspector relative to the recent investigation of charges of official misconduct against the late register and receiver of the United States land office in Oklahoma for the year preceding such discontinuance, and such other information, if any there be, as the Secretary may deem pertinent and important to this inquiry."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is on the resolution as amended.

The question was taken; and the resolution as amended was agreed to.

CERTAIN LANDS IN OKLAHOMA TO BE OPENED FOR SETTLEMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to renew my request for unanimous consent for present consideration of the bill H. R. 431.

The SPEAKER. The gentleman from Texas renews his request, made this morning, for unanimous consent for the present consideration of a bill, which was read this morning, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 431) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The SPEAKER. Is there objection.

Mr. MANN. Reserving the right to object, I would like to have the gentleman make an explanation of the bill.

Mr. STEPHENS of Texas. Mr. Speaker, a bill was passed in 1900, I think it was, opening the territory known as the "Kiowa, Comanche, and Apache reservations in Oklahoma," comprising 4,000,000 acres of land. It went to the Senate and there was an amendment put on the bill reserving the 480,000 acres named in this bill for pasturage purposes for the Indians. Since that time it has been ascertained that the Indians desire, and also the people of Oklahoma desire, that this pasture reserve should be opened for settlement. It is now used for that purpose, mainly, and a great deal of the land is fine agricultural land. There are two or three railroads built through that part of Oklahoma, and there is a great demand for these lands for homes and there is no objection to opening up the country; in fact, the Indians as well as the white people demand it.

This bill passed the House last year, but too late in the session to pass the Senate. It has the unanimous recommendation of the Committee on Indian Affairs. There have been several amendments made to the bill. The bill as introduced by me provided that the land should be sold on twenty years' time by paying one-twentieth in advance; the balance in twenty installments, covering twenty years. The committee amended the bill and have cut down the time to five years. We have placed the same restrictions and limitations in this bill that have been placed upon other bills opening other Indian Reservations. There is no material difference between the manner of opening this and the other reservations that have been recently opened.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. STEPHENS of Texas. Certainly.

Mr. SMITH of Kentucky. What privileges are allowed to ex-soldiers in regard to settling on this land?

Mr. STEPHENS of Texas. Under this bill purchasers are required to live on the land five years, but if a soldier should be the purchaser, the time that he served in the Army would be taken out of the five years they are required to live upon the land before they can pay it out. The bill provides that the land shall be sold under rules and regulations prescribed by the Secretary of the Interior, conforming to the homestead laws.

Mr. SMITH of Kentucky. In their location?

Mr. STEPHENS of Texas. Yes. They can purchase under this bill 160 acres of land, and are required to live on it five years and comply with the homestead laws of the United States.

Mr. SMITH of Kentucky. Can they locate and enter by agent or attorney?

Mr. STEPHENS of Texas. The locations or purchases will be made under rules and regulations to be prescribed by the Secretary of the Interior.

Mr. SMITH of Kentucky. That is left to the Department?

Mr. STEPHENS of Texas. Yes; it is left to the Department.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. STEPHENS of Texas. Certainly.

Mr. KEIFER. There is a provsiion in the bill which says that the Department have the sale of a certain proportion of the land.

Mr. STEPHENS of Texas. The whole of the pasture lands in the reservation are to be sold under this bill.

Mr. KEIFER. I may not have understood the Clerk when he read the bill. Is there a provision in it that limits the amount of land to be sold to one party to 260 acres?

Mr. STEPHENS of Texas. Yes; only a quarter of a section, 160 acres, conforming to the homestead law, can be sold to one individual.

Mr. KEIFER. I did not hear the reading aright.

Mr. STEPHENS of Texas. It is a hundred and sixty acres that could be purchased by each individual.

Mr. KEIFER. I thought it was 260 acres, and I was going to inquire why that odd number of acres.

The SPEAKER. Is there objection?

Mr. MANN. There is one of the provisions in the bill here in reference to the leasing of lands.

Mr. STEPHENS of Texas. That has been amended, I would say to the gentleman, and stricken out.

Mr. MANN. The report does not so state. The report says that they are to be leased in quarter-section tracts, and that not more than one——

Mr. STEPHENS of Texas. It seems to me that is another proposition. I would say to the gentleman he will find the bill on page 2 of the report as amended.

Mr. LACEY. The gentleman has the wrong bill.

Mr. MANN. This is the original bill.

Mr. LACEY. That is another subject—as to the leasing of coal lands.

Mr. MANN. Now, may I ask the gentleman from Texas as to the method of disposing of these lands?

Mr. STEPHENS of Texas. They are put up and sold by the Secretary of the Interior, under such rules and regulations as he may prescribe, in 160-acre blocks, to the highest bidder. The bidders will have to conform to the United States land laws and make settlement and remain on the land for five years, and make a payment of one-fifth down and one-fifth each year thereafter.

Mr. MANN. We are constantly asked by people, constituents and others, how it is possible to acquire lands that are thrown open to settlement this way. Now, I have never been able to ascertain myself, either from the Land Office or from the Committee on Indian Affairs or any other. Perhaps the gentleman who proposed the bill can tell us.

Mr. LACEY. If my friend from Texas will allow me——

Mr. STEPHENS of Texas. I yield to the gentleman from Iowa.

Mr. LACEY. I would like to suggest to my friend that he has omitted an important provision as to the disposition of this land. It is to be sold at public auction under sealed bids. Parties who have a right to bid must be qualified homesteaders and can only purchase 160 acres.

Mr. MANN. Well, Mr. Speaker, I happened to be out West last summer and talking with gentlemen about the opening of the Uncompahgre Reservation. These gentlemen had been about the different reservations, and they all laughed at the idea of any of these reservations being opened on the square. I do not know what the facts are, but it seems to me that there ought to be some provision thrown around the opening of this new territory, so that the men who simply want to speculate out West should not be permitted to do that.

Mr. LACEY. This land is Indian land, and the man that pays the most for it will get it. It is to be sold under sealed bids, and the Indians are entitled to what it will bring. This land was reserved for them for pasture land, and it is no longer needed for that purpose. When sold the money will go to the Indians. No man will be allowed to bid on it unless he is a qualified homesteader, and he must live on it in order to get title to it.

Mr. MANN. I can see grave objections to putting up 480,000 acres of land in 160-acre tracts at auction under sealed bids. Nobody can tell what anybody else is going to bid or on what land they are going to bid.

Mr. LACEY. That is the object of it.

Mr. MANN. They might all bid on the same piece of ground, and very likely on some lots somebody may have no opposition. Why is it not put up in the open?

Mr. LACEY. Because it brings more under sealed bids.

Mr. FITZGERALD. Perhaps the gentleman from Illinois does not understand the methods by which these lands are opened.

Mr. MANN. That is what I am trying to get at.

Mr. FITZGERALD. The President issues a proclamation through the Department of the Interior, announcing that certain parts of this land may be bid upon. They do not invite bids upon the entire tract at one time; they carry it over different periods. They restrict, if I understand the operation correctly, the amount of land on which bids are invited at one time, and this has been found absolutely to be the best way to prevent the greatest abuses that the gentleman from Illinois and others complain about. Where they have an open public auction the result has been inevitably that syndicates obtain control of the entire tract.

Mr. MANN. Has the gentleman investigated this himself?

Mr. FITZGERALD. I examined the bill in a previous Congress, and there were changes made to satisfy me, and I feel that if they have fixed an Indian bill to satisfy me it would pretty nearly satisfy the gentleman from Illinois.

Mr. MANN. I think so myself, and therefore I make no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

LAND ALLOTTED TO INDIANS UNDER THE MOSES AGREEMENT.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10697) providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July 7, 1883, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79 and 80), which patents shall be of legal effect and declare that the United States does and will hold the land thus allotted for the period of ten years from the date of the approval of this act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as hereinafter provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

SEC. 2. That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except 80 acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except 80 acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I think we ought to have some explanation.

Mr. JONES of Washington. Mr. Speaker, in 1883 an agreement was made with several Indians along the valley of the Columbia River, known as Chief Moses and others, by which they were to receive certain allotments. This agreement was ratified by Congress in 1884, and under that thirty-seven allotments have been made. The Department held in a decision rendered some time ago that under the agreement and act ratifying it they had no authority to issue patent; that the Indians were entitled to the land, to the use and occupation, but that there was no express direction to issue a patent. Now, this bill directs them to issue a patent to the land. The allotments cover about 640 acres each and they have been held by the Indians for twenty-odd years. This bill is recommended by the Commissioner of Indian Affairs and allows each Indian to sell of his allotment all the land except 80 acres, which he holds for ten years and can not dispose of it until the expiration of that time. These sales are to be under the rules and regulations prescribed by the Secretary of the Interior and must be approved by him. There are thirty-seven allotments. These are among the best Indians we have. They are self-supporting, nothing is given to them by the Government, and there is no reason in the world why they should hold 640 acres without the right to dispose of or sell any of it, and that is what this bill provides for.

Mr. MANN. We have had similar bills, or the gentleman has had similar bills to this in the House before?

Mr. JONES of Washington. I have never had any similar bill to this.

Mr. MANN. There have been similar bills in that neck of the woods, I think.

Mr. JONES of Washington. I think the gentleman has in mind the Colville Indian Reservation, which is entirely different from this. These are simply scattered Indians throughout the country. They are not in a compact body at all. Their lands are scattered here and there throughout the upper Columbia River Valley.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

REPRINT OF BILL.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 9337) to amend sections 1 and 2 of the act of March 3, 1903, to regulate the immigration of aliens into the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

TOWN SITES, ETC., IN CERTAIN INDIAN LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11783) for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians, in Oklahoma, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, subject to the consent of three-fourths of the adult male Indians of the Kiowa, Comanche, and Apache tribes, to be obtained in such manner as he may designate, be, and he is hereby, authorized to set aside and reserve from allotment or leasing such of the common grazing lands of said tribes as he shall deem necessary for the establishment of town sites.

SEC. 2. That the lands so set aside and reserved shall be laid off and surveyed into lots, blocks, streets, and alleys, under rules and regulations to be prescribed by said Secretary, business lots to be 25 feet wide and residence lots 50 feet wide. The lots in said town sites shall be appraised, and after due advertisement shall be sold at public auction to the highest bidder, at not less than the appraised value, under such rules and regulations as the Secretary may prescribe: *Provided*, That in each of said town sites there shall be reserved from sale or other disposition, at the discretion of the Secretary, not to exceed one block for the establishment of common schools under the laws of Oklahoma: *Provided further*, That no malt, spirituous, or vinous liquors shall be kept or disposed of on the land sold and conveyed by the provisions of this act, and any violation of this condition, either by the grantee or any person claiming rights under him, shall render the conveyance void and cause the premises to revert to the Kiowa, Comanche, and Apache Indians.

SEC. 3. That the surveys, appraisals, and sales herein provided for shall be made by such person or persons connected with the Indian Service as the Secretary of the Interior may designate, and all of the expenses connected with the survey, appraisal, and sale of the lots shall be paid out of the proceeds of the sales. The net proceeds of the sales shall be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians, or shall be paid to them per capita, in the discretion of the Secretary of the Interior.

With the following amendments:

Strike out, after the word "Interior," line 3, page 1, all down to and including the word "he," in line 6, same page.

Strike out all of the proviso on page 2 after the word "*further*," in line 9, and insert in lieu thereof:

"That no person shall sell or give away any intoxicating liquor or other intoxicants upon any of the lands sold and conveyed by the provisions of this act, and any person so selling or giving away liquor or other intoxicants shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment for not more than two years and by a fine of not more than $1,000."

In line 23, page 2, after the word "Indians," insert "with interest to be paid them at the rate of 4 per cent per annum."

The SPEAKER. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, I would like to have the gentleman make some explanation of this bill.

Mr. STEPHENS of Texas. Mr. Speaker, this bill is a companion bill to the one just passed. I refer to the bill which we have just passed providing for the opening of the pasture reservation of four hundred and odd thousand acres of land in Oklahoma Territory. This bill provides for the laying out of town sites on this land. I will state to the gentleman that the Rock Island Railroad has now built about 20 miles of track into that reservation, not going through it, but into it, and there are two stations where there will be town sites laid out. This will cause the land to bring a great deal more money for the Indians by having it laid out in town lots and sold than if sold in blocks of 160 acres. This bill is for the purpose of making the land bring more money for the Kiowa and Comanche Indians, and thus taking these tribes off the hands of the Government as soon as possible.

Mr. CAMPBELL of Kansas. This bill provides for town sites within the land that has just been provided for in the bill just passed?

Mr. STEPHENS of Texas. That is right.

Mr. MANN. Does this bill have all the safeguards that are ordinary in bills of this kind?

Mr. STEPHENS of Texas. Exactly, with the addition of the provision relative to the sale of intoxicating liquors, but that is prohibited in all Indian reservations, as the gentleman knows.

Mr. SMITH of Kentucky. Does the bill passed a while ago carry that provision for the sale of that land hereafter?

Mr. STEPHENS of Texas. No; this will be construed in connection with that, because they are both under the control of the Secretary of the Interior. The Secretary of the Interior would set apart the town sites provided for in this bill before he would order the other lands sold; the town sites would be laid off into lots, blocks, streets, etc., and are to be disposed of under this bill.

Mr. SMITH of Kentucky. Is the sale of liquor prohibited on any of this other land except the town sites?

Mr. STEPHENS of Texas. No; that provision is not in the other bill, because it is not presumed that any saloons will be opened up on country farms.

Mr. SMITH of Kentucky. What good will it do to lay off a border of a mile square for a town site and prohibit the sale of liquor on that, when a man can go on the land just outside of that and set up a liquor store?

Mr. STEPHENS of Texas. Mr. Speaker, a saloon would not exist long in the country. This liquor provision was at the request of the people living in that country, and I will say to the gentleman that it was suggested by persons who wanted to protect the Indians from the sale of intoxicating liquors, which he knows has always been the policy of this Government.

Mr. SMITH of Kentucky. It seems to me it is a very nice way of enhancing the value of the land just outside of the town sites.

Mr. FITZGERALD. There is a provision in this bill, unless it is taken out by amendment, that reserves one block in each town site for school purposes for the schools of the Territory of Oklahoma. The statehood bill, which was passed here, if I recollect correctly, provided a lump sum to be paid to these new States in lieu of the school lands. Would not this be an additional grant?

Mr. STEPHENS of Texas. I think that might be construed to be an additional grant. I am perfectly willing, however, that they should have that additional grant.

Mr. FITZGERALD. Who pays the Indians for this land that is reserved out?

Mr. STEPHENS of Texas. The Indians are living in that country, and they would be benefited and thus paid by that school-lot reservation clause in common with the people who buy the lands and become citizens in that reservation.

Mr. FITZGERALD. Has it been customary to take the Indians' lands and turn them over to a Territory or State for school purposes without compensating the Indians for that particular land?

Mr. STEPHENS of Texas. No; but in every reservation that I know of that have been thrown open some lands have been taken; some for graveyards, some for school or other eleemosynary purposes, and this is no new provision in a bill opening Indian reservations for settlement.

Mr. FITZGERALD. My recollection is whenever we have taken the Indians' land for school purposes there has been a provision that the United States should pay the Indians for the value of the land taken. Why should the land of the Indians be appropriated by any Territory or State or the United States for school purposes, not for themselves alone but for the Indians and the whites in that community?

Mr. MANN. Do they not get more for the balance of the land if they are permitted to sell that way? Why should not the Government secure land for school purposes? And in addition they should donate at least a block for Government purposes in the town. We let them sell their land for a great deal more than they would sell it for otherwise.

Mr. FITZGERALD. Of course it is very generous on our part to permit them to sell their land for as much as they can get; I appreciate that.

Mr. CAMPBELL of Kansas. Will it not enhance the value of the land for sale to have this provision made?

Mr. STEPHENS of Texas. That is the view the committee took of the matter.

Mr. FITZGERALD. It has been the universal principle that this Government should pay to the Indians the value of the land for school purposes.

Mr. CAMPBELL of Kansas. But the fact that land is set aside for school purposes will enhance the value of the town lots surrounding it.

Mr. FITZGERALD. Not necessarily at all.

Mr. STEPHENS of Texas. I will state to the gentleman that we had all this matter under discussion before the committee and examined it very carefully, and arrived at the conclusions stated in the bill, and we have presented it to the House by unanimous report, and it is the companion to the bill which has just passed the House. I hope there will be no objection to its present consideration.

Mr. FITZGERALD. Well, I have had a great deal of experience with unanimous reports, and I have great doubt——

Mr. MANN. I could not see that the gentleman from Texas paid any attention yesterday to a unanimous report from another committee.

Mr. STEPHENS of Texas. I was not on that committee, it happens.

Mr. MANN. Well, the committee would have been graced if the gentleman had been on it. May I ask the gentleman, Is there any provision in the companion bill for school lands?

Mr. STEPHENS of Texas. That has been provided for, I understand, in another piece of legislation for Oklahoma.

Mr. MANN. Are there any school lands reserved in this 480,000 acres of land?

Mr. STEPHENS of Texas. I do not think there are, because the reservation has been made covering that heretofore in another Oklahoma land bill.

Mr. MANN. In the same locality?

Mr. STEPHENS of Texas. In former legislation.

Mr. MANN. In the same land?

Mr. STEPHENS of Texas. It was set apart under the instructions and direction of the Secretary of the Interior out of the public lands of Oklahoma.

Mr. MANN. In this 480,000 acres of land?

Mr. STEPHENS of Texas. No; it was set apart in other lands in Oklahoma. Oklahoma gets the same amount of land she would have gotten had this been thrown open under the general law.

Mr. MANN. That will not represent school districts in this land.

Mr. STEPHENS of Texas. It does, because for the lands sold under this bill Oklahoma gets the amount of land in other school lands that she is entitled to.

Mr. MANN. I am afraid not.

Mr. CAMPBELL of Kansas. Is it not a fact this land outside the towns you have incorporated will get a part of the $5,000,000 that the law provides for a school fund for the new State?

Mr. STEPHENS of Texas. Certainly. Every child on the reservation gets as much as if they were living off the reservation.

Mr. MANN. May I ask the gentleman if it would not be good policy in town sites to reserve some ground for a Government building and as a Government reservation?

Mr. STEPHENS of Texas. I will state to the gentleman there is no county seat in this 400,000 acres and probably never will be, and it is not contemplated they will put one there, and it is not possible to have a Government building where there is no county seat.

Mr. MANN. The gentleman is not familiar with the history of public buildings or he would not say it was not possible to put a public building where there is no county seat. Sometimes they put them where there is no population.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND SECTION 5501, REVISED STATUTES OF THE UNITED STATES.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10129.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent for present consideration of the bill H. R. 10129, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"SEC. 5501a. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product grown within the United States, or which might exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, which information is required by law or under the rules and practices of any Department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the Department of the Government to receive same, shall be punished by imprisonment for not less than three nor more than ten years, and shall be fined in any sum not to exceed $10,000.

"SEC. 5501b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of any Department or office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product grown within the United States, or which might exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, stocks, or bonds, by selling or buying same in any quantity, shall be punished by a fine of not more than $10,000 and may be imprisoned for not more than ten years."

Also the following amendments:

In line 6, page 1, after the word "officer," insert the words "or employee."

In lines 9 and 10, page 1, strike out the words "by virtue of" and insert instead the words "while holding said such."

In line 10, page 1, strike out the words "held by him."

In line 11, page 1, strike out the word "might" and insert instead the words "would tend to."

In line 13, page 1, strike out the word "might" and insert instead the words "would tend to."

In line 2, page 2, strike out the words "and practices."

In line 4, page 2, after the word "time," insert the word "and."

In line 6, page 2, strike out the word "and."

In line 7, page 2, strike out the word "practices."

In line 8, page 2, strike out the words "less than."

In line 9, page 2, strike out the words "three nor."

In line 9, page 2, strike out the word "ten" and insert the word "five."

In line 10, page 2, strike out the word "ten" and insert the word "five."

In line 11, page 2, after the word "officer," insert the words "or employee."

In line 16, page 2, strike out the word "might" and insert instead the words "would tend to."

In line 18, page 2, strike out the word "might" and insert instead the words "would tend to."

In line 20, page 2, after the word "company," insert the word "and."

In line 24, page 2, strike out the word "ten" and insert instead the word "five."

In line 25, page 2, strike out the word "ten" and insert the word "five."

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama [Mr. CLAYTON] what he means by the words "any quantity." The bill reads:

The officer who shall speculate in said product, stock, or bonds, by selling or buying same in any quantity.

I do not know just what the definition of "speculation" might be. I suppose the words "any quantity," are intended to convey the idea of considerable quantity.

Mr. CLAYTON. I would like to have the gentleman read that again. I did not hear him.

Mr. MANN. I refer to page 3, line 1, where it forbids buying or selling in any quantity. What is the gentleman's idea of that—considerable quantity or a small quantity?

Mr. CLAYTON. I think the language is plain enough. It is to prevent speculation in case where one stands in the confidential relation to the Government.

Mr. MANN. I see what the purpose is.

Mr. CLAYTON. The second section is to prevent speculation in stocks or bonds, and so forth, by the Government employee or officer; and the committee did not think it well to specify any particular amount of products or any particular number of bonds.

Mr. MANN. But eliminate the question of stocks and bonds, and the question of products might mean the purchase of flour. It might be called a speculation for one to buy flour to eat.

Mr. CLAYTON. I do not think the gentleman would seriously contend that that would be a violation of this law in the case he instances. It is not intended, manifestly, to reach such a case as that. The object, as the gentleman well knows, is to prevent the premature divulgence of the statistics gathered by the different Departments.

Mr. MANN. I am not referring to that.

Mr. CLAYTON. I am coming to the other, and also this second section as to where bonds are about to be issued. It prevents people who are in confidential possession of information in regard to that matter from speculating in such bonds. And it is to prevent those who are in the possession of the figures in regard to products from speculating in those products prior to the promulgation of the information gathered by the Department.

Mr. MANN. I see what the purpose of the bill is, and it is a very laudable purpose. I quite agree with the gentleman as to that.

Mr. CLAYTON. I thank the gentleman for agreeing with the committee.

Mr. MANN. What is the purpose in saying "in any quantity?"

Mr. CLAYTON. It means in any quantity whatsoever.

Mr. WILLIAMS. In any quantity whatsoever.

Mr. MANN. It seems to me that "selling or buying" covers the case. I think the purpose of the man who wrote it was to mean by "any quantity" not a small quantity, but a considerable quantity.

Mr. CLAYTON. Does the gentleman think that would add anything to the bill?

Mr. MANN. I think it would add to the bill to strike out "in any quantity" and leave it to read "by selling or buying same."

Mr. CLAYTON. Mr. Speaker, I have no objection to that, if the gentleman from Illinois [Mr. MANN] wants it done. I think it means the same thing. The gentleman might be justified in treating "in any quantity" as surplusage. Whether these words be stricken out or not, there could be no violation of the law except in case where the speculation was had in regard to some quantity.

Mr. MANN. Speculating by "buying or selling" means one thing. We know what that means; but speculating by "buying or selling in any quantity" might cover the purchase of flour to eat.

Mr. CLAYTON. It only has reference as to speculating, and could not cover the case named by the gentleman. Without the words "in any quantity" it would mean the same thing. Buying flour to eat is not speculating.

Mr. JAMES. Is there any provision in this bill that prevents the premature divulgence of statistics or information in regard to the tobacco crop?

Mr. CLAYTON. Any agricultural product.

Mr. Speaker, this bill is intended to cover statistics gathered in reference to the tobacco crop as well as any other crop. It intends to correct that very evil; and, furthermore, Mr. Speaker, it is in accordance with the recommendation in the message of the President to Congress, to prevent the premature divulgence of this information gathered by the different Departments.

Mr. WILLIAMS. To prevent criminal acts similar to that of Holmes?

Mr. CLAYTON. To prevent the criminal acts of such as Holmes and others who were concerned in prematurely divulging cotton figures last fall.

Mr. STEPHENS of Texas. Is it at the request of the cotton growers in the United States?

Mr. CLAYTON. It is not at the request of any particular class. The cotton people desire it, the tobacco people desire it, the grain growers desire it, and the President has recommended it in his message.

The measure is to prevent such scandalous conduct as that of certain employees in the Agricultural Department, committed a few months ago, to the injury of the cotton growers and spinners.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10434. An act granting an increase of pension to Samuel F. King;

H. R. 5925. An act granting an increase of pension to David L. Davidson;

H. R. 724. An act granting an increase of pension to John A. Coulter;

H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;

H. R. 611. An act granting an increase of pension to John H. Cassidy;

H. R. 1437. An act granting an increase of pension to Darius J. Brown;

H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;

H. R. 3605. An act granting an increase of pension to Albert Lathrop;

H. R. 6144. An act granting an increase of pension to Eli Brazelton;

H. R. 6143. An act granting an increase of pension to James Eiffert;

H. R. 5644. An act granting an increase of pension to George J. Wilcox;

H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;

H. R. 6338. An act granting an increase of pension to Richard McCarthy;

H. R. 6227. An act granting an increase of pension to Samuel J. Jones;

H. R. 1884. An act granting an increase of pension to Robert Purcell;

H. R. 1545. An act granting a pension to Florence D. Rafferty;
H. R. 1952. An act granting an increase of pension to Axel A. M. Natt och Dag;
H. R. 10299. An act granting an increase of pension to Sarah C. Long;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 530. An act granting an increase of pension to George E. Ross;
H. R. 4391. An act granting an increase of pension to William John Stewart;
H. R. 2795. An act granting a pension to Emma Auger;
H. R. 2771. An act granting an increase of pension to Thomas McCabe;
H. R. 3400. An act granting an increase of pension to Anson K. Carr;
H. R. 4732. An act granting an increase of pension to James Scrogum;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;
H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
H. R. 4884. An act granting an increase of pension to John Bokart;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 6451. An act granting an increase of pension to Adam Wuchor;
H. R. 1059. An act granting an increase of pension to Elijah Spengler;
H. R. 1213. An act granting an increase of pension to John Briden;
H. R. 2084. An act granting an increase of pension to Thomas Maginley;
H. R. 2083. An act granting an increase of pension to Thomas A. Slack;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 11596. An act granting a pension to Marion H. Long;
H. R. 2811. An act granting a pension to Angie A. Marvin;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 1131. An act granting an increase of pension to George Sargent;
H. R. 1136. An act granting an increase of pension to William D. Stauffer;
H. R. 1382. An act granting an increase of pension to Benjamin Fagley;
H. R. 11310. An act granting a pension to Emma Aldred;
H. R. 1072. An act granting an increase of pension to John Fisher;
H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;
H. R. 11403. An act granting an increase of pension to David E. Longsdorf;
H. R. 4822. An act granting an increase of pension to Gabriel Smith;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman.
H. R. 1974. An act granting an increase of pension to William R. P. Foale;
H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 4879. An act granting an increase of pension to John W. Roache;
H. R. 4607. An act granting a pension to Annie Rohr;
S. 3587. An act granting an increase of pension to Eliza Orr;
H. R. 4738. An act granting an increase of pension to Henry Roberts;
H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;
H. R. 5238. An act granting an increase of pension to Lockey Stuard;
H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;
H. R. 2169. An act granting an increase of pension to Elisha White;
H. R. 2291. An act granting an increase of pension to William Elmes;
H. R. 2289. An act granting an increase of pension to Algernon Lightcap;
H. R. 1280. An act granting a pension to Mary K. Lewis;
H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;
H. R. 4224. An act granting an increase of pension to Christopher Pletzke;
H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;
H. R. 4727. An act granting a pension to Emma M. Boyer;
H. R. 4730. An act granting an increase of pension to Meshack L. Jones;
H. R. 1124. An act granting an increase of pension to John J. Grant;
H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;
H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;
H. R. 4215. An act granting an increase of pension to John A. Roberts;
H. R. 4217. An act granting an increase of pension to Daniel M. Rose;
H. R. 4218. An act granting an increase of pension to John M. Williamson;
H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;
H. R. 4735. An act granting an increase of pension to Thomas Adair;
H. R. 4737. An act granting an increase of pension to Odilia Logan;
H. R. 3380. An act granting an increase of pension to George W. Wilburn;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 1797. An act granting a pension to James H. Cole;
H. R. 3216. An act granting an increase of pension to John W. Seeber;
H. R. 3214. An act granting a pension to Maggie Parker;
H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;
H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;
H. R. 4765. An act granting an increase of pension to George W. Shepherd;
H. R. 9352. An act granting a pension to Mary Van Blarcom;
H. R. 2394. An act granting an increase of pension to Frank Buncher; and
H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

LAND OFFICE QUITCLAIM IN FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill H. R. 8970.

The Clerk read as follows:

A bill (H. R. 8970) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions.

Be it enacted, etc., That in all cases where any person, persons, or corporations have heretofore conveyed, or may hereafter convey, to the United States, the fee title, or purporting to convey the fee title, to any entered or patented lands situate within any of the forest reservations created under and by virtue of the twenty-fourth section of the act of Congress approved March 3, 1891 (Twenty-sixth Statutes, p. 1095),

with the intention of selecting lieu land therefor from the public domain, under the act of Congress approved June 4, 1897 (Thirtieth Statutes, pp. 34 to 36), but which can not be accepted by the Government of the United States on account of defective title to base land so surrendered, then it shall be the duty of the Commissioner of the General Land Office, upon request of such person, persons, or corporation, to reconvey the title to such lands to the selector by special quitclaim deed of the United States: *Provided*, That the reconveyance by the United States as aforesaid shall not preclude such person, persons, or corporation and their grantors from subsequently making a further exchange or selection of public land in accordance with the terms and provisions of the said act of Congress approved June 4, 1897, and amendments thereto (Thirtieth Statutes, pp. 34 to 36): *And provided further*, That no reconveyance shall be made by the United States under this act except where the title attempted to be conveyed to the United States has become a matter of record within the State or Territory wherein the base lands in such forest reservations are situate.

The amendments recommended by the committee were read, as follows:

On page 1, in line 4, after the word "conveyed," strike out "or may hereafter convey."

In line 5, after the word "or," insert the words "executed an instrument."

On page 2, after the word "surrendered," in line 2, insert "or on account of the repeal of said acts."

In lines 4 and 5, after "Land Office," strike out all down to and including the word "corporation."

Further strike out, beginning with the word "That," in line 6, all down to and including the word "further," in line 13.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. I would like to have an explanation of the bill, reserving the right to object.

Mr. LACEY. Mr. Speaker, in the last Congress the forest lieu-land law was repealed. There had been a great deal of land embraced within the limitations of forest reserves which had been conveyed to the United States under the lieu-land law, the conveyors having the right to make a selection of other land outside, on the public domain, on land open to settlement. This law was repealed without any saving clause whatever to the parties who had conveyed the land and who had not yet made their selection. They have asked Congress to grant them the right hereafter to go on and make selections—extending the time. It was deemed best not to do this; that the law had been abused so extensively that it ought to be repealed, and having been repealed, these parties not having made their selection, having had time to do so, it was not thought best to keep the law alive for their benefit. But as their land has been conveyed to the Government, the Government having conveyed them nothing in return, this bill simply authorizes the Land Department to quitclaim back to the parties the land that they have conveyed to the Government and in exchange for which they have not selected any other land.

Mr. SMITH of Kentucky. If this bill passess they will then become the owners by conveyance from the United States Government of land within a forest reservation.

Mr. LACEY. They will simply remain the owners of their own land that they have conveyed to the Government under the law, and they have not any land at all either outside or in, and this just puts them as if they had made no conveyance.

Mr. SMITH of Kentucky. They have received no consideration for the conveyance?

Mr. LACEY. None whatever.

Mr. MANN. How did they convey it?

Mr. LACEY. They conveyed it under the lieu-land law. They were required to furnish an abstract of title and a perfect title in the land and then convey it, making a full conveyance. It had to be recorded, and then having conveyed the land to the Government, they would apply under the conveyance for the privilege of selecting other lands in lieu. They have taken the first step, and then the repeal of the law prevents them getting any land in its place.

Mr. MANN. May I ask the gentleman if it is something like this: The gentleman signs his receipt for his pay before he gets it. The receipt goes down and then the Government refuses to pay him, and he would like to have his receipt back.

Mr. LACEY. He would like to get his receipt back; that is about the size of it.

Mr. SMITH of Kentucky. As I understand the gentleman from Iowa, when the bill repealing the act referred to was under consideration Congress absolutely refused to protect the rights of these men who had given up their land in the forest reservation.

Mr. LACEY. They stampeded, or some of them did, to get their conveyances on file before the repeal was effected, in order to get this lieu-land right, which was more valuable than the land that they then had; and it was not deemed best to protect them under the circumstances. There is, however, one other class included in this bill to which I have not yet referred, namely, the men whose title was held by the Government not to be perfect. They said, "You have made a conveyance, but there is a defect in your title," and therefore the Government refused to accept it before the repeal of this law. Now, whatever title they may have had they will get back under this bill by a quitclaim.

Mr. JONES of Washington. Have your committee considered the question of allowing these persons who have surrendered to the Government with the intention of making this new selection an opportunity to go on and complete their selection?

Mr. LACEY. We have. There are bills to that effect pending before the committee, and the committee were opposed to reopening this question. That matter was thoroughly discussed during the many months' time in which the repeal was pending in Congress. It having been repealed, they having the opportunity to make selection, it was not deemed wise to open the question again; but they can be put back just where they were, and no harm will be done.

Mr. JONES of Washington. You put them back in the same position they were before the bill was passed?

Mr. LACEY. Yes.

Mr. WILLIAMS. Is the gentleman certain that this does nothing more than to put them back where they were before? For example: Suppose a case of a defective title, and suppose the reason why the title is defective was on account of a counterclaim on the part of the United States—the United States did not think it had been divested of the title. Now, if the United States gives a quitclaim deed, of course it makes that title good.

Mr. LACEY. The provision is to put them in the same position that they would have been in if they had not made any conveyance to the Government.

Mr. WILLIAMS. But if you give a quitclaim deed of land concerning which there is dispute about the title between the Government and the person, if the Government gives the quitclaim deed to that person, it would make the title good.

Mr. LACEY. I do not think there is any case of that sort. The bill only gives him the same title that he conveyed to the Government.

Mr. STEPHENS of Texas. Isn't it a fact that a good many of the settlers have moved off the reservation?

Mr. LACEY. They all had an opportunity to make a selection, and they failed to do it. Most of the rights have passed into the hands of outsiders and speculators. The man who had one of these lieu rights and knew the law was about to be repealed had two propositions open to him. One was to make a selection before the law was repealed, and the other was to hold on to it, hoping that Congress might extend the time after the repeal of the law had made this class of rights scarce and therefore enhanced the value of them; and those who held on to those rights did so for the purpose of future selection. They took the chances on that; but notwithstanding all that they ought to have back that which was not paid for.

Mr. STEPHENS of Texas. The gentleman will remember that during the closing hours of the last session of Congress, when we were repealing the lieu-land law, I took the position that the settlers should be protected. Now it seems an act of late and tardy justice that this measure has been brought in. I congratulate the gentleman.

Mr. LACEY. Well, this protects them fully. The protection they asked for at that time was that they might go on and make future selections. This is quite a different proposition.

Mr. JONES of Washington. Has the gentleman any information whether the persons to be benefited by the act are settlers?

Mr. LACEY. Both settlers and railroads. I think the railroads will have more than anybody else.

Mr. JONES of Washington. How much land will be affected by it?

Mr. LACEY. I don't know the amount, but it will amount to a good many acres in the aggregate when you consider the land grants.

Mr. JONES of Washington. I know it was understood before the lieu-land act was repealed that it was the policy of the Department to accept a relinquishment only when accompanied with a selection of new land.

Mr. LACEY. That policy was suggested, but it never has been strictly followed.

Mr. MANN. The gentleman from Iowa says he has no idea of the number of acres to be affected by this provision. Is it not an easy matter to ascertain?

Mr. LACEY. No; it is not, and for this reason: They file the deed and have it recorded in the local office. They furnish proof at Washington of the fact that they have made this reconveyance and file a selection of the additional land with the local land office. It would be a very difficult matter to ascertain the exact amount. I have been told, as far as the railroad land

is concerned, that it will run up into several hundred thousand acres.

Mr. MANN. Is the General Land Office conducted so loosely that when a quitclaim deed is given to the Government it is filed in the local land office and no report made to the General Land Office?

Mr. LACEY. That is a peculiarity of that lieu-land law. If the gentleman had a quarter section of land on a forest reservation, he would make out an abstract of title and file his deed in the office in the county where the land is situated. He would make a selection afterwards.

Mr. MANN. The deed is filed and the fee paid by the other party?

Mr. LACEY. By the man that makes the conveyance.

Mr. MANN. But no notice is given to the Government?

Mr. LACEY. Not until he files his papers of selection with the Land Office.

Mr. MANN. No notice given at the time?

Mr. LACEY. No.

Mr. MANN. And up to the present time no notice has been given to the Government, I suppose?

Mr. LACEY. In most cases I presume it is through the local land office, but that would require a very laborious tabulation to ascertain just how many acres would be covered.

Mr. MANN. Who is asking for this legislation, if nobody knows who is interested in it?

Mr. LACEY. The Department is asking it. They want to get rid of this land. There is no other way to get rid of it. It is now held by the Government and no taxes paid upon it. The parties making the conveyance to the Government, the Government holds it as trustee. The Government does not own it. In equity it becomes a trustee for the parties who make the conveyance.

Mr. WILLIAMS. Is not this land mainly within forest reservations?

Mr. LACEY. It is all within forest reservations.

Mr. WILLIAMS. They expect to get a revenue from that?

Mr. LACEY. It is in counties. We put in a provision that the reconveyance shall be made, otherwise the parties might not ask for it, because they might assume that the land being in the hands of the Government, they might reserve their right to call for a reconveyance, because as long as it is in the hands of the Government they would not have to pay any taxes. Consequently we put in this bill an amendment requiring that the conveyance shall be made without waiting for a demand.

Mr. MANN. The gentleman says that the Department wants this?

Mr. LACEY. Oh, yes.

Mr. MANN. Yet the Department does not know anything about it. It has not been notified that these deeds have been recorded.

Mr. LACEY. Oh, yes; notified of thousands of them.

Mr. MANN. We ought to have a record of them. We ought to know how many there are.

Mr. LACEY. If there was only one of them, this bill ought to pass.

Mr. MANN. If there was only one of them, nobody would object to it.

Mr. LACEY. If there were 5,000 of them, it ought to pass. Consequently, I suppose, if the question were important as to just how much land would be covered by this proposition I could have ascertained it approximately, but as it was a question involving a matter of right to the parties that owned it, whether great or small, I made no effort to ascertain the exact or approximate amount of land thus held.

Mr. SMITH of Kentucky. Is this bill so guarded that a man who conveyed his land in a forest reserve to the Government and then went out and took up land in lieu of it could not come back and claim that he never had selected land and claim a reconveyance under this act?

Mr. LACEY. This does not cover any case of that kind. It covers only those cases where he has made no selection; where he has conveyed the land, but has not selected land in its place.

Mr. SMITH of Kentucky. How is that to be determined?

Mr. LACEY. It is a very simple matter for the Department. They have the deeds, and all they have to do is to see whether for the land conveyed there has been selected lieu land in place of it. If there has not been, they will reconvey it; if there has been, that ends it.

Mr. SMITH of Kentucky. Suppose he has selected and sold, before conveyance to him, the new selection and transfer to some other man?

Mr. LACEY. Whenever he selects the land and the selection is approved, that closes the incident. The difficulty about this whole question is that the law required that the grantor should first file his deed for record before making the selection, and that being the case it has left a number of them suspended in the air. Where he has made the selection and it has been approved, that closes the whole matter.

Mr. SMITH of Kentucky. Yes; if it is made and he has not transferred it by conveyance.

Mr. LACEY. Oh, well, he may have transferred his lieu right before selection. It makes no difference.

Mr. SMITH of Kentucky. What provision is there in this bill to safeguard the Government?

Mr. LACEY. None whatever in that respect, because the Government could not possibly be injured in that manner. This only covers cases where the selection has not been made either by him or his assignees. The Government has full record of all selections made by the parties who have made deeds to the Government.

Mr. WILLIAMS. I understand that wherever lieu land has been selected for any particular land, the record of that transaction is here in Washington.

Mr. LACEY. That transaction is made of record in Washington.

Mr. WILLIAMS. It is the uncompleted transaction which is not in Washington.

Mr. LACEY. Yes; they come together when completed. One extinguishes the other.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned to meet to-morrow, Friday, February 9, 1906, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Attorney-General submitting an amended estimate of appropriation for fees of district attorney for District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Court of Claims submitting an estimate of appropriation for certain alterations and furnishing in the rooms of the court—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a detailed statement of the expenditures on the *Connecticut*, *Louisiana*, and other vessels—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for defraying the expenses of the United States Board on Geographic Names—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13542) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, reported the same with amendment, accompanied by a report (No. 1108); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12614) to restore the name of California avenue, in the city of Washington, reported the same with amendment, accompanied by a report (No. 1107); which said bill and report were referred to the House Calendar.

Mr. BROWN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act

to create the California Débris Commission and regulate hydraulic mining in the State of California," reported the same without amendment, accompanied by a report (No. 1110); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1111); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 648) granting a pension to Charles Falbisaner, reported the same with amendment, accompanied by a report (No. 1069); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1483) granting an increase of pension to Josephine E. Quentin, reported the same with amendment, accompanied by a report (No. 1070); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1888) granting a pension to William T. Scandlyn, reported the same with amendment, accompanied by a report (No. 1071); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2054) granting an increase of pension to Ralph A. Adams, reported the same with amendment, accompanied by a report (No. 1072); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2116) granting an increase of pension to Daniel Hayes, reported the same with amendment, accompanied by a report (No. 1073); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2306) granting an increase of pension to James W. Stell, reported the same with amendment, accompanied by a report (No. 1074); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2307) granting an increase of pension to Joseph J. Martin, reported the same with amendment, accompanied by a report (No. 1075); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2897) granting an increase of pension to R. G. Childress, reported the same with amendment, accompanied by a report (No. 1076); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7478) granting an increase of pension to George W. Jackson, reported the same with amendment, accompanied by a report (No. 1077); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8406) granting an increase of pension to Susan W. Selfridge, reported the same without amendment, accompanied by a report (No. 1078); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8493) granting an increase of pension to Sallie F. Sheffield, reported the same with amendment, accompanied by a report (No. 1079); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9530) granting a pension to Catherine Casey, reported the same with amendment, accompanied by a report (No. 1080); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9593) granting a pension to C. M. Priddy, reported the same with amendment, accompanied by a report (No. 1081); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10175) granting an increase of pension to Matthew A. Knight, reported the same with amendment, accompanied by a report (No. 1082); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10677) granting a pension to Maria Elizabeth Posey, reported the same with amendment, accompanied by a report (No. 1083); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11061) granting an increase of pension to Reanna Pile, reported the same without amendment, accompanied by a report (No. 1084); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11122) granting an increase of pension to John Hopper, reported the same with amendment, accompanied by a report (No. 1085); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11297) granting a pension to David McGinnis, reported the same with amendment, accompanied by a report (No. 1086); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12008) granting an increase of pension to James D. Blanding, reported the same with amendment, accompanied by a report (No. 1087); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12583) granting an increase of pension to Elizabeth L. H. Labatt, reported the same with amendment, accompanied by a report (No. 1088); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12837) granting an increase of pension to Martha Miller, reported the same with amendment, accompanied by a report (No. 1089); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12839) granting an increase of pension to Kathryn G. Hayt, reported the same with amendment, accompanied by a report (No. 1090); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12955) granting an increase of pension to Lyman Critchfield, jr., reported the same with amendment, accompanied by a report (No. 1091); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney, reported the same with amendment, accompanied by a report (No. 1092); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13282) granting a pension to Lydia B. Bevan, reported the same with amendment, accompanied by a report (No. 1093); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13402) granting a pension to John Reynolds, reported the same with amendment, accompanied by a report (No. 1094); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13457) granting an increase of pension to William M. McCay, reported the same with amendment, accompanied by a report (No. 1095); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13579) granting an increase of pension to Amon Miller, reported the same without amendment, accompanied by a report (No. 1096); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13582) granting an increase of pension to James Sutherland, reported the same with amendment, accompanied by a report (No. 1097); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13611) granting an increase of pension to William Clough, reported the same with amendment, accompanied by a report (No. 1098); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13643) granting an increase of pension to Davis W. Hatch, reported the same with amendment, accompanied by a report (No. 1099); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 994) granting an increase of pension to Henry Weston, reported the same without amendment, accompanied by a report (No. 1100); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2415) granting an increase of pension to Fannie I. Edgerton, reported the same without amendment, accompanied by a report (No. 1101); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2879) granting an increase of pension to May J. Hoge, reported the same without amendment, accompanied by a report (No. 1102); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3036) granting an increase of pension to Mary J. McGehee, reported the same without amendment, accompanied by a report (No. 1103); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3307) granting an increase of pension to Phillip W. Cornman, reported the same without amendment, accompanied by a report (No. 1104); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907—to the Union Calendar.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 14398) to increase the number of one and two dollar bills in circulation—to the Committee on Banking and Currency.

By Mr. CLAYTON: A bill (H. R. 14399) for the removal of the existing tariff on composing linotype machines and their parts—to the Committee on Ways and Means.

By Mr. HUNT: A bill (H. R. 14400) for the prevention of accidents to operatives and employees of common carriers engaged in moving interstate traffic, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: A bill (H. R. 14401) to establish a national military park at Fort Reno, D. C., and for other purposes—to the Committee on Military Affairs.

By Mr. McCARTHY: A bill (H. R. 14402) for the restoration of annuities to the Medawakanton and Wahpakoota (Senate) Sioux Indians declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. MADDEN: A bill (H. R. 14403) to increase pensions of soldiers and sailors living with their wives, and widows of soldiers and sailors who are dependent entirely upon their pensions for subsistence and who are compelled to ask for charity—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 14404) to establish a fish-hatching and fish station in the State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

By Mr. PARSONS: A bill (H. R. 14405) to extend to certain publications the privileges of second-class mail matter as to admission to the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: A bill (H. R. 14406) to amend section 22 of the act of February 4, 1887, entitled "An act to regulate commerce," to prevent the issuance and use of free passes, tickets, or evidence thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVIN: A bill (H. R. 14407) to amend section 3285 of the Revised Statutes as amended by the act of May 28, 1880—to the Committee on Ways and Means.

Also, a bill (H. R. 14408) to amend section 3262 of the Revised Statutes as amended—to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 14409) to amend section 10 of the act of March 3, 1887, to provide for the bringing of suits against the Government of the United States—to the Committee on the Judiciary.

By Mr. LACEY: A bill (H. R. 14410) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park"—to the Committee on the Public Lands.

Also, a bill (H. R. 14411) providing a fund from which payment may be made by the Secretary of the Interior for advertising the restoration to the public domain of lands in forest reserves or lands temporarily withdrawn for forest-reserve purposes—to the Committee on Appropriations.

By Mr. CURTIS: A bill (H. R. 14412) for the relief of certain State militia—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 14413) providing for erection of post-office building at East Liverpool, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14414) providing for extension to the post-office at Youngstown, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14415) authorizing the purchase of a site for a post-office building at Salem, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14416) authorizing the purchase of a site for a post-office building at Alliance, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of South Carolina: A bill (H. R. 14417) providing for a survey of Saluda River from Halfway Swamp to mouth of Hollow Creek—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: A bill (H. R. 14418) to establish two or more fish-cultural stations on Puget Sound—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Ohio: A bill (H. R. 14419) for the relief of the widows of Union soldiers, sailors, and marines—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 14420) providing for the erection of a public building at Washington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. DIXON of Montana: A bill (H. R. 14421) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment—to the Committee on Indian Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 14422) providing for an increased rate of pension on account of total and permanent helplessness and dependence—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 14423) to authorize the construction, operation, and maintenance of a telegraphic cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone, on the Isthmus of Panama, and to Porto Rico, and to promote commerce—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 14507) relating to the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: A bill (H. R. 14508) permitting the building of dams across any or all of the branches of Rock River; also a dam across the cut-off between Vandruffs Island and Carrs Island, at, near, or upon the lower rapids of Rock River, in Rock Island County, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of North Carolina: A bill (H. R. 14509) for the survey of Core Creek, Craven County, N. C.—to the Committee on Rivers and Harbors.

By Mr. McKINLEY of Illinois: A bill (H. R. 14510) increasing the limit of cost of public building at Decatur, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON: A resolution (H. Res. 263) providing for the printing of additional copies of the reports of the governors of Hawaii and Oklahoma—to the Committee on Printing.

Also, a resolution (H. Res. 264) providing for the printing of additional copies of the reports of the governors of Arizona and New Mexico—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 14424) granting an increase of pension to Annie M. Walker—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 14425) granting an increase of pension to Robert Henderson Griffin—to the Committee on Pensions.

Also, a bill (H. R. 14426) granting an increase of pension to Thomas S. Menefee—to the Committee on Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 14427) granting a pension to James W. Anderson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14428) granting a pension to Mary Parke—to the Committee on Invalid Pensions.

By Mr. CASTOR: A bill (H. R. 14429) granting an increase of pension to Frederick E. Schotter—to the Committee on Pensions.

By Mr. CHANEY (by request): A bill (H. R. 14430) granting a pension to Mary Lucas—to the Committee on Invalid Pensions.

Also (by request) a bill (H. R. 14431) to grant an honorable discharge to Albrecht Nest, apothecary of the Navy—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 14432) granting an increase of pension to Thomas Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14433) to correct the military record of Columbia Spalding—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 14434) granting an increase of pension to Andrew Murphy—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 14435) granting an increase of pension to William Maddex—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14436) granting a pension to Lillie A. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14437) granting an increase of pension to Marquis M. De Burger—to the Committee on Pensions.

Also, a bill (H. R. 14438) granting an increase of pension to Henry C. King—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 14439) granting an increase of pension to John Klinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14440) granting an increase of pension to George Badger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14441) granting an increase of pension to Andrew J. Montgomery—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 14442) granting an increase of pension to Ester M. Lowe—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 14443) granting a pension to John Messer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14444) granting an increase of pension to Alexander Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14445) granting an increase of pension to Daniel McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14446) granting an increase of pension to James Canary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14447) granting an increase of pension to William C. Webber—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 14448) for the relief of Capt. John Bogg's company, West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 14449) granting an increase of pension to James L. Smith—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 14450) granting a pension to John Henry Allen—to the Comittee on Pensions.

Also, a bill (H. R. 14451) granting a pension to Edson M. Schryver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14452) granting an increase of pension to John H. Chandley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14453) for the relief of William H. Osenburg—to the Committee on Naval Affairs.

By Mr. GRAFF: A bill (H. R. 14454) granting an increase of pension to William A. Blossom—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 14455) granting a pension to Matilda Wiley—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 14456) granting an increase of pension to Martha Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14457) for the relief of Thomas Wyman, assistant light-house keeper—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 14458) to remove the charge of desertion from the military record of John H. Snyder and grant him an honorable discharge—to the Comittee on Military Affairs.

By Mr. HULL: A bill (H. R. 14459) granting a pension to Sarah E. Lockard—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 14460) granting a pension to Sabrina B. L. Abbott—to the Committee on Invalid Pensions.

Also, a bill (H R. 14461) granting a pension to Peter Bush—to the Committee on Pensions

By Mr. KENNEDY of Ohio: A bill (H. R. 14462) granting a pension to Martha Richardson—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 14463) granting an increase of pension to Joseph Johnson—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 14464) for the relief of Wiley Corbett—to the Committee on Claims.

By Mr. KLEPPER: A bill (H. R. 14465) granting a pension to Wesley Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14466) granting a pension to George Baxter—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster United States Army—to the Committee on Claims.

By Mr. LLOYD: A bill (H. R. 14468) granting a pension to Martha E. Shafer—to the Committee on Pensions.

Also, a bill (H. R. 14469) to remove the charge of desertion from the military record of Jacob W. Demoney and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 14470) granting an increase of pension to William B. Brazelton—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14471) granting an increase of pension to Brison La Rue—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 14472) granting a pension to Thomas Cheek—to the Committee on Pensions.

Also, a bill (H. R. 14473) granting an increase of pension to George W. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14474) granting an increase of pension to Thomas Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14475) granting an increase of pension to Edward M. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14476) granting an increase of pension to Fleming Crump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14477) granting an increase of pension to Everton R. Cramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14478) granting an increase of pension to Elias W. Routson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14479) granting an increase of pension to Nathan Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14480) granting an increase of pension to Mary C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14481) granting an increase of pension to Sarah J. Kraner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14482) granting an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14483) granting an increase of pension to John W. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14484) granting an increase of pension to Harrison Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14485) granting an increase of pension to John Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14486) granting an increase of pension to Richard Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14487) granting an increase of pension to James Wilson—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14488) granting an increase of pension to Alex. Yakubielsky—to the Committee on Pensions.

Also, a bill (H. R. 14489) granting an increase of pension to Peter Krieger—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 14490) granting an increase of pension to Martha A. Kenney—to the Committee on Pensions.

Also, a bill (H. R. 14491) granting an increase of pension to Samuel Hyatt—to the Committee on Pensions.

By Mr. POU: A bill (H. R. 14492) granting an increase of pension to Nicholas John—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 14493) granting an increase of pension to Henry Gentils—to the Committee on Pensions.

Also, a bill (H. R. 14494) granting an increase of pension to Robert L. Pruyn—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 14495) granting an increase of pension to Edward C. Fitch—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 14496) granting an increase of pension to John F. Alsup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14497) granting an increase of pension to Charles M. Pumpelly—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 14498) granting an increase of pension to Eliza Davidson—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 14499) granting an increase of pension to Rebecca D. Stewart—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14501) granting an increase of pension to Charles H. Wright—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 14502) granting an increase of pension to John Dehrenberger—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 14503) granting an increase of pension to James P. Youngblood—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 14504) granting an increase of pension to Aaron P. Seeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14505) granting an increase of pension to John L. Clifton—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14506) granting an increase of pension to David L. MacKenzie—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of Local Union No. 237, of Portland, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Woman's Missionary Society of Old Orchard, Me., against liquor selling in all Government buildings—to the Committee on Alocoholic Liquor Traffic.

Also, petition of the Masonic Token, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BANKHEAD: Paper to accompany bill for relief of Annie M. Walker—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of McKees Rocks Division, No. 201, Order of Railway Conductors of America, supporting bills H. R. 9328 and 239—to the Committee on the Judiciary.

Also, petition of the National Board of Trade, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. BATES: Petition of the Albion News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Fellowship Lodge, No. 345, Brotherhood of Railway Trainmen, favoring employees' liability bill—to the Committee on the Judiciary.

Also, petition of Grange No. 168, of Cambridge Springs, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURGESS: Paper to accompany bill for relief of Thomas S. Menefee—to the Committee on Pensions.

Also, paper to accompany bill for relief of Robert H. Griffin—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: Paper to accompany bill for relief of John K. Dalzell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Ewing—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William T. Stewart—to the Committee on Invalid Pensions.

Also, petition of the National Board of Trade of Philadelphia, approving bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Reade W. Bailey, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the McKees Rocks Division, No. 201, Order of Railway Conductors of America, favoring bills H. R. 9328 and 239—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Maine, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania: Petition of Capt. Charles V. Gridley Council, No. 413, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Amos Vaughan—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of James A. Jennings, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of Franklin Cooley—to the Committee on Invalid Pensions.

Also, petitions of the Methodist Episcopal Church of Block Island; the Phillips Memorial Church, of Auburn; the First Baptist Church of Block Island; pastors of all churches of Kingston; the North Congregational Church, of Providence, the First Baptist and First Methodist Episcopal churches of Warwick; the Free Evangelical Congregational Church of Providence; the Union Free Baptist Church, of East Greenwich; the Washington Park Methodist Episcopal Church, of Providence; the First Baptist Church of Hope Valley; the Baptist Church of Exeter; the First Baptist Church of East Greenwich; the Second Baptist Church of Richmond; the Ruggles Street Church, of Providence; the Carnston Street Methodist Episcopal Church, of Providence; the Baptist Church of Oak Lawn; the Warwick Central Free Baptist Church; the Park Street Free Baptist Church, of Providence; the Fourth Baptist Church of Providence; the Woman's Christian Temperance unions of Central Falls, Exeter, Clarks Mills, Kingston, Auburn, Apponaug, Newport, Hope Valley, Washington Park, and Cumberland, and of sundry citizens of Rhode Island, against the bill to repeal the canteen law—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Petitions of the Association of Commissioners of Agriculture of the Southern States; the Veterinary Medical Association of Cleveland, Ohio; the Interstate Association of Live-Stock Sanitary Boards, at Guthrie, Okla.; the North Carolina State Board of Agriculture, and the North Carolina State Farmers' Convention, for an appropriation to exterminate the cattle tick—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. CLAYTON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COOPER of Wisconsin: Petition of Kenosha Chapter, Daughters of the American Revolution, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CROMER: Petition of Local Union No. 1033, of Muncie, Ind., Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Farmers' Institute of Randolph County, Ind., for reciprocal commercial relations with other countries—to the Committee on Foreign Affairs.

Also, petition of George Dwiggins et al., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CURTIS: Petitions of the Tribune, the Times, the Times, of Clay Center, the Vindicator, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALE: Paper to accompany bill for relief of Elizabeth Jeremiah—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Helen F. Hoffman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Orestes B. Wright—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Christina White—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander Todd—to the Committee on Military Affairs.

By Mr. DARRAGH: Petition of George J. Coleman et al., of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petition of Tonoloway Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Enterprise Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Joseph W. Bedford, A. A. Martin, Ormon Randolph, and the New Dominion, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Eagle Spring Grange, No. 1510, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of Frances P. McMurtrie—to the Committee on Invalid Pensions.

By Mr. DRESSER: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity, for relief

for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FLACK: Petition of Beckman Grange, No. 941, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Barnhart Brothers & Spindler, of Chicago, for removal of restriction on Chinese immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Lake Seamen's Union of Chicago, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of New Jersey: Petitions of Columbus Grange, painters of Atlantic City, and Hammonton Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the National Board of Trade, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of McKees Rocks Division, No. 201, Railway Conductors of America, for bills H. R. 9328 and 239—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Local Union No. 534, Brotherhood of Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of J. E. Phelan, of North Dakota, against change of time in shipping live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Petitions of W. H. Van Doran and A. N. Moulton, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Shipowners' Association of the Pacific Coast, asking abolition of the transport service—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: Petition of O. S. Hull, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the National Grange of Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Aspetuck Valley Grange, of New Milford, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of New England Ophthalmological Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of The Other Club, of Danbury, Conn., for a national pure-food law—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of the shipowners of Manasquan, N. J., for repeal of the compulsory pilotage law—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cranbury Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HOUSTON: Petition of citizens of Tennessee, against the duty on hides—to the Committee on Ways and Means.

By Mr. HUMPHREYS of Mississippi: Paper to accompany bill for relief of Mrs. Peter Anderson—to the Committee on War Claims.

By Mr. JAMES: Petition of the Critic and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the News-Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Shipowners' Association of the Pacific coast, favoring bill H. R. 10090—to the Committee on Ways and Means.

Also, petition of the Shipowners' Association of the Pacific Coast, favoring abolition of the United States Army transport service—to the Committee on Naval Affairs.

By Mr. KELIHER: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of 400 members of the Baptist Church of North Adams, Mass., and citizens of Greenfield, Mass., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LEE: Paper to accompany bill for relief of William W. Law—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: Petition of women's clubs, for a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Central Federated Union, favoring passage of bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Petition of Len J. Patterson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of W. I. Marsh et al., of Malaga, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Petition of locomotive engineers of Mattoon, Ill., for the Gilbert anti-injunction bill—to the Committee on the Judiciary.

By Mr. MANN: Petition of the Lake Seaman's Union, urging passage of bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William F. Geary et al., against the tax on hides—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of citizens of South Dakota, relative to the disposition of reservation lands for the benefit of actual settlers—to the Committee on the Public Lands.

By Mr. MAYNARD: Paper to accompany bill for relief of Theodore Hagner—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of Attica Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Z. T. Smith et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of J. H. Douglas Lodge, No. 222, Brotherhood of Railway Trainmen, of Newcastle, Pa., relative to bill H. R. 239—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Firemen, Lodge No. 557, of Dubois, Pa., relative to bill H. R. 239—to the Committee on the Judiciary.

Also, petition of Protestant clergymen of Wilkes-Barre, for Sunday as a rest day in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., relative to bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of Protestant clergymen of Wilkes-Barre, Pa., against Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Norris City Lodge, No. 610, Brotherhood of Railway Trainmen, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Martha A. Kenney, widow of Robert E. Kenney—to the Committee on Pensions.

Also, paper to accompany bill for relief of Samuel Hyatt—to the Committee on Pensions.

By Mr. POLLARD: Petition of Omaha Lodge, No. 123, Brotherhood of Locomotive Firemen, for bill H. R. 239—to the Committee on the Judiciary.

Also, petition of Omaha Lodge, No. 123, Brotherhood of Locomotive Firemen, for bill H. R. 9328—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of Richard Starr et al., for a reciprocal commercial treaty with Germany—to the Committee on Foreign Affairs.

By Mr. PUJO: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Orleans Parish Medical Society, of New Orleans, for United States Government control of all marine and interstate quarantine—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association of Masters and Pilots of Steam Vessels, for improvement of the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Union No. 985, Brotherhood of Painters, Deco-

rators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Union No. 985, Brotherhood of Painters, Decorators, and Paper Hangers of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. RAINEY: Petition of citizens of Petersburg, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Paper to accompany bill for relief of heirs of John Hawkins—to the Committee on Claims.

Also, petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Petition of the St. Helena Echo and the Franklinton New Era, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of heirs of Jennie Hunter—to the Committee on War Claims.

By Mr. RUPPERT: Petition of 380 firms and companies in New York City, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Central Federation Union of New York, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislative board of the Brotherhood of Locomotive Engineers, for enforcement of the Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of the National Board of Trade of Philadelphia, favoring passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Produce Exchange, relative to Chinese exclusion—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the legislative committee of the Brotherhood of Locomotive Firemen, against the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of New York, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Buffalo Brotherhood, Lake Seamen's Union, against abandonment of marine hospitals—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of 350 citizens of Easton, Pa., relative to interstate nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of 350 citizens of Easton, Pa., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SHACKLEFORD: Petition of F. M. Brown et al., against amending the copyright law—to the Committee on Patents.

Also, petition of the Fireside Guard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of Nittany Valley Lodge, Independent Order of Odd Fellows, of Hublersburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Caroline Nelson—to the Committee on Pensions.

Also, petition of John R. Black and 10 other citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of White & White, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Grange, Patrons of Husbandry, and J. B. Ager, of the Maryland State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Texas: Paper to accompany bill for relief of Hayden M. Prior—to the Committee on War Claims.

By Mr. SOUTHARD: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of B. A. Stevens & Co., of Toledo, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the Independent and the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of citizens of New York, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WEEKS: Petition of citizens of Massachusetts, urging investigation into affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WEISSE: Petition of Catherine Ettinger, relative to fraud orders by the post-office—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Petition of the Mississippi School Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of citizens of Michigan, against re-establishment of the Army canteen—to the Committee on Military Affairs.

SENATE.

FRIDAY, *February 9, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PER DIEM EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending that the per diem employees of the Government on duty at Washington or elsewhere in the United States shall be allowed the first Monday in September of each year, designated as "Labor Day," as a holiday, and shall receive the same pay as on other days; which was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Active*, Patrick Drummond, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Ruby*, Luke Keefe, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

H. R. 8970. An act authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions;

H. R. 10129. An act to amend section 5501 of the Revised Statutes of the United States;

H. R. 10697. An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883;

H. R. 11783. An act for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma; and

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Society of Colonial Dames of America, of Indianapolis, Ind.,

praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of C. W. Post, a citizen of the United States, praying for the expulsion from the United States Senate of THOMAS C. PLATT, a Senator from the State of New York; which was referred to the Committee on Privileges and Elections.

Mr. PLATT presented a memorial of the State legislative board of the Brotherhood of Locomotive Engineers of Albany, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the State legislative board of the Brotherhood of Locomotive Engineers of Albany, N. Y., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. LONG presented a petition of the Woman's Christian Temperance Union of Furley, Kans., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Woman's Christian Temperance unions of Arkansas City, Iola, Furley, Howard, Peru, and Walnut, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of Kimball Bros., of Manhattan, Kans., and the petition of Arthur Capper, of Topeka, Kans., praying for the enactment of legislation for the removal of the tariff on linotype and composing machines; which were referred to the Committee on Finance.

Mr. GALLINGER presented the petition of Charles A. Long, of Lexington, Okla., and a petition of the Wade-Branch Hardware Company, of Shawnee, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation to increase the salaries of public school teachers in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GAMBLE presented the petition of A. B. Bean and sundry other citizens of Bath, S. Dak., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which was referred to the Committee on Finance.

He also presented the memorial of J. T. Hansen and other citizens of Canton, S. Dak., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Aberdeen, S. Dak., praying for the enactment of legislation providing for the opening to settlement of the Indian reservation lands lying west of the Missouri River, in that State; which was referred to the Committee on Indian Affairs.

He also presented the petition of M. H. Beck and 84 other citizens of Utica and Lesterville, S. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a paper to accompany the bill (S. 2102) granting an increase of pension to George W. Lucas; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2868) granting an increase of pension to George W. Flick; which were referred to the Committee on Pensions.

Mr. DEPEW presented a memorial of the State legislative board of the Brotherhood of Locomotive Engineers of Albany, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Buffalo Branch of the Lake Seamen's Union of New York, remonstrating against the enactment of legislation to abolish the United States marine hospitals; which was referred to the Committee an Naval Affairs.

He also presented a petition of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., praying for the enactment of legislation giving to enlisted men of the Army upon their retirement the same privilege of advancement of one grade on retirement as is now allowed commissioned officers of like service; which was referred to the Committee on Military Affairs.

He also presented a petition of the Buffalo Branch of the Lake Seamen's Union, of Buffalo, N. Y., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the State legislative board of the Brotherhood of Locomotive Engineers, of Albany, N. Y., and a petition of Pomona Grange, Patrons of Husbandry, of Chautauqua County, N. Y., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. OVERMAN presented a petition of sundry citizens of Graham, N. C., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Council No. 170, Junior Order United American Mechanics, of Rockwell; of Local Council No. 79, Junior Order United American Mechanics, of Rural Hall, and of Local Council No. 4, Junior Order United American Mechanics, of Altamahaw, all in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of the City Front Federation of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Central Federated Union of New York, praying for the enactment of legislation relating to the standard of men employed on steam vessels carrying passengers; which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of the Lumber Dealers' Association of Rhode Island, praying for the establishment of a national forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Current Topic Club, of Newport, R. I., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Medical Society of Newport, R. I., praying for the enactment of legislation to promote the efficiency of the Medical Department of the Army; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2070) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 125) regulating the retent on contracts with the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. GAMBLE. I am directed by the Committee on the District of Columbia to move that Order of Business 397, being the bill (S. 69) regulating the retent on contracts with the District of Columbia, be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 3935) to authorize Indians on former Uintah Reservation to cut and sell cedar and pine timber for posts and fuel, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 3983) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905, reported it with an amendment, and submitted a report thereon.

Mr. CRANE, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4015) to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship; and

A bill (S. 4016) for establishing a light-vessel off Nantucket Shoals, Massachusetts.

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (S. 4014) to construct and place a light-ship near the eastern end of Hedge Fence shoal, at the entrance to Vineyard Sound, Massachusetts, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2446) to provide for the purchase of a site and the erection of a public building thereon at Devils Lake, in the State of North Dakota, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FULTON introduced a bill (S. 4296) granting a pension to Jacob Ferber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4297) to improve the public building at Wichita, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels;

A bill (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels; and

A bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels.

Mr. ALDRICH introduced a bill (S. 4301) granting an increase of pension to Louisa Arnold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 4302) to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia;

A bill (S. 4303) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance, by any person, of his wife, or of his or her minor children in destitute or necessitous circumstances;

A bill (S. 4304) to prevent the giving of false alarms of fire in the District of Columbia; and

A bill (S. 4305) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4306) for the relief of the estate of James L. Geaslen, deceased; and

A bill (S. 4307) for the relief of the heirs of Lydia A. Hockensmith, deceased.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4308) granting a pension to Alvena Wiggins; and

A bill (S. 4309) granting a pension to Adele Jeanette Hughes.

Mr. GAMBLE introduced a bill (S. 4310) to set apart certain lands in the State of South Dakota as a public park, to be known as the Battle Mountain Sanitarium Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 4311) for the relief of the heirs of W. D. McDowall, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GEARIN introduced a bill (S. 4312) granting an increase of pension to Philip F. Castleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4313) ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4314) authorizing the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept conveyance of property of the Veterans' Home of California; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 4315) granting an increase of pension to Elizabeth A. Vose; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4316) granting an increase of pension to William E. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 4317) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a joint resolution (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army Memorial in Washington, D. C.; which was read twice by its title, and referred to the Committee on the Library.

STATEHOOD BILL.

Mr. FORAKER. I offer an amendment to the statehood bill, and ask that it be read and printed.

The Secretary read the following amendment, which was ordered to be printed:

Amendment intended to be proposed by Mr. FORAKER to the bill of the House (H. R. 12707) entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Amend by striking out section 23 of the bill and in lieu thereof insert the following:

"SEC. 23. That within thirty days after the approval of this act the governors of the Territories of New Mexico and Arizona, respectively, shall each by proclamation order a special election to be held on the twelfth Tuesday after the approval of this act. Said elections shall be conducted in all respects, including the qualifications and registrations of voters, and the result ascertained and certified as near as practicable in accordance with the laws of said Territories, respectively, governing the election of a delegate in Congress. The sole question to be submitted to the electors of each of said Territories at such special election shall be stated on the ballot in substance and form as follows:

"'Shall Arizona and New Mexico be united to form one State?

[ ] Yes. [ ] No.'

"Electors desiring to answer in the affirmative shall place a cross mark in the square to the left of the word "Yes," and those desiring to answer in the negative shall place a cross mark in the square to the left of the word "No," in the form above prescribed. The governors of the respective Territories shall certify and transmit as soon as may be practicable the results of said election, each to the other and likewise to the Secretary of the Interior, and if it appears from the returns thus certified that a majority of the electors in each of said Territories who voted at such special election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the inhabitants of that part of the area of the United States now constituting the Territories of Arizona and New Mexico as at present described may become the State of Arizona as hereinafter provided; but if in either of said Territories a majority of the electors voting at such special election shall appear by such certified returns to have voted against the union of said Territories, then, and in that event, this section and all succeeding sections of this act shall thereafter be null and void and of no effect, excepting that the appropriation made in section 41 hereof shall be and remain available for defraying all and every kind and character of expense incident to the special elections provided for in this section."

HEARINGS BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS.

On motion of Mr. BURROWS, it was

Ordered, That the Committee on Privileges and Elections be authorized to have printed the hearings had before the committee.

THE PHILIPPINE TARIFF.

On motion of Mr. LODGE, it was

Ordered, That 250 copies of the bill (H. R. 3) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, be printed for the use of the Senate document room.

CALIFORNIA STATE CLAIMS.

Mr. PERKINS submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 2184) entitled "A bill to refer to the Court of Claims the State war claims of the State of California," together with all the papers that relate thereto, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

H. R. 10697. An act providing for the issuance of patents for land allotted to Indians under the Moses agreement of July 7, 1883; and

H. R. 11783. An act for the establishment of town sites and for the sale of lots within common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma.

H. R. 8970. An act authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations under certain conditions was read twice by its title, and referred to the Committee on Public Lands.

H. R. 10129. An act to amend section 5501 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

URGENT DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. HALE. I ask unanimous consent for the consideration at this time of what is known as the "urgent deficiency appropriation bill."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill may be dispensed with, that it be read for amendment, and that the amendments of the Committee on Appropriations be first considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Department of State," on page 1, after line 8, to insert:

FOREIGN INTERCOURSE.

To supply a deficiency in the appropriation "Contingent expenses, foreign missions," for the fiscal year 1906, including all objects mentioned under this title of appropriation in the diplomatic and consular appropriation act for the fiscal year 1906, $30,000.

The amendment was agreed to.

The next amendment was, on page 2, line 18, before the word "cents," to strike out "five hundred and twelve dollars and fifty-eight" and insert "one thousand and thirty-three dollars and thirty-three;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Bringing home criminals," for the fiscal year 1905, $1,033.33.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

To supply a deficiency in the appropriation "Contingent expenses, United States consulates," for the fiscal year 1906, including all objects mentioned under this title of appropriation in the diplomatic and consular appropriation act for the fiscal year 1906, $40,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Payment to Germany: To pay to Germany the moiety of the United States of $40,000, in full settlement of the German claims for losses incurred in connection with the disturbances in Samoa in 1899, under the convention between the United States, Germany, and Great Britain of November 7, 1899, as set forth in Senate Document No. 85 of the present session, $20,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

Payment to Denmark: To pay to Denmark the moiety of the United States of $1,520, in full settlement of the Danish claims for losses incurred in connection with the disturbances in Samoa in 1899, under the convention between the United States, Germany, and Great Britain of November 7, 1899, as set forth in Senate Document No. 160 of the present session, $760.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 4, after line 20, to insert:

To enable the Secretary of the Treasury to pay Cora B. Thomas her salary as a clerk of class 3 in the Treasury Department for the fiscal year 1906, at the rate of $1,600 per annum, deducting therefrom any salary paid her during said year as a clerk in said Department, $400, or so much thereof as may be necessary; and the Secretary of the Treasury is hereby authorized to continue her name on the rolls of said Department with pay at the rate of $1,600 per annum after the close of the fiscal year 1906 for the period of five years.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "thousand," to strike out "ninety-one" and insert "seventy-nine;" so as to make the clause read:

Furniture and repairs of furniture: For an additional amount required for "Furniture and repairs of same for public buildings," to equip United States buildings which have not been included in any previous estimate submitted to the Congress, $79,300.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

Fuel, lights, and water for public buildings: For an additional amount required for "Fuel, lights, and water for public buildings," to maintain United States buildings under the control of the Treasury Department, $12,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

QUARANTINE STATIONS.

The provision in the sundry civil appropriation act for the fiscal year 1904, for the quarantine station at Honolulu, Hawaii, is hereby amended by decreasing the appropriation for construction of a wharf from $55,000 to $50,000, and increasing the appropriation for a runway to connect wharf with island from $10,000 to $15,000, so as to read as follows:

"For construction of wharf at United States quarantine station, Honolulu, Hawaii, $50,000; for a runway to connect wharf with the island, $15,000; for retaining wall around the island, $10,000; for laundry plant, $5,000; in all, $80,000, which sum shall be expended in such manner and under such plans as will complete in every detail each and every object mentioned in this paragraph.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to insert:

For the reclamation of Quarantine Island, Honolulu, Hawaii, from the materials now being dredged from the harbor of Honolulu, to be expended nuder the direction of the Secretary of War and the supervision of the Chief of Engineers, $20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 11, after line 13, to insert:

Credit in the accounts of Thomas J. Hobbs, disbursing clerk: That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Thomas J. Hobbs disbursing clerk of the Treasury Department, the sum of $21 standing against him on the books of the Treasury under the appropriation "Repairs and preservation of public buildings, 1905."

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Thomas J. Hobbs, disbursing clerk of the Treasury Department, the sum of $600 standing against him on the books of the Treasury under the appropriation "Repairs and preservation of public buildings, 1905."

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Thomas J. Hobbs, disbursing clerk of the Treasury Department, the sum of $875 standing against him on the books of the Treasury under the appropriation "Heating apparatus for public buildings, 1905."

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Thomas J. Hobbs, disbursing clerk of the Treasury Department, the sum of $1,454 standing against him on the books of the Treasury, under the appropriation "Repairs and preservation of public buildings, 1905."

The amendment was agreed to.

The next amendment was, under the head of "The Isthmian Canal," on page 19, after line 22, to insert:

To be used as an advance to the Panama Railroad Company to pay for the reequipment of that company, $650,000.

The amendment was agreed to.

The reading was continued to line 7, on page 20.

Mr. PATTERSON. Mr. President, I do not like to have the provision that has just been read passed over without some objection, and perhaps a motion to strike it out. Whether that should be done at this time or not I should like to inquire?

Mr. GALLINGER. The committee amendments are first in order, I will suggest.

Mr. HALE. The committee amendments are first in order.

Mr. PATTERSON. At least for the purpose of presenting the matter I wish to bring to the attention of the Senate, I will move to strike out the last paragraph read.

Mr. HALE. The Senator from Colorado will have an opportunity after the committee amendments have been considered, as to any part of the bill, to move to strike out or to amend.

Mr. PATTERSON. Then I will defer it.

The next amendment was, on page 20, after line 7, to insert:

Payment to Lieut. Col. William M. Black: For payment to Lieut. Col. William M. Black, Corps of Engineers, United States Army, 50 per cent additional compensation to pay proper, for services rendered to the Isthmian Canal Commission in the Isthmus of Panama from April 9, 1903, to March 21, 1904, being an equalization of pay similar to that paid other officers detailed with the Commission, and in pursuance of the understanding at the time when the assignment to duty with the Commission was tendered and accepted, $1,285.32.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

Payment to Lieut. Mark Brooke: For payment to Lieut. Mark Brooke, Corps of Engineers, United States Army, 50 per cent additional compensation to pay proper, for services rendered to the Isthmian Canal Commission in the Isthmus of Panama from April 9, 1903, to March 21, 1904, being an equalization of pay similar to that paid other officers detailed with the Commission, and in pursuance of the under-

standing at the time when the assignment to duty with the Commission was tendered and accepted, $573.98.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," on page 21, after line 8, to insert:

At the Eastern Branch at Togus, Me.: For repairs, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $15,550.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," page 23, line 21, after the word "Provided," to strike out:

That the medals herein authorized shall be delivered at the place of residence of the person entitled to the same.

And insert:

That the medals herein authorized shall be transmitted to the person entitled to the same at the place where he is located at the time of presenting the same;

So as to make the proviso read:

Provided, That the medals herein authorized shall be transmitted to the person entitled to the same at the place where he is located at the time of presenting the same.

The amendment was agreed to.

The next amendment was, under the head of "Naval Establishment," on page 24, after line 1, to insert:

PAY OF THE NAVY.

Pay, miscellaneous: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay, miscellaneous," for the fiscal year 1905, $6,478.57.

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

BUREAU OF NAVIGATION.

Naval War College, Rhode Island, buildings: The unexpended balance of the appropriation of $6,500 for altering the building formerly belonging to training station and fitting the same for occupancy by officers of the Naval War College, Rhode Island, made by the naval appropriation act for the fiscal year 1905, and the unexpended balance of the appropriation of $2,000 for furniture for officers' quarters in building No. 10, formerly belonging to training station, made by the naval appropriation act for the fiscal year 1906, are hereby reappropriated and made available for making necessary repairs and alterations to the buildings of the Naval War College at Newport, R. I.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 27, after line 17, to insert:

Heating, lighting, and power plant: The limit of cost of the heating, lighting, and power plant, authorized and provided for under the sundry civil act approved April 28, 1904, is hereby extended so that when said plant shall have been completed and of sufficient size and capacity to furnish heat, light, and power for the office building, House of Representatives, the Capitol building, the Congressional Library building, the office building, United States Senate, and for such other buildings as may hereafter be erected on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same, the total expenditure shall not exceed $1,393,000; and contracts for any part or the whole of the work herein provided for under said extended limit of cost are authorized to be entered into by the Superintendent of the Capitol Building and Grounds, under the terms of the act aforesaid.

The amendment was agreed to.

The next amendment was, on page 28, after line 9, to insert:

Subway system: For the construction of a subway system to connect the office building of the United States Senate with the Capitol building an expenditure not to exceed $168,500 is hereby authorized; and contracts for said subway system are authorized to be entered into within said sum by the Superintendent of the Capitol Building and Grounds subject to appropriations to be hereafter made by Congress.

The amendment was agreed to.

The next amendment was, on page 29, line 7, after the word "dollars," to insert:

One-half of this amount to be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated;

So as to make the clause read:

For the maintenance and tuition of colored deaf-mutes of teachable age belonging to the District of Columbia in the Maryland School for Colored Deaf-Mutes, as authorized by an act of Congress approved March 3, 1905, $4,500, one-half of this amount to be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was under the subhead "Indian affairs," on page 32, after line 8, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay John H. Roberts the sum of $843.60, being the amount disallowed by the Auditor for the Interior Department on his claim for net beef furnished the Flandreau Indian School under his contract during the fourth quarter, 1904, being for the fiscal year 1904.

The amendment was agreed to.

The next amendment was, on page 34, after line 5, to insert:

To supply a deficiency in the appropriation for the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, including all objects mentioned under this title of appropriation in the Indian appropriation act for the fiscal year 1906, being the amount required to complete the unfinished work devolving upon the Commission to the Five Civilized Tribes within said fiscal year, $75,000, said appropriation to be disbursed under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 36, after line 3, to insert:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, and other necessaries, directly ordered by the Attorney-General, $2,615.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 42, after line 15, to insert:

For the purchase of a draft horse for use in hauling supplies between the Post-Office Department and outlying offices, $200.

The amendment was agreed to.

Mr. HALE. At this point I offer a committee amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42, after line 18, insert:

For temporary clerk hire, $60,000.

The amendment was agreed to.

The next amendment was, under the subhead "Out of the postal revenues," on page 42, after line 24, to insert:

For blanks, blank books, printed and engraved matter, binding, and carbon paper for the money-order service, $15,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to insert:

To reimburse the postmasters at Tonopah and Goldfield, Nev., for expenditures for clerk hire, rent, fuel, light, and miscellaneous items in excess of the authorized allowances during the current fiscal year, and for necessary expenses during the remainder of the fiscal year, $5,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 7, to insert:

For the relief of J. J. Cole, acting postmaster at Nome, Alaska, fiscal year 1903, $63.50.

The amendment was agreed to.

The next amendment was, on page 43, after line 10, to insert:

For the relief of Frank W. Swanton, postmaster at Nome, Alaska, fiscal year 1903, $188.63.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," on page 43, after line 15, after the word "Industry," to strike out:

To meet the demands for more meat inspection and for microscopic inspection of pork, $20,000, or so much thereof as may be necessary.

And insert:

To supply a deficiency in the appropriation "General expenses, Bureau of Animal Industry," including each and every object authorized by law and specified in the appropriation of $1,431,520 under this title in the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906," approved March 3, 1905, $135,000, or so much thereof as may be necessary;

So as to make the clause read:

Bureau of Animal Industry: To supply a deficiency in the appropriation "General expenses, Bureau of Animal Industry," etc.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 45, after line 3, to insert:

SENATE.

To pay to the widow of the Hon. William B. Bate, late a Senator from the State of Tennessee, $5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 7, to insert:

To pay to the widow of the Hon. Orville H. Platt, late a Senator from the State of Connecticut, $5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 10, to insert:

To pay to the widow of the Hon. John H. Mitchell, late a Senator from the State of Oregon, $5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 13, to insert:

The Secretary of the Senate is hereby authorized and directed to pay to William B. C. Brown, clerk to the Hon. WILLIAM WARNER, of Missouri, from April 1, 1905, to December 3, 1905; and to Thomas B. Carroll, clerk to the Hon. JAMES B. FRAZIER, of Tennessee, from March 22, 1905, to December 5, 1905; and to John B. Kelley, clerk to the Hon. FRANK B. BRANDEGEE, of Connecticut, from May 10, 1905, to December 5, 1905, for clerical services rendered, from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal years 1905 and 1906.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

For miscellaneous items, exclusive of labor, $50,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 5, to insert:

For purchase of furniture, $2,500.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

To pay H. C. Adams for expert work done for the Committee on Interstate Commerce of the Senate in compiling a digest of the hearings on the regulation of railway rates and for compiling certain appendices to the hearings under the direction of said committee, $2,500.

The amendment was agreed to.

The next amendment was, on page 46, after line 13, to insert:

To pay for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates from the adjournment of the Senate, March 4, 1905, during and subsequent to the special meetings of the committee, as authorized by Senate resolution No. 288, as follows:

To Colin H. Livingstone, $1,500; E. H. McDermot, $750; John W. Fenton, jr., $500; William H. Gaskin, $250; W. A. Smith, $300; Peter Riley, $200; John R. Williams, $200; Beverly Hudnell, $200.

The amendment was agreed to.

The next amendment was, on page 47, after line 2, to insert:

To pay E. C. Goodwin for expenses incurred and for services in preparing an analytical index to the testimony taken before said committee, $1,500.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, after line 5, insert:

To pay Charles G. Phelps for extra services as clerk of the select committee appointed to consider the message of the House of Representatives relating to the impeachment of Charles Swayne, $450.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 49, line 4, after the word "seven," to insert:

And Senate Documents Nos. 166 and 185.

So as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 307 and Senate Documents Nos. 166 and 185, namely.

The amendment was agreed to.

The next amendment was, on page 49, after line 6, to insert:

Under the Treasury Department, $21,836.36.

The amendment was agreed to.

The next amendment was, on page 49, line 9, after the word "Department," to strike out "sixty-five thousand and forty-six dollars and sixty-three cents" and insert "eighty-two thousand four hundred and eighty-three dollars and twenty-eight cents;" so as to make the clause read:

Under the War Department, $82,483.28.

The amendment was agreed to.

The next amendment was, on page 49, line 16, after the word "Department," to strike out "eighty-nine thousand one hundred and nineteen dollars and seventy-nine cents" and insert "one hundred thousand six hundred and twenty-nine dollars and thirty-three cents;" so as to make the clause read:

Under the Post-Office Department, $100,629.33.

The amendment was agreed to.

The next amendment was, on page 49, after line 19, to insert:

Under the Department of Commerce and Labor, $685.60.

The amendment was agreed to.

The next amendment was, on page 49, after line 13, to insert:

Under the Department of the Interior, $1,340.65.

The amendment was agreed to.

The next amendment was, on page 49, line 23, to increase the total appropriation for the payment of the judgments rendered by the Court of Claims reported to Congress at its present session, etc., from $842,616.44 to $895,425.24.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 50, line 7, after the word "Fifty-three," to insert "and Senate Document Numbered One hundred and ninety-two;" and in line 9, after the word "ninety-two," to strike out "ten thousand three hundred and forty-two dollars" and insert "forty-one thousand two hundred and ten dollars;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 53 and Senate Document No. 192, $41,210; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, etc.

The amendment was agreed to.

The next amendment was, under the head of "Awards Spanish Treaty Claims Commission," on page 51, line 11, before the word "Document," to insert "House;" in the same line, after the word "seventy-six," to insert "and Senate Documents Nos. 155, 177, and 186;" and in line 15, before the word "hundred," to strike out "thirty-three thousand eight" and insert "sixty-three thousand seven;" so as to read:

To pay the awards made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, certified to Congress in House Document No. 276 and Senate Documents Nos. 155, 177, and 186 of the present session, $63,740, etc.

The amendment was agreed to.

The next amendment was, on page 51, line 15, after the word "dollars," to insert the following proviso:

Provided, That before any payment shall be made on the foregoing awards, the said Commission shall fix and determine, after full hearing, the amount that shall be deemed reasonable and just to be paid to the attorneys for claimants in each case and shall so certify to the Secretary of the Treasury; and hereafter allowances to attorneys for claimants for prosecuting said claims shall be regulated and fixed by the Commission at the time of making awards, after full hearing, and entered of record as part of the findings thereof, and may be paid direct to such attorneys.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PATTERSON. Mr. President——

Mr. FRYE. Will the Senator allow me to offer an amendment, which will not take more than a moment?

Mr. PATTERSON. Certainly.

Mr. FRYE. I offer the amendment which I send to the desk, to come in on page 10, after line 18. I wish to say that the amendment is clearly subject to a point of order, but I hope no Senator will make it, for the reason that it abolishes an office which is now entirely useless and saves $3,500 a year. The Secretary of the Treasury asked me to offer the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 10, at the end of line 18, under the head of "Revenue-Cutter Service," it is proposed to insert:

Provided, That the office of captain of engineers for the Revenue-Cutter Service of the United States is hereby abolished from the date of the death of the incumbent thereof, and that on and after the passage of this act the President may select and appoint, by and with the advice and consent of the Senate, a chief engineer of said service, who has served not less than three years in that grade, as engineer in chief of the Revenue-Cutter Service: *And provided further*, That the engineer in chief thus appointed shall thereafter receive the rank, pay, and allowances that are now or may hereafter be prescribed for a captain of the Revenue-Cutter Service.

Mr. ALLISON. I should like to ask the Senator from Maine to explain that amendment.

Mr. FRYE. The office was created originally for Captain Collins, who died about a week ago.

Mr. ALLISON. So I understand.

Mr. FRYE. And the office is entirely unnecessary.

Mr. ALLISON. I thought it was a provision for a new office.

Mr. FRYE. No; not for a new office. It simply calls the officer in charge engineer in chief, so that he shall be at the head, but he is still in the employment of the Revenue-Cutter Service.

Mr. ALLISON. It is a promotion?

Mr. FRYE. Yes. The law now provides that he shall receive the pay of a captain.

Mr. ALLISON. Which he now receives?

Mr. FRYE. Which he now receives.

Mr. ALLISON. It does not change the law?

Mr. FRYE. It does not change the statutes at all, except as indicated in the amendment.

The amendment was agreed to.

Mr. FRYE. I ask in this connection that the letter from the Secretary of the Treasury, which I now send to the desk, may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 7, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: I herewith inclose you a proposed amendment which I would be pleased to have you offer to the urgent deficiency bill now awaiting the action of the Senate.

The office of captain of engineers in the Revenue-Cutter Service was, as you know, created for the late Capt. John W. Collins, who alone has held that position since its organization.

As under the law one officer can not hold both the position of engineer in chief and captain of engineers, and as there are now no duties to be performed by the latter, this office should, in the interests of good administration, be abolished. In my last annual report I recommended that upon the event of a vacancy in either of the above-mentioned positions, one of them should lapse, as there is no reason for two heads to the engineer corps, and as such a condition would seriously complicate matters.

The abolition of this office will result in a saving of a captain's salary, amounting to $3,500 per annum.

I have also included in the proposed amendment a clause authorizing the President to appoint a chief engineer as engineer in chief, which office will consistently take the place of the two positions now authorized by law. This involves no additional expense, as it is now provided that the present engineer in chief shall receive the rank and pay of a captain.

Very truly, yours, L. M. SHAW, *Secretary.*

Mr. PATTERSON. I move to strike out the entire first paragraph at the top of page 20, which I ask the Secretary to read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the top of page 20 it is proposed to strike out the following paragraph:

The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply to alien laborers employed in the construction of the isthmian canal within the Canal Zone.

Mr. PATTERSON. Mr. President, the purpose of the paragraph I have moved to strike out is to allow the employment and the service of all laborers and mechanics who are aliens in the construction of the isthmian canal within the Canal Zone without any limitation whatsoever as to the hours of labor. If we were entirely indifferent to the physical well-being of the tens of thousands of alien laborers who are likely to be employed in the construction of the isthmian canal, we ought not to be unmindful of the welfare of American laborers and mechanics.

This provision, Mr. President, will allow either the United States or contractors for the whole or any part of the isthmian canal to require ten, twelve, or even longer hours of labor from those who may be put upon the actual construction of the work.

But an equally objectionable feature is that its result must be to exclude altogether from employment in the construction of the work American laborers and American mechanics, because it is not unfair to suppose that if Government officers, or those who later on may secure contracts for the construction of the canal, may employ laborers without any limitation whatever as to the hours of labor, they will not employ labor that, under the law of the United States, can not work more than eight hours in any one calendar day.

It will hardly do to say, Mr. President, that a great deal of valuable labor may not be secured within the United States. I know one of the objections urged against this proposition is the intense heat and the other adverse conditions to labor in the Canal Zone; but, I take it, that after the United States has improved the sanitary conditions of that region, as it will after the expenditure of the very great sums of money that have been and will be appropriated for the improvement of sanitation, it will be made quite habitable and not a very dangerous place for labor secured in the United States. The laborers and mechanics are liable to include a very great number—not the ordinary digger of the soil, whether in the use of machinery or the spade and the pick, but the skilled laborer. If this law goes into effect, it means that if labor can be employed—I now mean skilled labor, labor that must be skilled—if it can be employed in Great Britain, Germany, or France, or any of the countries contiguous to the Panama Zone, since the hours of labor are unlimited, it is quite unlikely that that character of labor, or any of it, will be brought from the United States.

Then, again, we have a very large population in the Southern States, and even in the Northern States, who are peculiarly adapted to work in the Zone under favorable sanitary conditions. The colored men of the country, whether they live in the South or in the North, are quite qualified, with proper surroundings, to do a splendid day's work, to maintain good health, and thereby secure fair wages if these obstacles are not put in their way.

Mr. HALE. Will the Senator allow me to interrupt him right there?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. PATTERSON. Certainly.

Mr. HALE. Does the Senator believe that under the conditions that exist in Panama it is probable or possible that any inducement can be offered that will lead colored men, either at the South or at the North, to go there to get labor?

Mr. PATTERSON. Mr. President, if the law fixing the hours of labor upon all public works of the United States at eight hours is enforced and the conditions of the Panama Zone are improved, as it is boasted that they are improved, and if men are worked as ordinary civilized human beings ought to work, I can see no reason why a very large number of the colored people of the country might not go to the Panama Zone and engage in labor.

Mr. HALE. Let me say this——

Mr. PATTERSON. In just a moment. Then, again, Mr. President, when it comes to mechanics an entirely different proposition exists—I do not mean as to the physical well-being or surroundings—but if fair wages are paid and the hours of labor are limited to eight, as they are upon the public works in this country, I can not but believe that there are hundreds, nay, thousands, of American mechanics who will be very glad to receive employment on the canal.

Mr. HALE. The Senator referred to colored people going to Panama. There has been an effort to get some of them, but none of them will stir from his present condition. Of course, under the present provision as reported from the committee, if they want to go they can go. The provision only applies to alien labor, but if "alien" should be stricken out—and some other Senator may propose that—then you can not get the colored man at the North or at the South to stir an inch from his place in the direction of Panama. But the provision which the Senator has moved to strike out only applies to alien labor. It does not prevent colored laborers and colored mechanics from going down there; it does not apply to a single person in the United States.

Mr. PATTERSON. That is quite true, Mr. President, but those who are interested in matters of that kind realize that the necessary effect of this amendment will be to exclude American mechanics and American laborers, for under the law the service or employment of an American mechanic or laborer, whatever his color, can not be for a greater length of time than eight hours in each calendar day, and the proposition is that when the Government or the contractor may employ labor that is alien, whether that labor shall be that of laborers or mechanics, for any number of hours in a calendar day, they are quite unlikely to employ labor that must be limited to eight hours, and in all human probability, Mr. President, the result will be to bring down the wage. By reason of the Government going to foreign countries altogether—it may be to China or elsewhere—whatever the quality or cheapness of the labor may be, the work will be done by exceedingly cheap labor.

It is not a good example to set in this country when the effort is being constantly made to improve the status of the laboring man, whether the ordinary laborer or mechanic, for the United States to exclude its own labor in that great work and go into the markets of the world to bring there the very cheapest labor it can find if that labor will be adapted to that character of work. One would almost conclude, under the conditions that are likely to exist, that the United States, mindful of the physical well-being of its own people, is entirely indifferent to the physical well-being of the people of other countries whom it takes into its employment.

In other words, if we get American labor we will use them like human beings. If alien labor is employed we will drive it to the limit of physical endurance, and that is likely to be the case, Mr. President, if, as is very seriously proposed, the digging of the canal is let out to contractors, because then the bids for the construction of the work will be taken without any regulation whatever as to the length of time the laborers or mechanics are to be employed or the manner in which they shall be treated in many other respects.

Therefore, I take it it is a great deal better, from the moral aspect and the moral side of the question, as well as having in mind the right of American laborers and American mechanics to enter into the employment of the Government wherever that labor may be needed at the rates paid by the Government, at the number of hours to which labor is limited, and with such other regulations as the humanity and the good judgment of the Government may see fit to impose, that the Senate should strike out the matter embraced in my motion.

My motion is based upon the proposition that the Government of the United States can not afford to show itself thus unmindful of the physical well-being of any human being, from whatever clime or country he may come, nor can the United States afford to enter upon a policy of excluding, not directly but indirectly, its own citizenship from employment on as great a work as this is.

Mr. HALE obtained the floor.

Mr. MORGAN. I should like to inquire of the Chair for information what is exactly the motion of the Senator from Colorado?

The VICE-PRESIDENT. The motion of the Senator from Colorado is to strike out the first paragraph at the top of page 20, being the first seven lines.

Mr. MONEY. Mr. President, let the Secretary read it.

The VICE-PRESIDENT. The Secretary will read the paragraph proposed to be stricken out.

The SECRETARY. It is proposed to strike out the paragraph at top of page 20, as follows:

The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply to alien laborers employed in the construction of the isthmian canal within the Canal Zone.

Mr. HALE. Mr. President, only a word, and then I shall be glad to yield to the Senator from Alabama.

Mr. President, I think it is the opinion of everybody who has been interested in this great work and has examined into

its conditions that it can not be done and must end in failure unless the ordinary labor, the digging, the work of transportation by day laborers is done not by our people, not by our laborers, not by anybody here, black or white, but by alien labor brought to the Isthmus from certain other countries which produce a population that will not be decimated or destroyed the moment it is put at work on the canal.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Yes, sir.

Mr. PATTERSON. Will the Senator from Maine state the labor he has in mind?

Mr. HALE. Yes; I was coming to that.

The authorities in charge have been most anxious upon this point. It is, in fact, the crucial and test point of the whole enterprise. All other considerations disappear in radical importance and necessity compared with this. We can raise the money, we can superintend the work, we can decide upon the type of canal, and in years can build it if we can have a force of laborers there who can be depended upon to continue work from week to week and from month to month.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. PATTERSON. I will not now ask the question I have in mind, because the Senator from Maine is already under promise to answer a question of mine.

Mr. HALE. Yes; I am coming to it.

The authorities, as I have said, have been most anxious upon this point. I suppose it has kept the President, the Secretary of War, the chief engineer, and the superintendent of all the work, and the men who are in charge awake more hours of the night than any other question; and it has been found that it is only on the introduction of labor from southern and tropical communities—although some minor experiments have been made with others—it is only by the introduction of such labor from the islands of the Spanish main, Jamaica and others, that this work can be done.

Mr. President, when you introduce that element of labor you introduce an element that is entirely and distinctively different from the labor of the United States, for whose benefit the eight-hour law has been made. You have, first, an irresponsible class of labor. You have an unthrifty class of labor. You have an improvident class of labor. If you let them have their way, as has been shown in previous experiments, they work three or four days and will then leave. They are in the habit at home, for half the pay they will receive from the Commission, of working from sunup until sundown. There is no question with them about eight-hour labor. It has never applied to any work on which they have heretofore been employed——

Mr. HOPKINS. They would not know what "eight hours" means.

Mr. HALE. And any sympathy expended upon them is vain sympathy. I do not suppose, as the Senator from Illinois has suggested, they have ever heard of such a rule or restriction upon labor as an eight-hour law.

Now, Mr. Shonts and his subordinates who are in charge believe and have told us that if the eight-hour labor law, as it is applied to our people, is applied to those alien laborers they will have no control whatever of them. They will not get——

Mr. MORGAN. Will the Senator from Maine allow me to make a little statement about that? I have to withdraw from the Chamber for a moment.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. Yes; I yield to the Senator.

Mr. MORGAN. Mr. President, we have examined Mr. Shonts, Mr. Wallace, Mr. Stevens, and some other gentlemen who are perfectly familiar with the whole situation of the canal construction at Panama. Under the order of the Senate the Committee on Interoceanic Canals is having sessions from day to day for the purpose of finding out everything we can about it.

These gentlemen state that the most serious difficulty they have in the organization of labor and in the conduct of the work is the eight-hour law. They say it will be almost impossible to construct the canal under the influence of that law, and that they can not make any safe computation at all as to the time which will be required to complete the canal if they have to complete it under the eight-hour law. I do not care about amplifying the statement, but these gentlemen have been so emphatic and so clear and have supported their statements by such undeniable facts that I thought it was my duty to make this statement.

I hope the Senate will not take any action upon this subject that it is not compelled to take. I would very much prefer to strike out the word "alien," in line 6, but the whole subject ought to be postponed until this committee can have a chance to make a report to this body, because the fact is incontrovertible that the canal is going to be delayed and obstructed beyond any comprehension that we have now of the situation by this very law.

I have been credited amongst certain circles and amongst certain people in the United States as being inimical to the construction of the canal. I am doing all the work I know how to do and am able to do to facilitate its construction, making every provision possible for the speedy construction of the canal.

If I wanted to defeat the canal I would vote for the proposition to apply the eight-hour law to it as the most successful means of destroying the possibility, I may say, of ever building the canal.

Mr. HALE. Mr. President, upon that statement from the veteran Senator from Alabama [Mr. MORGAN], who was a veteran in this enterprise and in investigating it when the rest of us were children on that subject, and from the fact that what he says discloses the results of the investigation of the committee which is now charged by the Senate with this great subject-matter, I leave this question where it has been left by the Senator from Alabama, and will not take any more of the time of the Senate.

Mr. MONEY. Mr. President, when we had the debates in this Chamber on the Panama Canal I submitted some remarks upon this subject, and I then declared that this very point which the Senator from Maine [Mr. HALE] states is the crucial point, the one upon which everything hinges, would be the important one, that all others were vain unless we could settle upon the labor question; and that that was impossible with the sanitary condition of the Isthmus at the time I was speaking. The history of the little railroad built there, 48 miles long, every tie of which was said by the report upon it to have cost a human life, settled it in my mind. Then the land doldrums, which persist on the Isthmus, prevent the breezes which usually waft away the disease.

Although the Senator from Maine did not mention the name of the country from which he expects to get the labor—I hoped that he would—I can see no country except the islands of the West Indies, notably the islands of Jamaica and Barbados. They tried the Hindoo cooly, the Chinese cooly, the Japanese cooly; they tried the Irishman and the American upon that railroad, and they died in the sun like gnats. Efficient work was impossible until they secured the Jamaica negro. He is not a very willing laborer, but he will work.

But there is another thing about it which I do not believe the Senator from Maine mentioned, and that is this: It is his disposition, when he has worked a little while, to withdraw from business and enjoy himself. Take it in the coal mines of the South, where negro labor is about equally employed with white labor. I have been to those mines and have looked up the labor question, and I was assured by the intelligent men who operated the mines that the negro labor was as good as the white. I was told that the colored men got the same wages—from $75 to $80 a month—but whenever a colored man worked two or three days he went to Birmingham and "blew it in," to use their expression. They do not care to work when they have enough.

Mr. HALE. Right on that point, Mr. Shonts stated to us that these same laborers would work, say, four or five days in the week, and then, from the consideration presented by the Senator from Mississippi, that of improvidence, they take to the woods. When they get through, after having gone to town and spent their money, they come back. If you apply the eight hours to such laborers you have lost practically all control of them.

Mr. MONEY. I think so.

Mr. President, I wish to sympathize with the feeling of the Senator from Colorado [Mr. PATTERSON], but I do not think he need apprehend that there will be any American laborers there. They will not live more than the first eight hours of work under that sun, turning up a million germs with every spadeful of earth. Nor are there any other people who can live there and labor. We are accustomed to call the inhabitants of the Isthmus a very worthless and trifling race because they will not work. They will not work because work is death, and they know it. They have the abundant fruits of the earth there, and with a hammock, a cigarette, and a banana they are pretty well fixed. They do not need anything else. They are the children of nature. They know very well, and every observer knows, that if they attempt to work, to plant, to cultivate, or to do anything else, it means death in that region.

One hundred and twenty-five miles to the west there is as

healthful a country as any in the world. I refer to Chiriqui Lagoon, or Almirante Bay. The Nicaragua route is healthy, but it happens that the Panama route is just in the region of the calm belt, and with the most luxuriant vegetation on top of the earth and the most fertile soil. The rainfall there amounts to 25 feet in three months of the year, so the soil is always saturated with moisture. There is an enormous vegetable life, and there are billions upon billions of germs, and every spadeful of earth dug up puts those germs into the air and in motion; and nobody at all seems able to stand that climate except the Jamaica and Barbados negroes, and they do not stand it well. They go there and die by the thousands.

This is the great difficulty, and I apprehended it from the inception of the work. I said twenty-five years ago, and I repeated it in a speech which I made some years ago on this question, that this was the main difficulty—the labor problem. I think we will find, however liberal we may be to the wishes of the people of the United States on any question connected with it, however wisely we may proceed, however capable the administrative part of the work may be, however liberal Congress may be in the appropriations, that unless we can get labor there that can be controlled in some degree the project will be a failure on account of the physical fact that people can not live there, except those from a very circumscribed territory of laborers, and they not very well.

Therefore, I hope my friend the Senator from Colorado will not insist upon his amendment. I do not beileve it would make the work feasible. You can not have the conditions prevail there that we have here, where we have pay rolls and banks and everything of that sort.

Mr. PATTERSON. Mr. President, I am perfectly satisfied, from what the Senator from Alabama [Mr. MORGAN] and the Senator from Mississippi [Mr. MONEY] have said, that the amendment will not prevail, but nevertheless it has not convinced me that it ought not to prevail. I recollect very well when the choice of routes was before the Senate and the conditions as suggested by the Senator from Mississippi were brought before the Senate, with the fearful mortality which was, in their opinion, certain to follow, the advocates of the Panama Canal and against the Nicaragua Canal told us how all of that was going to be changed; that sanitary skill and science, backed by the abundant money that the people of the United States would supply, would overcome the death-dealing conditions of the Zone, and that men who could labor in the Tropics anywhere could labor there with perfect safety and perfect comfort. I supposed that the advocates of the Panama route at that time were quite sincere and honestly believed it. I have no question in the world but that they did, and that the change of mind is the result of the latest testimony which has been brought to the notice of the committee by those who have been down there making the necessary preparations for the work.

Mr. President, what it all means, then, in plain English is that there is being prepared in the Canal Zone a slaughterhouse for aliens that labor; that the climate there and other conditions will be so fatal that we can expect nothing else than a tremendous mortality, and that the canal is to be built, not only at the cost of money, but at this fearful cost of human life.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. If the Senator will examine the testimony that Secretary Taft and Mr. Shonts have given before some committees of the Senate, notably the Committee on Appropriations, he will discover that those officials have stated that the present conditions, so far as sanitation is concerned, are very acceptable; that even the Americans who are on the Zone are not at the present time suffering unusually from climatic diseases; that there is a condition there which is very encouraging, and that they believe the Zone will be made, in regard to health conditions, such that the picture which the Senator paints is not likely to happen.

Mr. PATTERSON. That is what I supposed, Mr. President. I recall the statements that were made of the improved conditions which were going to be created in the Panama Zone, and what a splendid summer resort it was going to be for the poor of the world; they would have a salubrious climate, pure water, invigorating breezes. The character of the food was not particularly described, but, taking it all in all, it was going to be a sort of haven of rest after the money had been expended to cure the difficulties which were said to exist.

But now come Senators who stood for Panama and who told the Senate and the country of the vastly improved conditions that were going to exist down there, and they say it is utterly impossible for any but a certain class of labor to work at all there, and that their work must be desultory—that they will work a few days and then take to the woods—and that fatalities of an extraordinary nature must almost necessarily ensue.

Mr. President, I wish to ask the Senators whether, if what they say is true, the construction of the canal should be along the line that is contemplated. I do not mean the physical line, but with the character of labor and the quantity of work that will be expected of those who are employed. If the climate is thus enervating and destructive to human health, why, let me ask the Senate, should we inaugurate the construction of the work without any reference to the great influence which the hours of labor will have upon health and longevity and the resistance to those enemies of human life which, according to some, are lurking under every stone and are found in every clod?

I accept the statement of the Senator from Maine that we are to use these negroes or the inhabitants of the southern islands along the line that they are accustomed to work. They work from sunup till sundown. I imagine that that is about the idea in the minds of those who have been charged with the construction of the canal. From sunrise to sundown may be twelve or fourteen or fifteen or sixteen hours in the Tropics.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I do.

Mr. TILLMAN. Mr. President, I am somewhat familiar with the conditions in the South, where the labor is agricultural; and I will say for the information of the Senator from Colorado that the general rule on plantations—and it is not as warm with us as it is in Panama—is to begin work about sunrise—start to get ready to go to work; usually it is an hour before the plow begins to work. Then at noon they take from two to three hours' rest. So the employers can not get more than eleven hours' labor, and we are very glad to get nine good honest hours' labor out of any negro we have to deal with.

As I am up I will say further, that it seems to me the Senator's sympathy is entirely misplaced. The Jamaica negroes or those from the other islands down there, Martinique and the Barbados, or wherever they may come from, will not be brought there as slaves and compelled to labor, but they will come with a contract which they will be very careful to have observed by those to whom they hire. There will be no driving of those men beyond their own wishes, because they will always have the liberty to quit. When the Senator undertakes to appeal to us for the alien labor, I think he had better look a little closer home and take this view into consideration: That is, the American laborers have to foot these bills, and if we are to enter upon a philanthropic, humanitarian—oh, I do not know what—canting policy of taking care of everybody else, and especially the colored peoples of the Tropics, I would like for the friends of organized labor in the United States, and I consider myself one, to take into consideration the taxes that will have to be levied and paid, in the last analysis by the laborers of the United States, to pay for this canal, unless we deal with it in a rational and practical and common-sense way.

Mr. PATTERSON. Mr. President, I am not particularly solicitous about the welfare of alien labor, but I take it that when laborers are brought there under contract and herded within the Panama Zone they can not quit very well, and they will be pretty nearly in the condition of serfs, within a limited area of country, with wide seas between them and the homes that they left. I am inclined to think that unless the restraining and protecting arm of the Government is extended toward them in some degree, especially if the canal is to be built under contract, they will have to endure a great deal of unnecessary suffering.

Mr. President, we have societies all through the United States and in European countries for the prevention of cruelty to animals. People are prosecuted and fined and some incarcerated because they treat brutes, the animals of the country, in an inhuman way. If men work their horses or their mules so long in each day or any time as that they suffer to an exceptionnl degree it is a crime. While we are protecting animals we are liable to lose sight of men simply because they are aliens.

I am inclined to think, even though the suggestion of the Senator from South Carolina is true that there may be cant to a certain degree in what is said, there is a feeling in the breasts of the people of the United States that no matter where labor comes from, or what its color, or what its degree, it is entitled to the protecting hand of the Government, at least to prevent it from being so used and treated as that such treatment may be said to be inhuman or cruel. That is precisely what these Jamaican and other laborers are likely not to have—the protection of the Government in any way or to any extent—but brought

from a distance, practically permanently separated from their homes, at least from the country of their nativity, unable to leave until the contractors perhaps are willing that they shall leave, for want of means to pay their fare, and for other reasons——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I presume, of course, the Senator knows that these laborers from any British territory, and I should hope from any territory however insignificant or lacking in strength the country might be, would be under the protection of the consuls of that country; and if they came there under contract, which they necessarily would do, it would be reduced to writing, and under conditions which would show clearly what they had agreed to do. I think it is an absurd contention on the Senator's part to endeavor to show that there will be anything like coercion or any cruelty in the treatment of these people. He is allowing his imagination to run with a broad rein, and is conjuring up goblins here that no one else can see at all.

Mr. PATTERSON. Oh, no, Mr. President; nothing of the kind. If anybody has ever heard of a consul from any government worrying himself about how immigrants from his country work or are treated by the employer, I have no knowledge of it.

Mr. TILLMAN. Mr. President, I happen to be able to act as a witness in that cause. When governor of South Carolina, some twelve or fourteen years ago, some Italian laborers were employed by a phosphate company in my State, and they had been carried down there under the control or direction or supervision of a padrone. For some reason there arose a dispute between the employer and these men as to what they had agreed to do, and possibly some coercive means were attempted. The Italian consul appealed to the Secretary of State. My attention, as governor, was called to the fact that complaint had been lodged for the protection of these men and I investigated the whole question.

Therefore, the Senator is entirely off in imagining that a consul is not charged with that specific duty where the immigrants and citizens of his country are concerned. These men are not going to immigrate to the Isthmus for the purpose of remaining there or changing their nationality, but they will simply go there for the purpose of obtaining labor under a contract, and that contract will be carried out, and necessarily carried out, in as good faith by the United States Government as it would be in New York or anywhere else.

Mr. PATTERSON. I have not any question, Mr. President, but that the United States will carry out any contract it makes. If it did not, the supervising care of Congress would soon interpose to prevent any serious violation of contractural obligations, especially if the complaints were allowed to reach the United States. I have not any question about that. But I think there is a very strong probability that in the end, and before very long, the work on the canal will be done under contract, and when that time arrives then the Government of the United States is practically stripped of supervision, and the well-being of those who are at work on the Zone is practically at the mercy of the contractors.

The more I have heard in this debate and the more testimony Senators have given the more I am convinced that some regulation ought to be made when you undertake to repeal what may be called the "eight-hour law." If eight hours is too short a time for alien labor to work, ten hours is not—ten full hours. If they are to be carried into that fever-stricken Zone, a section of country that for various reasons is such an enemy to human health and human life, then the stronger the reason, Mr. President, if aliens are to be considered worthy of any care whatever, as much care as is afforded to the dumb brute, that some limitation upon the length of time they may be permitted to work should be placed in the law.

I will be satisfied, Mr. President, if the provision will be so changed as to make it ten hours for alien labor instead of eight. Whether it may be called maudlin sympathy or cant, or whatever other term Senators may see fit to employ, I am willing to stand by the proposition that the people of this country will declare it to be inhuman to allow aliens, from whatever island or from whatever mainland, to be brought into that unhealthy Zone and, as to the hours of labor, left altogether at the mercy of the contractors.

Then, again, I do not abandon the contention I made that the enactment of a law such as this is a discrimination against American labor, because it is admitted that with this law upon the statute book American laborers and American mechanics are excluded, because they will not be employed when they must work as these aliens will be required to work. Therefore, they are excluded from participation in any of the profits that may go to labor and that may go to mechanics in the construction of the canal.

I do not believe either that fixing a fair day's work for the laborers and the mechanics is going to seriously interfere with the speedy construction of the canal. According to the united testimony of all who have investigated questions of this kind, reasonably short hours of labor are conducive to the character of the work, the amount and the quality that will be secured. Men, I care not from what country they come, who in the morning at sunup enter upon the digging or the plowing or whatever else may be needed in that locality, perhaps with an hour at noon, and who continue until sundown and then go to sleep and get up in the morning before sunrise, can not be otherwise than sadly demorialized, and the character of the men and the character of the labor greatly deteriorated.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. On the point the Senator has just made, I will call his attention to the hearings before the House Committee on Appropriations, in which he will discover that these men are given two hours at noon. I wish to read just one paragraph of five or six lines.

Mr. Stevens, the engineer in charge, says:

> You asked me about the eight-hour law. One source of irritation with the American labor on the Isthmus is because they can not work overtime. They say we have come down away from our homes and we want to earn money, and they have deluged us with requests and petitions to be allowed to work overtime more than the eight hours. Of course, my hands are tied and I can not allow it.

Mr. PATTERSON. Then it appears that we have American labor down there anxious and eager to work.

Mr. GALLINGER. The Senator is a little ahead of time.

Mr. PATTERSON. Oh.

Mr. GALLINGER. Mr. Shonts, when inquired of about that, says these are clerks, bookkeepers, stenographers, and foremen. Many of those Americans would want to work more than eight hours, if they were permitted to do it. So we are not doing any special injustice when we retain our eight-hour law so far as our Americans are concerned and give a little leeway so far as the Jamaican negroes and others are concerned, who, Secretary Taft testified before the Committee on Appropriations, are giving about 25 per cent of the work an American laborer performs in this country.

Mr. PATTERSON. Well, I have heard so much about the percentage business of labor, and where I have been I have seen it so materially contradicted, that I do not take as gospel truth percentages in the value of labor of one class of people as against the labor of another.

Mr. GALLINGER. I quoted Secretary Taft.

Mr. PATTERSON. I know that very well. I have great respect for the judgment and the opinion of Secretary Taft, but I recollect that when there was talk about the labor of the Filipino it was said one American is worth the labor of three or four Filipinos. When we were over in the island I recall very well that Mr. PAYNE, the leader of the House, and I went over to Cavite and into the shops of the naval construction there. We saw several hundred Filipinos at work and we were told that on the pay roll there were either 3,200 or 4,200 men, I forget now which. We asked as to the character of the work. "It could not be better." "How did it compare with the work of Europeans or Americans?" Why, they said that three Filipinos would do the work of two Americans, and that the work of those more than 3,000 Filipinos was satisfactory in every way.

Then again, Mr. President, I recollect that on the *Manchuria*, before we reached Honolulu, the head of the great contracting firm that put in the breakwater in Manila Harbor and the company that was engaged in dredging the bay and otherwise improving the harbor and its locality, in a lecture to the passengers, they having been called together especially——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire ask unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Colorado will proceed.

Mr. PATTERSON. The passengers on the steamer having

been called together in the cabin to listen to the lecture, he told us the experience of his company with Filipino labor. In doing that great work, for which the Filipino government, I think, paid in the neighborhood of $4,000,000, a vast work, he said the first year they were there it seemed utterly impossible to get any considerable amount of labor from the Filipino; that they would go and work a day or two and then they were off; that there was a constant change in the personnel of the working force for that reason; so that at the end of the first year the company found itself to the bad a quarter of a million dollars. He said it set him to thinking. He was inclined to believe that the Filipino could be made to labor under proper conditions, and so he studied the conditions of labor in the Philippines and the surroundings of the Filipino at his home. He realized that the Filipino's love of locality was intense, and that one of the great difficulties was to induce a Filipino to move even from one province into another, no matter what the distress might be in his own province and the reward of labor that was to be received in an adjoining one. They determined to make the seat of the work as much the home of the Filipino as was possible. So he said they built a larger number of comfortable shacks, and then having in mind the chief amusement of the Filipino they built a cockpit. Then they organized a brass band. Having constructed, as it were, a home, they brought in Filipinos with their families; and he said from that time forward all trouble was at an end. So they proceeded with the construction of this great $4,000,000 contract until it was completed, and it was completed in a satisfactory way, and the labor of the Filipino under those conditions was altogether satisfactory. All of the trouble and complaints that were floating everywhere about the lack and the quality of labor and its percentage had vanished before the application of a little common sense and humane contrivance and sanitary regulations.

So I am inclined to think that this decrying of the labor, wholesale and without limitation, of those who live in the Tropics is not supported by the facts, if a little common sense is brought to the assistance of those who must use the labor. And so I say, Mr. President, as to the labor of constructing the Panama Canal, if one-half that was promised when the particular route to be followed was agreed upon is to be realized, there can be a great deal of American labor, and especially a great deal of American skill, utilized in the construction of the canal. While the majority of the work, perhaps, is digging, yet there is a vast amount of blasting to be done, work that requires peculiar skill and peculiar experience, a class of work that in the mountains commands the very highest wage of all labor of that character—$3 and $3.50 a day, and the day of eight hours.

I can not help but believe that a fair limitation for alien labor in the matter of the length of the day's work—say you abandon the eight hours as to them and make the limitation ten hours—will improve the quality of the work, give a more satisfactory and better-contented mass of labor, and be infinitely more humane than the plan which is now probably undefined, but is finding a lodgment in the minds of Senators, that of the use of labor there without limitation as to time, allowing the length of the day either to the will of the Government or to the contractor, after the contractor shall be put in charge of the work.

Therefore, Mr. President, I withdraw the amendment that I have offered, and I will move that the clause be so amended as that ten hours shall be the limit of a day's work in the construction of the isthmian canal.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENNT. The Senator from Colorado will please state definitely his amendment.

Mr. SIMMONS. Mr. President, from the observations of the Senator from New Hampshire [Mr. GALLINGER], made a few minutes ago, when he interrupted the Senator from Colorado [Mr. PATTERSON], I am inclined to think that he is laboring under some misapprehension as to the distribution of work upon the Isthmus. I understood the Senator to say that the Americans who are engaged there are employed in clerical positions, or in doing indoor work. That is a mistake, Mr. President. A large part of the Americans who are employed there work exclusively indoors and are engaged in doing clerical or administrative work, but the evidence before the committee disclosed the fact that at least 10 per cent of the Americans employed there are engaged in superintending, controlling, and directing the Jamaican and Martinique negroes, who do the manual labor, or they are engaged in connection with them in the management of trains and in the operation of machinery. So we have out there, not the Jamaican negro working separately by himself, but we have the white man—the American—working along with the Jamaican negro in the practical operations of constructing the canal and operating the railroad.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. If the Senator will permit me, that is unquestionably true. There are Americans in charge of the Jamaican laborers or other alien laborers on the Isthmus. I did not mean to say that there were not. But that the bulk of the Americans are engaged in clerical services and services of that nature I think goes without the saying.

Mr. SIMMONS. Undoubtedly. But, Mr. President, right there, to my mind, arises the practical difficulty of applying a ten-hour-a-day law to the aliens who are engaged in the work on the Isthmus and a different hour per day to the Americans who are engaged there. If we should adopt this provision, as I understand it, we would abolish the eight-hour law as applicable to all aliens employed upon the canal, but the eight-hour law would still apply to all Americans engaged in work in any capacity whatever on the Isthmus, as well those who are employed in clerical and administrative functions as those who are employed in the field, so to speak, as overseers or as directors or as engineers.

Now, Mr. President, it seems to me that that is utterly impracticable.

Mr. TILLMAN. The Senator is on the committee examining this question, and undoubtedly, from what the Senator from Alabama [Mr. MORGAN] said, that committee will likely report a bill governing the entire isthmian canal construction. If there is any difficulty of the kind the Senator mentions, it would seem very easy to me to provide for eight hours for a day's work as far as it goes, and for any additional labor in superintending the work. I presume the bosses or those who would overlook the work would be very happy to have their pay increased 25, 40, 50 per cent by simply providing that if they work twelve hours they shall get a day and a half; if they work ten they shall get a day and a quarter, and so on; or, if it was not thought desirable to do that, there could be relays of bosses, letting one set take it for eight hours, and if the laborers were going on for two hours more the other men would put in two hours at night and six in the morning, and so on, just like the watchmen around the Capitol, Capitol policemen on their beats, and every other kind of labor that the Government employs. We have elevator men here who go on at a certain hour and who go off at a certain hour. They swap about and they work overtime, and all that kind of thing, and nobody ever hears of any trouble about it.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. Certainly.

Mr. HALE. The Secretary of War and Mr. Shonts and Mr. Stevens have all stated that there is no practical difficulty such as is suggested by the Senator from North Carolina.

Mr. SIMMONS. I suggest to the Senator from Maine that Mr. Wallace, the late chief engineer on the Isthmus, who had a year's practical experience there, and who has, I think, impressed every member of the committee as he has impressed me, with being a man with very thorough knowledge of the situation there, and who spoke to the committee with great frankness and fairness, expressed a contrary opinion to that expressed by Mr. Shonts and Mr. Stevens; and the facts which he gave to the committee bearing upon this question convinced me, at least, that his view of the matter was the correct one. Mr. President, later on I will read from Mr. Wallace's testimony on that point. In brief, Mr. Wallace expressed the opinion that under the conditions which exist there it will be utterly impracticable to have one part of our laboring force there subject to the eight-hour law and another part not subject to it.

I agree entirely with the Senator from South Carolina. I was going to suggest that the difficulty which Mr. Wallace suggests, and which I think is a real difficulty, can very easily be overcome. I do not think it will be any great hardship to the Jamaican negroes engaged upon this work to be allowed to work more than eight hours a day. My understanding is that in the countries they come from they work much longer hours than that; and my understanding is that they can, without any injury whatever to their health, work ten or twelve hours a day in that climate, and that they have no objection to working longer hours, but, on the contrary, are anxious for the privilege of doing so.

Of course I take it they would not be willing to work ten hours for the same pay they are now getting for eight hours, and I suppose the Government makes no such proposition as that. If the hours of labor are to be increased, I suppose, in some degree, the rate of wages will be increased.

Now, when you come to the American laborer there, he is paid so much per hour, and my understanding is that almost all of them are dissatisfied with the restrictions that are imposed upon them by the eight-hour law, and that they are very anxious to be permitted to work a longer time per day than they are now allowed to work, provided, of course, that they will get pay in addition to what they now receive according to the hour rate; and that, of course, they would get.

I do not think that American labor in this country is at all interested in this question. Certainly it is not interested in what alien labor is paid on the Isthmus; and the repeal of the eight-hour law with reference to the alien labor there can not in any way affect the questions that are involved in the agitation in this country for the eight-hour-day law. On the other hand, as I said, the Americans who are there have left their homes and gone down there because the wages there are better than they are here. They have gone there to make money. They want to make that money and get back home just as quickly as they can. Therefore to restrict them to eight hours a day is a hardship instead of a benefit.

Mr. President, I think that the whole situation can be met by abolishing the eight-hour law so far as it applies to alien labor, and by allowing the authorities there not to force a man to work more than eight hours, but to permit him, where he wishes to work longer, to do so, receiving the same hourly rate for the additional time.

Now I will come back to this practical difficulty mentioned by Mr. Stevens; and I think when the facts are before the Senate it will be seen that there is very much in Mr. Wallace's contention about this matter, notwithstanding the opinion expressed by Mr. Stevens and by Mr. Shonts. I want to say right here, as a member of that committee, that when Mr. Stevens and Mr. Shonts were examined upon this question I am sure their attention was not directed, as in the case of Mr. Wallace, to the fact that a part of the Americans out there were worked in connection with the negro laborers and that the work of the negro laborers could not go on without that supervision.

Mr. President, I want to read only very briefly from what Mr. Wallace had to say about this matter, and I think its force will strike the Senate at once.

Senator KITTREDGE. Do I understand that you advise us to recommend that the eight-hour law be eliminated from the Isthmus in order to give the chief engineer, or our proper official, a free hand in that direction?

Mr. WALLACE. A free hand in its application.

Senator KITTREDGE. That is what I mean.

Mr. WALLACE. You may have difficulties in eliminating it altogether, you understand. Of course it goes without saying that every restriction you put on that work will retard it and add to the expense, and every restriction that you remove will expedite it and lower the expense. That goes without saying; but I consider it absolutely impracticable to make a law that will apply the eight-hour law to the gold men—

Those are the white men—

and permit the natives and the foreigners and the aliens and the silver men to work ten hours. That will not work out in practice.

He said it was very nice in theory as it is, but that it will not work out in practice, and he gives the reasons for that opinion.

I read from his testimony:

Senator KNOX. But if the eight-hour law were abolished altogether, and the hours of labor were to be fixed by the person having charge down there according to the circumstances, it would relieve the situation, would it not?

Mr. WALLACE. That is the ideal situation; there is not any doubt at all about that.

Senator KITTREDGE. What do you say in regard to the question of alien labor?

Mr. WALLACE. Your labor is so mixed there that you will have to treat it all alike. For instance, in your machine shop you will have a negro that will be a helper. You may find a Spaniard that will be a finished machinist; and in between these men you will find a white man running a lathe, you understand.

That work has all got to go on simultaneously. In your foundry you may find a molder that is an American, another molder that is a Spaniard, another molder that is a Jamaica negro, and you can not stop part of the work in that shop unless you stop it all. I mean you can not make any separation of your men.

Again, you will have a track force: That track gang may be Jamaica negroes. The foreman of the gang will be an American. You can not have that gang work two hours longer than the foreman works. Under the eight-hour law the foreman, who is an American, would only work eight hours.

Mr. President, it seems to me there is peculiar strength in these suggestions with reference to that part of the force who are engaged in the work of excavation on the canal and in the removal of the spoils. We all understand that the greatest problem in connection with the construction of this canal is the disposition of the spoils. We all understand that the earth, or the rock, or whatever may be the nature of the material dug out of the earth, has got to be taken away—sometimes a mile, sometimes 6 or 7 miles—by train and dumped at some convenient point where it will not again get in the way. The men, foreigners, who are engaged in digging out this material work in squads, with an American overseer always, for we do not employ Spaniards or negroes as foremen out there. The train is loaded after this material has been blasted and dug out by another force composed of foreigners, with Americans superintending and directing them. Then the train crew who take this spoil off to the place where it is to be dumped is composed partly, as Mr. Wallace says, of Americans, with some Spaniards, some Jamaicans, and some native Panamans. When it gets to the point where it is to be dumped, you have exactly the same condition. So in this process of removing one carload of dirt from the great Culebra Cut, or any other part of the Isthmus where excavation is to be done, you will have probably a dozen different gangs. The men who do the manual work are aliens. The men who direct the superintendence of the manual work are Americans. When the eight-hour day has expired, the American who is at the head of these gangs must quit work. The law will not permit him to work another hour or another minute. The law will not permit the officials down there to allow him to work another hour or another minute. He must stop. Is it not, then, perfectly plain that the minute he stops the gang of men, all aliens, under him must stop? You can not possibly carry out in practice your theory of a ten-hour day for the foreigners and an eight-hour day for the Americans without giving the Commission authority to employ these American laborers as long hours as they may require these foreign laborers to labor. I do not know whether or not it is practicable to change that.

But, Mr. President, as I said a little while ago, at least 10 per cent of the Americans who are employed down there to-day are employed in the capacity of overlooking and directing the work of these foreigners. I will read what Mr. Wallace says about this phase of the matter. I myself asked him some questions regarding it, because, as I said, the attention of neither Mr. Shonts nor Mr. Stevens seems to have been directed to this particular phase of the matter. If it had been, they would probably have given a different opinion from the one they did give, or they might have qualified the opinion which they did give.

I read from Mr. Wallace's testimony:

Senator HOPKINS. Mr. Wallace, the labor down there will not be American labor, such as we have here in the States, will it?

Mr. WALLACE. I should judge that about 10 per cent of it will be; possibly 20 per cent. If all your labor down there was alien and all of your officers were whites, it would be a different proposition—

He is now speaking about the same practical difficulty I referred to a little while ago—

But a large part of the white men that are on the Isthmus there come under the restrictions of the eight-hour law.

Senator SIMMONS. Mr. Wallace, you say that 10 per cent would be American labor?

Mr. WALLACE. I corrected that.

Senator SIMMONS. Do you mean to include in your estimate the Americans who work indoors, or do you mean 10 per cent of those that are actually engaged in the work of construction—manual labor?

Mr. WALLACE. Well, no. When it comes to manual labor, that is a different thing; but the eight-hour law is applicable, under our law here, to much more than a manual laborer, you understand; it governs mechanics.

Senator SIMMONS. What I want to know is, what percentage of those who are engaged in manual labor are Americans?

Mr. WALLACE. That depends on where you cut off the expression "manual labor."

Senator SIMMONS. I mean men who work out of doors and who are not employed in clerical positions in connection with administration.

Mr. WALLACE. I suppose about 10 per cent of them will be Americans. That will consist of foremen in various capacities, trainmen, enginemen, cranesmen on your steam shovels and on the handling machinery, mechanics in your shops, boiler makers, blacksmiths, carpenters, etc. I do not presume you will find any Americans actually at work with a pick and a shovel, you understand, but as to the intelligent labor, there will be a great many Americans scattered through it, and the intelligent labor necessary to handle the machinery will eventually be practically all Americans.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. Certainly.

Mr. HALE. The Senator, as I understand, is now reading from the testimony of Engineer Wallace before the Interoceanic Canal Committee.

Mr. SIMMONS. Yes.

Mr. HALE. I wish to say to the Senator and to other Senators that the Committee on Appropriations of the Senate is now dealing with an appropriation of money, and so it does not deem it wise to change the provision which the House has embodied in this bill. All the details as to future work, its conduct, and the rules under which it will be done will be elaborated by the Committee on Interoceanic Canals, of which the Senator is a member. The Committee on Appropriations was entirely willing and glad to be rid of all those details, simply confining itself to the appropriation of money and such limitations as seemed necessary. Therefore I hope it will not be

urged that we shall now go into the details of what shall be done about this matter hereafter. The other committee will take charge of that.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Certainly.

Mr. PATTERSON. Then I would ask the Senator from Maine whether it would not be a good idea to exclude this new legislation on the subject of labor until the Committee on Interoceanic Canals shall have perfected whatever rules or laws they desire to have go into effect in connection with the matter of labor?

Mr. HALE. The trouble with that suggestion is that this is an urgent deficiency appropriation bill to take effect at once; it is for conditions that exist now. As a limitation upon the appropriation the House has put on this provision, and the Committee on Appropriations does not believe that any wisdom will be exercised either by cutting it off or changing it.

Mr. SIMMONS. The Senator from Maine, I hope, does not understand me as opposing in any way the provision in the bill. I was merely suggesting a practical difficulty in carrying it out. I think the provision ought to remain in the bill.

Mr. HALE. I so understood the Senator, but he is making an interesting statement and quoting Mr. Wallace, who is a great engineer, though not at present connected with the work, upon details which I do not think we can very well consider here.

Mr. SIMMONS. If the Senator will pardon me, I think the Senator was here only during the latter part of my remarks. I had laid down a general proposition, and I was reading from the testimony of Mr. Wallace for the purpose of sustaining the facts upon which I based my proposition. The general proposition which I laid down was that about 10 per cent of the Americans now on the Isthmus are actually employed as superintendents, overseers, and directors of these alien laborers, and that it was impracticable to limit them to an eight-hour day. If you limit them to an eight-hour day and require the others to work longer than eight hours, of course at the end of eight hours the aliens would be without overseers and without superintendence and direction. That was the point I was making. I was simply reading from Mr. Wallace's testimony to support my statement that 10 per cent of the white men there are employed in this capacity, and that to make it compulsory that they should stop at the end of eight hours would make it impracticable to work the balance of the force after that time, because the heads would be gone.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. SIMMONS. Yes.

Mr. TILLMAN. I understand the Senator from North Carolina to say that these men are now working by the hour, without regard to the eight-hour law?

Mr. SIMMONS. All of them are paid by the hour.

Mr. TILLMAN. If they are paid by the hour, then if they work overtime they are paid for that extra time.

Mr. SIMMONS. The law does not permit them to work overtime. That is the difficulty.

Mr. TILLMAN. I agree with the Senator that we ought to have the freest possible right to say that the overseers shall not leave before the laborers quit.

Mr. SIMMONS. That is exactly what I have suggested.

Mr. TILLMAN. But you can not put it in this bill.

Mr. SIMMONS. I am not contending that it must be put in this bill; I was simply stating a practical difficulty that confronts us, and suggesting that the distinguished gentleman in charge of this bill, when his attention was called to this, would probably be able by amendment to meet the practical difficulty.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. ALLISON. If I understand the Senator, he commends this legislation because it goes part way in accomplishing what Engineer Wallace recommends.

Mr. SIMMONS. If the Senator will permit me, I do not like the word "commend." I do not exactly commend it, because I like the eight-hour law in this country, and if this provision should in any way conflict with the interests of American labor I should be opposed to it.

Mr. ALLISON. Certainly; but I understand from the testimony, and I understand the Senator himself to believe, that the eight-hour law ought not to apply to the Canal Zone.

Mr. SIMMONS. That it is hampering the work there and making it cost a great deal more.

Mr. ALLISON. I understand that is the view of the Committee on Interoceanic Canals.

Mr. SIMMONS. I think that is true.

Mr. ALLISON. This provision goes part way. It says that alien labor shall not come under the provisions of the eight-hour law. It will be the easiest thing in the world for the Committee on Interoceanic Canals, when they come to deal with this question, to go further than we go, and provide in the statute, which must be passed before this session closes, that this rule shall apply to all laborers on the Isthmus. When that committee brings in a proposition of that kind, I shall vote with the committee for enlarging and extending this provision; but in the meantime, as the House has partially dealt with this matter, as the Committee on Appropriations hesitated to enter at large upon this legislation, and as the Committee on Interoceanic Canals are dealing with the subject, why not allow this provision to remain in the bill and then correct it or make such additions to it as are wise when the Interoceanic Canal Committee acts?

Mr. SIMMONS. If the Senator will pardon me, I should like to inquire of him whether he thinks it is impracticable or undesirable to so amend this provision of the bill as to permit the Canal Commission to employ Americans for a longer period than eight hours a day on the Isthmus, or is his objection based upon the ground that it is a matter which more properly and appropriately pertains to the recommendation of the Committee on Interoceanic Canals? If the latter is the Senator's objection, of course I have nothing further to urge.

Mr. ALLISON. The Senator will observe that it was the object of the Committee on Appropriations, this being an urgent bill, to eliminate from it all outside questions if possible. Therefore they did not undertake to modify this provision as it was arranged by the House, but preferred that the bill should stand with this provision in it. I think most of the committee, though I speak only for myself, when the proposition comes up on an independent bill, which I think is the proper place for it, will stand with the Senator from North Carolina in favor of eliminating the application of the eight-hour law from all laborers on the Canal Zone. Indeed, Mr. President, I do not know that it has been absolutely decided by any court that that law really applies to the Canal Zone. I believe the Attorney-General has rendered such an opinion, and of course we are bound by it until that decision shall have been changed.

Mr. SIMMONS. I think that is true.

Mr. ALLISON. But I think those who believe as the Senator from North Carolina does and as I do will agree that we had better allow this provision to stand as it is. I am sure the Senator from North Carolina has as great faith in the Committee on Interoceanic Canals as I have, and, having that faith in that committee, I think they can provide an arrangement or an amendment that will cover this whole question more at large when they have taken action, and I hope that committee will do so.

Mr. CLAY. Mr. President, the Senator from Iowa says that this proviso excludes alien laborers from the provisions of the law which prohibits them from working longer than eight hours a day. The Senator is in favor of allowing all laborers to work on the Isthmus more than eight hours. I ask the Senator can not both ends be obtained right now by simply striking out the word "alien," and making it read that "it shall not apply to laborers employed in the construction of the isthmian canal within the Zone?" That will cover the subject.

Mr. ALLISON. Mr. President, that would cover the subject very well, and I should be glad to accept the amendment if the Senate was the only body that dealt with this question and our will here was to be the will of Congress; but unfortunately on this question, as on many others, we have to secure the action of the two Houses, and each House is entitled to its own judgment as respects the details of measures brought before it. If the Senator could assure me that this bill would not be delayed elsewhere for a moment, and that his judgment and mine—for I am sure he is in accord with me on this subject—could prevail, I should probably be willing to strike out the word "alien." I hope, however, the amendment will not be pressed now, because it would make it difficult to secure an early passage of the bill.

Mr. CLAY. Let me say this: If this is proper legislation, and it is necessary for the Committee on Interoceanic Canals to report a bill of this character to the Senate, before that bill can become a law there is one thing sure—it must have the approval both of the House and of the Senate; and if the House will not agree to this amendment it is certain no such legislation can take place. I would suggest to the Senator that, under the statement made by the Senator from North Carolina, it strikes me that the House would readily agree to such an amendment, as it would very much facilitate the work of the

construction of the canal. It strikes me that if you agree now to take that word out all difficulty in the future would be settled, provided the House agreed to it, and if the House did not agree to it there is one thing certain—there would be no use attempting further legislation on that line.

Mr. ALLISON. A great many things are proper that are not expedient. I endeavored to state that I thought it was wiser to do this work, which the Senator from North Carolina and the Senator from Georgia desire to have done, in piecemeal, as it were, going now as far as the House has agreed to go, and then, later on, when the real subject of legislation comes before us, we can go further. I can see no trouble in that disposition of the subject, and I hope the Senator from Georgia will be willing to postpone this matter of striking out the word "alien" until we can have more time and give more ample consideration to it.

Mr. SIMMONS. If the Senator will permit me to interrupt him, I wish to say that I myself do not propose to make any controversy about it. I have no disposition to offer any amendment in regard to it; but it does not strike me that if this is a needed bit of legislation, and we are engaged now in legislating upon the very subject-matter, we ought to refrain from so amending and perfecting it as to make it workable and practical legislation, because, forsooth, some controversy may arise. I do not suppose that you only put in this deficiency bill matters about which there is no controversy, because, as I remember, the very provision that we are now discussing did create in another body a great deal of controversy and a very decided division upon very marked lines.

This is a matter that does not seem to have been brought to the attention of the House at the time they were passing the bill, but it seems to me that it is so essential a part of the subject-matter about which we are legislating and so necessary in order to make that which it is proposed to do workable and practicable in its operation that it ought at least to receive the serious consideration of the distinguished chairman of the Committee on Appropriations, and perhaps, while he does not now see his way clear, after reflection and before we get through with this bill he will be able to add a few words to the bill by way of amendment that will accomplish the object which he says he favors, as well as the Senator from Georgia and myself.

Mr. ALLISON. Mr. President, I have already reflected somewhat upon this question. I do not think that what has been said justifies me in changing my views. This is a deficiency bill. It is intended to carry forward the work between the 1st of April and the 1st of July. Therefore it is temporary, and I have, I think, very good authority for saying that those in charge there can get on with this temporarily until some other provision can be matured through the Interoceanic Canal Committee.

Mr. NEWLANDS. Mr. President, I am opposed to any modification whatever of the limitations imposed upon the hours of labor of laborers and mechanics in the public service, whether that labor be the labor of American laborers or of alien laborers. I believe in the eight-hour law. I believe it is a humane law, and I do not propose to be humane only to Americans and inhumane to aliens.

If there is a place in God's world where the eight-hour law ought to prevail, it is on the Isthmus of Panama, where labor is exceedingly distressing, where the heat of the sun is such as to make it almost impossible to labor during certain hours of the day. I do not believe that in that climate any man ought to be called upon to work between the hours of 12 and 3, and if we apply the eight-hour law to that locality the laborers will be called upon to work from 7 until 12, a period of five hours, and from 3 until 6, a period of three hours, making a total of eight, and I think that is all any man ought to be called on to work in that climate.

I believe the work will be more economically and efficiently done if we attend to the nourishment, the recreation, and the rest of the men engaged in that locality, whether they come from this country or whether they come from Santo Domingo or Martinique. I believe you will get more out of an eight-hour day in that locality than you will get out of a ten-hour day; that if a man is called upon to work there for ten hours he will really do only eight hours' work, and that in practical efficiency the eight-hour day will accomplish as much as the ten-hour day. So I am opposed to this modification, and I shall vote against it if I have an opportunity.

Mr. PATTERSON. Mr. President, I will not take up any more of the time of the Senate, nor will I offer what I had intended to offer as a substitute for the paragraph that I moved to strike out. I will allow my motion to stand, and be content to vote upon it, with such other votes as it may receive, quite well satisfied from the very general expression that no alien need apply for an eight-hour law or for a law that will limit the number of hours of work to be done in the Canal Zone and in connection with the construction of the canal.

I agree with the Senator from Nevada [Mr. NEWLANDS]. I believe the law would result in a better class of labor, more efficient labor, more intelligent labor, and a large amount of American labor, provided the Government will accomplish one-half of what it practically pledged itself to the people it would accomplish in the way of sanitation when we were discussing the question of different routes. Therefore, Mr. President, I will be content with a vote upon my motion to strike out the paragraph in question.

The VICE-PRESIDENT. The Senator from Colorado renews his motion to strike out the first paragraph at the top of page 20. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

The VICE-PRESIDENT. The bill is still in the Senate as in Committee of the Whole and open to amendment.

Mr. TILLMAN. Mr. President, I do not rise to offer an amendment, but I wish to make some little inquiries. I was not a member of the subcommittee which held the hearings on this matter, but it will be recalled that when the other emergency bill relating to Panama was before the Senate, in the earlier days of the session, there were hearings had before the Appropriations Committee, which brought out the fact that the Commission had exercised what has since been acknowledged to be unlawful authority, had certainly stretched its authority, if it had any, to sell the bonds of the Panama Railroad Company in order to get some money with which to do certain work.

I have understood since that those bonds have been bought back, under order from the President, and that the public debt therefore has not increased by having issued bonds which are practically United States bonds. I say United States bonds for the reason that the railroad is wholly the property of the United States. We own every share of it.

I see the Senator from North Carolina [Mr. SIMMONS] is here. The point I wish to bring out is as to the temper of the Appropriations Committee, so far as I understand it. The provision at the bottom of page 19, which I will read—

To be used as an advance to the Panama Railroad Company to pay for the reequipment of that company, $650,000—

was put there at the urgent solicitation of the Secretary of War, because of contracts that have already been entered into and because of the condition of congestion there, requiring the rebuilding of the railroad or doubling its tracks at the earliest possible moment. We therefore have felt it necessary to furnish the money. Therefore in committee I did not object and do not now propose to object to it, but I wish the Senator in charge of the bill to let it be understood, as we did have it understood in committee, that we did not feel that this dual arrangement, this double-barreled kind of a condition there, by which we have the Panama Railroad Company doing certain things and the Canal Commission doing other things, and swapping back and forth, borrowing money from one another, when they are all the same people, ought not to exist any longer; and that the Committee on Interoceanic Canals, when they come to consider the question of legislating on this whole matter, as we assume they are preparing to do, will not forget that some of us, at least, object to this dromio arrangement, swapping entities, and snuggling up. I do not say it any offensive way, because I do not think that has been done; but anyhow I would like to have one straight account for the Panama Canal Commission, in which its expenditures authorized by Congress shall be set forth and a report made which is understandable. I take it that the two Senators whom I am addressing, the heads of the Appropriations Committee, will not controvert or dispute my position that that is the wish and the understanding, as far as we ourselves are concerned in regard to this matter.

Mr. HALE. Mr. President, the Senator from South Carolina in what he said has practically outlined what I think the committee desire. In the first investigation by the Committee on Appropriations it was felt that there was an anomalous condition there, of the Commission and the railroad, apparently separate and distinct, keeping accounts with each other, when it was all one part of a great work.

In this matter of advance the committee has put the provision on because it was satisfied it was needed, because of the money that is required for the work in completing the equipment of and double-tracking the railroad. But I agree fully with the Senator from South Carolina. I think it is the feeling of the committee that the Interoceanic Canal Committee, in its larger range of providing for operation—how the canal shall be constructed; what the system shall be—will, in the depths of its ingenuity and resources, evolve a plan that will obliterate this

dual arrangement, so that we may have the work cover not only the canal—the excavation, the transportation—but the railroad itself, and so that we may know just what the whole business is without a double set of accounts; and I trust the committee will bring out a plan of that kind.

Mr. CLAY. Mr. President, I wish to call the attention of the Senator from Maine to the bill that we passed heretofore—I believe it carried $11,000,000—for the prosecution of certain work on the Isthmus, to cover the entire expenses until June 30, 1906. I see in the estimates made by the Treasury Department that only $200,000 is called for, to be used for material and services, including construction on the Panama Railroad. But I have been informed by the Senator from South Carolina [Mr. TILLMAN] since I came in that this discrepancy has been explained by him. He has explained it to me privately. I did not hear his remarks, or I would not have called attention to the matter.

I could not understand why we should now appropriate $650,000 for that purpose when only $200,000 was asked in the estimate made at the time we passed the deficiency bill. But, as I have said, the Senator from South Carolina has explained the matter to me, and I now understand it.

Mr. TILLMAN. It came about in this way—it does not do any harm to repeat it: Certain bonds had been sold by the Panama Railroad Company (by the Panama Commission, because, as I say, they are first one and then the other, as suits their financial exigency, apparently), and those bonds have been bought back with the money which we appropriated in the last emergency appropriation bill, so there is a deficit of $650,000 necessary to carry on the work of rebuilding the road, and that is why the item is here.

Mr. HALE. That is correct.

Mr. SPOONER. The Senator from South Carolina seems to think it a novelty that the Commission should have charge of the construction of the canal and also of the railroad as a corporation.

Mr. TILLMAN. They are one and the same person.

Mr. SPOONER. They are not one and the same person.

Mr. TILLMAN. Practically they are. The Senator and I had a little bout on it once before.

Mr. SPOONER. We are about to have another bout.

Mr. TILLMAN. All right; go ahead.

Mr. SPOONER. I wish to say in all seriousness to the Senator that the Commission can not do any differently. We own simply the stock in the Panama Railroad Company. An act of Congress can change that; title to the property can be invested in the Government, and the railroad can be operated and handled just as the canal would be if it were completed. But as it stands now the Commission is absolutely powerless to transact business in any other way than it is doing, because the United States, as a stockholder in the railway company, is like any other stockholder. The accounts have to be kept separately. The Panama Railroad Company has the title to the Panama railway. It may be wise to change that, but as it stands now, and without legislation changing it, the Commission can not do any differently.

Mr. TILLMAN. I was not criticising the Commission. I was criticising the situation—the condition. I do not deny that technically the Senator from Wisconsin is right, but the United States are the sole owners of the stock of the railway company, and therefore can vote and elect a board of directors—and they have elected a board of directors, who are the Canal Commissioners. The Canal Commission and the railway directors are one and the same persons. It is simply a figment of the brain to contend that they are not the same. It is a legal fiction, and I wish that fiction done away with by legislation, if necessary, and that is all I have tried to call the attention of the Senate to, and to try to emphasize the feeling that exists in the Appropriation Committee that we will never more be called upon in an appropriation bill, urgent or otherwise, to lend ourselves money. In other words, that the Canal Commission will not lend the railroad company money, and the situation will not be befuddled and the mind of the country all mixed up and beclouded with this foolishness.

Mr. SPOONER. Only a word. I should not want any condition of affairs to continue that would keep the Senator from South Carolina befuddled.

Mr. TILLMAN. The Senator from South Carolina is not befuddled, but he is trying to get the Senator from Wisconsin to get his own mind clear.

Mr. SPOONER. My mind is clear. I do not think it is possible for the Senator to get his mind clear on this particular phase of the subject.

I merely wish to say this: When the time comes to debate the proposition whether it is to the interest of the Government to change that situation, to destroy the corporate ownership of the Panama Railway and its corporate management, as it is in the hands of the corporation, and vest it entirely in the Government, there is much to be said against it in the public interest.

Mr. TILLMAN. I will meet that condition when it arises. I am no more in favor of the Government ownership of railroads than is the Senator from Wisconsin.

Mr. SPOONER. It is not that.

Mr. TILLMAN. But we have bought this railroad for one express purpose, and that is to build the canal and to use it in that construction. We are appropriating money for the building of the canal, and in that way we have come face to face with the fact that we need to double track this road. The money is loaned here in this bill, and there is not one man in a hundred—no, not one in a thousand—who, reading this bill, will understand what it means.

I simply wanted to have it understood just what the situation was, and also to suggest that it would be very wise and necessary to have one set of books in regard to the canal construction, which would not mix up things and befuddle them, and so that anybody could understand where the money was going and somebody would not be supposing there was a steal here.

Mr. HALE. Now, Mr. President, if we can pass this little bill the Senators can fight it out afterwards.

Mr. NEWLANDS. May I ask the Senator from Maine, if he is informed on the subject, or the Senator from Wisconsin, whether the Government owns all the stock of the Panama Railway Company?

Mr. TILLMAN. Every share of it.

Mr. HALE. Yes; wholly.

Mr. NEWLANDS. My recollection was that there was a bill passed in the Senate at the last session providing for the condemnation of the balance of that stock, but that the bill did not pass both Houses.

Mr. HALE. They have got it all in now.

Mr. TILLMAN. We have every share of it. We had to sell, putatively, one share to each of the directors in order to make them eligible to that position.

Mr. NEWLANDS. I should like also to inquire of the Senator from South Carolina, since he seems well informed on the situation, as to whether that stock was acquired by condemnation or purchase.

Mr. TILLMAN. I do not know; but by purchase, I suppose.

The VICE-PRESIDENT. The bill is still in the Senate as in Committee of the Whole, and open to amendment. If there be no further amendments, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10225) granting an increase of pension to Nathan B. Richardson.

The message also announced that the House had passed the following bills:

S. 9. An act granting an increase of pension to David P. Bolster;

S. 11. An act granting an increase of pension to Ruth B. Gurney;

S. 16. An act granting a pension to Susan H. Cutler;

S. 74. An act granting an increase of pension to Aaron T. Currier;

S. 80. An act granting an increase of pension to Julia A. Stanyan;

S. 81. An act granting an increase of pension to David E. Everett;

S. 96. An act granting an increase of pension to George A. Francis;

S. 120. An act granting an increase of pension to John M. Buckley;

S. 122. An act granting an increase of pension to Michael Stump;

S. 126. An act granting an increase of pension to William J. Street;

S. 138. An act granting an increase of pension to Michael Linehan;

S. 140. An act granting an increase of pension to Maitland J. Freeman;

S. 142. An act granting an increase of pension to William Furlong;
S. 143. An act granting an increase of pension to James W. Calvert;
S. 145. An act granting an increase of pension to Wellington Marlatt;
S. 164. An act granting a pension to Helen A. Frederick;
S. 178. An act granting an increase of pension to Irene A. Cochrane;
S. 179. An act granting an increase of pension to Charles H. Mayhew;
S. 183. An act granting an increase of pension to Henry F. Hunt;
S. 185. An act granting an increase of pension to Lewis H. Cate;
S. 193. An act granting an increase of pension to John C. Eberly;
S. 206. An act granting an increase of pension to Gordon H. Shepard;
S. 209. An act granting an increase of pension to George F. Ross;
S. 210. An act granting an increase of pension to Silas P. Hall;
S. 211. An act granting an increase of pension to Wilson J. Pool;
S. 212. An act granting an increase of pension to John T. Liddle;
S. 238. An act granting an increase of pension to John Savage;
S. 244. An act granting an increase of pension to Thomas Bramel, alias Thomas Bramble;
S. 279. An act granting an increase of pension to Horace E. Barker;
S. 314. An act granting a pension to Aletha E. Reynolds;
S. 315. An act granting an increase of pension to George Pike;
S. 322. An act granting an increase of pension to Isabella Workman;
S. 329. An act granting an increase of pension to William E. Blewett;
S. 328. An act granting an increase of pension to John W. Warner;
S. 330. An act granting an increase of pension to Kemenskio A. N. L. Collins, alias Lewis Collins;
S. 385. An act granting an increase of pension to George W. Gearey;
S. 393. An act granting an increase of pension to Lucinda Stamper;
S. 407. An act granting an increase of pension to George W. Purvis;
S. 472. An act granting an increase of pension to David F. Magee;
S. 493. An act granting an increase of pension to Charles M. Wittig;
S. 508. An act granting an increase of pension to William Kress;
S. 509. An act granting a pension to Annie L. Tredick;
S. 515. An act granting an increase of pension to Dennis Buckley McCready, alias Thomas Buckley;
S. 531. An act granting an increase of pension to William H. Satterthwait;
S. 534. An act granting an increase of pension to Dennis A. Davis;
S. 564. An act granting an increase of pension to Wilson Hyatt;
S. 565. An act granting an increase of pension to Lumbard B. Aldrich;
S. 572. An act granting an increase of pension to Henry G. Salisbury;
S. 575. An act granting an increase of pension to John Flynn;
S. 576. An act granting an increase of pension to Frederick J. Shelley;
S. 596. An act granting an increase of pension to Eliza J. Harding;
S. 603. An act granting an increase of pension to Lide S. Leonard;
S. 606. An act granting an increase of pension to John H. Crowell;
S. 622. An act granting an increase of pension to Hiram Swain;
S. 625. An act granting an increase of pension to Phebe J. Bennett;
S. 637. An act granting an increase of pension to John D. O'Brien;
S. 644. An act granting an increase of pension to William R. Hubbell;
S. 647. An act granting an increase of pension to Leonard Harmony;
S. 666. An act granting an increase of pension to Andrew Patrick;
S. 669. An act granting an increase of pension to Laurence Mericle;
S. 670. An act granting an increase of pension to Anthony Barrett;
S. 706. An act granting an increase of pension to Martha E. Saltar;
S. 707. An act granting a pension to Alice E. Gilley;
S. 714. An act granting an increase of pension to Susie Place;
S. 715. An act granting a pension to Georgia A. Rollins;
S. 727. An act granting an increase of pension to Jasper H. Keys;
S. 785. An act granting an increase of pension to Franklin C. Pierce;
S. 787. An act granting an increase of pension to Stephen Ernst;
S. 837. An act granting an increase of pension to Elizabeth C. Dunton;
S. 845. An act granting an increase of pension to Sarah A. Page;
S. 850. An act granting an increase of pension to Arthur F. Devereux;
S. 851. An act granting an increase of pension to Frederick Houser;
S. 923. An act granting an increase of pension to Nathaniel L. Badger;
S. 949. An act granting an increase of pension to Jacob H. Epler;
S. 950. An act granting a pension to Emma M. Rea;
S. 986. An act granting an increase of pension to Caroline M. Doan;
S. 991. An act granting an increase of pension to Jane McMahon;
S. 994. An act granting an increase of pension to Henry Weston;
S. 1015. An act granting an increase of pension to Joseph McSwain;
S. 1035. An act granting an increase of pension to Andrew McClory;
S. 1038. An act granting an increase of pension to James Frazier;
S. 1041. An act granting an increase of pension to Myron E. Billings;
S. 1042. An act granting an increase of pension to Francis Piccard;
S. 1163. An act granting an increase of pension to Martha G. Cushing;
S. 1212. An act granting an increase of pension to John S. Wilcox;
S. 1258. An act granting an increase of pension to Charles W. Paige, alias Jackson Morse;
S. 1270. An act granting an increase of pension to John C. Barr;
S. 1271. An act granting an increase of pension to Edward Irwin;
S. 1303. An act granting a pension to Harrison Brott;
S. 1367. An act granting an increase of pension to Almon Foster;
S. 1368. An act granting an increase of pension to William H. Hicks;
S. 1432. An act granting an increase of pension to John W. Foreaker;
S. 1456. An act granting a pension to Joann Morris;
S. 1466. An act granting an increase of pension to Philena Davis;
S. 1407. An act granting an increase of pension to Laura A. Blodgett;
S. 1474. An act granting an increase of pension to Joseph Davis;
S. 1509. An act granting an increase of pension to Thomas T. Hodges;
S. 1517. An act granting an increase of pension to John C. Kennedy;
S. 1524. An act granting an increase of pension to John M. Berkey;
S. 1525. An act granting an increase of pension to Zachariah Bradfield;
S. 1529. An act granting an increase of pension to James L. Small;

S. 1559. An act granting an increase of pension to Laura Clark;
S. 1709. An act granting a pension to Florence Greeley De Veaux;
S. 1735. An act granting an increase of pension to Washington Hogans;
S. 1827. An act granting an increase of pension to George C. Chase;
S. 1828. An act granting an increase of pension to Alvin Abbott;
S. 1841. An act granting a pension to Robert Catlin;
S. 1842. An act granting an increase of pension to Ransom O. Thayer;
S. 1852. An act granting an increase of pension to Milton Marsh;
S. 1987. An act granting a pension to Ella T. Hapeman;
S. 2023. An act granting a pension to Amanda M. Richey;
S. 2071. An act granting an increase of pension to Henry T. Anshutz;
S. 2112. An act granting an increase of pension to John Heck;
S. 2113. An act granting an increase of pension to Agnes Zentz;
S. 2144. An act granting an increase of pension to James A. M. Brown;
S. 2229. An act granting an increase of pension to William I. Hilkey;
S. 2255. An act granting an increase of pension to James Thompson;
S. 2256. An act granting an increase of pension to Alexander F. McConnell;
S. 2293. An act granting an increase of pension to William C. Hitchcock;
S. 2415. An act granting an increase of pension to Fannie I. Edgerton;
S. 2481. An act granting an increase of pension to Elijah R. Wilkins;
S. 2555. An act granting a pension to Sarah A. Bargar;
S. 2564. An act granting an increase of pension to Michael Matheney;
S. 2583. An act granting an increase of pension to Thomas Robey;
S. 2730. An act granting an increase of pension to James P. Ford;
S. 2779. An act granting an increase of pension to James J. Egan;
S. 2825. An act granting an increase of pension to John M. Scott;
S. 2879. An act granting an increase of pension to Mary J. Hoge;
S. 3180. An act granting an increase of pension to Jacob A. Geiger;
S. 3243. An act granting an increase of pension to Akey C. Johnson;
S. 3244. An act granting an increase of pension to Anna F. Keiter;
S. 3286. An act granting an increase of pension to Mary J. McGeliee; and
S. 3307. An act granting an increase of pension to Phillip W. Cornman.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourns today it be until Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 12, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1906.

COLLECTOR OF CUSTOMS.

Benjamin F. Keith, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina.

COLLECTORS OF INTERNAL REVENUE.

Edmund B. Allen, of Missouri, to be collector of internal revenue for the first district of Missouri.

Griffith T. Davis, of Pennsylvania, to be collector of internal revenue for the twelfth district of Pennsylvania.

PROMOTIONS IN THE NAVY.

To be ensigns in the Navy from the 3d day of February, 1905:
John S. Abbott,
Thomas H. Taylor, and
Charles E. Brillhart.

Samuel Gordon, a citizen of New York, to be an assistant civil engineer in the Navy from the 2d day of February, 1906.

To be chief boatswains in the Navy from the 25th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904:
Martin Fritman,
John McCarthy, and
Henry C. Jarrett.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Frederick D. Grant to be major-general from February 6, 1906.

Lieut. Col. William E. Birkhimer, Artillery Corps, to be brigadier-general.

Lieut. Col. Palmer G. Wood, Eleventh Infantry, to be brigadier-general.

Lieut. Col. Henry A. Reed, Artillery Corps, to be brigadier-general.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Maj. William T. Wood, detailed inspector-general, to be lieutenant-colonel of infantry from February 3, 1906.

Lieut. Col. George H. Roach, United States Army, retired, to be placed on the retired list of the Army with the rank of colonel from February 3, 1906.

POSTMASTERS.

ARIZONA.

George McC. Allison to be postmaster at Globe, in the county of Gila and Territory of Arizona.

CALIFORNIA.

Bela C. Ide to be postmaster at Arroyo Grande, in the county of San Luis Obispo and State of California.

George E. Lund to be postmaster at Fruitvale, in the county of Alameda and State of California.

William L. Leonard to be postmaster at Oroville, in the county of Butte and State of California.

GEORGIA.

Walter Akerman to be postmaster at Cartersville, in the county of Bartow and State of Georgia.

Joseph S. Garrett to be postmaster at Columbus, in the county of Muscogee and State of Georgia.

Hervey D. Bush to be postmaster at Covington, in the county of Newton and State of Georgia.

Jerome E. Poche to be postmaster at Washington, in the county of Wilkes and State of Georgia.

KENTUCKY.

Jacob B. Coffman to be postmaster at Russellville, in the county of Logan and State of Kentucky.

LOUISIANA.

Virginia H. Jordan to be postmaster at Rayville, in the parish of Richland and State of Louisiana.

Thomas R. Morse to be postmaster at New Iberia, in the parish of Iberia and State of Louisiana.

NEW YORK.

James L. Moore to be postmaster at Pulaski, in the county of Oswego and State of New York.

NORTH CAROLINA.

McMurray Furgerson to be postmaster at Littleton, in the county of Halifax and State of North Carolina.

PENNSYLVANIA.

Jacob R. Zuck to be postmaster at Mount Pleasant, in the county of Westmoreland and State of Pennsylvania.

RHODE ISLAND.

Elmer W. Robinson to be postmaster at East Providence, in the county of Providence and State of Rhode Island.

SOUTH CAROLINA.

P. Brooks Connor to be postmaster at Greenwood, in the county of Greenwood and State of South Carolina.

Charles J. Purcell to be postmaster at Newberry, in the county of Newberry and State of South Carolina.

TENNESSEE.

Robert F. Haun to be postmaster at Milan, in the county of Gibson and State of Tennessee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 9, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question was taken; and the motion was agreed to.

LEGALIZING REMOVAL OF THE COUNTY SEAT OF WASHITA COUNTY, OKLA.

Mr. CAPRON. Mr. Speaker, I desire to call up the bill H. R. 7139, and ask it be placed upon its passage.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7139) legalizing the removal of the county seat of Washita County, Okla.

Be it enacted, etc., That the action of the majority of the electors of Washita County, Okla., as determined by an election held on the 7th day of August, A. D. 1900, for the purpose of removing the county seat of said county from the town of Cloud Chief to the town of New Cordell, in said county, be, and the same is hereby, in all things ratified and confirmed, and the county seat of said county is hereby declared to be at the said town of New Cordell.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I understand that there has been an election out there by the people and they want this removal. Is that true?

Mr. CAPRON. That is true, sir.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

LEASING LANDS IN STANLEY COUNTY, S. DAK., FOR A BUFFALO PASTURE.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13542.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13542) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from entry and to lease for a period of ten years, under rules and regulations to be by him prescribed, not exceeding 5,000 acres of the public domain, in the county of Stanley and State of South Dakota, to be used exclusively for the pasturing of native buffalo, and for no other purpose: *Provided*, That no lands shall be leased except such tracts as may have been subject to homestead entry for a period of fifteen years and have not been entered or appropriated: *Provided further*, That the Secretary of the Interior may at any time cancel any lease which may hereafter be made under the provisions hereof and restore said land to the public domain.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "exceeding," strike out "five thousand" and insert "three thousand five hundred."

In line 6, after the word "domain," insert "in townships 5 and 6 north, of range 30, and townships 5 and 6 north, range 31 east, Black Hills meridian."

In line 12, before the word "*Provided*," insert "unless abandoned for a sufficient period so that entries that may have been made have been canceled and the land has reverted to the public domain."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like an explanation of the purpose of the bill.

Mr. BURKE of South Dakota. Mr. Speaker, in Stanley County, S. Dak., there is a gentleman who has a herd of native buffalo, I think 118 head. He has them in a pasture on the Missouri River and he wants to get additional land adjoining the pasture so as to enlarge it, and the land is hilly and bluffy and has been open to homestead entry now since February 10, 1890, and although it is within a distance of 3 miles from the town it never has been filed upon because of its rough character. This bill simply authorizes the Secretary of the Interior to lease 3,500 acres of that land coming up to the township where these buffalo are now pastured, and provides that it can only be used for a buffalo pasture, and for no other purpose; that it may be leased for a period of not exceeding ten years, and that the Secretary of the Interior may at any time cancel any lease that may be made. It is a unanimous report from the Committee on Public Lands.

The SPEAKER. Is there objection?

Mr. WILLIAMS. What would be the objection to let this gentleman buy the land at an upset price?

Mr. BURKE of South Dakota. I did not understand the gentleman's question.

Mr. WILLIAMS. What would be the objection to let this gentleman buy the land at an upset price?

Mr. BURKE of South Dakota. I think the party would be very glad to do that, but I think it would be unusual and without precedent to permit any preson to purchase that quantity of the public domain that is subject to homestead entry.

Mr. WILLIAMS. What about the amount to be paid for the lease of the land? Is that left in the discretion of the Secretary of the Interior?

Mr. BURKE of South Dakota. That is left in the discretion of the Secretary of the Interior, who makes rules and regulations.

Mr. WILLIAMS. The committee is of the opinion the Government would get more money out of it this way than in any other way?

Mr. BURKE of South Dakota. I do not think the committee considered the question of getting any money out of it. I do not think it will bring any money into the Treasury. It simply was to permit the use of this land that is lying there practically worthless and of no value at present, so that he can inclose it in his pasture. Now, if anybody comes along and wants to acquire any part of it, they have a right to file a homestead, and if there is any lease covering any part of it the Secretary of the Interior may cancel it.

Mr. WILLIAMS. I understood the gentleman to say that he was to pay——

Mr. BURKE of South Dakota. It is left to the discretion of the Secretary of the Interior.

Mr. WILLIAMS. As to whether he shall pay anything at all or not?

Mr. BURKE of South Dakota. As to whether he shall pay. It is to be leased under rules and regulations to be prescribed by the Secretary of the Interior.

Mr. WILLIAMS. Can the Secretary of the Interior, under this bill, let him have the land for nothing?

Mr. BURKE of South Dakota. I do not suppose he would do so. There would be some nominal consideration, I presume. I will state, Mr. Speaker, that this bill does not give any person any exclusive right whatever. It simply says that the Secretary of the Interior may lease certain land for a buffalo pasture and for no other purpose.

Mr. WILLIAMS. I understand that, but I understand that if the Secretary of the Interior does lease it, that he is not going to cancel it. Of course, it is left discretionary with him to cancel it, and it is left discretionary with him to let it go as homestead; but, as a matter of fact, of course, the gentleman and I both know if he leased it for ten years, it is going to remain for ten years under his control.

Mr. BURKE of South Dakota. I would like to say to the gentleman that this land has been open to settlement and entry since February 10, 1890, and the land is taken for a distance of nearly a hundred miles west, and yet this particular land has never been taken, nor does anybody care to take it at the present time.

Mr. WILLIAMS. If it is good enough to pasture buffalo upon, of course it has some value. I understand the sentiment underlying the bill. We do not want the buffalo to become extinct in this country, and this man is doing a very useful work from a zoological standpoint; but if it is possible for the Secretary of the Interior to let one man have public lands, or lease them, for nothing, it starts a very bad precedent regardless of the sentiment that is behind the bill.

If it is mandatory upon the Secretary of the Interior to get something in return, why it seems to me that the bill is unobjectionable, and if, as I understand the gentleman now, the Secretary has the discretion to let him have it for nothing, or virtually for nothing, it seems to me we ought not to start that precedent.

Mr. BURKE of South Dakota. I think, Mr. Speaker, that the Secretary of the Interior would naturally consider whether or not it is proper to make any charge or whether anything could be gotten as a charge. We have authorized the sale of reservations under the rules and regulations to be prescribed by the Secretary of the Interior and left him to fix the price.

Mr. WILLIAMS. If the gentleman will insert in his bill some minimum price at which the Secretary of the Interior may lease the land, I would have no objection to the bill. I would like to see the bill go into operation, but to start the precedent by letting anybody have the public lands for nothing, either by

lease or by sale, seems to me a bad precedent, no matter how good the sentiment behind it.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he will suggest what he would propose as a minimum?

Mr. WILLIAMS. Well, I would be willing to leave that with the gentleman from Iowa [Mr. LACEY], who knows more about values in this regard than I do—say 25 cents per acre per annum, or 10 cents per acre. What does the gentleman from Iowa [Mr. LACEY] think?

Mr. BURKE of South Dakota. I will say, Mr. Speaker, that lands in our State that are only suitable for grazing purposes lease for somewhere about 6 or 7 cents an acre; but those are grass lands. Now, these lands mentioned in the bill, as I say, are rough and hilly, and largely gumbo. I presume the gentleman is familiar with the character of the land along the Missouri River, and the purpose of getting this additional land is to enlarge the range, because the buffalo is an animal which will not stand confinement, and the more range he has the better for him.

Mr. WILLIAMS. I understand that. Now, in attempting to state a proper price, I was, as I intimated, purely guessing. I know very little about the proper price for leasing in that section of the country. The gentleman states that grazing lands there are leased by the State for from 6 to 7 cents; so I would suggest that he put 5 cents, at least, in this bill.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to suggest to the gentleman that we incorporate an amendment limiting the Secretary to the right to lease at not less than $50 per annum.

Mr. WILLIAMS. How many acres are there?

Mr. BURKE of South Dakota. Thirty-five hundred acres.

Mr. LACEY. Will the gentleman from South Dakota yield to me for a moment?

Mr. BURKE of South Dakota. I will yield to the gentleman from Iowa.

Mr. LACEY. I will say to my friend from Mississippi [Mr. WILLIAMS] that there were three little herds of buffalo started by the saving of the calves when the general extermination took place along in the seventies, and there were seven calves saved by some Indians, which have been the basis of this herd. These seven calves have increased to 118—probably the finest specimens, I think, of buffalo living to-day on the continent.

They are the plains buffalo. They are kept by Mr. Philip, who married an Indian wife. They are in the bluff lands of the Missouri River. The lands proposed to increase his pasture is of the same bluffy character. The buffalo are healthy there, and have been making a steady increase.

Mr. WILLIAMS. I understand that, and I sympathize with the undertaking.

Mr. LACEY. It has not been a profitable venture. In fact, instead of charging Mr. Philip anything, I think the Government could very well afford to give him some aid, direct aid, in his laudable purpose of saving these animals from extermination. The Indians of the Flathead Agency saved 35, and their herd has grown to 352 animals. There are only four or five large herds in existence—the Austin-Corbin herd of 154; the Flathead Indian herd of 352; the Goodnight herd, 40 or 50; the Yellowstone herd of 44, and this herd, which is the third in magnitude, and perhaps the finest in its quality, and so regarded by people who are interested in saving these animals.

Mr. WILLIAMS. I am in perfect sympathy with the object.

Mr. LACEY. And this land is only to be used for this purpose. It must be exclusively used for this purpose, and the lessee can not put cattle on it.

Mr. WILLIAMS. I understand that.

Mr. LACEY. And if there should be any consideration charged at all, it ought to be a very nominal one. I visited this herd three or four years ago and was profoundly interested in it. Instead of mixing the breed, as they have in other herds, by importing animals from other places, he has continued to breed the pure plains buffalo, the original stock being healthy, and he succeeded, and will go a long ways to preserve this magnificent animal from extinction.

I will incorporate in my remarks a report on this subject-matter made by me in the Fifty-sixth Congress:

Charles Mair, of the Royal Canadian Society, in May, 1890, made the following statement:

"There is perhaps no fact in the natural history of America which brings such reproach on civilized man as the reckless and almost total destruction of the bison. * * * At this time there are in all probability not 500 animals alive on the continent."

When America was discovered the American Indians, measured by their flocks and herds, were as opulent as any people on the globe. The bison was the common property of all. He took care of himself both winter and summer, and furnished a never-failing supply of food and raiment for the aborigines. Through inconceivable ages this animal had become adapted to the soil, climate, and surroudings. The bison is the most typically American of all the indigenous beasts on the continent.

In 1832 the last of the bison was killed east of the Mississippi River. Before the development of the railroads vast herds of these animals avoided the destructive effects of the white settlements by emigration to the Far West, and down to as late as 1870 they still numbered very many millions. The building of the Pacific Railroad was the signal for the destruction of these vast herds. They were slaughtered without mercy, for sport and for profit.

The most pitiful story in the history of all animal life is Prof. William T. Hornaday's report on the extinction of the American bison. The mania for slaughter seems to have affected everyone. The English lord, the miner, the cowboy, and the immigrant slew right and left, dotting the plains with thousands upon thousands of tons of bleaching bones that have since been gathered up and transported to the sugar refineries on the Atlantic coast. These herds, that could have readily been converted into domestic animals and preserved as a permanent source of wealth, have been literaly swept from the face of the earth.

The cattle which have taken their place are unable to withstand the rigors and severity of the changeable climate. Where the bison turned his head to the storm and fought it out with the blizzard, the American cattle of to-day turn tail to the wind and drift to destruction. The bison was clothed expressly to resist the severity of the climate in which he was living. Prehistoric man, in his long warfare against the mammoth, left not one to tell the tale. Necessity for food, no doubt, was his excuse, and the slow breeding of these gigantic beasts made the extermination comparatively easy. When America was discovered the bison was the king of American beasts. By ages of gradual modification and natural selection an animal was developed fitted in the most admirable way for a life in the vast region from Hudson Bay and Great Slave Lake to the Gulf of Mexico.

The United States Government has tardily attempted to preserve some of the wonders of nature on the continent. The word "extinction" does not literally apply to the bison, but we have arrived at a point where nothing but heroic treatment will prevent this animal from joining the dodo, the great auk, and the mammoth.

Professor Hornaday thinks that there are at present 1,500 living buffalo in the whole world. The herd of the Flathead Indians, the "Buffalo Jones" herd, the Goodnight herd, the Corbin herd, a few specimens here and there in zoological parks, remnants still of perhaps twenty in the Yellowstone National Park, and a few scattered "wood buffalo" west of Hudson Bay embrace all that are left of the countless millions of a generation ago.

We recognize the fact that the buffalo, like the Indian, must be domesticated or disappear; but it is also true that an adequate home must be found for the few remaining, or else they can not be protected and preserved. After a few generations of domestication their breeding can no doubt be carried on without the broad range that now seems necessary. To turn these animals out on the plains of any of the Western States or Territories to take their chances with domestic cattle would result in their destruction. A range sufficiently large and at the same time fenced in should be provided for that purpose. The owner of this herd is willing to bear all the expense of this experiment and asks no Government aid. He can not turn these animals out on the open range without danger of their entire loss.

In 1873 Congress passed a law to protect the buffalo, but the President of the United States failed to sign it, and it did not become a law. The failure to sign this bill might be called another "crime of seventy-three." Action then would have been in time. The failure to act now in this matter will be fatal. We believe that the Government should make this experiment. It ought to be made, even if it had to be made entirely at public expense, but under the plan proposed by this bill the Government will not expend a single dollar. The land to be used for the purpose is public land. It belongs to the people. The whole people of the United States are concerned in saving our nation from the reproach of allowing the entire extinction of the American bison. Our children's children would curse us, and they ought to, if we do not prevent this reproach on the American people from being consummated.

Mr. WILLIAMS. I know the gentleman is engaged in a work of high zoological importance, but it ought not to be operated at the expense of the Federal Government. There ought to be something come to the Federal Government for the use of this land, and if it is to be of any benefit to him, there ought to be something paid for it.

Mr. BURKE of South Dakota. These lands have been used since that country was occupied up to the present time without paying anything.

Mr. WILLIAMS. By people whose cattle were squatted upon it. The Government was not recognizing their right, but to give it without remuneration in this way would be establishing a precedent that I do not think ought to be established. I do not care what the amount is; if the gentleman would put it as low as about $50 I would be satisfied, so that a precedent is not set of granting it for nothing.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. I offer the following amendment: Insert after the word "years," in line 5, the words "at an annual rental of not less than $50."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "years," in line 5, the words, "at an annual rental of not less than $50."

Mr. CLARK of Missouri. Is that Buffalo Jones's herd?

Mr. BURKE of South Dakota. It is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLOAKROOM MEN.

Mr. HUGHES. Mr. Speaker, I submit the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution No. 145.

Resolved, That hereafter Arthur Lucas, L. W. Pulles, Robert Coates, and Albert Scott, "cloakroom men" in charge of the Republican and Democratic cloakrooms, House of Representatives, shall be classified as skilled laborers and their compensation shall be at the rate of $840 each per annum.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Arthur Lucas, L. W. Pulles, Robert Coates, and Albert Scott, respectively, the difference between their pay as "cloakroom men," at the rate of $60 per month, and the rate of $70 per month each as skilled laborers, during the remainder of the present Congress, and the Committee on Appropriations is hereby authorized to provide, in one of the general appropriation bills, for said increase from and after the adjournment of the first session of the Fifty-ninth Congress.

The resolution was agreed to.

ASSISTANT CLERK, COMMITTEE ON TERRITORIES.

Mr. HUGHES. Mr. Speaker, I submit the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution No. 210.

Resolved, That the chairman of the Committee on the Territories is hereby authorized and directed to appoint an assistant clerk to said committee for the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House, at the rate of $6 per day.

The amendment recommended by the committee was read, as follows:

In lines 3 and 4 strike out the words "for the sessions of the Fifty-ninth Congress" and insert the following: "To serve during such portion of the remainder of the present session as in the discretion of the chairman may be actually necessary."

The amendment was agreed to.

The resolution as amended was agreed to.

CHIEF PAGES.

Mr. HUGHES. I also submit the following resolution, with a report of the committee.

The Clerk read as follows:

House resolution No. 97.

Resolved, That from and after July 1, 1906, the compensation of the chief pages of the House of Representatives shall be $1,200 per annum; and the Committee on Appropriations is hereby directed to make provision for same in the legislative, executive, and judicial appropriation bill.

The SPEAKER. Is there objection to the consideration of the resolution at this time?

Mr. CRUMPACKER. Mr. Speaker, I would like to have some explanation of this resolution, reserving the right to object.

Mr. HUGHES. Mr. Speaker, this resolution is reported adversely by the committee. The proposition was to increase the salaries of the chief pages from $75 to $100 a month. I ask for the reading of the report, and move that the resolution be laid on the table.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 97, to increase the salaries of the chief pages of the House from $900 to $1,000 per annum, have had the same under consideration and recommend that it be laid on the table.

We believe the annual salary now paid is sufficient to cover the greater amount of work performed by the chief pages over and above that performed by other pages, which latter are paid for the session only.

The SPEAKER. The gentleman from West Virginia moves to lay the resolution on the table.

The motion was agreed to.

CARTAGE OF DOCUMENTS.

Mr. HUGHES. Mr. Speaker, I present the following report.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to employ, with the approval of the Committee on Accounts, necessary laborers and cartage at a total cost not to exceed $1,500, to be paid out of the contingent fund of the House, for the purpose of delivering to the Librarian of Congress the bound volumes of original papers, general petitions, printed matter, books, and manuscripts in the files of the House which, in his judgment, are not required to be retained in the immediate custody of the file clerk, in accordance with the provisions of the act of June 6, 1900.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. PERKINS. Mr. Speaker, reserving the right to object, I would like some explanation of that resolution.

Mr. BARTLETT. Mr. Speaker, is that not a privileged report?

The SPEAKER. The resolution seems to be privileged.

Mr. HUGHES. I will say in regard to the resolution that the Clerk of the House asked for an amount to be set apart, and this is to remove the surplus books to make room for current reports in the building. The Clerk says that this amount is necessary and only such an amount can be used on that account as is O. K.'ed by the chairman of the Committee on Accounts.

Mr. PERKINS. What is this for?

Mr. HUGHES. To remove surplus books from the basement of the building——

Mr. PERKINS. To make room for more surplus books?

Mr. HUGHES. There are certain books to be brought in, and these will have to be removed to make room for those additional ones.

Mr. BARTLETT. Mr. Speaker, this resolution is to carry out an act of Congress passed in 1900. A certain amount was appropriated at that time for the removal of books, and the Clerk has informed us that another amount is now necessary to carry out the provisions of the act of Congress, and we have reported this resolution for that purpose.

Mr. HUGHES. The act of Congress was passed June 6, 1900.

Mr. BARTLETT. Yes.

Mr. CRUMPACKER. Mr. Speaker, I would like to ask the gentleman, in view of the fact that the resolution seems to provide for the disposition or transfer of public documents, if he believes that it is a proper charge on the contingent fund?

Mr. BARTLETT. It is made a charge on the contingent fund by the act of Congress.

Mr. CRUMPACKER. It seems to me that the contingent fund ought not to be used for such a general purpose.

Mr. BARTLETT. Perhaps it ought not to be, but the law requires that it be charged to the contingent fund.

Mr. PERKINS. Will the gentleman yield?

Mr. HUGHES. I yield to the gentleman.

Mr. PERKINS. I would like to ask the committee, if it is true that this appropriation is to furnish space for the storage of documents that are entirely worthless and can not be distributed, if it does not seem to them that there should be some action taken by which the accumulation of these useless, worthless, costly documents should be stopped, instead of being stored?

Mr. BARTLETT. I agree with the gentleman thoroughly, and I will cooperate with him. The Committee on Accounts has no jurisdiction of that subject, but there is a committee organized by the House for the purpose of disposing of these useless and worthless documents. Now, if the gentleman can offer any method by which the printing of useless documents and the accumulation of unnecessary and unprofitable printing can be stopped, I will cooperate with him as far as I am able.

Mr. PERKINS. I hope at the proper time the gentleman will be willing to cooperate to check the printing of such documents.

Mr. BARTLETT. I certainly will.

The resolution was considered and agreed to.

NATHAN B. RICHARDSON.

The SPEAKER laid before the House the bill H. R. 10225, an act granting an increase of pension to Nathan B. Richardson, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the bills on the Private Calendar in order to-day under the rule be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

JOHN L. LOVELL.

The first pension business was the bill (H. R. 1484) granting an increase of pension to John L. Lovell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Lovell, late of Company D, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARL W. BLOCK.

The next pension business was the bill (H. R. 6178) granting an increase of pension to Carl W. Block.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carl W. Block, late of Fifth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAIAH QUEMAN.

The next pension business was the bill (H. R. 6408) granting an increase of pension to Isaiah Queman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Queman, late of Company D, Forty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passsed.

EDWIN BILLING.

The next pension business was the bill (H. R. 12156) granting an increase of pension to Edwin Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Billings, late of Company E, First Regiment Nevada Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Billings" and insert in lieu thereof the word "Billing."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Edwin Billing."

WILLIAM U. MALLORIE.

The next pension business was the bill (H. R. 5163) granting a pension to William U. Mallorie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William U. Mallorie, late of Company B, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Pennsylvania," insert the word "Reserve."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty-six."

In line 9, before the word "receiving," insert the word "now."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to William U. Mallorie."

ISAAC HENRY OBER.

The next pension business was the bill (H. R. 4206) granting an increase of pension to Isaac Henry Ober.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Henry Ober, late of Company A, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. BABCOCK.

The next pension business was the bill (H. R. 10477) granting an increase of pension to James B. Babcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Babcock, late of Company F, First Regiment Wisconsin Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Wisconsin," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORTON D. FORD.

The next pension business was the bill (H. R. 2823) granting an increase of pension to Orton D. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orton D. Ford, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. ACKERT.

The next pension business was the bill (H. R. 6109) granting an increase of pension to William H. Ackert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Ackert, late of Company H, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER MILLER.

The next pension business was the bill (H. R. 1909) granting a pension to Alexander Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Miller, late of Company B, First Regiment Connecticut Heavy Artillery, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Alexander Miller."

AMHERST F. GRAVES.

The next pension business was the bill (H. R. 6180) granting an increase of pension to Amherst F. Graves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amherst F. Graves, late second lieutenant Company I, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "lieutenant," insert the words "Squadron McClellan's Dragoons, and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID F. M'DONALD.

The next pension business was the bill (H. R. 3552) granting an increase of pension to David F. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. McDonald, late of Company C, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "C, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry," and insert in lieu thereof the words "D, Third Battalion, Fifteenth Regiment United States Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE HOUNSOM.

The next pension business was the bill (H. R. 1043) granting an increase of pension to Horace Hounsman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace Hounsman, late of Company D, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hounsman" and insert in lieu thereof the word "Hounsom."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Horace Hounsom."

CASPER YOST.

The next pension business was the bill (H. R. 10437) granting an increase of pension to Casper Yost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Casper Yost, late first lieutenant Company B, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADAM COOK.

The next pension business was the bill (H. R. 11320) granting an increase of pension to Adam Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Cook, late of Company F, One hundred and forty-second and Sixty-first Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "and Sixty-first Regiments" and insert in lieu thereof the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN J. FELLOWS.

The next pension business was the bill (H. R. 11672) granting an increase of pension to Franklin J. Fellows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin J. Fellows, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BURNS.

The next pension business was the bill (H. R. 9405) granting an increase of pension to John Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Burns, late of Company C, Tenth Regiment New York Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Artillery," insert the word "Heavy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER D. SUTTON.

The next pension business was the bill (H. R. 2595) granting an increase of pension to Peter D. Sutton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter D. Sutton, late of Company H, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE G. BRAIL.

The next pension business was the bill (H. R. 9065) granting an increase of pension to George G. Brail.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Brail, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL V. LOWARY.

The next pension business was the bill (H. R. 7721) granting an increase of pension to Daniel V. Lowrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel V. Lowrey, late of Company K, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Lowrey" and insert in lieu thereof the word "Lowary."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Daniel V. Lowary."

MELVIN J. LEE.

The next pension business was the bill (H. R. 11145) granting an increase of pension to Melvin J. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvin J. Lee, late of Company I, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE T. B. CARR.

The next pension business was the bill (H. R. 1859) granting an increase of pension to George T. B. Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George T. B. Carr, late sergeant-major of the Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE GIBSON.

The next pension business was the bill (H. R. 8714) granting an increase of pension to George Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Gibson, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Fifty" and insert in lieu thereof the word "Sixty."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMORY EDWARD PATCH.

The next pension business was the bill (H. R. 9795) granting an increase of pension to Emory E. Patch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emory E. Patch, late of Company E, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu if that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Patch," strike out the letter "E." and insert in lieu thereof the word "Edward."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Emory Edward Patch."

CHARLES A. PHILLIPS.

The next pension business was the bill (H. R. 6873) granting an increase of pension to Charles A. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Phillips, late of Company F, Eighth Regiment New York Volunteer Cavalry, and Company K, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and Company K, Eleventh."

In line 8 strike out the words "Regiment United States Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD J. M'CLASKEY.

The next pension business was the bill (H. R. 5938) granting an increase of pension to Edward J. McClaskey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward J. McClaskey, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID HANNA.

The next pension business was the bill (H. R. 6399) granting an increase of pension to David Hanna.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Hanna, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AHIJAH BROWN.

The next pension business was the bill (H. R. 4764) granting an increase of pension to Abijah Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abijah Brown, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Abijah" and insert in lieu thereof the word "Ahijah."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Ahijah Brown."

WILLIAM H. BYNON.

The next pension business was the bill (H. R. 5909) granting an increase of pension to William H. Bynon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Bynon, late of Company A, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB C. RARDIN.

The next pension business was the bill (H. R. 6085) granting an increase of pension to Jacob C. Rardin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob C. Rardin, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARQUIS DE LAFAYETTE BURKET.

The next pension business was the bill (H. R. 4886) granting an increase of pension to Marquis De Lafayette Burket.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus D. Burket, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, strike out the word and letter "Marcus D." and insert in lieu thereof the words "Marquis De Lafayette."

In line 8, strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Marquis De Lafayette Burket."

CHARLES W. FULTON.

The next pension business was the bill (H. R. 5186) granting an increase of pension to Charles W. Fulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Fulton, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. M'DONALD.

The next pension business was the bill (H. R. 9234) granting an increase of pension to W. A. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. A. McDonald, of Lignum, Va., and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W" and insert in lieu thereof the word "William."

In same line strike out the words "of Lignum, Virginia," and insert in lieu thereof the words "late of Company A, Second Regiment New York Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to William A. McDonald."

ISAAC H. WITHERWAX.

The next pension business was the bill (H. R. 4878) granting an increase of pension to Isaac H. Witherwax.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac H. Witherwax, late of Company F, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CHANDLER.

The next pension business was the bill (H. R. 2762) granting an increase of pension to William Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Chandler, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the words "United States," insert the words U. S. S. Ohio, Gemsbock, and Rhode Island."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. HULL.

The next pension business was the bill (H. R. 8918) granting an increase of pension to Andrew J. Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the penson laws, the name of A. J. Hull, late of Battery H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Andrew."

In same line, after the word "Hull," insert the words "alias Spencer J. Hull."

In same line strike out the word "Battery" and insert in lieu thereof the word "Company."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull."

ELIZA THOMPSON.

The next pension business was the bill (H. R. 8317) granting an increase of pension to Eliza Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Thompson, widow of William G. Thompson, late of Company A, First Louisiana Volunteer Cavalry Scouts, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "First," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ETHAN BLODGETT.

The next pension business was the bill (H. R. 8556) granting an increase of pension to Ethan Blodgett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ethan Blodgett, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK A. AMENDE.

The next pension business was the bill (H. R. 8663) granting an increase of pension to Frederick A. Amende.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Amende, late of Company A, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD H. PINNEY.

The next pension business was the bill (H. R. 8541) granting an increase of pension to Edward H. Pinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

E. H. Pinney, late captain Company F, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Edward."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edward H. Pinney."

EBENEZER S. EDGERTON.

The next pension business was the bill (H. R. 9059) granting an increase of pension to Ebenezer S. Edgerton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer S. Edgerton, late of Company G, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. COLLIER.

The next pension business was the bill (H. R. 12507) granting an increase of pension to George W. Collier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Collier, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "thirty," insert the word "six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH C. GRISSOM.

The next pension business was the bill (H. R. 12289) granting an increase of pension to Joseph C. Grissom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Grissom, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company B, Eighth Regiment Indiana Volunteer Cavalry, and captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY HASTINGS.

The next pension business was the bill (H. R. 6385) granting an increase of pension to David Henry Hastings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Henry Hastings, late of Company D, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "David."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Henry Hastings."

JAMES M. BUSBY.

The next pension business was the bill (H. R. 6507) granting an increase of pension to James M. Busby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Busby, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN WHORTON.

The next pension business was the bill (H. R. 3570) granting an increase of pension to Susan Whorton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Whorton, widow of James W. Whorton, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ella Nora Whorton, helpless and dependent daughter of said James W. Whorton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susan Whorton, the name of said Ella Nora Whorton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Susan Whorton.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARVEY T. DUNN.

The next pension business was the bill (H. R. 12388) granting an increase of pension to Harvey T. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey T. Dunn, late of Company B, One hundred and twenty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Illinois," insert the words "and Company F, Sixty-first Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILHELMINA HEALEY.

The next pension business was the bill (H. R. 12102) to restore to the pension roll of the United States the name of Wilhelmina Healey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll of the United States the name of Wilhelmina Healey, widow of the late James M. Healey, late of Company , One hundred and sixty-ninth Regiment New York Volunteer Infantry, at the same rate as she heretofore received.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelmina Healey, widow of James M. Healey, late of Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Wilhelmina Healey."

HENRY WASCHER.

The next pension business was the bill (H. R. 8664) granting an increase of pension to Henry Wuescher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wuescher, late of Company F, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Wuescher" and insert in lieu thereof the word "Wascher."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Henry Wascher."

JAMES R. TODD.

The next pension business was the bill (H. R. 3193) granting an increase of pension to James R. Todd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Todd, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DARIUS H. RANDALL.

The next pension business was the bill (H. R. 5656) granting an increase of pension to Darius H. Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Darius H. Randall, late of Companies G and B, Twenty-first Connecticut Volunteer Infantry, and Company H, Twenty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "First," insert the word "Regiment."

In the same line, after the word "and," insert the words "second lieutenant."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. RICHARDSON.

The next pension business was the bill (H. R. 9851) granting an increase of pension to William G. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Richardson, late of Company E, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MYRON E. BILLINGS.

The next pension business was the bill (H. R. 8913) granting an increase of pension to Myron E. Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron E. Billings, late of Company L, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move that this bill be laid on the table.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

ELIZA C. JONES.

The next pension business was the bill (H. R. 8169) granting an increase of pension to Eliza C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza C. Jones, widow of W. M. Jones, late of Company H, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

J. FREDERICK EDGELL.

The next pension business was the bill (H. R. 12391) granting an increase of pension to J. Frederick Edgell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Frederick Edgell, late of Company E, Fifty-fourth Regiment New York National Guard Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA M. THOMPSON.

The next pension business was the bill (H. R. 11846) granting a pension to Clara M. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara M. Thompson, widow of Merrill C. Thompson, late of Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9, after the word "month," insert the words "such pension to cease upon proof that the soldier is living."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANTON RIEDMÜLLER.

The next pension business was the bill (H. R. 7750) granting an increase of pension to Anton Riedmuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anton Riedmuller, late of the Ninth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows.

In line 6 strike out the word "Riedmuller" and insert in lieu thereof the word "Riedmüller."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Anton Riedmüller."

DANIEL D. DIEHL.

The next pension business was the bill (H. R. 10256) granting an increase of pension to Daniel D. Diehl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel D. Diehl, late of Company H, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read, the third time, and passed.

WILLIAM LEIPNITZ.

The next pension business was the bill (H. R. 7649) granting an increase of pension to William Leipnitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Leipnitz, late of Company G, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED F. WHITE.

The next pension business was the bill (H. R. 8520) granting an increase of pension to Alfred F. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred F. White, late of Company G, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company G, First Regiment West Virginia Veteran Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MONTEITH.

The next pension business was the bill (H. R. 8213) granting an increase of pension to William Monteith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Monteith, late of Company K, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GIBBONS.

The next pension business was the bill (H. R. 6913) granting an increase of pension to John Gibbons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gibbons, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SADIE A. WALKER.

The next pension business was the bill (H. R. 6098) granting an increase of pension to Sadie A. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sadie A. Walker, widow of R. L. Walker, late captain of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the word "Richard."

In same line, after the word "late," insert the words "first lieutenant Company I and."

In line 7 strike out the word "of."

In same line strike out the letter "C" and insert in lieu thereof the letter "A."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OWEN DONOHOE.

The next pension business was the bill (H. R. 4179) granting an increase of pension to Owen Donohoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Owen Donohoe, late of Company F, Sixty-ninth Regiment New York Volunteer Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Militia" and insert in lieu thereof the word "Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER WETTERICH.

The next pension business was the bill (H. R. 5647) granting an increase of pension to Peter Wetterich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Wetterich, late of Company G, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SYLVENUS HARDY.

The next pension business was the bill (H. R. 5830) granting an increase of pension to Sylvenus Hardy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvenus Hardy, late of Company H, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAURICE HAYES.

The next pension business was the bill (H. R. 8302) granting an increase of pension to Maurice Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maurice Hayes, late of Company D, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEART ECHARD.

The next pension business was the bill (H. R. 8061) granting an increase of pension to Hart Echard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hart Echard, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hart" and insert in lieu thereof the word "Heart."

In same line before the word "and" insert the words "late of Company L, Sixth Regiment Illinois Volunteer Cavalry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Heart Echard."

HENDERSON ROSE.

The next pension business was the bill (H. R. 9567) granting an increase of pension to Henderson Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henderson Rose, late of Company H, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RACHEL E. WARE.

The next pension business was the bill (H. R. 2156) granting an increase of pension to Rachel E. Ware.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel E. Ware, widow of James Ware, late captain Company E, Tenth Regiment Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Tennessee."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. SHULTZ.

The next pension business was the bill (H. R. 1889) granting an increase of pension to William M. Shultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Shultz, late of Company B, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRISON WHITE.

The next pension business was the bill (H. R. 3250) granting a pension to Harrison White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison White, late of Company I, Second Regiment Kansas Militia Volunteers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Militia," insert the word "State."

In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA SWORDS.

The next pension business was the bill (H. R. 1160) granting a pension to Anna Swords and William Swords.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Anna Swords and William Swords, crippled children of Kinsey Swords, late of Company C, Second Regiment Ohio Volunteer Infantry, and of Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay each of them a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "the names," and all of lines 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "the name of Eliza Swords, widow of Kinsey Swords, late of Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of either Annie Swords or William Swords, helpless and dependent children of said Kinsey Swords, the additional pension herein granted shall be reduced to $20 per month, and in the event of the death of both of said children the whole of said additional pension shall cease and determine: *And provided further*, That in the event of the death of Eliza Swords the names of said Annie and William Swords shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each from and after the date of death of said Eliza Swords."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Eliza Swords."

SARAH A. PITT.

The next pension business was the bill (H. R. 2093) granting a pension to Sarah A. Pitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Pitt, former widow of Caleb C. Haney, late of Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FITCH SPOOR.

The next pension business was the bill (H. R. 11070) granting an increase of pension to Fitch Spoor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fitch Spoor, late of Sixteenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL COMER.

The next pension business was the bill (H. R. 11105) granting an increase of pension to Michael Comer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Comer, late of Company H, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WEBSTER THOMAS.

The next pension business was the bill (H. R. 11808) granting an increase of pension to Webster Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Webster Thomas, late captain Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company D and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SALLIE H. MURPHY.

The next pension business was the bill (H. R. 5753) granting an increase of pension to Sally H. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sally H. Murphy, widow of John Murphy, deceased, late first lieutenant in Company D, Fortieth Indiana Regiment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sally" and insert in lieu thereof the word "Sallie."

In same line strike out the word "deceased."

In line 7 strike out the word "in."

In same line, before the word "Indiana," insert the word "Regiment."

In same line, after the word "Indiana," strike out the word "Regiment" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Sallie H. Murphy."

SUSAN J. WILLIAMS.

The next pension business was the bill (H. R. 1485) granting an increase of pension to Susan J. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Williams, widow of James H. Williams, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. MARTIN.

The next pension business was the bill (H. R. 3500) granting a pension to William M. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Martin, late of United States Navy receiving ship Great Western, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Martin," insert the letter "M."

In same line strike out the words "United States Navy receiving," and in line 7 the words "ship Great Western," and insert in lieu thereof the words "U. S. S. Great Western, U. S. Navy."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to William M. Martin."

LEWIS L. DAUGHERTY.

The next pension business was the bill (H. R. 3315) granting an increase of pension to Lewis L. Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis L. Dougherty, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Dougherty" and insert in lieu thereof the word "Daugherty."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Lewis L. Daugherty."

GEORGE W. HENRY.

The next pension business was the bill (H. R. 6398) granting an increase of pension to George W. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Henry, late of Company D, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "Captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SETH PHILLIPS.

The next pension business was the bill (H. R. 1032) granting an increase of pension to Seth Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth Phillips, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MURRAY.

The next pension business was the bill (H. R. 1569) granting a pension to Elizabeth Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Murray, widow of Christopher Murray, late of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DEXTER E. W. STONE.

The next pension business was the bill (H. R. 2204) granting a pension to Dexter E. W. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dexter E. W. Stone, late of Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Dexter E. W. Stone."

GILBERT FORD.

The next pension business was the bill (H. R. 1902) granting an increase of pension to Gilbert Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Ford, late of Company E, Third Regiment Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Regiment," insert the word "Tennessee."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. BEULEN.

The next pension business was the bill (H. R. 3230) granting an increase of pension to James H. Beulen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Beulen, late of Company I, Eleventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Wisconsin," insert the words "and Company E, Twenty-third Regiment."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHAUNCEY P. DEAN.

The next pension business was the bill (H. R. 2954) granting a pension to Chauncey P. Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chauncey P. Dean, late of U. S. S. Hartford and U. S. S. Tecumseh, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "United States steamship Hartford and United States steamship" and insert in lieu thereof the words "the U. S. S."

In line 7, after the word "Tecumseh," insert the words "U. S. Navy."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Chauncey P. Dean."

MARTHA S. CAMPBELL.

The next pension business was the bill (H. R. 10886) granting an increase of pension to Martha S. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha S. Campbell, widow of James A. Campbell, late of Company C, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LETITIA D. WATKINS.

The next pension business was the bill (H. R. 10954) granting an increase of pension to Letitia D. Watkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Letitia D. Watkins, named in pension certificate No. 486364 of the civil war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6, 7, and 8 strike out the words "named in pension certificate No. 486364 of the civil war" and insert in lieu thereof the words "widow of James Watkins, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry."

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA J. WILSON.

The next pension business was the bill (H. R. 11000) granting an increase of pension to Martha J. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Wilson, widow of Braman J. Wilson, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABEL S. THOMPSON.

The next pension business was the bill (H. R. 8251) granting an increase of pension to Abel S. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abel S. Thompson, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM OSTERMANN.

The next pension business was the bill (H. R. 8562) granting an increase of pension to William Ostermann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ostermann, late of Company K, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sixty-second" and insert in lieu thereof the word "Fifty-second."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT M. HUNTER.

The next pension business was the bill (H. R. 3679) granting an increase of pension to Albert H. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Hunter, late of Company C, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the letter "M."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, before the word "Maryland," insert the words "Potomac Home Brigade."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Albert M. Hunter."

EDWARD L. KIMBALL.

The next pension business was the bill (H. R. 11916) granting an increase of pension to Edward L. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward L. Kimball, late of Company K, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC P. KNIGHT.

The next pension business was the bill (H. R. 3973) granting an increase of pension to Isaac P. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac P. Knight, late of Battery B, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD SARLLS.

The next pension business was the bill (H. R. 6115) granting an increase of pension to Edward Sarles.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Sarles, alias Edward Sarlls, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "Sarles, alias Edward."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Edward Sarlls."

WILLIAM HOUSE.

The next pension business was the bill (H. R. 1975) granting an increase of pension to William House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William House, late of Company E, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JULIA A. POWELL.

The next pension business was the bill (H. R. 1912) granting a pension to Julia A. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Powell, widow of Albert M. Powell, late lieutenant-colonel First Regiment Missouri Light Artillery, United States Volunteers, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 7, after "Missouri," insert "Volunteer."
In lines 7 and 8 strike out "United States Volunteers" and insert "and captain, Thirty-first Regiment United States Infantry."
In line 8 strike out "fifty" and insert "twenty."
In line 9 strike out "from the date of the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. BIBB.

The next pension business was the bill (H. R. 2114) granting an increase of pension to Benjamin Bibb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Bibb, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Insert the initial "F." in the claimant's name where it appears in the title and the body of the bill.
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Bibb."

JULIUS D. ROGERS.

The next pension business was the bill (H. R. 2709) granting an increase of pension to Julius D. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius D. Rogers, late of Capt. Asa Stewart's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Asa" and insert the initials "A. A."
In line 7, after "Florida," insert "Mounted," and in the same line strike out "Seminole" and insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN WEEKS.

The next pension business was the bill (H. R. 2703) granting an increase of pension to Stephen Weeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Weeks, late of Capt. A. D. Johnston's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Johnston's," insert "independent."
In line 7, after "Florida," insert "Mounted."
In the same line strike out "Seminole" and insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH JOHNSON.

The next pension business was the bill (H. R. 3220) granting ing an increase of pension to Sarah Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Johnston, widow of Owen Johnston, late of Company I, Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the name "Sarah," strike out "Johnston" and insert "Johnson;" and in the same line, after the name "Owen," strike out "Johnston" and insert "Johnson."
In line 7 strike out "Volunteer," and after "Infantry" insert "Florida Indian war."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Sarah Johnson."

JOHN H. PEPPER.

The next pension business was the bill (H. R. 4403) granting a pension to John H. Pepper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Pepper, late landsman, United States Navy, and pay him a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD H. KELLY.

The next pension business was the bill (H. R. 5711) granting a pension to Richard H. Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard H. Kelley, late of Company L, Thirteenth Regiment Minnesota United States Volunteers, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the surname where it appears in the title and body of the bill to "Kelly."
In line 7 strike out "United States Volunteers" and insert "Volunteer Infantry, war with Spain."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting a pension to Richard H. Kelly."

HENRY S. STOWELL.

The next pension business was the bill (H. R. 6137) granting an increase of pension to Henry S. Stowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Stowell, late of Company F, Eighth Regiment United States Army, war with Mexico, and pay him a pension at rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Army" and insert "Infantry."
In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRY W. OMO.

The next pension business was the bill (H. R. 6400) granting a pension to Harry W. Omo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry W. Omo, late of Company G, First Regiment Colorado Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change "Company G" to "Provisional Company F."
In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORENZO D. STOKER.

The next pension business was the bill (H. R. 7628) granting an increase of pension to Lorenzo D. Stoker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Stoker, late of Company D, Sixteenth Regiment United States Infantry, in the war with Mexico, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," strike out the words "in the."
In line 8, after the word "of," strike out the word "seventy" and insert "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHILIPP CLINE.

The next pension business was the bill (H. R. 8216) granting an increase of pension to Philipp Cline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philipp Cline, alias Francis Klien, late musician, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 change "Klien" to "Klein."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philipp Cline, alias Francis Klein."

MARY J. M'CONNELL.

The next pension business was the bill (H. R. 8376) granting an increase of pension to Mary J. McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McConnell, widow of the late Samuel M. McConnell, deceased, sergeant-major First Georgia Volunteers, in the war with Mexico, he having been a pensioner of said Mexican war, pension No. 1756, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "the late."
In line 7 strike out "deceased," and after "First" insert "Regiment." After "Volunteers" strike out "in the."
In lines 8 and 9 strike out "he having been a pensioner of said Mexican war, pension No. 1756."
In line 10 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID A. JONES.

The next pension business was the bill (H. R. 8494) granting an increase of pension to David A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Jones, late of Company C, First Regiment Alabama Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. CHAUNCEY.

The next pension business was the bill (H. R. 8939) granting an increase of pension to Sarah A. Chauncey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Chauncey, widow of J. D. F. M. Chauncey, late captain Company D, Thirteenth Regiment Indiana Volunteer Infantry, also soldier in war with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 amend the soldier's Christian name so as to read: "John D. P. A. M."
In line 7, after "late," strike out "captain" and insert "second lieutenant." In the same line strike out "D" and insert "B, Third." In the same line strike out "Thirteenth."
In line 8 strike out "also soldier in," and after "Mexico" insert "and captain Company D, Thirteenth Regiment Indiana Volunteer Infantry."
In line 9 strike out "thirty-five" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT RICHARD CLARK.

The next pension business was the bill (H. R. 8949) granting an increase of pension to Albert Richard Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Richard Clark, late principal musician, Second Regiment Ohio Volunteers, Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "musician," insert "field and staff."
In line 7 strike out "Mexican," and after "war" insert "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL ENGLE.

The next pension business was the bill (H. R. 9077) granting an increase of pension to Samuel Engle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to provisions and limitations of the pension laws, the name of Samuel Engle, late of Company A, Fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "sixty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIE G. BONHAM.

The next pension business was the bill (H. R. 9351) granting an increase of pension to Marie Graves Bonham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Graves Bonham, widow of William B. Bonham, late second lieutenant, Second Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the Christian name of "Graves" where it appears in the title and the body of the bill to the initial "G."
Add to the end of the bill the words "and $2 per month additional on account of the minor child of said William B. Bonham until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Marie G. Bonham."

CHARLES S. WORD.

The next pension business was the bill (H. R. 9651) granting an increase of pension to C. S. Word.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. S. Word, late of Capt. William Delay's company, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "C." where it occurs in the claimant's name in the title and body of the bill to "Charles."
In line 8 change "twenty-five" to "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Charles S. Word."

CHARLES T. HESLER.

The next pension business was the bill (H. R. 10476) granting an increase of pension to Charles T. Hesler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Hesler, late of Company C, Fifteenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after "Infantry," in line 7, and insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting a pension to Charles T. Hesler."

THOMAS CLARK.

The next pension business was the bill (H. R. 10741) granting an increase of pension to Thomas Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Clark, late of Company D, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "D" and insert "C."
In line 7 strike out "Ohio" and insert "Pennsylvania."
In the same line change "Volunteer Infantry" to "Volunteers."
Also in line 7, after "Volunteers," insert "war with Mexico, and Company D, Second Regiment Ohio Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID WILBORN.

The next pension business was the bill (H. R. 10789) granting a pension to David Wilborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Wilborn, late of Company A, Ninth Battalion Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE LARSON.

The next pension business was the bill (H. R. 10967) granting a pension to George Larson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Larson, late of Company D, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALAWAY G. TUCKER.

The next pension business was the bill (H. R. 10969) granting an increase of pension to C. G. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. G. Tucker, late of Company C, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "C." where it appears in the title and the body of the bill to the Christian name "Calaway."
In line 6, after "Company C," insert "Third Regiment Tennessee Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Calaway G. Tucker."

LIZZIE BELK.

The next pension business was the bill (H. R. 11416) granting an increase of pension to Lizzie Belk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Belk, widow of William L. Belk, late of Companies I and B, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after "Infantry," insert "war with Mexico," and in the same line strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MADISON M. BURNETT.

The next pension business was the bill (H. R. 11657) granting a pension to Madison M. Burnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Madison M. Burnett, late of Troop E, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. KIRKLAND.

The next pension business was the bill (H. R. 12285) granting a pension to Mary C. Kirkland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Kirkland, widow of John D. A. Kirkland, Coles's company First Regiment Louisiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Coles's company" and insert "late of Company G."

In line 8 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'WHORTER.

The next pension business was the bill (H. R. 12510) granting an increase of pension to John McWhorter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McWhorter, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Company A, Fourth Regiment Kentucky Volunteer Infantry, war with Spain," and insert "Eighty-second Company, United States Coast Artillery."

In line 8 strike out "twenty-four" and insert "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. RANDALL.

The next pension business was the bill (H. R. 12516) granting a pension to James S. Randall, jr.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Randall, jr., son of James S. Randall, sr., late of Company K, Third Regiment Kentucky Infantry, war with Mexico, and pay him a pension at the rate of $20 per month until he shall have reached the age of 16 years.

The amendments recommended by the committee were read, as follows:

Strike out the word "junior" where it occurs in the title and body of the bill.

In line 6 strike out "son" and insert "minor child." In the same line strike out "senior."

In line 7, after "Kentucky," insert "Volunteer."

In line 8 strike out "twenty" and insert "ten."

In line 9 strike out "shall have reached" and insert "reaches."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting a pension to James S. Randall."

AUGUSTUS WALKER.

The next pension business was the bill (H. R. 12640) granting an increase of pension to Augustus Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Walker, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 change "twenty-four" to "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. CROCKETT.

The next pension business was the bill (H. R. 13050) granting an increase of pension to William G. Crockett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Crockett, late of Captain Murray's company, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH F. PARTIN.

The next pension business was the bill (H. R. 13078) granting an increase of pension to Elizabeth F. Parten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth F. Parten, widow of Andrew J. Parten, late of Company , First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the surname where it appears in the title and the body of the bill to "Partin."

In line 7, after "Company," insert "E."

In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Elizabeth F. Partin."

WILLIAM DIXON.

The next pension business was the bill (H. R. 13084) granting an increase of pension to William Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dixon, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS BRAMEL, ALIAS THOMAS BRAMBLE.

The next pension business was the bill (S. 244) granting an increase of pension to Thomas Bramel, alias Thomas Bramble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bramel, alias Thomas Bramble, late of Company E, Second Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISABELLA WORKMAN.

The next pension business was the bill (S. 322) granting an increase of pension to Isabella Workman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Workman, widow of Oliver G. Workman, late of Company B, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. PURVIS.

The next pension business was the bill (S. 407) granting an increase of pension to George W. Purvis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Purvis, late of Company D, First Regiment Georgia Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN D. O'BRIEN.

The next pension business was the bill (S. 637) granting an increase of pension to John D. O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. O'Brien, late of Company F, Fourth Regiment United States Infantry, and captain Company F, First Battalion Wyoming Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW M'CLORY.

The next pension business was the bill (S. 1035) granting an increase of pension to Andrew McClory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew McClory, late first lieutenant Company H, District of Columbia and Maryland Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD IRWIN.

The next pension business was the bill (S. 1271) granting an increase of pension to Edward Irwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Irwin, late of Company A, Stevenson's regiment New York Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH DAVIS.

The next pension business was the bill (S. 1474) granting an increase of pension to Joseph Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Davis, late of Company F, Georgia Battalion Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FLORENCE GREELEY DE VEAUX.

The next pension business was the bill (S. 1709) granting an increase of pension to Florence Greeley De Veaux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence Greeley De Veaux, widow of James G. De Veaux, late acting assistant surgeon, United States Army, war with Spain, and pay her a pension at the rate of $17 per month and $2 per month additional on account of the minor child of the said James G. De Veaux until she reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WASHINGTON HOGANS.

The next pension business was the bill (S. 1735) granting an increase of pension to Washington Hogans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Hogans, late of Captain Ledwith's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES A. M. BROWN.

The next pension business was the bill (S. 2144) granting an increase of pension to James A. M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. M. Brown, late of Capt. N. P. Willard's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS ROBEY.

The next pension business was the bill (S. 2583) granting an increase of pension to Thomas Robey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Robey, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES A. GALLT.

The next pension business was the bill (H. R. 10483) granting a pension to James A. Gallt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Gallt, father of Alexander Gallt, late of Company E, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "father," insert the word "dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH NICHOLS.

The next pension business was the bill (H. R. 5658) granting an increase of pension to Joseph Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Nichols, late of Company F, Seventeenth Regiment, and Company A, Twelfth Regiment, United States Infantry, and Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of line 7.

In line 8 strike out the words "and Company F, Seventeenth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES E. CROWE.

The next pension business was the bill (H. R. 6065) granting an increase of pension to Charles Crowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Crowe, late of Company G, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Charles," insert the letter "E."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Charles E. Crowe."

MARY J. ALLHANDS.

The next pension business was the bill (H. R. 7241) granting an increase of pension to Mary J. Allhands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Allhands, widow of Francis M. Allhands, late first lieutenant in Company E, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "in."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE D. STREET.

The next pension business was the bill (H. R. 4246) granting an increase of pension to George D. Street.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George D. Street, late of Second Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. SCOTT.

The next pension business was the bill (H. R. 6489) granting a pension to Mary E. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Scott, late nurse Medical Department United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the word "Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. STURGIS.

The next pension business was the bill (H. R. 4962) granting an increase of pension to William J. Sturgis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Sturgis, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company B" and insert in lieu thereof the word "sergeant-major."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM WILDE.

The next pension business was the bill (H. R. 2100) granting an increase of pension to Hiram Wilde.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Wilde, late of Company A, Seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WARREN A. BLYE.

The next pension business was the bill (H. R. 3425) granting a pension to Warren A. Blye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren A. Blye, late of Company C, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows.

In line 6 strike out the letter "C" and insert in lieu thereof the letter "I."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Warren A. Blye."

GEORGE N. DUTCHER.

The next pension business was the bill (H. R. 1585) granting an increase of pension to George N. Dutcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Dutcher, late captain Company I, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows.

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE HARRISON.

The next pension business was the bill (H. R. 2849) granting an increase of pension to Jesse Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Harrison, late of Company A, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY M. ROBINSON.

The next pension business was the bill (H. R. 1359) granting an increase of pension to Henry M. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Robinson, late of Company K, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GENERAL M. BROWN.

The next pension business was the bill (H. R. 2614) granting a pension to General M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of General M. Brown, late of Company H, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. MOORE.

The next pension business was the bill (H. R. 1287) granting an increase of pension to John D. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Moore, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA L. HILL.

The next pension business was the bill (H. R. 1979) granting an increase of pension to Amanda L. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda L. Hill, widow of James M. Hill, late of Company E, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7 strike out the letter "E." and insert in lieu thereof the letter "K."

In same line strike out the word "Forty-seventh" and insert in lieu thereof the words "One hundred and fifteenth."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEROME WASHBURN.

The next pension business was the bill (H. R. 2059) granting an increase of pension to Jerome Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Washburn, late second lieutenant, Company C, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company C," and in line 7 the words "Thirty-eighth Regiment," and insert in lieu thereof the words "Twentieth Unattached Company."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAURICE O'FLANIGAN.

The next pension business was the bill (H. R. 2099) granting an increase of pension to Maurice O'Flanigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maurice O'Flanigan, late of Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "unassigned."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. PARKER.

The next pension business was the bill (H. R. 1200) granting a pension to John G. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Parker, late of Company D, Twenty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Twenty-first Regiment Indiana Volunteer Infantry" and insert in lieu thereof the words "and second lieutenant Company L, First Regiment Indiana Volunteer Heavy Artillery."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to John G. Parker."

JOSEPH J. COOPER.

The next pension business was the bill (H. R. 2048) granting an increase of pension to John J. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Cooper, late of Company F, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "John" and insert in lieu thereof the word "Joseph."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Joseph J. Cooper."

FELIX G. STIDGER.

The next pension business was the bill (H. R. 650) granting a pension to Felix G. Stidger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Stidger, late of Company E, Fifteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Felix G. Stidger."

SYLVENUS A. FAY.

The next pension business was the bill (H. R. 524) granting an increase of pension to Sylvenus A. Fay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvenus A. Fay, late of Company F, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY F. SHELTON.

The next pension business was the bill (H. R. 13348) granting an increase of pension to Nancy Shelton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Shelton, widow of William A. Shelton, late captain Company D, First Regiment, Missouri Volunteer Cavalry, and colonel Forty-fifth Missouri Enrolled Militia, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Nancy," insert the letter "F."

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "State Militia."

In same line and in line 8 strike out the words "and colonel Forty-fifth Missouri Enrolled Militia."

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Nancy F. Shelton."

FREDERICK BIERLEY.

The next pension business was the bill (H. R. 12948) granting an increase of pension to Frederick Bierley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bierley, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL T. FERRIER.

The next pension business was the bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel T. Ferrier, late of Company K, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH DUFFIELD.

The next pension business was the bill (H. R. 12720) granting a pension to Sarah Duffield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Duffield, mother of William H. H. Duffield, late of Company B, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ESTELLE KUHN.

The next pension business was the bill (H. R. 12297) granting a pension to Estelle Kuhn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Estelle Kuhn, widow of Charles N. Kuhn, late of Company C, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7 strike out the letter "C" and insert in lieu thereof the letter "A."
In same line, before the word "Sixth," insert the words "and captain Company C."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID L. KRETSINGER.

The next pension business was the bill (H. R. 12290) granting an increase of pension to David L. Kretsinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David L. Kretsinger, late lieutenant Company G, Fifty-sixth Regiment United States Colored Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 before the word "lieutenant," insert the word "first."
In line 7, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. BURLEIGH.

The next pension business was the bill (H. R. 12038) granting an increase of pension to Charles H. Burleigh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Burleigh, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Wabash, Philadelphia, and Princeton."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MANSON B. SCOTT.

The next pension business was the bill (H. R. 11777) granting an increase of pension to Manson B. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Manson B. Scott, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "twenty," insert the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WILSON.

The next pension business was the bill (H. R. 11748) granting an increase of pension to James Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilson, late of Second Company, Seventh Regiment New York State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Second."
In the same line, after the word "Company," insert the letter "B."
In line 7, after the word "Militia," insert the word "Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GOULD E. UTTER.

The next pension business was the bill (H. R. 11658) granting an increase of pension to Gould E. Utter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gould E. Utter, late of Company F, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGIA A. RICHARDSON.

The next pension business was the bill (H. R. 4258) granting a pension to Georgia A. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia A. Richardson, widow of Zanoni A. Richardson, late of Company H, Forty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of —— dollars per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "of," insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ENOCH BOLEN.

The next pension business was the bill (H. R. 11343) granting an increase of pension to Enoch Bolen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Bolen, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEREMIAH SPICE.

The next pension business was the bill (H. R. 11205) granting an increase of pension to Jeremiah Spice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Spice, late of Company H, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE E. LYDY.

The next pension business was the bill (H. R. 11132) granting an increase of pension to Horace E. Lydy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Lydy, late of Company C, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. BAKER.

The next pension business was the bill (H. R. 11101) granting an increase of pension to Andrew J. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Baker, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY T. M'DOWELL.

The next pension business was the bill (H. R. 11051) granting a pension to Henry T. McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry T. McDowell, late lieutenant-colonel Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC C. DENNIS.

The next pension business was the bill (H. R. 10925) granting an increase of pension to Isaac C. Dennis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac C. Dennis, late of Company M, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN V. STURTEVANT.

The next pension business was the bill (H. R. 11908) granting an increase of pension to Stephen V. Sturtevant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen V. Sturtevant, late of Company D, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HAMILTON.

The next pension business was the bill (H. R. 10914) granting an increase of pension to John Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hamilton, late chaplain One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN S. CUSHMAN.

The next pension business was the bill (H. R. 10775) granting a pension to Ellen S. Cushman.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen S. Cushman, sister of Benjamin S. Cushman, late of Company B, Tenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "sister," insert the words "helpless and dependent."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI N. BODLEY.

The next pension business was the bill (H. R. 10564) granting an increase of pension to Levi H. Bodley.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Bodley, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the letter "N."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Levi N. Bodley."

JAMES SPENCER.

The next pension business was the bill (H. R. 10280) granting an increase of pension to James Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Spencer, late of Company G, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move that that bill be recommitted to the Committee on Invalid Pensions.

The motion was agreed to.

ORLEAN DE WITT.

The next pension business was the bill (H. R. 9929) granting an increase of pension to Orlean De Witt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlean De Witt, late of Company M, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHILANDER BENNETT.

The next pension business was the bill (H. R. 9122) granting an increase of pension to Philander Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philander Bennett, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY GUY.

The next pension business was the bill (H. R. 8202) granting an increase of pension to Henry Guy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Henry Guy, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOREN H. HOWARD.

The next pension business was the bill (H. R. 8156) granting an increase of pension to Loren H. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Loren H. Howard, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. BOTTOMS.

The next pension business was the bill (H. R. 8048) granting a pension to William F. Bottoms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. F. Bottoms, a veteran soldier of the United States in the civil war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving under pension No. 537,634.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In same line and in line 7 strike out the words "a veteran soldier of the United States in the civil war" and insert in lieu thereof the words "late of Company F, Sixtieth Regiment Illinois Volunteer Infantry."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 8 strike out the word "under" and all of lines 9 and 10.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to William F. Bottoms."

FRANCIS M. KELLOGG.

The next pension business was the bill (H. R. 7982) granting an increase of pension to Francis M. Kellogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Kellogg, late quartermaster-sergeant Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company."
In line 7 strike out the letter "A."
In line 8, after the word "twenty," insert the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. REYNOLDS.

The next pension business was the bill (H. R. 7948) granting an increase of pension to James W. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Reynolds, late of Company F, First Regiment Independent Loudon Rangers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Reynolds," insert the words "alias William Reynolds."

In same line, after the word "Company," strike out the words "F, First Regiment," and insert in lieu thereof the words "B, Loudoun County (Va.) Independent Rangers."

In line 7 strike out the words "Independent Loundon Rangers."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to James W. Reynolds, alias William Reynolds."

BURGESS COLE.

The next pension business was the bill (H. R. 7770) granting an increase of pension to Burgess Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burgess Cole, late of Company C, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

HERMANN LIEB.

The next pension business was the bill (H. R. 7622) granting an increase of pension to Herman Lieb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Lieb, late colonel and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Herman" and insert in lieu thereof the word "Hermann."

In same line strike out the word "colonel" and insert in lieu thereof the words "major Eighth Regiment Illinois Volunteer Infantry, colonel Fifth Regiment United States Colored Volunteer Heavy Artillery."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Hermann Lieb."

S. D. JESTER.

The next pension business was the bill (H. R. 3966) granting an increase of pension to S. D. Jester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. D. Jester, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letters "S. D." and insert in lieu thereof the word "Samuel."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Samuel Jester."

WILLIAM D. HATCH.

The next pension business was the bill (H. R. 6340) granting an increase of pension to William D. Hatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Hatch, late of Company A, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. HATTER.

The next pension business was the bill (H. R. 6565) granting an increase of pension to Francis Marion Hatter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Marion Hatter, late of Company H, Thirty-fifth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Marion" and insert in lieu thereof the letter "M."

In line 7, before the word "Mounted," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Francis M. Hatter."

WILLIAM FOAT.

The next pension business was the bill (H. R. 4221) granting an increase of pension to William Foat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Foat, late of Company F, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH J. SPARLING.

The next pension business was the bill (H. R. 4751) granting an increase of pension to Joseph J. Sparling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Sparling, late of Company H, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BLANCHE DOUGLASS.

The next pension business was the bill (H. R. 3983) granting an increase of pension to Blanche Douglass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche Douglass, dependent daughter of Albert C. Douglass, late of Company K, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS T. FALLON.

The next pension business was the bill (H. R. 5708) granting an increase of pension to Thomas T. Fallon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas T. Fallon, late of Company H, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRY C. THORNE.

The next pension business was the bill (H. R. 1978) granting an increase of pension to Harry C. Thorne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Harry C. Thorne, late of Company C, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as as follows:

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH DILL.

The next pension business was the bill (H. R. 6117) granting an increase of pension to Elizabeth Dill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Dill, widow of Henry Dill, late of Company A, First Regiment New

York Volunteer Mounted Rifles, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Henry," insert the letter "C."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID P. BOLSTER.

The next pension business was the bill (S. 9) granting an increase of pension to David P. Bolster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David P. Bolster, late assistant surgeon Twenty-first and Sixteenth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RUTH B. GURNEY.

The next pension business was the bill (S. 11) granting an increase of pension to Ruth B. Gurney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth B. Gurney, widow of Horace M. Gurney, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSAN H. CUTLER.

The next pension business was the bill (S. 16) granting a pension to Susan H. Cutler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan H. Cutler, widow of Nathan Cutler, late of Company B, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AARON T. CURRIER.

The next pension business was the bill (S. 74) granting an increase of pension to Aaron T. Currier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron T. Currier, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIA A. STANYAN.

The next pension business was the bill (S. 80) granting an increase of pension to Julia A. Stanyan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Stanyan, widow of John M. Stanyan, late captain Company B, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID E. EVERETT.

The next pension business was the bill (S. 81) granting an increase of pension to David E. Everett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David E. Everett, late first lieutenant Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE A. FRANCIS.

The next pension business was the bill (S. 96) granting an increase of pension to George A. Francis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Francis, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. BUCKLEY.

The next pension business was the bill (S. 120) granting an increase of pension to John M. Buckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL STUMP.

The next pension business was the bill (S. 122) granting an increase of pension to Michael Stump.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Stump, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. STREET.

The next pension business was the bill (S. 126) granting an increase of pension to William J. Street.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Street, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL LINEHAN.

The next pension business was the bill (S. 138) granting an increase of pension to Michael Linehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Linehan, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and Company F, Sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAITLAND J. FREEMAN.

The next pension business was the bill (S. 140) granting an increase of pension to Maitland J. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maitland J. Freeman, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM FURLONG.

The next pension business was the bill (S. 142) granting an increase of pension to William Furlong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Furlong, late of First Independent Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES W. CALVERT.

The next pension business was the bill (S. 143) granting an increase of pension to James W. Calvert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Calvert, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WELLINGTON MARLATT.

The next pension business was the bill (S. 145) granting an increase of pension to Wellington Marlatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wellington Marlatt, late of Companies E and A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

IRENE A. COCHRANE.

The next pension business was the bill (S. 178) granting an increase of pension to Irene A. Cochrane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irene A. Cochrane, widow of William H. D. Cochrane, late first lieutenant Company E, Tenth Regiment New Hampshire Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES H. MAYHEW.

The next pension business was the bill (S. 179) granting an increase of pension to Charles H. Mayhew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Mayhew, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY F. HUNT.

The next pension business was the bill (S. 183) granting an increase of pension to Henry F. Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Hunt, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEWIS H. CATE.

The next pension business was the bill (S. 185) granting an increase of pension to Lewis H. Cate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis H. Cate, late of Company G, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. EBERLY.

The next pension business was the bill (S. 193) granting an increase of pension to John C. Eberly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Eberly, late of Company I, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GORDON H. SHEPARD.

The next pension business was the bill (S. 206) granting an increase of pension to Gordon H. Shepard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gordon H. Shepard, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE F. ROSS.

The next pension business was the bill (S. 209) granting an increase of pension to George F. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Ross, late second lieutenant Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SILAS P. HALL.

The next pension business was the bill (S. 210) granting an increase of pension to Silas P. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas P. Hall, late of Company H, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILSON J. POOL.

The next pension business was the bill (S. 211) granting an increase of pension to Wilson J. Pool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson J. Pool, late of Company H, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN T. LIDDLE.

The next pension business was the bill (S. 212) granting an increase of pension to John T. Liddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Liddle, late of Company C, Hatch's Independent battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN SAVAGE.

The next pension business was the bill (S. 238) granting an increase of pension to John Savage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Savage, late of Company G, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HORACE E. BARKER.

The next pension business was the bill (S. 279) granting an increase of pension to Horace E. Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Barker, late of Company I, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALETHA E. REYNOLDS.

The next pension business was the bill (S. 314) granting a pension to Aletha E. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aletha E. Reynolds, dependent mother of Cyrus W. Reynolds, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE PIKE.

The next pension business was the bill (S. 315) granting an increase of pension to George Pike.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Pike, late of Company A, First Regiment Dakota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. WARNER.

The next pension business was the bill (S. 328) granting an increase of pension to John W. Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Warner, late captain Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. BLEWETT.

The next pension business was the bill (S. 329) granting an increase of pension to William E. Blewett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Blewett, late first lieutenant Company F, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KEMENSKIO A. N. L. COLLINS.

The next pension business was the bill (S. 330) granting an increase of pension to Kemenskio A. N. L. Collins, alias Lewis Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kemenskio A. N. L. Collins, alias Lewis Collins, late second-class fireman, U. S. S. Tacony, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. GEAREY.

The next pension business was the bill (S. 385) granting an increase of pension to George W. Gearey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Gearey, late of Company H, Forty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUCINDA STAMPER.

The next pension business was the bill (S. 393) granting an increase of pension to Lucinda Stamper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Stamper, dependent mother of William E. Stamper, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID F. MAGEE.

The next pension business was the bill (S. 472) granting an increase of pension to David F. Magee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Magee, late first lieutenant Company D, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES M. WITTIG.

The next pension business was the bill (S. 493) granting an increase of pension to Charles M. Wittig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Wittig, late of Company B, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM KRESS.

The next pension business was the bill (S. 508) granting an increase of pension to William Kress.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kress, late of Company G, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNIE L. TREDICK.

The next pension business was the bill (S. 509) granting a pension to Annie L. Tredick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie L. Tredick, widow of John Tredick, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DENNIS BUCKLEY M'CREADY, ALIAS THOMAS BUCKLEY.

The next pension business was the bill (S. 515) granting an increase of pension to Dennis Buckley McCready, alias Thomas Buckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Buckley McCready, alias Thomas Buckley, late of United States ships Bermuda and Savannah, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. SATTERTHWAIT.

The next pension business was the bill (S. 531) granting an increase of pension to William H. Satterthwait.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Satterthwait, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DENNIS A. DAVIS.

The next pension business was the bill (S. 534) granting an increase of pension to Dennis A. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis A. Davis, late second lieutenant Company F, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILSON HYATT.

The next pension business was the bill (S. 564) granting an increase of pension to Wilson Hyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson Hyatt, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUMBARD B. ALDRICH.

The next pension business was the bill (S. 565) granting an increase of pension to Lumbard B. Aldrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lumbard B. Aldrich, late of Company A, Twelfth Regiment Wisconsin Volunteer Infantry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY G. SALISBURY.

The next pension business was the bill (S. 572) granting an increase of pension to Henry G. Salisbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Salisbury, late of Company D, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN FLYNN.

The next pension business was the bill (S. 575) granting an increase of pension to John Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Flynn, late of United States steamer Hastings, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK J. SHELLEY.

The next pension business was the bill (S. 576) granting an increase of pension to Frederick J. Shelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick J. Shelley, late of Company I, Thirteenth Regiment Conecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZA J. HARDING.

The next pension business was the bill (S. 596) granting an increase of pension to Eliza J. Harding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Harding, widow of Charles G. Harding, late of Company C, Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. CROWELL.

The next pension business was the bill (S. 606) granting an increase of pension to John H. Crowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Crowell, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HIRAM SWAIN.

The next pension business was the bill (S. 622) granting an increase of pension to Hiram Swain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Swain, late of Company I, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHEBE J. BENNETT.

The next pension business was the bill (S. 625) granting an increase of pension to Phebe J. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe J. Bennett, widow of Edwin W. Bennett, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM R. HUBBELL.

The next pension business was the bill (S. 644) granting an increase of pension to William R. Hubbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Hubbell, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEONARD HARMONY.

The next pension business was the bill (S. 647) granting an increase of pension to Leonard Harmony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard Harmony, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LAURENCE MERICLE.

The next pension business was the bill (S. 669) granting an increase of pension to Laurence Mericle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laurence Mericle, late of Company E, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANTHONY BARRETT.

The next pension business was the bill (S. 670) granting an increase of pension to Anthony Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony Barrett, late of Company G, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA E. SALTAR.

The next pension business was the bill (S. 706) granting an increase of pension to Martha E. Saltar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Saltar, widow of John C. Saltar, late of Company E, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALICE E. GILLEY.

The next pension business was the bill (S. 707) granting a pension to Alice E. Gilley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice E. Gilley, widow of Charles B. Gilley, late of Company D, First Regiment Maine Volunteer Cavalry, and Company G, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSIE PLACE.

The next pension business was the bill (S. 714) granting an increase of pension to Susie Place.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie Place, widow of Charles E. Place, late of Company K, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGIA A. ROLLINS.

The next pension business was the bill (S. 715) granting a pension to Georgia A. Rollins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia A. Rollins, widow of Willis A. Rollins, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JASPER H. KEYS.

The next pension business was the bill (S. 727) granting an increase of pension to Jasper H. Keys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper H. Keys, late captain Company G, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANKLIN C. PIERCE.

The next pension business was the bill (S. 785) granting an increase of pension to Franklin C. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin C. Pierce, late of Company C, Second Regiment Vermont Volunteer Infantry, and Company B, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STEPHEN ERNST.

The next pension business was the bill (S. 787) granting an increase of pension to Stephen Ernst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Ernst, late of Company E, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH C. DUNTON.

The next pension business was the bill (S. 837) granting an increase of pension to Elizabeth C. Dunton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Dunton, widow of Warren R. Dunton, late first lieutenant Company B, Fifth Regiment Vermont Volunteer Infantry, and first lieutenant, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. PAGE.

The next pension business was the bill (S. 845) granting an increase of pension to Sarah A. Page.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Page, widow of Leverett H. Page, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ARTHUR F. DEVEREUX.

The next pension business was the bill (S. 850) granting an increase of pension to Arthur F. Devereux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur F. Devereux, late lieutenant-colonel and colonel Nineteenth Regiment Massachusetts Volunteer Infantry and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK HOUSER.

The next pension business was the bill (S. 851) granting an increase of pension to Frederick Houser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Houser, late of Company A, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NATHANIEL L. BADGER.

The next pension business was the bill (S. 923) granting an increase of pension to Nathaniel L. Badger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel L. Badger, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OSCAR R. ARNOLD.

The next pension business was the bill (S. 943) granting an increase of pension to Oscar R. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar R. Arnold, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB H. EPLER.

The next pension business was the bill (S. 949) granting an increase of pension to Jacob H. Epler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob H. Epler, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EMMA M. REA.

The next pension business was the bill (S. 950) granting a pension to Emma M. Rea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Rea, widow of John P. Rea, late captain Company I, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAROLINE M. DOAN.

The next pension business was the bill (S. 986) granting an increase of pension to Caroline M. Doan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. Doan, widow of Amos Doan, late of Company A, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JANE M'MAHON.

The next pension business was the bill (S. 991) granting an increase of pension to Jane McMahon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane McMahon, widow of Patrick McMahon, late of Company I, Fourth Regiment California Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH M'SWAIN.

The next pension business was the bill (S. 1015) granting an increase of pension to Joseph McSwain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McSwain, late of Company F, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES FRAZIER.

The next pension business was the bill (S. 1038) granting an increase of pension to James Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Frazier, late of Company H, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MYRON E. BILLINGS.

The next pension business was the bill (S. 1041) granting an increase of pension to Myron E. Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron E. Billings, late of Company L, First Regiment United States Volunteer Sharpshooters; Company L, Fifth Regiment Iowa Volunteer Cavalry, and captain, One hundred and twentieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS PICCARD.

The next pension business was the bill (S. 1042) granting an increase of pension to Francis Piccard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Piccard, late of Company A, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. GROW.

The next pension business was the bill (S. 1098) granting an increase of pension to William J. Grow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Grow, late of Company H, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA G. CUSHING.

The next pension business was the bill (S. 1163) granting an increase of pension to Martha G. Cushing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Cushing, widow of Martin G. Cushing, late first lieutenant Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN S. WILCOX.

The next pension business was the bill (S. 1212) granting an increase of pension to John S. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Wilcox, late lieutenant-colonel and colonel Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES W. PAIGE.

The next pension business was the bill (S. 1258) granting an increase of pension to Charles W. Paige, alias Jackson Morse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Paige, alias Jackson Morse, late of Battery I, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. BARR.

The next pension business was the bill (S. 1270) granting an increase of pension to John C. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Barr, late acting ensign, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARRISON BROTT.

The next pension business was the bill (S. 1303) granting a pension to Harrison Brott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison Brott, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALMON FOSTER.

The next pension business was the bill (S. 1367) granting an increase of pension to Almon Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almon Foster, late captain Company G, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. HICKS.

The next pension business was the bill (S. 1368) granting an increase of pension to William H. Hicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hicks, late of Company F, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. FOREAKER.

The next pension business was the bill (S. 1432) granting an increase of pension to John W. Foreaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Foreaker, late of Company K, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOANN MORRIS.

The next pension business was the bill (S. 1456) granting a pension to Joann Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joann Morris, widow of Jordan D. Morris, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHILENA DAVIS.

The next pension business was the bill (S. 1466) granting an increase of pension to Philena Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philena Davis, widow of Martin V. B. Davis, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LAURA A. BLODGETT.

The next pension business was the bill (S. 1467) granting an increase of pension to Laura A. Blodgett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura A. Blodgett, widow of Pearl D. Blodgett, late captain Company E, Tenth Regiment Vermont Volunteer Infantry, and captain Company G, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS T. HODGES.

The next pension business was the bill (S. 1509) granting an increase of pension to Thomas T. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas T. Hodges, late of Company H, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. KENNEDY.

The next pension business was the bill (S. 1517) granting an increase of pension to John C. Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Kennedy, late captain Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. BERKEY.

The next pension business was the bill (S. 1524) granting an increase of pension to John M. Berkey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Berkey, late lieutenant-colonel Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ZACHARIAH BRADFIELD.

The next pension business was the bill (S. 1525) granting an increase of pension to Zachariah Bradfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zachariah Bradfield, late of Company H, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. SMALL.

The next pension business was the bill (S. 1529) granting an increase of pension to James L. Small.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Small, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LAURA CLARK.

The next pension business was the bill (S. 1559) granting an increase of pension to Laura Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Clark, widow of William T. Clark, late brigadier-general and brevet major-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE C. CHASE.

The next pension business was the bill (S. 1827) granting an increase of pension to George C. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Chase, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALVIN ABBOTT.

The next pension business was the bill (S. 1828) granting an increase of pension to Alvin Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin Abbott, late of Tenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT CATLIN.

The next pension business was the bill (S. 1841) granting a pension to Robert Catlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Catlin, helpless and dependent child of Robert Catlin, late second lieutenant, Fifth Regiment United States Artillery, and captain, Forty-third Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RANSOM O. THAYER.

The next pension business was the bill (S. 1842) granting an increase of pension to Ransom O. Thayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom O. Thayer, late of Second Battery, Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MILTON MARSH.

The next pension business was the bill (S. 1852) granting an increase of pension to Milton Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Marsh, late captain Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLA T. HAPEMAN.

The next pension business was the bill (S. 1987) granting a pension to Ella T. Hapeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella T. Hapeman, widow of Douglas Hapeman, late lieutenant-colonel One hundred and fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMANDA M. RICHEY.

The next pension business was the bill (S. 2023) granting a pension to Amanda M. Richey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda M. Richey, widow of John Richey, late of Company I, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY T. ANSHUTZ.

The next pension business was the bill (S. 2071) granting an increase of pension to Henry T. Anshutz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

T. Anshutz, late second lieutenant Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HECK.

The next pension business was the bill (S. 2112) granting an increase of pension to John Heck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Heck, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AGNES ZENTZ.

The next pension business was the bill (S. 2113) granting an increase of pension to Agnes Zentz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Zentz, widow of Charles A. Zentz, late of Company A, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM I. HILKEY.

The next pension business was the bill (S. 2229) granting an increase of pension to William I. Hilkey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William I. Hilkey, late of Company I, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES THOMPSON.

The next pension business was the bill (S. 2255) granting an increase of pension to James Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER F. M'CONNELL.

The next pension business was the bill (S. 2256) granting an increase of pension to Alexander F. McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander F. McConnell, late of Company K, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM C. HITCHCOCK.

The next pension business was the bill (S. 2293) granting an increase of pension to William C. Hitchcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Hitchcock, late of Company D, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIJAH R. WILKINS.

The next pension business was the bill (S. 2481) granting an increase of pension to Elijah R. Wilkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah R. Wilkins, late chaplain Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. BARGAR.

The next pension business was the bill (S. 2555) granting a pension to Sarah A. Bargar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Bargar, widow of Jeptha Bargar, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL MATHENEY.

The next pension business was the bill (S. 2564) granting an increase of pension to Michael Matheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Matheney, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES P. FORD.

The next pension business was the bill (S. 2730) granting an increase of pension to James P. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Ford, late of Company D, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES J. EGAN.

The next pension business was the bill (S. 2779) granting an increase of pension to James J. Egan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Egan, late first lieutenant Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. SCOTT.

The next pension business was the bill (S. 2825) granting an increase of pension to John M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Scott, late of Company A, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB A. GEIGER.

The next pension business was the bill (S. 3180) granting an increase of pension to Jacob A. Geiger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Geiger, late of Company A, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AKEY C. JOHNSON.

The next pension business was the bill (S. 3243) granting an increase of pension to Akey C. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Akey C. Johnson, late of Company D, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA F. KEITH.

The next pension business was the bill (S. 3244) granting an increase of pension to Anna F. Keith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna F. Keith, widow of William Keith, late first lieutenant Company F, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS A. JONES.

The next pension business was the bill (H. R. 9146) granting an increase of pension to Francis A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Jones, late of Company G, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATTIE SETTLEMIRE.

The next pension business was the bill (H. R. 3108) granting a pension to Mattie Settlemire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mattie Settlemire, widow of John Settlemire, late of Company A, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "John," insert the letter "W."

In line 7 strike out the letter "A" and insert in lieu thereof the letter "B."

In same line strike out the word "First" and insert in lieu thereof the word "Seventh."

In same line strike out the word "Alabama" and insert in lieu thereof the word "Tennessee."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUCETTE E. GLAVIS.

The next pension business was the bill (H. R. 7213) granting an increase of pension to Loucette E. Glavis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Loucette E. Glavis, widow of George O. Glavis, late hospital chaplain, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "fifteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI J. WALTON.

The next pension business was the bill (H. R. 7222) granting an increase of pension to Levi J. Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi J. Walton, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMSLEY KINSAULS.

The next pension business was the bill (H. R. 6813) granting a pension to Emsley Kinsauls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emsley Kinsauls, late of Company E, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Emsley Kinsauls."

WILLIAM HUGHES.

The next pension business was the bill (H. R. 6494) granting an increase of pension to William Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hughes, a seaman on the United States gunboat Michigan, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "a seaman on the United States gunboat Michigan" and insert in lieu thereof the words "late of U. S. S. Michigan U. S. Navy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed

GEORGE BRUNER.

The next pension business was the bill (H. R. 6226) granting an increase of pension to George Bruner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Bruner, late of Company I, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY BAGLEY.

The next pension business was the bill (H. R. 6133) granting an increase of pension to Mary Bagley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bagley, widow of Alexander Bagley, late of Company A, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA DYER.

The next pension business was the bill (H. R. 6063) granting an increase of pension to Maria Dyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Dyer, widow of John N. Dyer, late of Company D, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY G. GARDNER.

The next pension business was the bill (H. R. 5692) granting an increase of pension to H. G. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. G. Gardner, late lieutenant-colonel Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Henry."

In same line, after the word "late," insert the words "captain Company F, and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Henry G. Gardner."

ABRAHAM MATHEWS.

The next pension business was the bill (H. R. 5640) granting an increase of pension to Abraham Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Mathews, late of Company B, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. PELLEY.

The next pension business was the bill (H. R. 5605) granting an increase of pension to James S. Pelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Pelley, late of Company K, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GILES Q. SLOCUM.

The next pension business was the bill (H. R. 5212) granting an increase of pension to Giles Q. Slocum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles Q. Slocum, late of Company H, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL P. CARLL.

The next pension business was the bill (H. R. 5028) granting an increase of pension to Samuel P. Carll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Carll, late of Company I, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIJAH J. SNODGRASS.

The next pension business was the bill (H. R. 4957) granting an increase of pension to Elijah J. Snodgrass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah J. Snodgrass, late an armorer upon the U. S. gunboat Mound City in the war between the States, who was honorably discharged at Mound City, Ill., on the 27th day of August, 1865, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "an armorer upon the United States," and all of lines 7 and 8.

In line 9 strike out the words "seventh day of August, eighteen hundred and sixty-five," and insert in lieu thereof the words "of U. S. S. Mound City, U. S. Navy."

In line 10 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN DICKERSON.

The next pension business was the bill (H. R. 4741) granting an increase of pension to Stephen Dickerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Dickerson, late of Company C, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE ROURK.

The next pension business was the bill (H. R. 4704) granting a pension to Alice Rourk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Rourk, widow of Francis Rourk, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB RICH.

The next pension business was the bill (H. R. 4685) granting an increase of pension to Jacob Rich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Rich, late of Company K, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. CAVANAUGH.

The next pension business was the bill (H. R. 4192) granting an increase of pension to John C. Cavanaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Cavanaugh, late a private in Company E, Thirty-seventh Regiment Illinois Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias John Carpenter."
In same line strike out the words "a private in" and insert in lieu thereof the word "of."
In line 7, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to John C. Cavanaugh, alias John Carpenter."

EBER WATSON.

The next pension business was the bill (H. R. 3571) granting a pension to Eber Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eber Watson, late of Company C, Third Regiment Iowa Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Iowa," insert the word "Volunteer."
Amend the title so as to read: "A bill granting an increase of pension to Eber Watson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH M. GRIER.

The next pension business was the bill (H. R. 3544) granting a pension to Josiah M. Grier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah M. Grier, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month

The amendments recommended by the committee were read, as follows:

In line 8, before the word "dollars," insert the word "four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josiah M. Grier."

MORRIS OSBORN.

The next pension business was the bill (H. R. 3502) granting a pension to Morris Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris Osborn, dependent father of William L. Osborn, late of Company G, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company B, Eleventh Regiment Michigan Volunteer Cavalry, and."
In line 7 strike out the word "of."
In line 8 strike out the word "seventeen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEMUEL P. WILLIAMS.

The next pension business was the bill (H. R. 3483) granting an increase of pension to Lemuel P. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel P. Williams, late of Company F, Thirty-first Massachusetts Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."
In same line, before the word "Thirty-first," insert the words "and D."
In same line, after the word "Thirty-first," insert the word "Regiment."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE A. BAKER.

The next pension business was the bill (H. R. 3403) granting an increase of pension to George A. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Baker, late of Company I, Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Second Battery Vermont Volunteer Light Artillery, and First Independent."
In same line strike out the letter "I."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBIN L. INGRAM.

The next pension business was the bill (H. R. 3342) granting an increase of pension to Albin L. Ingram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albin L. Ingram, late first lieutenant of Company A, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ADAMSON.

The next pension business was the bill (H. R. 2949) granting an increase of pension to George W. Adamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Adamson, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASA M. FOOTE.

The next pension business was the bill (H. R. 2478) granting a pension to Asa M. Foote.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa M. Foote, late of Company A, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Asa M. Foote."

NATHANIEL BUCHANAN.

The next pension business was the bill (H. R. 2174) granting an increase of pension to Nathaniel Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Buchanan, late of Company C, Fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE M. DRAKE.

The next pension business was the bill (H. R. 1658) granting an increase of pension to George M. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Drake, late of Company A, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Veteran."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID L. FINCH.

The next pension business was the bill (H. R. 628) granting a pension to David L. Finch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David L. Finch, late guide and scout attached to General Porter's division, afterwards First Division, Fifth Army Corps, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "guide and scout attached to General Porter's division, afterwards First Division, Fifth Army Corps," and insert in lieu thereof the words "scout and guide, United States Volunteers."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER CLINE.

The next pension business was the bill (H. R. 13536) granting an increase of pension to Peter Cline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Cline, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. M'LEAN.

The next pension business was the bill (H. R. 13512) granting a pension to John McLane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McLane, late of Company B, Forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McLane" and insert in lieu thereof the letter and word "H. McLean."

In same line strike out the letter "B" and insert in lieu thereof the letter "A."

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Emergency Militia."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John H. McLean."

WILLIAM A. SOUTHWORTH.

The next pension business was the bill (H. R. 13141) granting an increase of pension to William A. Southworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Southworth, late of Company A, One hundred and fourteenth Regiment, and Company E, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PINKNEY W. H. LEE.

The next pension business was the bill (H. R. 13129) granting an increase of pension to Pinkney W. H. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pinkney W. H. Lee, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE B. HARTSHORNE.

The next pension business was the bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice B. Hartshorne, widow of William R. Hartshorne, late colonel One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the word "Ross."

In line 7, after the word "late," insert the words "first lieutenant and adjutant, Forty-second Regiment, and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES HOOVER.

The next pension business was the bill (H. R. 12937) granting an increase of pension to James Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hoover, late of Company D, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Fifty-second Company, Second Battalion, Veteran Reserve Corps."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. EVERSOLE.

The next pension business was the bill (H. R. 12754) granting an increase of pension to William B. Eversole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Eversole, late captain Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS F. BRADBURY.

The next pension business was the bill (H. R. 12713) granting an increase of pension to Augustus F. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus F. Bradbury, late of Company I, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. HOWELL.

The next pension business was the bill (H. R. 12506) granting an increase of pension to John T. Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Howell, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW DUNNING.

The next pension business was the bill (H. R. 12384) granting an increase of pension to Andrew Dunning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Dunning, late first lieutenant, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "United States Volunteers" and insert in lieu thereof the words "Company D, Eighth Regiment Illinois Volunteer Cavalry."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN C. BRADLEY.

The next pension business was the bill (H. R. 12027) granting an increase of pension to Nathan C. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan C. Bradley, late of Company K, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES CASSADY.

The next pension business was the bill (H. R. 12016) granting an increase of pension to James Cassaday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Cassaday, late of Company M, Ninth Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Cassaday" and insert in lieu thereof the word "Cassady."

In line 7 strike out the word "Veteran."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to James Cassady."

JAMES M. NOBLE.

The next pension business was the bill (H. R. 11842) granting an increase of pension to James M. Noble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Noble, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. BILLINGSLEY.

The next pension business was the bill (H. R. 11745) granting an increase of pension to James D. Billingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Billingsley, late of Companies C and A, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. CONLEY.

The next pension business was the bill (H. R. 11724) granting an increase of pension to John A. Conley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Conley, late of Company E, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA A. SMITH.

The next pension business was the bill (H. R. 11654) granting a pension to Emma A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma A. Smith, dependent daughter of Samuel F. Smith, late of Company H, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

In line 7, strike out the word "fifteenth" and insert in lieu thereof the word "fiftieth."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EGBERT P. SHETTER.

The next pension business was the bill (H. R. 11561) granting an increase of pension to Egbert P. Shetter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Egbert P. Shetter, late of Company F, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and second lieutenant Company F, Second Regiment West Virginia Veteran Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC M. WOODWORTH.

The next pension business was the bill (H. R. 11353) granting an increase of pension to Isaac M. Woodworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Woodworth, late of Company —, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the letter "A."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM LEE.

The next pension business was the bill (H. R. 10883) granting an increase of pension to William Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lee, late of Company C, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN P. MARTIN.

The next pension business was the bill (H. R. 10770) granting a pension to Helen P. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen P. Martin, widow of Herman H. Martin, late of Company A, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Herman" and insert in lieu thereof the word "Harman."

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB J. LONG.

The next pension business was the bill (H. R. 10807) granting an increase of pension to Jacob J. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob J. Long, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH F. CALDWELL.

The next pension business was the bill (H. R. 10720) granting an increase of pension to J. F. Caldwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. F. Caldwell, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "Joseph."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph F. Caldwell."

SAMUEL PRESTON.

The next pension business was the bill (H. R. 10632) granting an increase of pension to Samuel Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Preston, late of Company I, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Regiment," insert the word "East."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI I. SHIPMAN.

The next pension business was the bill (H. R. 10637) granting an increase of pension to Levi I. Shipman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi I. Shipman, late of Company C, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company E, Second Regiment West Virginia Veteran Volunteer Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON A. SAEGER.

The next pension business was the bill (H. R. 10307) granting an increase of pension to Milton A. Saeger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton A. Saeger, late of Company E, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS HERCHERBERGER.

The next pension business was the bill (H. R. 10297) granting an increase of pension to Nicholas Hercherberger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Hercherberger, late of Company F, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW RICKETTS.

The next pension business was the bill (H. R. 10269) granting an increase of pension to Andrew Ricketts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Ricketts, late of Company B, First Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HUGH LONGSTAFF.

The next pension business was the bill (H. R. 10216) granting an increase of pension to Hugh Longstaff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Longstaff, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HINMAN RHODES.

The next pension business was the bill (H. R. 9906) granting an increase of pension to Hinman Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hinman Rhodes, late colonel Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "major and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK CURLEY.

The next pension business was the bill (H. R. 9279) granting an increase of pension to Patrick Curley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Curley, late of Company D, Sixty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sixty-seventh" and insert in lieu thereof the word "Sixty-second."
In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB DACHRODT.

The next pension business was the bill (H. R. 9237) granting an increase of pension to Jacob Dachrodt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Dachrodt, late lieutenant-colonel One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M'KENZIE.

The next pension business was the bill (H. R. 13456) for the relief of James McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to remove the charge of desertion standing against James McKenzie, of Company D, First Battalion Eleventh United States Infantry, and issue to him an honorable discharge as of date from August 26, 1865.

The amendment recommended by the committee was read, as follows:

Add at end of line 7 the words:
"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN D. COHEN.

The next pension business was the bill (H. R. 9209) granting an increase of pension to Stephen D. Cohens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Cohens, late of Company A, Eighty-fourth Regiment, and Company F, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Cohens" and insert in lieu thereof the word "Cohen."
In same line strike out the words "Company A, Eighty-fourth."
In line 7 strike out the words "Regiment, and."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Stephen D. Cohen."

JONATHAN WOOD.

The next pension business was the bill (H. R. 9052) granting an increase of pension to Jonathan Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Wood, late of Comany I, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "G."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NEWTON E. TERRILL.

The next pension business was the bill (H. R. 7955) granting an increase of pension to Newton E. Terrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Newton E. Terrell, late of Company K, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Terrell" and insert in lieu thereof the word "Terrill."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Newton E. Terrill."

SAMUEL DUNNAN.

The next pension business was the bill (H. R. 7711) granting an increase of pension to Samuel Dunnan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Samuel Dunnan, late of Company B, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDNA BUCHANAN.

The next pension business was the bill (H. R. 7546) granting a pension to Edna Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edna Buchanan, of Columbus, Bartholomew County, Ind., widow of William P. Buchanan, late a private in Company A, Ninth Regiment Indiana Legion, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Columbus, Bartholomew County."
In line 7 strike out the word "Indiana."
In the same line strike out the words "a private in" and insert in lieu thereof the word "of."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM K. SPENCER.

The next pension business was the bill (H. R. 7525) granting an increase of pension to William K. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William K. Spencer, late of Company B, McLaughlin's squadron, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Sixth Regiment."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN A. FREDERICK.

The next pension business was the bill (S. 164) granting a pension to Helen A. Frederick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen A. Frederick, widow of Calvin H. Frederick, late lieutenant-colonel Fifty-ninth Regiment Illinois Volunteer Infantry, and Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LIDE S. LEONARD.

The next pension business was the bill (S. 603) granting an increase of pension to Lide S. Leonard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lide S. Leonard, widow of William L. Leonard, late second lieutenant Company C, First Regiment Colorado Volunteer Cavalry, and late of Company G, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW PATRICK.

The next pension business was the bill (S. 666) granting an increase of pension to Andrew Patrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Patrick, late of Company I, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. CAMPBELL.

The next pension business was the bill (H. R. 7238) granting a pension to William J. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Campbell, late of Company D, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $14 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fourteen" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William J. Campbell."

FRANCIS L. BROWN.

The next pension business was the bill (H. R. 5855) granting an increase of pension to Francis L. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis L. Brown, late a captain of Company L, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "a."
In the same line, before the word "Company," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. UMSTEAD.

The next pension business was the bill (H. R. 4202) granting an increase of pension to John C. Umstead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Umstead, late of Company C, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES A. POWER.

The next pension business was the bill (H. R. 8233) granting an increase of pension to Charles A. Power.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Power, late of Company D, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES FALBISANER.

The next pension business was the bill (H. R. 648) granting a pension to Charles Falbisaner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Falbisaner, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE E. QUENTIN.

The next pension business was the bill (H. R. 1483) granting an increase of pension to Josephine E. Quentin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine E. Quentin, widow of Julius E. Quentin, late of Company B, Fourteenth Regiment United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of Company B" and insert "first lieutenant."
In line 7 strike out "Army" and insert "Infantry."
In line 8 strike out "fifty" and insert "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. SCANDLYN.

The next pension business was the bill (H. R. 1888) granting a pension to William T. Scandlyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Scandlyn, musician, late of Company G, Twenty-ninth United States Volunteer Infantry, and pay him a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "musician."
In line 7, after "Twenty-ninth," insert "Regiment;" and in the same line, after "Infantry," insert "war with Spain."
In line 8 strike out "seventeen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RALPH A. ADAMS.

The next pension business was the bill (H. R. 2054) granting an increase of pension to Ralph A. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ralph A. Adams, late of Company E, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the words "rate of," strike out "fifty" and insert "seventy-two."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL HAYS.

The next pension business was the bill (H. R. 2116) granting an increase of pension to Daniel Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Hayes, late of Company B, Fourteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out the letter "e" in claimant's surname in the title and body of the bill.
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Hays."

JAMES W. STELL.

The next pension business was the bill (H. R. 2306) granting an increase of pension to James W. Stell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name James W. Stell, late United States soldier in Mexican war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "United States soldier in Mexican war," and in the same line, after "late," insert "of Capt. J. S. Gillett's company, Texas Mounted Riflemen, war with Mexico."
In line 7 strike out "fifty" and insert "twenty."
In line 5, after "name," insert "of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH JONES MARTIN.

The next pension business was the bill (H. R. 2307) granting an increase of pension to Joseph J. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Martin, late of Company F, Thirteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "J.", where it appears in the claimant's name in the title and body of the bill, to "Jones."
In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph Jones Martin."

RUFUS G. CHILDRESS.

The next pension business was the bill (H. R. 2897) granting an increase of pension to R. G. Childress.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. G. Childress, late of J. S. Bagger's company, Mounted Texas Volunteers, commanded by Capt. Pat Calhoun, United States Army, Indian war of 1854 and 1855, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "R." to "Rufus." In the same line change "Bagger's to "Boggess's," and after "Mounted," in the same line, insert "Battalion."
In lines 7 and 8 strike out "commanded by Captain Pat Calhoun, United States Army;" and in lines 8 and 9 strike out "of eighteen hundred and fifty-four and eighteen hundred and fifty-five."
In line 10 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rufus G. Childress."

SUSAN W. SELFRIDGE.

The next pension business was the bill (H. R. 8406) granting an increase of pension to Susan W. Selfridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan W. Selfridge, widow of James R. Selfridge, late captain, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. JACKSON.

The next pension business was the bill (H. R. 7478) granting an increase of pension to George W. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Jackson, late musician, Twenty-third Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," insert "chief."
In lines 7, 8, and 9 strike out "and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to George W. Jackson."

SALLIE F. SHEFFIELD.

The next pension business was the bill (H. R. 8493) granting an increase of pension to Sallie F. Sheffield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie F. Sheffield, widow of John Sheffield, late of Company B, Siebel's Alabama Battalion Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty "and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE B. CASEY.

The next pension business was the bill (H. R. 9530) granting a pension to Catherine Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Casey, widow of William J. Casey, late of Company F, First Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Insert the initial "B." after "Catherine" in the title and the body of the bill.
In line 7 strike out "F" and insert "I."
In the same line, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty" and insert "twelve," and add to the end of the bill the words "and $2 per month additional on account of the minor child of said William J. Casey until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Catherine B. Casey."

CHARLES M. PRIDDY.

The next pension business was the bill (H. R. 9593) granting a pension to C. M. Priddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. M. Priddy, late of Company M, Nineteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the initial "C." where it occurs in the claimant's christian name in the title and body of the bill to "Charles."
In line 7 strike out "Infantry" and insert "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Charles M. Priddy."

MATTHEW A. KNIGHT.

The next pension business was the bill (H. R. 10175) granting an increase of pension to Matthew A. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew A. Knight, late of Capt. George Holmes's independent company Florida Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA ELIZABETH POSEY.

The next pension business was the bill (H. R. 10677) granting an increase of pension to Maria Elizabeth Posey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Elizabeth Posey, helpless and dependent daughter of Carnot Posey, late first lieutenant Company B, First Mississippi Regiment, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "First," and in the same line, before "Mississippi," insert "Regiment."
In line 8 strike out "Regiment" and insert "Volunteers."
In line 9 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REANNA PILE.

The next pension business was the bill (H. R. 11061) granting an increase of pension to Reanna Pile.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reanna Pile, widow of William O'Brien Pile, late of Company D, Fifth Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HOPPER.

The next pension business was the bill (H. R. 11122) granting an increase of pension to John Hopper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hopper, late of the United States Marine Corps, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID M'GINNIS.

The next pension business was the bill (H. R. 11297) granting a pension to David McGinnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David McGinnis, late of Company —, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Company" and insert "recruit."
In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. BLANDING.

The next pension business was the bill (H. R. 12008) granting an increase of pension to James D. Blanding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Blanding, late of Company A, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of Company A, Palmetto Regiment South Carolina Volunteers."
In line 6, after "late," insert "captain and acting commissary of subsistence, United States Commissary Department."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH L. H. LABATT.

The next pension business was the bill (H. R. 12583) granting an increase of pension to Elizabeth L. H. Labatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth L. H. Labatt, widow of David C. Labatt, late of Company G, Fifth Regiment Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Hyam's."
In line 7 strike out "G."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA MILLER.

The next pension business was the bill (H. R. 12837) granting an increase of pension to Martha Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Miller, widow of William Miller, late of Captain Pauncey's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "Pauncey's" to "Pouncey's."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATHRYN G. HAYT.

The next pension business was the bill (H. R. 12839) granting an increase of pension to Kathryn G. Hayt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kathryn G. Hayt, widow of Stephen K. Hayt, late second lieutenant, Philippine Scouts, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYMAN CRITCHFIELD, JR.

The next pension business was the bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Critchfield, jr., late of Company D, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $15 per month" and insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH JANE KEARNEY.

The next pension business was the bill (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Jane Kearney, widow of Peter Kearney, late of Company ———, ——— Regiment Louisiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Company ———, ——— Regiment."
In the same line insert "Captain Blanchard's independent company."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA B. BEVAN.

The next pension business was the bill (H. R. 13282) granting an increase of pension to Lydia B. Bevan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia B. Bevan, widow of James M. Bevan, late second lieutenant Thirty-third Company Coast Artillery, United States Army, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Thirty-third Company Coast," and after "Artillery" insert "Corps."
In line 8 strike out "thirty" and insert "fifteen;" and at the end of the bill add "and $2 per month additional on account of the minor child of said James M. Bevan until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN REYNOLDS.

The next pension business was the bill (H. R. 13402) granting a pension to John Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Reynolds, late of Company E, Fifth Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. M'CAY.

The next pension business was the bill (H. R. 13457) granting an increase of pension to William M. McCay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. McCay, late of Company I, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMON MILLER.

The next pension business was the bill (H. R. 13579) granting an increase of pension to Amon Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amon Miller, late of Company K, Twelfth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES SUTHERLAND.

The next pension business was the bill (H. R. 13582) granting an increase of pension to James Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Sutherland, late of Capt. J. S. Williams's independent company, Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CLOUGH.

The next pension business was the bill (H. R. 13611) granting an increase of pension to William Clough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Clough, late of Company F, Fourth Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company F," and in the same line, after "late of," insert "Captain Staple's company."
In line 7, after "Infantry" insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVIS W. HATCH.

The next pension business was the bill (H. R. 13643) granting an increase of pension to Davis W. Hatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Davis W. Hatch, late of Company C, Texas Mounted Rangers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company C." In the same line, after "late of," insert "Captain Walker's independent company."

In line 7, after "Rangers," insert "war with Mexico." In the same line strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FANNIE I. EDGERTON.

The next pension business was the bill (S. 2415) granting an increase of pension to Fannie I. Edgerton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie I. Edgerton, widow of Wright P. Edgerton, late professor, with rank of lieutenant-colonel, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Wright P. Edgerton until she reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. HOGE.

The next pension business was the bill (S. 2879) granting an increase of pension to Mary J. Hoge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hoge, widow of Marion D. Hoge, late of Captain Jones's company, Second Regiment Illinois Foot Volunteers, war with Mexico, and major One hundred and tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY WESTON.

The next pension business was the bill (S. 994) granting an increase of pension to Henry Weston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Weston, late of Captain Stapp's company, Illinois Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. M'GEHEE.

The next pension business was the bill (S. 3286) granting an increase of pension to Mary J. McGehee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the penison roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McGehee, widow of Henry L. McGehee, late of Capt. John E. Davis's company, First Regiment Geogria Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHILLIP W. CORNMAN.

The next pension business was the bill (S. 3307) granting an increase of pension to Phillip W. Cornman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phillip W. Cornman, late of Company I, Fourth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SULLOWAY. Mr. Speaker, I move that in the case of Senate bill 1098, Calendar No. 777, the vote by which it passed be reconsidered. I make that motion for the purpose of asking to amend the bill.

The SPEAKER pro tempore. The gentleman from New Hampshire moves the reconsideration of Senate bill 1098.

The question was taken, and the motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, I move that the word "twenty" be stricken out and that the word "twenty-four" be inserted in lieu thereof. I am informed that is a mistake on the part of the Senate.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Senate bill as amended will be considered as read the third time and passed. [After a pause.] The Chair hears no objection.

Mr. SULLOWAY. Mr. Speaker, I move that the votes by which the several bills were passed be reconsidered and that motion lie on the table.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3402. An act granting an increase of pension to Jesse W. Elliott;

S. 1799. An act granting an increase of pension to Henry Logan;

S. 1798. An act granting an increase of pension to Robert K. Smith;

S. 201. An act granting an increase of pension to Lyman E. Farrand;

S. 984. An act granting an increase of pension to William W. Benedict;

S. 2797. An act granting an increase of pension to James Buggie;

S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow;

S. 207. An act granting an increase of pension to Marion F. Howe;

S. 1414. An act granting an increase of pension to Sidney G. Smith;

S. 3120. An act granting an increase of pension to Mary Driscoll;

S. 2975. An act granting a pension to Mary L. Miller;

S. 2329. An act granting an increase of pension to Knute Torgeson;

S. 2327. An act granting an increase of pension to Sidney F. Mullin;

S. 1465. An act granting an increase of pension to Patrick Fallihee;

S. 3123. An act granting an increase of pension to William H. Alban;

S. 2337. An act granting an increase of pension to Ellen S. Larned;

S. 2257. An act granting an increase of pension to Mary J. Campbell;

S. 3240. An act granting an increase of pension to John T. Jones;

S. 2405. An act granting an increase of pension to John P. Winget;

S. 1883. An act granting an increase of pension to Nellie Raymond;

S. 87. An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1901, and for other purposes;

S. 533. An act granting an increase of pension to Francis M. Munson;

S. 2702. An act granting an increase of pension to George W. Dightman;

S. 3537. An act granting an increase of pension to Anthony W. Presley;

S. 3039. An act granting an increase of pension to Joseph Smith;

S. 1753. An act granting an increase of pension to Waldo W. Paine;

S. 992. An act granting a pension to Albert E. Lyon;

S. 3630. An act granting an increase of pension to Martin L. Barber;

S. 1670. An act granting an increase of pension to William McNabb;

S. 894. An act granting an increase of pension to Mrs. Sewall;

S. 3643. An act granting an increase of pension to Seth Raymond;

S. 125. An act granting an increase of pension to John E. Hadsall;

S. 2377. An act granting a pension to Clara T. Leathers;
S. 1433. An act granting an increase of pension to Joseph W. Willard;
S. 124. An act granting an increase of pension to Curtis B. McIntosh;
S. 4029. An act granting an increase of pension to Martha G. Archer;
S. 1835. An act granting an increase of pension to James G. Doane;
S. 620. An act granting an increase of pension to Elizabeth S. Law;
S. 640. An act granting an increase of pension to Hugh P. Buffon;
S. 3667. An act granting an increase of pension to Martha J. Brisco;
S. 3687. An act providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes;
S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905.
S. 3309. An act granting an increase of pension to James C. Baber;
S. 2752. An act granting an increase of pension to Robert S. Moore;
S. 590. An act granting a pension to John White;
S. 3587. An act granting an increase of pension to Eliza Orr;
S. 3507. An act granting an increase of pension to Isaac Van Valkenburg;
S. 3291. An act granting an increase of pension to Mathew D. Raker;
S. 1298. An act granting an increase of pension to Francis W. Usher;
S. 1731. An act granting an increase of pension to William O. Colson;
S. 1744. An act granting an increase of pension to Joseph B. Papy;
S. 132. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota;
S. 967. An act to amend section 2 of an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved June 9, 1896;
S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902;
S. 176. An act granting an increase of pension to Benjamin F. Marsh;
S. 186. An act granting an increase of pension to George P. Howe;
S. 3126. An act granting an increase of pension to Stephen B. Tarlton;
S. 2482. An act granting an increase of pension to Cutler A. Chamberlin;
S. 3605. An act granting an increase of pension to Albert Smith;
S. 717. An act granting an increase of pension to Charles H. Tuck;
S. 853. An act granting an increase of pension to Charles Lander;
S. 8. An act granting an increase of pension to William H. Hall;
S. 1538. An act granting a pension to Indiana A. Paul;
S. 789. An act granting a pension to Mary E. Wolf;
S. 854. An act granting a pension to W. W. Gauthier;
S. 267. An act to prohibit aliens from taking fish in the waters of the district of Alaska;
S. 611. An act to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming;
S. 1724. An act providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes;
S. 2165. An act extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion;
S. 961. An act to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Minnesota;
S. 338. An act making an appropriation for a public building at Houston, Tex.; and
S. 35. An act to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:
H. R. 7302. An act granting a pension to James G. Head;
H. R. 4708. An act granting a pension to William T. Wiley;
H. R. 1201. An act granting a pension to Edward Maxwell;
H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson; and
H. R. 5597. An act granting an increase of pension to Oscar Williamson.

LEAVE OF ABSENCE.

By unanimous consent, Mr. ROBERTSON of Louisiana was granted leave of absence for two weeks on account of important business.

PHILIPPINE TARIFF LAWS.

On motion of Mr. PAYNE, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13104) amending the Philippine tariff laws, Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13104) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with and that it be read only for amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, this bill is a bill to revise and amend the tariff laws of the Philippine Islands, and for other purposes, approved March 3, 1905. At that time a general revision of the tariff act upon goods coming from foreign countries and from the United States into the Philippine Islands was passed and became a law. During the passage of that bill some gentlemen, claiming to represent the cotton manufacturers of the United States, secured an amendment, and this amendment became incorporated into the bill on the assurance that the amendment would give advantage to the manufacturers of the United States over the manufacturers of foreign countries, and on that representation the amendment went into the bill and was made part of the law. Afterwards it was discovered that instead of helping the manufacturers of the United States it virtually excluded the manufacturers of cotton goods in the United States from the trade of the Philippine Islands, and one of the principal reasons for that was this: In manufacturing the narrow grade of goods, say 22 inches wide, the looms of the United States universally used are looms only 22 inches in width, so that a piece 22 inches wide passes through the loom and through the finishing machine and through the stamping machine, where these goods are stamped, and two or three other processes.

In Europe they use to make similar goods a loom 46 inches in width and make two pieces at the same time with marginal lines at the center, and when the manufactured goods are completed there is another process of cutting through the center of the piece, making two pieces 22 inches wide with a heavy line of yarn on each side with a false selvage thus created, so they have one-half the labor, half the loom work, half the printing work, half the bleaching, and half the finishing that we have to manufacture the same width goods in the United States, and these goods come in upon the same rate of tariff. The manufacturers of the United States did not generally know of this change that was made. It turned out that it was made on the recommendation of a single firm, though it was said at the time that all the manufacturers were united in the request. The result is that the manufacturers found that they were driven out of the market by these goods, which are termed "false selvage goods." Now, this bill is to correct this error and allow the manufacturers of the United States to sell goods 20, 22, 24 inches wide in the Philippine markets.

It describes and defines these goods as goods with a false selvage, and it places a double tax upon them, and in this way our manufactures will have at least an equal chance in the market with the manufactures of other countries for this class of goods. Other amendments are made to this tariff schedule changing the classification in the count of threads in a given piece of goods. The reasons for this recommendation are these: The present tariff law is based upon and in the main follows the schedule of counts which was contained in the original Spanish tariff devised about fifty years ago and intended primarily for the benefit of European manufacturers. American textiles at the present time are manufactured upon a different basis of construction from the textiles known at that time. Since the Phil-

ippine Islands have come into the possession of the United States, it is only fair that the counts scheduled in the tariff should conform to the American methods of manufacture. It is also only fair that the American manufactured product should have the best possible position in that market in competition with the products of other countries, and in order to insure that fairness to the American products it is absolutely necessary that the system of counts should be made to conform to the American schedules.

The marvel to me, Mr. Chairman, is that this act, passed in 1905, which was under consideration perhaps for a whole year, first by the War Department and through the War Department by the people in the Philippine Islands and the government of the Philippine Islands for about six month afterwards, then extensively advertised, sent to American manufacturers and people who were exporters to the Philippine Islands for their suggestion and their amendment, and finally approved by them and approved again by the government of the Philippine Islands and by the Secretary of War, after investigation, should have still this old idea of the Spanish tariff as to the classification of the number of threads, and should have been left to work injury to the manufactures of the United States and give them an unequal chance. But, after due consideration, these gentlemen have come to the conclusion, and they have taken nearly a year since the act passed to formulate that conclusion, that the classification actually worked against the American manufacturer and aided the European manufacturer. Now, they have suggested certain changes in the classification of these goods, dependent upon the number of threads in a yard of the article.

Mr. CRUMPACKER. Mr. Chairman, I would like to know if the amendment proposed by this bill gives American-made cotton goods any preference, either in nominal duties or by way of classification.

Mr. PAYNE. It certainly does by way of classification, and upon these false-selvage goods. It admits American goods with a full selvage on an equal footing, at least, with the European manufacturers who make false-selvage goods.

Mr. CRUMPACKER. Are these changes recommended by the Philippine Commission?

Mr. PAYNE. They are not. I want to say in that connection that Mr. Shuster, who is the collector of customs in Manila, proposed a different scheme from this, which is recommended by the manufacturers of the United States, and the manufacturers of the United States, all of them substantially, I am informed now—and I have no reason to doubt the truth of it, except the statements that were made a year ago when only a part of them were said to be all of them—all of them seem to have united upon this form of bill.

Mr. CRUMPACKER. That is, the manufacturers of the United States?

Mr. PAYNE. Yes; and I do not understand that after that has been formulated there has been any protest from any other source.

Mr. CRUMPACKER. How will it affect revenues of the Philippine government?

Mr. PAYNE. It will slightly increase them, as I was about to say when the gentleman asked the question, because upon the finer goods—the goods with the greater number of threads to the yard—it advances the classification and puts them into a little higher grade of duty, so that there will be a slight increase in the revenue. Just exactly how much, of course, we do not know; but it will be a slight increase on the whole—not much of an increase, because most of them are at the same rate and some at a little higher rate, and I believe some at a slightly lower rate of duty than in the original act.

Mr. CRUMPACKER. The gentleman, I suppose, in his examination of this question, is satisfied that it will not operate to the material injury of the Philippine people?

Mr. PAYNE. I think not.

Mr. CRUMPACKER. Now, in times past we have enacted legislation, I think, promptly largely by home interests, particularly the proposition to repeal the export taxes on hemp. The Philippine Commission recommends now that that tax be restored for the revenue, and I am only anxious to know respecting this bill as to what its bearing will be upon conditions down there. This country is responsible, of course, for the administration of affairs in the Philippine Islands, and it can not afford to do a thing that will in any degree embarrass the situation or result in hardship.

Mr. PAYNE. I desire to say to the gentleman that this bill gives no preferential duty—no lower duty—to goods imported from the United States than goods imported from any other country, except as it increases the duty on the false selvage goods. They come in on the same classification.

Mr. CRUMPACKER. I hope in a very few years we will be able to have absolute free trade, so that all of our goods will be preferred. I think they ought to be.

Mr. PALMER. We all trust that; and of course that is up to the Senate now in the bill we have already passed in the House.

Mr. CRUMPACKER. Well, I have a good deal of faith in the Senate on some things, too.

Mr. PAYNE. I sometimes have.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman a question?

Mr. PAYNE. Certainly.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. PAYNE. I do.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from New York if this bill deals mainly in the matter of reducing tariff duties on cotton goods going into the Philippine Islands—that is, upon the coarser grades of goods? I mean in the matter of reduction.

Mr. PAYNE. I would say it would upon some of them, and upon the higher class of goods there is a slight increase because of the classification. Goods between a certain number of threads are to be in one class, and between a certain number of threads in another, and so when they get in a higher class they pay a correspondingly higher rate of duty; but on the coarser grades the rate of duty, I think, in all cases is the same as in the original act. There is a reduction, however, in one place—a reduction of 2 cents—from thirteen to eighteen thread, in paragraph 118; but generally the tariff is the same upon the lower grade and a little higher upon the higher grade.

Mr. BARTLETT. I understand from the gentleman's report and from what he has said that the change has become necessary on account of the peculiar kind of goods that some of the foreign manufacturers make and that are imported into the Philippine Islands under the present law. And by reason of the peculiar——

Mr. PAYNE. Yes; I tried to explain that.

Mr. BARTLETT. I was not present, and therefore did not hear the gentleman.

Mr. PAYNE. The manufacture abroad is on looms of double the width and a little more than the width of the cloth. For instance, they want to make a 22-inch goods, and they manufacture upon a 46-inch loom and manufacture the whole piece. Then it is woven so they can cut through the center and leave a false selvage on each side of that center line, making the 22-inch piece, giving opportunity in one operation to weave two pieces at a time and color them and bleach them and finish them and conduct all the operations that are necessary for the completion of the goods. Then afterwards they cut them open.

Mr. BARTLETT. And that peculiar manufacture is confined mostly to the cheaper grades of goods, as I understand it?

Mr. PAYNE. I understand so.

Mr. BARTLETT. And by reason of that fact the American-made cotton goods of that particular kind have not been able to compete with the grades of foreign manufacture in the Philippine Islands?

Mr. PAYNE. The statement is made that it will absolutely, if the law continues as it is, close the trade to American manufacturers of that class of goods.

Mr. BARTLETT. But if this bill is enacted into law, the provisions made in it and reported by the Committee on Ways and Means will put the American-made goods upon an equality, so far as the Philippine tariff law or duties are concerned, and also as far as opportunity to compete with English-made goods is concerned?

Mr. PAYNE. That is the object of the bill.

Mr. THOMAS of North Carolina. So that on the whole, as I understand it, this will help the export trade of cotton manufactured goods from the South.

Mr. PAYNE. The representatives of the manufacturers of cotton universally and absolutely say that it will. I am not an expert in that business. I have to take what others have to say upon that subject.

Mr. BARTLETT. I am not an expert, but I want to say I have a great many factories in my district that make the class of goods that this bill refers to.

Mr. PAYNE. Not with the false selvage?

Mr. BARTLETT. No.

Mr. PAYNE. I understand that there are no looms in the United States on which they can make those goods with the false selvage.

Mr. BARTLETT. Does that class of goods find ready sale in the Philippine Islands, namely, cotton goods?

Mr. PAYNE. They sell just as readily as the other goods—

the cheaper grade with the false selvage. Those are the amendments in paragraphs 117, 118, 119, and 120.

The bill also amends the shoe schedule, paragraphs 223 and 225. This is in pursuance of a telegram received from Mr. Shuster, the collector of customs in the Philippine Islands, to the Secretary of War, and is embodied in a letter of the Secretary of War addressed to the chairman of the committee on the 16th of January, while the bill was before the committee. The Secretary of War says:

WAR DEPARTMENT,
Washington, January 16, 1906.

MY DEAR MR. PAYNE: On January 5 I received a cablegram signed by practically all of the merchants of Manila dealing in boots and shoes recommending changes in paragraphs 223 and 225 of the Philippines customs tariff. Upon the receipt thereof I cabled the governor-general to see them and secure their specific recommendation, and asked for his recommendation. The following has just been received in reply:

"Collector of customs met parties concerned. Recommends paragraph 223, paragraph 225, existing tariff, be amended to read as follows:

"'223. Shoes or gaiters of calfskin, kid, and similar leather, with elastic or buttons or for lacing: A. For men, size No. 5½, or larger, per pair, 30 cents. B. For boys, smaller than size No. 5½, per pair, 20 cents. C. For women, size No. 2½, or larger, per pair, 25 cents. D. For girls, smaller than size No. 2½, per pair, 20 cents. E. For babies, per pair, 5 cents.

"'225. Other boots and shoes, fancy, per pair, 50 cents. A. Other boots and shoes not specially provided for, A, B, C, D, E, same as in paragraph 223.'"

We have repeated in the bill the full provision of paragraph 223 for A, B, C, D, and E in regard to these shoes not specifically provided for.

Now, that is a slight decrease in the duty upon this class of shoes, not enough to affect the revenue to any appreciable extent with the present importation, and enough, perhaps, to increase the sale of shoes in Manila. Of course what we want to do is to provide so that every man, woman, and child in the Philippine Islands shall become accustomed to wear shoes; and a little encouragement in that way is given in this without affecting the revenues of the Philippine government to any considerable extent. The only other amendment is also inserted on account of this letter from the Secretary of War:

I have also received another cablegram from the governor-general, which I understand was brought about by the recommendation of exporters of Philippine products, reading as follows:

"Acting governor province of Moro and collector of customs for the Philippine Islands recommend that paragraph 402, tariff-revision law of 1905, be amended to read as follows: 'Copra, fresh or dried, 100 kilos, 10 cents'—

The original law reads "copra and cocoanuts," including cocoanuts in the export tariff duty of 10 cents per 100 kilos—

"Present tariff discriminates greatly against exportation fresh cocoanuts; export trade practically destroyed in that article. Change suggested would involve very small diminution customs receipts and it is hoped would stimulate exportation fresh cocoanuts."

* * * * * * *

Of course that is a minor amendment, which might be of great importance to the raisers of cocoanuts in the Philippine Islands. It practically does away with very little revenue and may largely increase the trade in cocoanuts. At present it is almost prohibitive. It is an export trade, and as the cocoanuts come to the United States and every other country, why there is no discrimination in it.

Mr. CRUMPACKER. Do I understand that the export tax is reduced or repealed on cocoanuts?

Mr. PAYNE. On fresh cocoanuts, that now would pay 10 cents per hundred kilos.

Mr. CRUMPACKER. What is the purpose?

Mr. PAYNE. In order to increase the trade. They say there is not much trade, hardly any revenue from it, and it is hoped by taking this off it will increase the demand for cocoanuts outside of the islands.

These are all the changes suggested in the bill. I do not know whether any gentleman desires to participate in the general debate or not; if not, I will call for the reading of the bill by paragraphs.

The CHAIRMAN. If no gentleman desires to be heard, the Clerk will report the bill by paragraphs for amendment.

The bill was read by paragraphs.

Mr. PAYNE. I move that the committee rise and report the bill to the House, with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13104 and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 28 minutes p. m.) the House adjourned until Monday next, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Ruby*, Luke Keefe, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the transportation of pupils at Indian school at Carlisle—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Active*, Patrick Drummond, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, recommending legislation to enable the per diem employees of the War Department to have Labor Day as a holiday—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation of an appropriation for the relief of the Kaibab Indians of Utah—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13854) to provide for filling in the United States quarantine station at Honolulu, Hawaii, reported the same without amendment, accompanied by a report (No. 1113); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 92) authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags, reported the same with amendment, accompanied by a report (No. 1114); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13548) to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry, reported the same with amendment, accompanied by a report (No. 1115); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13567) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river, reported the same without amendment, accompanied by a report (No. 1116); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13568) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river, reported the same without amendment, accompanied by a report (No. 1117); which said bill and report were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13308) to authorize the construction of a bridge across the Arkansas River at Pine Bluff, reported the same without amendment, accompanied by a report (No. 1118); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the Senate joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., reported the same with amendment, accompanied by a report (No. 1119); which said resolution and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2106) to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark., reported the same with amendment, accompanied by a report (No. 1121); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 10475, reported in lieu thereof a resolution (H. Res. 265) referring to the Court of Claims the papers in the case of the legal representatives of the estate of Isaac Johnson, deceased, accompanied by a report (No. 1112); which said resolution and report were referred to the Private Calendar.

Mr. BUCKMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12286) granting relief to the estate of James Staley, deceased, reported the same without amendment, accompanied by a report (No. 1120); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904—to the Committee on the District of Columbia.

Also, a bill (H. R. 14512) to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14514) to amend sections 877 and 878 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14515) making it a misdemeanor in the District of Columbia to abandon or wilfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances—to the Committee on the District of Columbia.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14516) to establish a park at Fourteenth street and Columbia road—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14517) to extend School street to Columbia road and connect School street thus extended with Fourteenth street—to the Committee on the District of Columbia.

By Mr. HALE: A bill (H. R. 14518) to provide for the improvement of the Tennessee River and some of its tributaries in Tennessee—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A bill (H. R. 14519) to distribute the business of the Department of the Navy in relation to personnel and materiel—to the Committee on Naval Affairs.

By Mr. OLCOTT: A bill (H. R. 14520) to repeal section 3186 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. ELLERBE: A bill (H. R. 14521) to provide for the erection of a monument to Brig. Gen. Francis Marion—to the Committee on the Library.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 14522) to establish additional aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Delaware: A bill (H. R. 14523) to provide for the survey and improvement of the Smyrna River, in the State of Delaware—to the Committee on Rivers and Harbors.

By Mr. WILEY of New Jersey: A bill (H. R. 14524) providing for appointments in the consular service and for filling vacancies in the higher grades—to the Committee on Foreign Affairs.

By Mr. FOWLER: A bill (H. R. 14525) to increase the limit of cost of the United States public building at Elizabeth, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 14526) to provide for the improvement and widening of Branch avenue from Pennsylvania avenue extended to the Bowen road, in the District of Columbia—to the Committee on Appropriations.

By Mr. GRAHAM: A bill (H. R. 14527) for the relief of gaugers, storekeepers, and storekeeper-gaugers—to the Committee on Ways and Means.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 265) referring to the Court of Claims H. R. 10475—to the Private Calendar.

By Mr. SULZER: A resolution (H. Res. 266) asking the Secretary of the Treasury for information concerning the custom-house property in New York City—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 98) authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 14528) granting an increase of pension to Emilie Wood Reich—to the Committee on Pensions.

By Mr. BARCHFELD: A bill (H. R. 14529) granting an increase of pension to Samuel G. McLaughlin—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 14530) granting a pension to Louisa E. Satterfield—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 14531) granting an increase of pension to George W. Stormer—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 14532) granting a pension to Augusta N. Manson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 14533) granting a pension to Sherman Swafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14534) granting an increase of pension to Jasper Harrelson—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 14535) for the relief of Robert Callan—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 14536) granting an increase of pension to Donald Wilcox—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14537) granting an increase of pension to Robert B. Crawford—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 14538) granting an increase of pension to Eliza L. Norwood—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 14539) granting an increase of pension to Louis C. Robinson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 14540) granting an increase of pension to Martha E. Geesman—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 14541) for the relief of C. R. Williams—to the Committee on War Claims.

Also, a bill (H. R. 14542) for the relief of Abner B. Robertson, heir of Abner B. Robertson, deceased—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14544) granting an increase of pension to William A. Carroll—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 14545) granting an increase of pension to Ellen L. Nixon—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 14546) granting an increase of pension to James A. McDavid—to the Committee on Pensions.

Also, a bill (H. R. 14547) granting an increase of pension to Thomas Chapman—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14548) providing for the issuance of patent in fee to an Indian allottee—to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 14549) granting an increase of pension to Isabella Van Arman—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 14550) to remove the charge of desertion against Eugene E. Smith—to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 14551) to authorize the Secretary of the Treasury to pay the claim of Mrs. Mattie Stewart Glover and Mrs. Katherine Stewart Ruse, the heirs at law and only legal representatives of the late William Stewart, of Mobile, Ala.—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 14552) granting an increase of pension to Henry Davey—to the Committee on Pensions.

Also, a bill (H. R. 14553) granting an increase of pension to Jesse Liewallen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14554) granting an increase of pension to John Welch—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14555) for the relief of the Presbyterian Church at Macon, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 14556) for the relief of the heirs of James Price, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14557) for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 14558) granting an increase of pension to Martha L. Wood—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 14559) granting an increase of pension to Henry West—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 14560) granting an increase of pension to Elizabeth Weston—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14561) granting a pension to Valentine Fraker—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 14562) granting an increase of pension to Patrick P. Toale—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 14563) granting an increase of pension to Edwin L. Higgins—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14564) for the relief of William B. Payne—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14565) for the relief of the heirs of Jane McCartney—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 14566) granting an increase of pension to Robert E. McKiernan—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 14567) granting a pension to Francis M. Gustin—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 14568) to correct the military record of Patrick Galligan—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 14569) granting an increase of pension to Lucian L. Watson—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 14570) granting an increase of pension to Sophie Stephan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14571) granting an increase of pension to John W. McBurney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14572) granting an increase of pension to Isaac W. Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14573) granting a pension to Hattie Armstrong—to the Committee on Pensions.

Also, a bill (H. R. 14574) for the relief of Sallie A. Chinn—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 14575) to pay the owners of the Norwegian steamship *Nicaragua* for damages—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition for the relief of the *General Slocum* survivors—to the Committee on Claims.

Also, petition of citizens of Long Branch borough, for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS of Wisconsin: Petition of the Cambria News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALLEN of New Jersey: Petition of the Englewood Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Business League, relative to the consular service—to the Committee on Foreign Affairs.

By Mr. BARCHFELD: Petition of the National Business League, favoring bill S. 1345—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Petition of the News and Sun, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petitions of the Signal and the Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of the Chenango County Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Sullivan County Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROOKS of Colorado: Petitions of Charles H. Leckenby, the Ouray Herald, and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petition of the Phillips Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of the Citizen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURGESS: Petitions of Albert A. Ernst, the Mercury, and the Wave and Calhoun County News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of the National Business League, favoring bill S. 1345—to the Committee on Foreign Affairs.

Also, petitions of the Pittsburg Catholic and the Construction, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of H. E. Fernald, favoring passage of bill H. R. 17098—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, asking for penny postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Local Union No. 142, Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 13662, for survey of Sullivan Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. BUTLER of Tennessee: Petition of the Lebanon Democrat, against the tariff an linotype machines—to the Committee on Ways and Means.

Also, petition of the Junior Order United American Mechanics of Little Crab, Tenn., asking restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Petition of the Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Post No. 119, Grand Army of the Republic, of New Albany, in favor of bill H. R. 4495—to the Committee on Invalid Pensions.

Also, petition of citizens of Washington, D. C., against religious legislation—to the Committee on the District of Columbia.

By Mr. CAMPBELL of Ohio: Petition of the Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Joseph Menke and Fort Defiance Grange, No. 267, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Ohio Swine Breeders' Association, of Ottawa, Ohio, relative to trade relations with foreign countries—to the Committee on Ways and Means.

By Mr. CASSEL: Petition of the Inquirer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CLAYTON: Petition of the Dothan Eagle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COCKRAN: Petitions of the American Telephone Journal, the Financial Age, Wilshire's Magazine, and Leonard's Railway News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of William McManus, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National Board of Trade of Philadelphia, favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. T. Wighman, secretary of the Religious Liberty Bureau, against passage of bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petitions of the Recorder, the Racine Daily Times, and the Eagle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COUSINS: Petitions of the Western Telephone Journal, the Times, the Democrat, the Courier, the Reporter, the Iowa Prohibitionist, and the Iowa Post, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CROMER: Petition of the Republican, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Lewis Mock—to the Committee on Invalid Pensions.

By Mr. DALE: Petitions of the Straz, John R. Farr, secretary of the Press League of Pennsylvania; the Scrantonian; the Evangelical Publishing Company, of Scranton, Pa.; the Up to Date, the Times, the Wachenblatt, the Signal, the Citizen, and the Swoboda, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Pennsylvania Dairy Association, for agricultural experiment stations—to the Committee on Agriculture.

Also, petition of the National Piano Manufacturing Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of McKees Rocks Council, Order of Railway Conductors, in favor of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of sundry citizens of Allegheny County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National Board of Trade, of Philadelphia, Pa., relative to merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Pittsburg, Pa., to pass the Penrose and Dalzell bills relative to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of St. Stephen's Church, of Wilkinsburg, Pa., for an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petitions of the McKeesport Times, the Express, and the Daily News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petitions of the Enterprise and the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petitions of the News and the Hutchinson Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petitions of the Ruralist, Der Korrespondent, the Leader, the News-Tribune, and the Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petitions of the Versailles Republican and the Franklin Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Ripley Journal, the Bulletin, the Herald, and the Daily Dewener, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Petitions of the Enterprise and the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of the Journal of Pedagogy, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Agriculturist, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Engineers, against the Esch-Townsend bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, approving of bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association for the Protection of Commerce, for an appropriation to widen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DWIGHT: Petition of the Oxford Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Free Press, the Gazette, and the Owego Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of L. A. Clapp, the Deposit Courier Journal, the Owego Gazette, and the Spencer Needle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the La Crosse Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution of the Brotherhood of Locomotive Engineers, opposing repeal of the present Chinese-exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, of Philadelphia, approving bill S. 529, for improvement of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also petition of sundry citizens and corporations of Brooklyn, N. Y., for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FLETCHER: Petitions of the Hardware Trade and the Commercial Bulletin and Northwestern Trade, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FORDNEY: Petition of the Courier-Herald, of Saginaw, Mich., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petition of Walter A. Legeman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Joseph Auld, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of the New Jersey Patriot, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Protection Lodge, No. 2, Brotherhood of Firemen, of Phillipsburg, N. J., for bills H. R. 239, S. 1657, and H. R. 9328—to the Committee on the Judiciary.

Also, petition of the New Jersey Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Petitions of the World, the Star, and the Advance, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the People's Advocate and the Index, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Reporter and the Sun Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Peoria Humane Society, against amendment to the stock-transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of New Jersey: Petitions of the Daily Enterprise, the Elmer Times, the A. C. Free Presse, the New Jersey Patriot, the Pleasantville Weekly Press, the Cape May County Gazette, and the Daily Pioneer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARRETT: Petition of the Calvin Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of physicians and manufacturers of Springfield, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of automobilists of Springfield, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOEBEL: Paper to accompany bill for relief of Louis C. Robinson—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Maritime Association of New York, to remove discrimination against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Dersch and others, for relief of *General Slocum* survivors—to the Committee on Claims.

Also, petition favoring passage of bill to create a post-graduate university at Washington, D. C.—to the Committee on Education.

By Mr. GOULDEN: Petition of the Daily Banker and Stockholder, of New York City, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the National Business League, favoring bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Colorado School of Mines, relative to assistance by the Government of State mining schools—to the Committee on Mines and Mining.

By Mr. GRANGER: Petition of Rev. L. W. Hensen, for prohibition of the liquor traffic in the Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Newport (R. I.) Medical Society, for reorganizing the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. GRONNA: Petition of the Express, of Buffalo, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of the Lansing Mirror, the West Union Union, the Chester Sun and Herald, and the Daily Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of the Spokesman, the Herald, the Collins Commercial, the Ledger, the Magee Courier, the Free Press, the Greene County Herald, and the Waynesboro News-Beacon, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEARST: Petitions of the Treasury Magazine, the Zunkunft, the Insurance Index, the Fruit and Produce News, and the Church Electric, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Buckingham Council, No. 16, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Trinity Church Quarterly Conference, against liquor selling in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEPBURN: Petition of the New Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of citizens of Bridgeport, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HILL of Mississippi: Petitions of the Herald and the Dixie Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petitions of the Enterprise Printing Company, the Champion, and the Register, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, resolution of the Nebraska Swine Breeders' Association, in favor of bill H. R. 345—to the Committee on Agriculture.

Also, petition of J. B. Nerud, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, petitions of the Independent, the Gospel Messenger, the Free Press, the Mount Morris Index, the Elizabeth News, the Stockton News, the Sentinel, the Journal, the Ogle County Reporter, the Record, the Tornado, the Daily Democrat, the Gazette, the News, the Ashton Gazette, and the Spike, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Chicago Federation of Labor, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOLLIDAY: Petition of the Banner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of the Weekly Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petition of the Pilot Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUNT: Petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

By Mr. JOHNSON: Papers to accompany bill for relief of Thomas Chapman, of Glenn Spring, S. C.—to the Committee on Pensions.

Also, papers to accompany bill for relief of James A. McDavid—to the Committee on Pensions.

Also, paper to accompany bill for relief of Thomas Chapman—to the Committee on Pensions.

By Mr. KAHN: Petition of the Rescuer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KEIFER: Petition of Bradford Grange, No. 877, of London, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KELIHER: Resolution of the New England Ophthalmological Society, in favor of repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KENNEDY: Petition of the Gazette, of Bellevue, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of Rev. George D. Merry, against bill H. R. 7043—to the Committee on Military Affairs.

Also, petition of the Dutchess and Columbia Patrons Fire Relief Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KLINE: Petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of the I. O. O. F. Lodge Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LACEY: Papers to accompany bill for the removal of the charge of desertion against Eugene E. Smith—to the Committee on Military Affairs.

Also, petition of the Lynnville Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of the Westfield Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LESTER: Petitions of the Gazette, the Bryan Enterprise, and the Germania Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of citizens of Brooklyn, in support of the bill for national forest reserves—to the Committee on Agriculture.

Also, petition of Emil J. Dinger, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the National Business League, favoring reform in the consular service—to the Committee on Foreign Affairs.

By Mr. LITTLE: Petition of A. T. Henry and Hayes Brothers, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of T. M. Day, of La Belle, Mo., for election of United States Senators by direct vote—to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Jacob N. Demorey—to the Committee on Military Affairs.

By Mr. LOUD: Papers to accompany bill for relief of Henry West—to the Committee on Invalid Pensions.

By Mr. McCALL: Petitions of the Winchester Star, Zion's Herald, the Medford Leader, and the Woman's Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Congregationalist, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Petitions of the Independent, Williams & Bales, the Rantoul News, Mittler & Bennett, the Journal, the News, the Echo, the Atwood Herald, and the Mattoon Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McKINNEY: Petitions of the Augusta Eagle and the Beandinsville Star-Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Eagle and the Star-Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McMORRAN: Petition of the Review, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Reporter, the Brown City Banner, the Leader and Press, and the Sentinel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Lieutenant G. E. Hackenberg Camp, No. 76, for amendment to bill H. R. 8131—to the Committee on Military Affairs.

By Mr. MANN: Petitions of the School Science and Mathematics, the Live Stock Journal, the Inland Architect, and the Trade Periodical Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of the Oakes (N. Dak.) Times against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Herald against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Steele County Tribune, the Rolette County Herald, and the North Dakota State Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAYNARD: Petition of the Suffolk Herald, of Suffolk, Va., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the News and Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MILLER: Petition of Morton Post, No. 329, Grand Army of the Republic, of Kansas, for passage of bill H. R. 4495—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of the Door County Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MORRELL: Petitions of the Ecclesiastical Review and the Northeast Philadelphia Banner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petitions of the Dos Palos Star, the San Lucas Herald, and the Kingsburg Recorder, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Redlands Board of Trade, for control of Owens River watershed, in Inyo County—to the Committee on Irrigation of Arid Lands.

Also, petition of the Shipowners' Association of the Pacific Coast, against Government transportation of troops—to the Committee on Military Affairs.

Also, petition of the Redlands Board of Trade, relative to irrigation in California—to the Committee on Irrigation of Arid Lands.

By Mr. NEVIN: Petitions of the Herald, the Daily Signal, the Hamilton Evening Democrat, the Democrat, and the Daily Republican News, against the tariff on linotype machines—to the Committee on Ways and Means.

Mr. NORRIS: Petition of the Clarion, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of the Advocate and Veidick and the Pulpit and Preachers' Helper, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Fort Steadman Camp, No. 52, Sons of Veterans, favoring amending bill H. R. 8131—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of C. B. Pickering and others, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PERKINS: Petitions of the Labor Journal and C. H. Jones, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of the Nebraska Farm Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POU: Petition of the Graphic, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PRINCE: Petition of the Enterprise Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of W. H. McClure, E. B. Garland, and R. W. Pittman and others, opposing repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. PUJO: Petition of the Illinois Manufacturers' Association, relative to waterway between the Great Lakes and the Gulf of Mexico—to the Committee on Railways and Canals.

Also, petition of the National Business League, favoring bill S. 1345—to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of the Enterprise and the Weekly Post, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chicago Federation of Labor, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. REYNOLDS: Petition of the Democrat-Standard and the Daily Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of heirs of Jane McCartney—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: Petitions of the Daily News, the Deunas, the Leader, and the Morning Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Courier, against the tariff on linotype machines—to the Committee on Ways nad Menas.

Also, petitions of the Herald, the Press-Eagle, and the Recounter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RUPPERT: Petitions of the New Yorske Listy and the Columbia Law Review, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of New York Produce Exchange and the Brotherhood of Locomotive Engineers of New York, against repeal of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of Otto Graffon, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: Petitions of G. P. Garland, Mitchell & Mitchell, and A. C. Bledsoe, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SLAYDEN: Petition of the Mullin Enterprise, of Mullin, Tex., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMALL: Petition of the Freewill Baptist, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of W. R. Jacobson, the Washington Gazette, and the Daily Messenger, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of the Gleaner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of the Republican Era, of Murphysboro, Ill., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Iowa: Petitions of the Record, A. H. Gusell & Son, and the Mento Review, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Texas: Petition of the Poncho Herald, of Point Rock, Tex., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SNAPP: Petitions of the Republican, the Daily News, and the Chronicle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petitions of the Train Dispatchers' Bulletin, the Democratic Exposition, and the Ottawa County Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of East Haddam, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of New Haven, favoring establishment of forest reserves—to the Committee on Agriculture.

Also, petition of citizens of New Haven, protesting against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of the Fertile Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STERLING: Petition of the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the News, of Minonk, Ill., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Pontiac Sentinel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the Nautilus and the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Massachusetts State Board of Trade, in favor of shore approach to breakwater at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the American Society for the Prevention of Cruelty to Animals, in opposition to bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the New England Opthalmological Society,

for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of Ohio Waisenfreund, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petitions of the Daily Times and the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Mary E. Carpenter, of Adrian, Mich., favoring bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles E. Greening, of Monroe, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of residents of Jersey City, N. J., favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, papers to accompany bill H. R. 14498, for relief of Eliza Davidson—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Petitions of the Herald, the Herald-Star, the Swift Company Monitor, the News, the Commercial, the Clara City Herald, the Journal, the Independent Press, the Record, the Gopher Press, the Journal, the Banner, and the Milan Standard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the Fountain Index, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of the Hope Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBBER: Petitions of the Butler Times and the Experiment, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEEKS: Petitions of the National Sportsman and the Brookline Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Local Union No. 709, of Brookline, Mass., for repeal of revenue tax an denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Business League, of Chicago, Ill., for passage of the Lodge bill (S. 1345)—to the Committee on Foreign Affairs.

By Mr. WEEMS: Petition of Bloomingdale Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of the Neosho Standard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Advertizer, of Montgomery, Ala., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. YOUNG: Petitions of the Pioneer Tribune and the Courier-Record, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

MONDAY, *February 12, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of the proceedings of Friday last was read and approved.

CARLISLE INDIAN SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill for the support of the Indian school at Carlisle, Pa., for transportation of pupils, etc., for the fiscal year ending June 30, 1906, $3,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL TRAINING STATION, RHODE ISLAND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill, $100,000, for the erection of necessary detention buildings, shops, and appurtenances to replace those destroyed or damaged by fire at the Naval Training Station, Rhode Island; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CARS IN RAILWAY MAIL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 5th instant, certain information with respect to accidents involving loss of life or injury to postal clerks, etc.; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting a schedule of papers and documents not needed in the transaction of public business in the Post-Office Department, and which have no permanent value or historical interest; which was referred to the Select Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

INVESTIGATIONS AT TESTING PLANTS AT ST. LOUIS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 25th ultimo, a letter from the Director of the Geological Survey, embodying a summary of the results obtained in the investigations under the Geological Survey of fuels and structural materials at the testing plants at St. Louis, Mo., and requesting that an appropriation of $350,000 be made for that purpose; which, with the accompanying papers, was referred to the Committee on the Geological Survey, and ordered to be printed.

Mr. HEMENWAY. Mr. President, in view of the unusual demand for the printing of this document, I ask how many copies will be printed under the rule?

The VICE-PRESIDENT. There are 1,682 copies printed.

Mr. HEMENWAY. I ask that 4,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. The communication will be referred to the Committee on the Geological Survey and printed. The Senator from Indiana requests that 4,000 additional copies be printed for the use of the Senate.

Mr. HANSBROUGH. I suggest to the Senator from Indiana that he increase the number to 5,000 copies. There is going to be a very large demand for the document.

Mr. HEMENWAY. Very well, I will modify my request and ask that 5,000 additional copies be printed.

The VICE-PRESIDENT. The Senator from Indiana requests that 5,000 additional copies be printed for the use of the Senate. Is there objection?

There being no objection, the order was agreed to, as follows:

Ordered, That 5,000 additional copies of the letter of the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey, embodying a summary of the results obtained in the investigations under the Geological Survey of fuels and structural materials at the testing plants at St. Louis, Mo., be printed for the use of the Senate.

KAIBAB INDIANS IN UTAH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs calling attention to representations made concerning the condition of the Kaibab Indians in Utah, and requesting that an appropriation of $10,000 be included in the Indian appropriation bill for that purpose; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

INTERNATIONAL PRISON COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Samuel J. Barrows, commissioner for the United States on the International Prison Commission, requesting that an index to the reports of the National Prison Association for the years 1870, 1873, 1874, and from 1883 to 1904 be published by Congress as one of the reports for the International Prison Commission; which, with the accompanying paper, was referred to the Committee on Printing, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Chief of the Bureau of Engraving and Printing submitting an estimate of additional appropriations for plate printing for the current fiscal year to meet the increase in the daily amount of unfinished notes, silver and gold certificates required by the Treasurer of the United States, and requesting that an appropriation of $23,332.43 be inserted in the urgent deficiency appropriation bill for this purpose; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Jane*, Robert Knox, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mariane T. Lemelle, administratrix of the estate of Alexander Lemelle, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Barthelemy Lemelle, administrator of the estate of Euphemie Lemelle, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Mount Olivet Methodist Protestant Church, of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the report of the East Washington Heights Traction Railroad Company for the four months (September, October, November, and December) operated during the year 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 943. An act granting an increase of pension to Oscar R. Arnold; and

S. 1098. An act granting an increase of pension to William J. Grow.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. TAWNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 524. An act granting an increase of pension to Sylvenus A. Fay;

H. R. 628. An act granting a pension to David L. Finch;

H. R. 648. An act granting a pension to Charles Falbisaner;

H. R. 650. An act granting an increase of pension to Felix G. Stidger;

H. R. 1032. An act granting an increase of pension to Seth Phillips;

H. R. 1043. An act granting an increase of pension to Horace Hounsom;

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 1200. An act granting an increase of pension to John G. Parker;

H. R. 1287. An act granting an increase of pension to John D. Moore;

H. R. 1359. An act granting an increase of pension to Henry M. Robinson;

H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;

H. R. 1484. An act granting an increase of pension to John L. Lovell;

H. R. 1485. An act granting an increase of pension to Susan J. Williams;

H. R. 1569. An act granting a pension to Elizabeth Murray;

H. R. 1585. An act granting an increase of pension to George N. Dutcher;

H. R. 1658. An act granting an increase of pension to George M. Drake;

H. R. 1859. An act granting an increase of pension to George T. B. Carr;

H. R. 1888. An act granting an increase of pension to William T. Scandlyn;

H. R. 1889. An act granting an increase of pension to William M. Shultz;

H. R. 1902. An act granting an increase of pension to Gilbert Ford;

H. R. 1909. An act granting an increase of pension to Alexander Miller;

H. R. 1912. An act granting a pension to Julia A. Powell;

H. R. 1975. An act granting an increase of pension to William House;

H. R. 1978. An act granting an increase of pension to Harry C. Thorne;

H. R. 1979. An act granting an increase of pension to Amanda L. Hill;

H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;

H. R. 2054. An act granting an increase of pension to Ralph A. Adams;

H. R. 2059. An act granting an increase of pension to Jerome Washburn;

H. R. 2093. An act granting a pension to Sarah A. Pitt;

H. R. 2099. An act granting a pension to Maurice O'Flanigan;

H. R. 2100. An act granting an increase of pension to Hiram Wilde;

H. R. 2108. An act granting a pension to Mattie Settlemire;

H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;

H. R. 2116. An act granting an increase of pension to Daniel Hayes;

H. R. 2156. An act granting an increase of pension to Rachel E. Ware;

H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;

H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;

H. R. 2306. An act granting an increase of pension to James W. Stell;

H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;

H. R. 2478. An act granting an increase of pension to Asa M. Foote;

H. R. 2595. An act granting an increase of pension to Peter D. Sutton;

H. R. 2614. An act granting a pension to General M. Brown;

H. R. 2703. An act granting an increase of pension to Stephen Weeks;

H. R. 2709. An act granting an increase of pension to Julius D. Rogers;

H. R. 2762. An act granting an increase of pension to William Chandler;

H. R. 2823. An act granting an increase of pension to Orton D. Ford;

H. R. 2849. An act granting an increase of pension to Jesse Harrison;

H. R. 2897. An act granting an increase of pension to Rufus G. Childress;

H. R. 2949. An act granting an increase of pension to George W. Adamson;

H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;

H. R. 3193. An act granting an increase of pension to James R. Todd;

H. R. 3220. An act granting an increase of pension to Sarah Johnson;

H. R. 3230. An act granting an increase of pension to James H. Beulen;

H. R. 3250. An act granting a pension to Harrison White;

H. R. 3315. An act granting an increase of pension to Lewis L. Dougherty;

H. R. 3342. An act granting an increase of pension to Albin L. Ingram;

H. R. 3403. An act granting an increase of pension to George A. Baker;

H. R. 3425. An act granting an increase of pension to Warren A. Blye;
H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;
H. R. 3500. An act granting an increase of pension to William M. Martin;
H. R. 3502. An act granting a pension to Morris Osborn;
H. R. 3544. An act granting an increase of pension to Josiah M. Grier;
H. R. 3552. An act granting an increase of pension to David F. McDonald;
H. R. 3570. An act granting an increase of pension to Susan Whorton;
H. R. 3571. An act granting an increase of pension to Eber Watson;
H. R. 3679. An act granting an increase of pension to Albert M. Hunter;
H. R. 3966. An act granting an increase of pension to Samuel Jester;
H. R. 3973. An act granting an increase of pension to Isaac P. Knight;
H. R. 3983. An act granting a pension to Blanche Douglass;
H. R. 4179. An act granting an increase of pension to Owen Donohoe;
H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;
H. R. 4202. An act granting an increase of pension to John C. Umstead;
H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;
H. R. 4221. An act granting an increase of pension to William Foat;
H. R. 4246. An act granting an increase of pension to George D. Street;
H. R. 4258. An act granting a pension to Georgia A. Richardson.
H. R. 4403. An act granting a pension to John H. Pepper;
H. R. 4685. An act granting an increase of pension to Jacob Rich;
H. R. 4704. An act granting a pension to Alice Rourk;
H. R. 4741. An act granting an increase of pension to Stephen Dickerson;
H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;
H. R. 4764. An act granting an increase of pension to Ahijah Brown;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 5163. An act granting an increase of pension to William V. Mallorie;
H. R. 5186. An act granting an increase of pension to Charles W. Fulton;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5830. An act granting an increase of pension to Sylvenus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;
H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 6065. An act granting an increase of pension to Charles E. Crowe;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarles;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 6180. An act granting an increase of pension to Amherst F. Graves;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 6385. An act granting an increase of pension to Henry Hastings;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 6507. An act granting an increase of pension to James M. Busby;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7478. An act granting a pension to George W. Jackson;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7546. An act granting a pension to Edna Buchanan;
H. R. 7622. An act granting an increase of pension to Hermann Lieb;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 7711. An act granting an increase of pension to Samuel Dunnan;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;
H. R. 7750. An act granting an increase of pension to Anton Riedmuller;
H. R. 7770. An act granting an increase of pension to Burgess Cole;
H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;

H. R. 8048. An act granting an increase of pension to William F. Bottoms;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;
H. R. 8202. An act granting an increase of pension to Henry Guy;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 8376. An act granting an increase of pension to Mary J. McConnell;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;
H. R. 8494. An act granting an increase of pension to David A. Jones;
H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 9122. An act granting an increase of pension to Philander Bennett;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 9351. An act granting an increase of pension to Marie G. Bonham;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 9593. An act granting a pension to Charles M. Priddy;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 9906. An act granting an increase of pension to Hinman Rhodes;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10483. An act granting a pension to James Gallt;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;
H. R. 10632. An act granting an increase of pension to Samuel Preston;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10677. An act granting a pension to Maria Elizabeth Posey;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 10741. An act granting an increase of pension to Thomas Clark;
H. R. 10770. An act granting a pension to Helen P. Martin;
H. R. 10775. An act granting a pension to Ellen S. Cushman;
H. R. 10789. An act granting a pension to David Wilborn;
H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10886. An act granting an increase of pension to Martha S. Campbell;
H. R. 10914. An act granting an increase of pension to John Hamilton;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 10967. An act granting a pension to George Larson;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11000. An act granting an increase of pension to Martha J. Wilson;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11070. An act granting an increase of pension to Fitch Spoor;
H. R. 11101. An act granting an increase of pension to Andrew J. Baker;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11122. An act granting an increase of pension to John Hopper;
H. R. 11132. An act granting an increase of pension to Horace E. Lydy;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;
H. R. 11297. An act granting a pension to David McGinnis;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;
H. R. 11416. An act granting an increase of pension to Lizzie Belk;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 11654. An act granting a pension to Emma A. Smith;
H. R. 11657. An act granting a pension to Madison M. Burnett;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;

H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11745. An act granting an increase of pension to James D. Billingsley;
H. R. 11748. An act granting an increase of pension to James Wilson;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12016. An act granting an increase of pension to James Cassaday;
H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12516. An act granting a pension to James S. Randall;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 12720. An act granting a pension to Sarah Duffield;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 12948. An act granting an increase of pension to Frederick Bierley;
H. R. 12955. An act granting a pension to Lyman Critchfield, jr;
H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13282. An act granting a pension to Lydia B. Bevan;
H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;
H. R. 13402. An act granting a pension to John Reynolds;
H. R. 13456. An act for the relief of James McKenzie;
H. R. 13457. An act granting an increase of pension to William M. McCay;
H. R. 13512. An act granting a pension to John H. McLean;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;
H. R. 13579. An act granting an increase of pension to Amon Miller;
H. R. 13582. An act granting an increase of pension to James Sutherland;
H. R. 13611. An act granting an increase of pension to William Clough; and
H. R. 13643. An act granting an increase of pension to Davis W. Hatch.

Subsequently the foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the California Fruit Growers' Exchange, of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Bryn Mawr Orange Growers' Association, of Redlands, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Aldermen of Boston, Mass., praying for the enactment of legislation to establish a national telegraph to be operated as a branch of the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the petition of S. C. Williams, of Rochester, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of G. W. Nichols and sundry other subscribers to the stock of the People's United States Bank, of St. Louis, Mo., residing at Holley, N. Y., praying for an investigation of the fraud-order business which caused the destruction of that bank; which was referred to the Committee on Finance.

He also presented memorials of Local Union No. 283, of Geneva; of Local Union No. 106, of Ogdensburg; of Local Union No. 142, of Lockport, all of the Cigarmakers' International Union of America, and of Central Labor Union, American Federation of Labor, of Brooklyn, all in the State of New York, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. MILLARD presented sundry memorials of citizens of Nebraska, remonstrating against the enactment of legislation providing for a reduction of railroad rates; which were referred to the Committee on Interstate Commerce.

Mr. PILES presented a petition of the Sailors' Union of the Pacific, of Seattle, Wash., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

Mr. WETMORE presented petitions of the Organization of Kings' Daughters, of sundry citizens, of the Woman's Christian Temperance Union, and Parish Aid Society, all of Newport, in the State of Rhode Island, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the Woman's Christian Temperance Union of Portsmouth, of sundry citizens of Newport, of the Woman's Christian Union and Parish Aid Society of Newport, and of the Organization of the King's Daughters of Newport, all in the State of Rhode Island, praying for the enact-

ment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

Mr. KEAN presented the petition of Fred. J. Miller, of East Orange, N. J., praying for the enactment of legislation providing for the adoption of the metric system in the various Departments of the Government; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a memorial of Local Union No. 101, Cigarmakers' International Union of America, of Elizabeth, N. J., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the State Grange, Patrons of Husbandry, of Mullica Hill, N. J., praying for the enactment of legislation to remove the duty on grain alcohol used for industrial purposes; which was referred to the Committee on Finance.

He also presented a petition of the pure-food committee of the State Federation of Women's Clubs, of Asbury Park, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Jersey City, N. J., praying for the enactment of legislation to establish the Naval Militia and to define its relation to the General Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of the board of agriculture of Union County, N. J., praying that increased appropriations be made for the support of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of Samuel V. Hoffman, of Morristown, N. J., remonstrating against the enactment of legislation extending the time for the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented the petition of C. E. Eaton, of Orange, N. J., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Children's Protective Alliance of the State of New Jersey, praying for the enactment of legislation to establish a children's bureau in the Department of Commerce and Labor; which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of General Washington Council, No. 49, Junior Order United American Mechanics, of Fresno, Cal., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the California State Federation of Labor, of San Francisco, Cal., praying for the enactment of legislation providing for the adjustment of the claim of the ship keepers of the Mare Island Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to appropriate, for a period of twenty years, 75 per cent of the internal and customs receipts from the Territory of Hawaii as a special fund to be expended in Hawaii for Territorial and Federal purposes; which was referred to the Committee on Finance.

He also presented a memorial of the California State Federation of Labor, of San Francisco, Cal., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Outdoor Art League Department of the California Club, of San Francisco, Cal., praying for the enactment of legislation granting to the State of California 5 per cent of the net proceeds of all the cash sales of public lands within that State, etc.; which was referred to the Committee on Public Lands.

He also presented a memorial of the Sailors' Union of the Pacific and a memorial of the San Francisco Labor Council, in the State of California, remonstrating against the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

He also presented a petition of the California State Federation of Labor, of San Francisco, Cal., praying for the enactment of legislation to increase the compensation of surfmen and keepers sufficient to retain the efficient men in the service and secure a better class of recruits; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of San Bernardino, Cal., praying for the enactment of legislation to secure the ownership of private lands within the San Bernardino Forest Reservation, in that State; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the American Civic Association, of Santa Barbara, Cal., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of sundry citizens of West Derry, N. H., praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Norman, Hobart, Helsel, and Lexington, all in the Territory of Oklahoma, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of New York, praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented the petition of George W. Urlson, of Minot, S. Dak., praying for the enactment of legislation for the removal of the tariff on composing and linotype machines and parts thereof; which was referred to the Committee on Finance.

Mr. HEMENWAY presented a petition of the National Society of Colonial Dames of America, of Indianapolis, Ind., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Fidelity Lodge, No. 109, Brotherhood of Railroad Trainmen, of Logansport, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the Home Guards of Indiana, praying that they be granted remuneration for their services to the United States in Indiana during the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of Hamilton Council, No. 8, Junior Order United American Mechanics, of Noblesville, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Retail Lumber Dealers' Association of Indiana, praying for the removal of the duty on white pine and rough lumber imported from Canada; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation for the relief of the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of the professors and students of St. Meinrad College, St. Meinrad, Ind., praying for the repeal of the present tariff on all works of art imported for use in churches and educational institutions; which was referred to the Committee on Finance.

Mr. NELSON presented a memorial of Local Union No. 7, Cigar Makers' International Union of America, of Minneapolis, Minn., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Flour City Lodge, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., praying for the enactment of the so-called "employers' liability bill;" which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of the North Carolina Society of Colonial Dames of America, of Wilmington, N. C., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of Wilmington, N. C., praying that an appropriation be made for the erection of a public building for the United States court, custom-house, and other maritime branches of the public service in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce and Industry, of Raleigh, N. C., praying for the enactment of legislation to provide a world market commission to consider ways

and means for enlarging the export in cotton products and other manufactures of the United States; which was referred to the Committee on Commerce.

He also presented a petition of Local Division No. 431, Order of Railway Conductors, of Greensboro, N. C., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Councils Nos. 112, 162, 3, 11, 58, 136, 75, 33, 178, 89, 66, 3, 1, of Rutherfordton, Vance, Glencoe, Stoneville, Roanoke Rapids, Kenly, Morrisville, Roberdel, Ashpole, Virgin Springs, Graham, Walkertown, and Raleigh, all of the Junior Order of United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. McENERY presented sundry papers to accompany the bill (S. 2528) for the relief of Mary E. Barrow; which were referred to the Committee on Claims.

Mr. SCOTT presented a petition of Local Grange No. 59, Patrons of Husbandry, of Sinks Grove, W. Va., praying for the passage of the so-called "pure-food bill," the parcels-post bill, for the retention of the tax on oleomargarine, and also that an appropriation be made for the construction of national roads; which was ordered to lie on the table.

Mr. CLAY presented a memorial of Atlanta Lodge, No. 354, Brotherhood of Railway Carmen, of Atlanta, Ga., remonstrating against the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the National Board of Trade, praying for the enactment of legislation providing Government control of interstate insurance; which was referred to the Committee on the Judiciary.

He also presented petitions of the United Lodge, No. 174, Brotherhood of Railroad Trainmen, of Altoona; of the Order of Railway Conductors, of Pittston; of Quaker City Lodge, No. 149, Brotherhood of Railway Trainmen, of Philadelphia, and of Local Lodge No. 85, Brotherhood of Railway Trainmen, of Easton, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to amend the Chinese-exclusion law by excepting from its provisions Chinese students, business and professional men, merchants, bankers, doctors, professors, and travelers, but rigidly enforcing that portion of the law prohibiting the admission of Chinese laborers; which was referred to the Committee on Immigration.

He also presented a petition of the National Board of Trade, praying for the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of the congregation of Trinity Church, of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. SPOONER presented a petition of sundry citizens of Ripon and Racine, in the State of Wisconsin, praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented petitions of 20 members of The Other Club, of the Connecticut Federation of Women's Clubs, of Danbury, Conn., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Grange, praying for the removal of the internal-revenue tax from alcohol rendered unfit for use as a beverage; which was referred to the Committee on Finance.

He also presented a petition of Kennebec Lodge, No. 343, Brotherhood of Railroad Trainmen, of Waterville, Me., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Kennebec Lodge, No. 343, Brotherhood of Railroad Trainmen, of Waterville, Me., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lake Seamen's Union, praying for the adoption of certain amendments to the so-called "ship subsidy bill;" which was referred to the Committee on Commerce.

Mr. KNOX presented a petition of the Pennsylvania Dairy Union, praying that an appropriation be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 355, Cigar Makers' International Union of America, of Honesdale, Pa., remonstrating against the reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Young Woman's Christian Temperance Union, of Pittsburg, Pa., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of New York, praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster in New York Harbor; which was referred to the Committee on Claims.

He also presented a petition of sundry clergymen of Wilkes-Barre, Pa., praying for the enactment of legislation to prevent gambling by interstate telegraphs and telephones; which was referred to the Committee on the Judiciary.

He also presented petitions of Lodge No. 337, Brotherhood of Railroad Trainmen, of Sayre; Lodge 610, Brotherhood of Railroad Trainmen, of Norristown; Lodge No. 42, Brotherhood of Railroad Trainmen, of Harrisburg; Nicholas Division, No. 229, Order of Railway Conductors, of Reading; Dubois City Lodge, No. 557, Brotherhood of Locomotive Firemen, of Dubois; Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburg; Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville; Lodge No. 149, Order of Railroad Trainmen, of Philadelphia; Enterprise Lodge, No. 75, Brotherhood of Locomotive Firemen, of West Philadelphia; United Lodge, No. 174, Brotherhood of Railroad Trainmen, of Altoona; Division No. 65, Order of Railway Conductors, of Pittston, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of May Flower Council, Junior Order United American Mechanics, of Derry; Yough Council, No. 132, Junior Order United American Mechanics, of Morgan Station; D. E. Wyatt, of Connellsville; Ernest Krause, of Connellsville; Iron Molders' Union No. 216, of Wilkes-Barre; Council No. 313, Order United American Mechanics, of Minola; Waynesboro Council, Junior Order United American Mechanics, of Waynesboro; Walter Frank, of Pittsburg; Jesse B. Orbin, of Bradford; H. G. Colbert, of Dawson; B. S. Forsythe, of Dawson; Daniel Webster Council, Junior Order United American Mechanics, of Johnstown; L. L. Parkhill, of Dawson; Tatamy Council, No. 159, Order United American Mechanics, of Easton, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Laurel Hill Grange, No. 1161, Patrons of Husbandry, of Milan; Summit Grange, No. 1155, of Summit; Burrell Grange, No. 515, Patrons of Husbandry, of Kelly Valley, and Union Grange, No. 1017, Patrons of Husbandry, of Charleston, all in the State of Pennsylvania, praying for the enactment of legislation to enable the farmers of the United States to use untaxed denaturized alcohol as a motor fuel in farm engines and for heating, light, and cooking purposes; which were referred to the Committee on Finance.

He also presented petitions of F. E. Lincoln, of Philadelphia; Hanna E. Neill, of Bradford; Fannie Mueller, of Bradford; Nellie A. Fonda, of Bradford; Duncan R. Mackenzie, of Oil City; Etta Emerson, of Beach Lake; Charles S. Carter, of West Chester; Miller M. Boyd, of Westtown; Young Woman's Christian Temperance Union of Pittsburg; Thomas S. Mellor, of West Chester; Charles Forsythe, of Chadds Ford; William Carter, of Chadds Ford; W. S. Clark, of Bradford; M. L. Ross, of Dilworthtown; Union Methodist Church, of Allegheny; Samuel Jamison, of West Chester; Woman's Christian Temperance Union of Lebanon; Janet M. Haywood, of Media; Charles M. Davey, of Beach Lake; F. J. Emerson, of Beach Lake; T. R. Barnes, of Beach Lake; E. B. Dickinson, of Beach Lake; R. B. Davey, of Beach Lake; Olive J. Barnes, of Beach Lake; Judson Davey, of Beach Lake; Wallace J. Barnes, of Beach Lake; Henry H. Van Gorder, of Beach Lake; J. Owen Oliver, of Beach Lake; and of sundry clergymen of Wilkes-Barre, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Germantown Chapter, Daughters of the American Revolution, of Germantown; Civic Betterment Association of Germantown; Tabitha Neithercott, of Philadelphia; Carl Barba, of Philadelphia; the Ephoc Club, of Pittsburg; the Towanda Historical Club, of Towanda; R. L. Glose, of Philadelphia; Emma H. Richut, of Chestnut Hill; the Woman's Club of Sewickley Valley, of Sewickley; Dr. H. G. Carmalt, of Pittsburg; Hazel Rusling, of Philadelphia, and

Edith M. Tevitmyer, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Second United Presbyterian Church of Wilkinsburg; Congregational Church of Susquehanna; First Presbyterian Church of Montrose; Woman's Christian Temperance Union of Susquehanna; Bridgewater Baptist Church, of Montrose; Methodist Church of Susquehanna; Holy Name of Mary Church, of Montrose, and Presbyterian Church of Honeybrook, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Christian Endeavor Society, Wakefield Presbyterian Church, of Philadelphia; Home Missionary Society, Methodist Episcopal Church of Tarentum; Mrs. Joseph S. Dodds, of Pittsburg; Levina Y. Meyers, of Pittsburg; John L. Cox, of Philadelphia, and of Oscal H. Alles, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of Alexander Young Company, of Philadelphia; Edward Trainer, of Philadelphia; Otto Frey, of Pittsburg; Thompson Distilling Company, of Pittsburg; Wolf, Siessel & Co., of Pittsburg; Louis J. Adler & Co., of Pittsburg; Rosskam, Gerstley & Co., of Philadelphia; William Mulherin Sons, of Philadelphia; Schwartz, Strauss & Co., of Philadelphia, and Emil Cauffman & Co., of Philadelphia, all in the State of Pennsylvania, remonstrating against the clause in the so-called "pure-food bill" requiring formula to be printed on packages containing blended liquor; which were ordered to lie on the table.

He also presented the petitions of E. M. Mellor, of Germantown; J. A. Cuerten, of Philadelphia; H. W. Decius, of Philadelphia; R. E. Gill, of Philadelphia; Edward Pennock, of Philadelphia; M. Lewis, of Philadelphia; M. Maukre, of Philadelphia; H. D. Weaver, of Philadelphia; H. H. Cresson, of Germantown, and L. J. Hutchinson, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of ligislation granting separate statehood to the Indian Territory; which were ordered to lie on the table.

Mr. McCUMBER presented a memorial of the North Dakota Retail Hardware Dealers' Association, remonstrating against the adoption of proposed changes in the classification of third and fourth class postal matter, and also against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

PURE-FOOD BILL.

Mr. McCUMBER. I present resolutions of the American Baking Powder Association in support of the pure-food bill. I only desire in presenting the memorial to call attention to the fact that of all the food manufactures that have been attacked most viciously perhaps not one has been so viciously and so persistently attacked as the product of the American Baking Powder Association. Unlike many of those who are manufacturing foods, this association are desirous of being protected by a pure-food law, feeling certain that their product will answer every requirement.

I ask that the memorial be referred to the appropriate committee and that it be printed in the RECORD.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. McCUMBER. Let it lie on the table, then.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Whereas the American Baking Powder Association, composed of those manufacturers of baking powder using basic aluminic sulphate as an ingredient of their powders, representing 85 per cent of the total baking powder sold throughout the United States, desiring to place itself unequivocally on record as in favor of a national pure-food law, herewith submits resolutions unanimously passed by it, tendering its cooperation and support to the pure-food movement in general and urging the passage of a stringent pure-food law, which shall, in its provisions, regulate the manufacture and sale of baking powders.

Resolved, That it is the sense of the American Baking Powder Association, composed of manufacturers and representing 85 per cent of the production and sale of baking powders throughout the United States, that it most heartily indorses the movement in Congress for a national pure-food law and urges the members of the United States Senate and the House of Representatives of the United States to enact into law one of the measures now pending.

Resolved further, That as this association has given its unqualified indorsement for several years to the bill introduced by Senator McCUMBER in the United States Senate and to the bill introduced by Representative HEPBURN in the House of Representatives, that it hereby specifically urges the passage of either of these measures; and

Resolved further, That the president and secretary of the American Baking Powder Association be instructed to transmit to Senator McCUMBER and Representative HEPBURN copies of these resolutions, that they may become a part of the public records.

AMERICAN BAKING POWDER ASSOCIATION.
CHAS. E. JAQUES, *President.*
[SEAL.] A. CRESSY MORRISON,
Secretary-Treasurer.

Mr. McCUMBER. I present a memorial of the Commissioners of Agriculture of the Cotton States, assembled at Richmond, Va., November 26, 1905, urging on the United States Senate the importance of taking up for consideration and passing at the present session a pure-food bill. I ask unanimous consent, as it is very short, that it be read, and that it lie on the table.

Mr. HALE. Let it be printed in the RECORD without reading.

Mr. McCUMBER. If there is objection, of course I will not ask that it be read.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Memorial to the United States Senate.

To the Senate of the United States in Congress assembled:

Whereas at a meeting of the commissioners of agriculture of the cotton States, held in Richmond, Va., November 26, 1905, a resolution was passed appointing a committee to draft a memorial to the Senate of the United States respectfully urging upon that honorable body the importance of taking up for consideration and passage at its present session the Hepburn pure-food bill, now pending before it;

Therefore in compliance with the terms of this resolution, the committee does most respectfully urge upon your august body the importance to the people of the whole country of your early consideration of this long delayed but highly important measure. We do most earnestly memoralize you that it is the sense not only of the convention which we directly represent, but also of the great majority of the people of the cotton States, represented by their commissioners of agriculture, that the passage of this bill, or some similar legislation, is most urgently needed; that the delay and refusal of Congress to enact such legislation up to date, after long and thorough investigation, operates by way of example as a bar to the passage of pure-food legislation by those States having no actively enforced laws, and affords argument to the interested opponents of such legislation.

That the adulterator, protected by the failure of Congress to act, securely plies his trade by manufacturing his dishonest wares in one State and shipping in original packages into other States;

That meanwhile the consuming public is suffering not only by reason of the frauds perpetrated on their purses, but also in health by the substitution of the impure for the pure;

That the standard of commercial honesty is lowered and that the business of honest traders, merchants, manufacturers, and producers is threatened and in many cases ruined by the unscrupulous and unprincipled competition of the adulterator;

That the growth and development of many young and promising agricultural industries, such as the milk, butter, cheese, sirup, honey, and fruit industries in the Southern States are seriously retarded and hampered by dishonest competition and lack of protective legislation.

Praying that your honorable body may lend an attentive hearing to this our memorial, we most respectfully subscribe ourselves.

JNO. M. McCANDLESS,
State Chemist of Georgia,
R. E. ROSE,
State Chemist of Florida,
B. W. KILGORE,
State Chemist of North Carolina,
E. W. MAGRUDER,
State Chemist of Virginia,
Committee.

PROTEST AGAINST UNION OF ARIZONA WITH NEW MEXICO.

Mr. PATTERSON. There was a commission of twenty or more persons appointed by the Territory of Arizona to visit Washington to do what they could to prevent the passage of the bill to unite Arizona to New Mexico for statehood. That commission has prepared a memorial to the Senate upon the subject, which is short, and I hope that the memorial may be read. Also a statement of facts in connection with the status of Arizona accompanies the memorial. I should like to have both the memorial and the statement printed in the RECORD, and published as a Senate document for the information of Senators in connection with the bill for the creation of the new States.

Mr. HALE. The Senator from Colorado does not ask that they be read?

Mr. PATTERSON. I should like to have the memorial read, which is short.

Mr. HALE. And the other paper is to be printed without reading?

Mr. PATTERSON. Yes; I simply ask that the short memorial may be read.

Mr. HALE. Very well.

Mr. PATTERSON. There are only twenty-odd names attached to the memorial. I trust the names will be printed with the memorial in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

There being no objection, the memorial was read, as follows:

A memorial to the United States Senate from delegates from Arizona in Washington opposing the bill for the union of Arizona and New Mexico in a single State.

To the Senate of the United States:

As the delegates of the people of Arizona, coming to Washington from all sections of our Territory as the chosen representatives of a loyal American people to express their earnest and determined opposition to the proposed union with New Mexico, we respectfully submit

the following reasons for the unalterable opposition of the citizens of Arizona to this unjust measure, which we believe violates the very principles of the Constitution:

First. The opposition of at least 95 per cent of the people of Arizona as proved by the written protests of nearly every social, religious, political, and business organization within our Territory, and the petitions of protest signed by many thousands of our citizens.

Second. The promise by Congress in the enabling act that the autonomy of Arizona should be preserved.

Third. The decided racial differences between the people of Arizona and the large majority of the people of New Mexico, who are not only different in race and largely in language, but have entirely different customs, laws, and ideals, and would have but little prospect of successful amalgamation.

Fourth. The radical and irreconcilable differences in laws, legal customs, and procedure of the two Territories.

Fifth. The fact of unquestioned proof that Arizona is developing most rapidly and substantially both in resources and population, the permanency and high character of its population, and the certainty that through the development of its great natural resources and the immense benefit to be derived from the Government irrigation works now under actual construction within its borders that Arizona will eventually reach such proportions both in resources and population as will warrant Congress in urging its admission to the Union as an independent State.

Sixth. A dual set of excellent public buildings existing throughout both Territories, the value of which would be largely destroyed by the proposed merger.

Seventh. The unwieldy size of the proposed joint State, and consequent great expense in conducting a State government, and the rugged and volcanic character of a large portion of the country existing between the settled communities of the two Territories.

Eighth. The exceeding difficulty of a proper adjustment of the debts of the two Territories, certain counties in New Mexico being practically bankrupt and their securities at a great discount, while Arizona's securities, Territorial, county, and municipal, are well above par and of the highest character.

Ninth. The objection by the people of Arizona, 95 per cent of whom are Americans, to the probability of the control of public affairs by people of a different race, many of whom do not speak the English language and who outnumber the people of Arizona two to one, while the assessed valuation of Arizona exceeds that of New Mexico by over 33⅓ per cent.

In view of the foregoing reasons we request that the joint statehood bill now before the Senate be amended by striking out of the bill all reference to Arizona. If, however, an expression at the polls is deemed desirable and necessary, we urge that the bill be amended to provide that before the holding of the constitutional convention the question of joint statehood, free from any other issue, be submitted to the qualified voters of Arizona and New Mexico, voting separately at a special election called for that purpose only, to be held on the same day in both Territories, and unless approved by a majority of the qualified voters of each Territory no constitutional convention for the purpose of creating a joint State shall be held.

Respectfully submitted.

Dwight B. Heard, Phoenix, Ariz., irrigation farming and investment securities; Roy S. Goodrich, Phoenix, Ariz., attorney; James J. Riggs, Dos Cabezos, stockman; Alfred Quetu, Prescott, Catholic pastor; W. S. Sturges, Pima County, cattleman; Lee Crandall, Globe, miner; D. J. Brannen, Flagstaff, physician; Georget French, Nogales, attorney; W. H. Brophy, Bisbee, banker; L. R. Pintle, Douglas, banker; B. H. Packard, Naco, live stock and agriculture; Edgar S. Campbell, Prescott, mining; A. J. Doran, Prescott, mining; Frank R. Stewart, Prescott, Daily Journal Miner; Robt. E. Moss, Prescott, lawyer; B. A. Fowler, Phoenix, rancher; Harvey M. Shields, by D. B. H., Bisbee, Episcopal clergyman; Eugene Brady O'Neill, by D. B. H., Phoenix, lawyer; A. J. Chandler, Mesa, irrigation.

The VICE-PRESIDENT. The Senator from Colorado requests that a certain statement of fact accompanying the memorial just read be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Reasons in detail why Arizona should not be associated with New Mexico in statehood, proposed and submitted by delegates from Arizona and to accompany their memorial.

After more than forty years of existence as an independent Territory, Arizona is now confronted with the prospect of the destruction of autonomy and the loss of her identity by being forced into joint statehood with New Mexico; this in the face of the promise of Congress made in 1863, that Arizona should eventually be admitted as a State on her own application. The people of Arizona are unalterably opposed to joint statehood. We prefer to remain inhabitants of a Territory for all time rather than be annexed to New Mexico. We earnestly desire statehood, but not as provided in the present bill.

We have redeemed this fair land from the Apache and the desert at a great sacrifice of life and labor, and we believe our wishes should be considered.

Arizona has a population that is intelligent, patriotic, and sincerely devoted to the Constitution and the principles of liberty as set forth in the Declaration of Independence, the peers of any people under the flag.

Herewith we present reasons why our cause is just and why we should be permitted to work out our own destiny and not be compelled to accept jointure as proposed by the bill now under consideration by the Congress.

OPPOSITION OF THE PEOPLE OF ARIZONA TO THE PROPOSED JOINTURE WITH NEW MEXICO.

The people of Arizona are practically unanimous in their opposition to joint statehood with New Mexico, and the numerous protests now before Congress of nearly every organization within the Territory of Arizona and the protesting petitions signed by thousands of Arizona's people are certainly conclusive proof of the determined opposition of the people of Arizona to the proposed jointure.

A list of some of the many petitions of protest which have been presented to Congress on this subject is appended hereto.

A most interesting and clear expression of the intense feeling of the people of Arizona on this question occurred at the last day of the Annual Territorial Fair, held at Phoenix December 30, 1905. The low rates made by the railroads had brought all classes of people to the fair grounds from every section of the Territory, and the grand stand, holding over 3,000 persons, was packed with a thoroughly representative crowd of Arizonians. In order to ascertain what the real sentiment of these people was on the subject of joint statehood a short resolution protesting against the joint statehood bill was read through a megaphone, and all who were opposed to joint statehood were asked to rise. The grand stand rose as one man. In order to learn whether the above action was merely a temporary sentiment or the expressions of the real feeling of the people, fifty men, who had volunteered for the purpose, passed through the grand stand with petitions reciting the opposition of our people to joint statehood. This petition within thirty minutes was signed by over 3,100 persons and has already been presented to Congress. All those circulating this petition kept a careful poll of persons who refused to sign. Every person in the crowd was approached, and the poll shows that less than 2 per cent of those to whom the petition was presented failed to sign the same.

We therefore believe that we are perfectly safe in saying that the 98 per cent who signed the petition fairly reflects the sentiment of the people of Arizona on this question.

The feeling of our people on this subject was shown again by the result of the circulation on the streets of Phoenix, January 3 and 4, by one of the members of our delegation, of a petition of protest, which has also been presented to Congress.

In the two days referred to 1,200 signatures to the petition were secured, and a careful poll kept of those who refused to sign shows but seven names. Of the fifty-three newspapers published in Arizona, all but four are opposed to joint statehood.

Arizona is not asking Congress for statehood. She is asking only to be left alone, with an opportunity to work out her own destiny within her own boundaries and with her well-organized American institutions. Inspired by those courageous American ideals which have made the winning of the West possible, the people of Arizona have no fear of the future.

CHARACTER OF ARIZONA'S POPULATION.

Arizona's population is distinctly American, composed of people from all parts of the United States and the best type of immigrants from other countries. Their ideals of social conditions, Christian civilization, modern progress, and future development are of the highest. The census of 1900 shows the percentage of white illiterates, including Mexicans, to be but 6.2. Seventy-five per cent of our teachers are graduates of higher institutions of learning. One reason for this gratifying condition is that our teachers are paid higher salaries than in any State in the Union. County school teachers receive $75 per month or more. Arizona spends more per capita on her public schools than any State except Texas.

Kindergarten and manual-training schools are found in all parts of the Territory. Our common schools are graded and there are high schools in every city in the Territory. Our two normal schools, the Territorial University, and the Catholic Academy are well patronized, and under the careful, conscientious, and efficient instruction of an excellent corps of professors and assistants. We also have many prosperous schools of music and art and business colleges. The Government maintains a number of Indian schools, one of which, at Phoenix, is second largest in the country. Our industrial schools and penitentiary are under efficient management.

The Territorial teachers' convention, held in December, 1905, attended by more than 200 teachers, voted unanimously against joint statehood with New Mexico.

The following table illustrates the splendid growth in educational facilities:

	1895.	1905.	Increase in ten years.
			Per cent.
School census	15,201	29,290	92.6
Schools	219	523	139.2
Teachers	314	538	121.3
Expenditures	$201,357.89	$533,668.19	165
Properties	$414,447.00	$925,033.00	123
Bonded indebtedness	----------	$425,407.83	----------
Excess value of property over indebtedness	$414,447.00	$499,625.17	----------
Total expenditures, 1895 to 1904, inclusive	----------	$3,557,784.11	----------

Our churches—Catholic, Protestant, and Jewish—have as conscientious, zealous, and intelligent workers, clerical and lay, as are found in towns and cities of equal population in any section of the country. A deep interest is taken by their ministers and religious members in the intellectual and social development of the people—in fact, society is as highly organized as in any eastern community.

Attention is directed to the following figures, taken from the report of the governor of Arizona, just issued:

	1895.	1905.	Increase.
			Per cent.
Churches	103	171	66
Preachers	111	254	128.8
Members	11,562	47,622	311
Sunday-school scholars	6,147	22,124	259
Properties	$594,900	$936,732	57

MINING.

Mining is one of the great and rapidly developing industries of our Territory. There is but one county in the whole Territory that does not produce mineral in paying quantities. We in Arizona have demonstrated that our ore bodies are continuous and increase in value with the greater depths obtained, showing that the life of our mines, and especially of the copper mines, to be almost limitless. Many of the copper mines have from fifty to seventy-five years' work in sight. To give an idea of the progress that has been made during the past decade, we refer briefly to the production of copper during that period. In 1894 we produced in Arizona 44,514,894 pounds of copper. In 1905

the production of copper had increased to 241,400,000 pounds, which, at the present value of copper, is worth $40,000,000, an increase of 600 per cent in eleven years. There is not a State or Territory in the Union that can show so large a percentage of increase. It is safe to assert that within the next five years Arizona will produce more refined copper than any other State or Territory in the Union, and copper mining in Arizona may be said to be still in its infancy, although we are even now second in production. We produce annually approximately $5,000,000 in gold and about $1,500,000 in silver; thus we have for 1905 a production, in round numbers, of over $45,000,000 of precious and useful metals. This does not include about one-half a million a year which we receive for lead, zinc, tungsten, onyx, asbestos, platinum, and other minerals which have not as yet been developed as they will be in the near future.

We submit, in comparison with the above statement, the production of New Mexico for the year 1904, which shows their high-water mark in the production of these minerals: Copper, 5,366,666 pounds; gold, $381,930; silver, $124,103. It is unnecessary to comment on this comparison. It can readily be seen that it is a splendid proposition for New Mexico to absorb the Territory of Arizona.

In the operation of the mines of Arizona and the reduction of ores all modern appliances and methods are employed. The miner is a skilled laborer and commands wages ranging from $3 to $4.50 for eight hours' labor. He is generally married, with a fixed domicile, and belongs to our best class of citizens. A very large proportion of the miners own their homes.

The mining camp of to-day exists only in remote regions. We now have mining cities. For example, one of them, Bisbee, within the next five years will rival Butte City, Mont., in population and wealth. Its population in 1900 was 7,000; to-day it is over 15,000.

As an indication of the permanency of these mining cities, such as Bisbee, Douglas, Prescott, Morenci, Clifton, Globe, Jerome, and others, the history of the towns in the lake copper regions of Michigan can be referred to, which history shows that deposits of copper will produce for long periods of time. The early lumber buildings are being replaced by substantial and handsome structures of brick and stone.

AGRICULTURE AND IRRIGATION.

The development of agriculture by irrigation in the valleys of Arizona is one of the wonders of the West; a quarter of a million acres are now cultivated within the territory, served by many canals, whose combined length is 1,776 miles. New canals are in course of construction wherever water is available for irrigation, and this is but the beginning of Arizona's irrigation development, for, in addition to the water at present diverted for irrigation, the United States Government, under the wise provisions of the national reclamation act in constructing in Arizona two immense storage reservoirs, one near Phoenix, for the benefit of the wonderfully fertile lands of the Salt River Valley, and the other near Yuma, for the benefit of lands along the Colorado River Valley, largely in Arizona, which, when completed, will add immensely to the cultivated area of the Territory, and as there are millions of acres of magnificent land lying under these projects, no one can tell, as more economical and scientific methods of irrigation are employed, what proportions the irrigated area may reach.

The following extract from a recent statement by the Director of the Geological Survey gives some idea of the certainty of our great growth in this direction:

Irrigation in Arizona, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
Streams:		
Colorado River and tributaries, exclusive of Little Colorado River and tributaries and Gila River and tributaries	274	10,661
Little Colorado River and tributaries	456	11,776
Gila River and tributaries, exclusive of Salt River and tributaries	1,669	80,448
Salt River and tributaries	1,293	138,810
White River and tributaries	6	384
Other sources:		
Springs	41	1,061
Wells	128	4,110
All sources	3,867	247,250

Statement made by the Director of the Geological Survey, in January, 1906, shows as follows:

"The Reclamation Service has under consideration a number of projects in Arizona, upon two of which actual construction has commenced. They are as follows:

"Salt River project, which will increase the irrigated area in Salt River Valley by 100,000 acres; Colorado River projects, 300,000 acres; Little Colorado, 80,000 acres; Upper Gila, 40,000 acres; San Pedro, 20,000 acres, or a total of 530,000 acres.

"Recent investigations indicate the possibility of extending irrigation in the plateau regions of the north and elsewhere by pumping to cover approximately 100,000 acres more.

"It is also believed that dry farming can be extended over certain areas of the plateau region to cover many thousand acres, but no estimate can at this time be given as to the extent.

As shown by the above estimates, it seems reasonable within the next generation to bring about irrigation in Arizona of a total of 887,000 acres, or more than three times as much land as is now irrigated.

"Comparisons of the present irrigated areas with the areas to be irrigated under the reclamation act are subject to qualification, on account of several important considerations. The areas now under irrigation are in most cases dependent upon a precarious water supply, and the lands produce only a portion of the products which will be grown with a complete water supply. Under the projects constructed in pursuance of the reclamation act an ample water supply will be available, making it possible for a larger number of people to make a satisfactory living upon corresponding areas. All of the areas reclaimed under the national reclamation act will be in small farm units, thus materially increasing the number of families. There are in the more densely settled parts of the country localities where the irrigated lands support a person to the acre."

It will be observed from the foregoing that nearly a million acres will be highly cultivated in Arizona with the known water supply by irrigation alone—nearly as much land as lies within the entire State of Delaware.

The fact that the climate of the principal valleys of Arizona is such that crops can be grown continuously the whole year under a system of water storage, with a soil of great depth and richness and continuously fertilized by nitrogenous silt from the mountains, makes it possible to maintain a large population on a comparatively small area. When the storage reservoir near Phoenix is completed, it is conservatively estimated that the Salt River Valley will have an intensively cultivated irrigated area of over 200,000 acres—larger than all the irrigated land in southern California south of Tehaticipi Pass, which supports such populous cities as Los Angeles, San Diego, Pasadena, Redlands, and Riverside. The great variety and character of the crops, many of which can be grown only in a limited area in the United States, makes these irrigated lands highly desirable to the best class of home seekers. Not only the staple crops of wheat, barley, rye, potatoes, corn, and alfalfa (of which six crops can be produced in one year) and most of the deciduous fruits are grown, but the semitropical fruits—such as lemons, oranges, figs, pomegranates, dates, olives, and grape fruit—are grown with marked success.

The Arizona oranges being first in the New York market, bring double the price of the California oranges and have won first premium at the California midwinter fair. The early cantaloupes grow most prolifically, whole fields having averaged as high as $300 per acre in one season. Sugar beets grow to perfection and have a high percentage of sugar. On account of the dry atmospheric conditions the beets kept well in the ground for many months, making it possible for a factory to operate almost continually. A 1,000-ton beet-sugar factory is already being constructed near Phoenix and others are contemplated. Many flour mills of the most modern equipment are in operation in all the irrigated sections, furnishing an excellent quality of flour, which is shipped throughout the Territory.

The great diversity of crops in our irrigated valleys makes possible a very large population to the square mile. In some portions of the Salt River Valley to-day, with an unregulated water supply, twenty-five to thirty families to the square mile are being supported, and through more intensive cultivation, which will be possible when the Government storage works are in operation, the number of persons to the square mile will be greatly increased. The rapidly growing mining cities and towns in the mountains of the Territory furnish a convenient and ample market for the agricultural products of the valleys. Dairying is one of the growing industries, and in the Salt River Valley alone six creameries are in operation with a daily output of nearly 3,000 pounds of butter. Honey of the highest quality is also produced in great quantities, the honey association of one valley having shipped thirty carloads last year. The raising of poultry and eggs is another rapidly growing industry, the demand being far in advance of the supply.

It is practically impossible to get an accurate estimate of the annual agricultural production of the Territory. Its value certainly reaches many millions and is steadily increasing.

In addition to the surface water, which, as above estimated, will supply 1,000,000 acres of land, there are large lakes of water beneath the surface of the ground. This statement is not made on speculation, but is based on the facts as determined by borings made in several valleys and reported by the Geological Survey in a recent report, and to-day thousands of acres in Arizona are in successful cultivation through the application of water pumped from these underground sources. A comparatively small part of the water that falls upon the mountain side is carried away in the surface streams. It flows largely beneath the ground and finally percolates into the lower plains, which in many cases are surrounded by mountains, thus forming natural reservoirs. In all the far-reaching plains the soil is of great depth and fertility, beneath which is an impervious stratum of cemented clay which holds the water under pressure. When this is cut through, the water rises sometimes to the surface in flowing wells and in almost all cases to within 15 to 50 feet of the surface. This water is raised by centrifugal pumps operated either by steam or electrical power generated in the mountains. It is impossible to estimate the area that can be irrigated by this method, but speaking conservatively it has already been determined that in some of Arizona's valleys from 20,000 to 50,000 acres can thus be reclaimed, and it is fair to presume that of all the hundreds of valleys and plains in Arizona, with their many millions of acres, the irrigated area can and will be vastly increased from this source.

In addition to the land that can be irrigated, there is a large area which can be farmed without irrigation. This has gone beyond the experimental stages in Kansas, Nebraska, Colorado, Wyoming, and Texas, where the rainfall is no greater than in a large area of northeastern and southeastern Arizona. Successful experiments in dry farming in Arizona have already been made, where large orchards are located in the north, of the finest grades of apples, which find a market reaching even to London.

COMMERCIAL AND BANKING DEVELOPMENT.

In treating this subject the statistics are not available except in relation to the banking interests. We are, therefore, obliged to rely upon our general knowledge of merchandise in Arizona to place an estimate upon the stocks of merchandise carried and the volume of business transacted per annum. In the past five years the growth of Arizona from a purely commercial standpoint has been the wonder of the entire West. The attention of northern and eastern capitalists has been drawn to her resources, especially her undeveloped mining lands, and the investments of large sums of capital in the mining regions and the successful development of paying properties has stimulated the merchandise and banking interests in a marvelous manner. It is not alone the development of the mines that has caused this prosperous condition, but of our stock raising, agricultural, and horticultural resources, which bring in a steady stream of home seekers of a very desirable class, who find the soil of Arizona extraordinarily productive.

As an example of wonderful growth in business lines, in 1901 in one of our mining cities there was only one bank, with a capital of $25,000. To-day there are three banks, the combined capital and surplus of which amount to $320,000 and with deposits of $2,350,000. In this one town there are thirty-six prosperous merchants, whose stock of goods total $1,000,000, and whose annual sales exceed $4,000,000. But one failure has occurred within the past three years.

Some years ago the representatives of eastern manufacturers and jobbing concerns on their semiannual visits to the Pacific slope rarely stopped at Arizona points, but now they consider the trade of these places such a valuable acquisition that they call at every town of

importance in the Territory and carry away with them large orders that formerly went to Pacific coast houses. The modern department store has made its appearance, and buildings, the cost of which range from $60,000 to $150,000, have been erected at Morenci, Bisbee, Douglas, Tucson, Phoenix, Prescott, and Flagstaff, and stocks of merchandise embracing endless variety give a selection that vies with similar establishments in the large cities of the Eastern States.

As stated before, it is very difficult to get at the exact amount of money invested in merchandise by the merchants of Arizona, but a conservative estimate would place the figures at $12,000,000, with sales of at least $30,000,000 per annum. According to the report of the governor of Arizona for the year 1905, there are eleven national banks and eighteen Territorial banks in the Territory, having a combined capital and surplus of $2,122,675, and showing individual deposits of $10,000,000. These banks carry a cash reserve of about 40 per cent of their deposits. The governor's figures are taken from the banks' statements issued as of June 30, 1905, since which date have been made heavy increases in deposits and accumulation of surplus. To-day the individual deposits will total at least $12,000,000 and the capital and surplus reach $2,250,000. Only one bank failure has occurred in Arizona during the past ten years, and that was for a very small amount. The stability and careful management of the banking institutions of the Territory is a fact of which its citizens are proud.

THE LIVE-STOCK INTEREST OF THE TERRITORY.

By a careful calculation of statistics obtained from the Government's annual report for 1905, the census numeration, and other evidence at hand, a very close estimate can be made of numbers, and from market reports values are readily obtained. There are of cattle in the Territory 750,000 head, valued at $16 per head, making $12,050,000. Of horses, 25,000 head, at $40 per head, making $1,000,000. Of sheep, 1,000,000 head, valued at $3 per head, $3,000,000. Of goats, 75,000 head, valued at $2.75, making $206,250. These values are at least conservative, for of the 70,000 sold and removed from the Territory in 1905 the average price was $3.75 per 100 pounds gross weight f. o. b. at point of shipment, and it is reasonable to suppose those consumed in the Territory, about 60,000 in number, were in value about equal to those sold to go out of the Territory. So that it is safe to say that the 130,000 head of cattle disposed of during the year 1905 brought, in round numbers, $4,810,000.

The cattle and sheep, and, in fact, all stock are largely produced from the ranges. The cattle, however, are taken from the ranges to alfalfa fields of the different valleys for finishing. Alfalfa grown in Arizona, according to the reports of the Government experimental station, has fattening qualities exceeding that raised in any other section. It is a well-known fact that one ton of Arizona-raised alfalfa is worth two tons of that raised in Kansas or in California as a beef producer. Our finished animals are fitted for any market in the world, and some of these fancy export beeves have been fattened in Arizona on alfalfa alone. The plan is to take the cattle from the range in the fall of the year, after having put on all the flesh possible by grazing on the native grasses, then place them in the alfalfa pastures for a reasonable time, and under ordinarily favorable conditions, from two to four months, feeding prepares an animal for the market.

The grade or class of stock in Arizona compares favorably with the best of any State. At the first annual Territorial fair, held at Phoenix in December, 1905, our live-stock display would have been a credit to any community, and was highly complimented by numerous stock judges of the Middle West. Bulls and heifers were exhibited that had taken premiums at other State exhibits. As good sheep and hogs as could be found in any State were on exhibition. The horse, jack, and mule exhibit was particularly good, there being some of the most renowned harness stallions and mares present. In the heavy-horse exhibit a stallion, a blue-ribbon winner at the Royal Stock Show at Kansas City, held there in October, was a prominent feature of the exhibit, besides other good ones of great quality, and mares in the exhibit that were second to none in the United States.

A St. Louis first-prize senior champion jack, together with other prize-winning jacks, was on exhibition, and a class of young mules that would do credit to any State fair in the United States, and all the property of resident Arizonians and now in service. Fine Hereford and Durham bulls, the product of the best breeders, are steadily being brought into the Territory for the improvement of the cattle on the range, while high-grade Jersey, Holstein, and Galloway bulls are being brought in for the improvement of the valley cattle. The possibilities of this industry in Arizona can not be computed, for with Government control of the ranges, which is now being considered by the Department of Agriculture and the Department of the Interior, and the plan for which is being acquiesced in by the Arizona range owners, will make it possible for a man to lease at a nominal price the range he occupies, and the stockman will improve his holdings by fencing and developing water, thereby making it possible to raise three animals where only one is now produced.

It has been repeatedly asserted that "the opposition of the cattlemen of Arizona to joint statehood is prompted by the desire to retain control of the vast open ranges in this country." That this proposition is absolutely false is proven by reference to the resolutions passed against joint statehood by the Cattle Growers' Association, and to page 14 of Bulletin No. 62, entitled "Grazing on the Public Lands," recently issued by the Department of Agriculture, wherein it will be seen that 90 per cent of the cattlemen of Arizona are in favor of Government control of the ranges under reasonable regulations.

This, together with the increased production of alfalfa and grains of every description after the installation of the Government reservoirs and canals, will make Arizona one of the greatest stock-producing States in the Union.

LIVE-STOCK SANITARY CONDITIONS.

The general sanitary and health conditions of the live stock of the Territory has been excellent, due to the stringent laws that are in force and the efficient manner in which they have been administered. This branch of the work is in the hands of a Territorial live-stock sanitary board. No outbreaks of any contagious diseases have occurred, and isolated cases that have been discovered and promptly dealt with have been traced to outside sources. Under the regulations in force all importations of live stock are subject to inspection by the Territorial veterinarian when, in his opinion, such inspection is necessary, and a complete history of the live stock imported is at all times available for reference. Owing to the statutory safeguards that have been provided, Arizona is practically free from the stringent Federal restrictions placed on nearly all the range States and Territories.

SHEEP RAISING.

Climatic conditions and topography of the country make the raising of sheep in Arizona one of the most profitable of industries. They are handled in bands of 1,000 to 3,000, which graze on the mountains in summer and the valleys in winter. The annual increase is over 100 per cent and disease in the flocks is practically unknown. The freedom with which sheep roam and the excellent nutritious grasses upon which they live make a quality of mutton which far surpasses that found in the East and commands the highest market price. Nearly all the men engaged in raising sheep have doubled the money invested by the profits of the last three years. Much attention is given to breeding, and practical results are shown in increase of size, weight, and the length and quality of the wool. Fully 1,000,000 sheep, producing 5,000,000 pounds of wool annually, worth, at prevailing prices, $1,000,000, are grazing on Arizona's ranges. In no part of our country is the business of raising sheep more inviting and successful than in the Territory of Arizona, or those engaged in it more desirable as citizens.

In addition to cattle, horses, and sheep, Arizona is noted for its ostrich farms. Several are now in successful operation, one farm having over 1,100 birds under fence. This industry is developing along most satisfactory lines commercially and promises to be one of the successful industries of the Territory.

TIMBER RESOURCES.

The vastness of the timber lands of Arizona can better be appreciated when it is known that Arizona has one of the largest unbroken forests in the world, comprising a total acreage of 23,726,000, nearly one-third of the Territory, an area larger than Connecticut, Delaware, New Hampshire, and New Jersey combined. About one-half of this can not be classed as saw timber, but is equally valuable for fuel; being mostly cedar, juniper, and scrub oak. Seven million two hundred and forty-two thousand one hundred and seventy acres are in Government forest reserves (nine in number) and the greater part of the remaining acreage is at the present time withdrawn from entry, and known as the "Proposed Rio Verde Forest Reserve." Much of this timber is now inaccessible by reason of the lack of railroad facilities. The production of lumber on an extensive scale is confined to two lumber companies operating at Flagstaff and Williams, Ariz. The total production for the year ending June 30, 1905, amounted to 57,500,000 feet. There is a great demand for our lumber which is increasing from year to year by reason of the depletion of the white-pine forests in the lumber States of the East, and it is only a question of a very few years when Arizona will be recognized as one of the greatest lumber-producing States or Territories in the Union.

MANUFACTURING AND ITS POSSIBILITIES.

Arizona has a magnificent future in the line of manufacturing development. Throughout the entire Territory are found large and valuable deposits of iron, copper, and all kinds of building stone, including onyx, granite, marble, tufa, and sandstone. This development will undoubtedly be brought about by the utilization for power purposes of the waters that flow in the various streams and rivers of the Territory. In the northern part of Arizona the Colorado River flows through a tremendous chasm over a mile deep. All along the river are found rapids, and in a great many places it is practicable to develop water power and generate electricity. Unlimited power can be derived by this means and transmitted to the mines, the lumber mills, the quarries, and can also be used on the mesa and table-lands for pumping water for agricultural purposes. In California electricity developed from mountain streams is transmitted 250 miles. Throughout the Territory are numerous natural dam sites where the waters can be impounded and utilized for the purpose of generating electricity. At the junction of the Salt River and Tonto Creek the Reclamation Service of the United States Government is now engaged in the construction of the great Tonto dam. Five thousand horsepower is here being developed, and this will be multiplied many times as it is brought down into the Salt River Valley.

This power can be used for the purpose of manufacturing our enormous wool clip, the products of our forests, and in completing the manufacture of the output of our large copper mines. With the coming of transportation facilities it can truthfully be said that Arizona, solely by means of the utilization of her streams and impounded waters, can be made a great manufacturing and industrial section of the United States, the raw material being found there in unlimited quantities.

TRANSPORTATION.

Arizona has within her borders 1,230 miles of railroads, the Southern Pacific traversing the Territory in the south from east to west and the Santa Fe system in the north. From these two great lines radiate many small feeders. This furnishes transportation to most points in the Territory. Several new lines of railroad are now in actual course of construction. In many of the cities we have electric street railroads. In three of our cities new electric systems are being built and will be completed during the year. Our county roads are the pride of Arizona, and furnish a means of transportation in all parts of the Territory. Hundreds of thousands of dollars have been and are being spent on roads to the mines, and Territorial appropriations for large sums have been made to aid in building public roads and bridges.

PUBLIC INSTITUTIONS.

The Territory has an asylum for the insane, located at Phoenix, on a site containing about 160 acres of good farming land, which is mainly cultivated by the inmates of the institution. The buildings are spacious, well adapted for the purposes intended, and cost the people of the Territory about a quarter of a million dollars. Everything is done that can be done for the care and maintenance of the unfortunate inmates.

An industrial school, located at Benson, was erected at a cost of about $100,000, and is maintained for the care of incorrigible youth.

The Territory maintains a prison at Yuma, which has cost nearly half a million dollars, and is conducted upon the most approved lines for the government of such an institution.

The Territorial capitol at Phoenix, erected entirely at the cost of the Territory, in architectural beauty and general appointments compares very favorably with the capitols of many of the States. The surrounding grounds are beautiful and well kept. All our public buildings are well designed and adapted for the purposes intended and a source of public pride. What will become of these under joint statehood?

GEOGRAPHICAL REASONS AGAINST JOINTURE.

Arizona and New Mexico together have an area of over 235,000 square miles, more than five times the area of New England. From Phoenix, near the center of Arizona, to Santa Fe, the capital of the

proposed new State, by rail is 651 miles. It costs $30 and requires twenty-eight hours to get there. From Yuma, Ariz., to Santa Fe is 791 miles, costs $40.25, and requires thirty-two hours to make the trip. (See Appendix for other comparisons.)

Hogback mountain ranges separate most of the settled communities of Arizona from those of New Mexico. The Continental Divide lies in New Mexico, some distance east of the Arizona boundary. The rivers flowing west of it cut through deep canyons, while the general character of the surface of the country becomes more rugged as it rises toward the west. On the Arizona side of these mountains there is an abrupt drop of from one to several thousand feet over titanic cliffs formed by huge tilted blocks. This formation extends north from Steins Pass, where the Southern Pacific crosses in the south, nearly to the Santa Fe in the north, and between these two railroads it is impracticable ever to build a railroad which will shorten the distance and time between Arizona and New Mexico points.

It is unnecessary to dwell on the inconveniences and expense of carrying on a State government under such physical disadvantages with our system of political conventions, State legislatures, etc.

OBJECTION TO JOINT STATEHOOD—CONSTITUTION PROVISIONS.

The Constitution of the United States, Article IV, section 3, provides:

"New States may be admitted by the Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the Congress."

The principles herein enunciated will be violated in uniting the two Territories of New Mexico and Arizona as one State without their consent.

CONGRESSIONAL PROMISE FOR SEPARATE STATEHOOD FOR ARIZONA.

The organic act creating the Territory of Arizona, passed by the Congress during Lincoln's Administration, February 24, 1863, provided:

"That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State on an equal footing with the other States."

It is admitted that the Congress would have undoubted right to change the boundaries of Arizona as a Territory, but we insist that in all justice and fairness the provision of the organic act just quoted was a promise to our people, when they applied for statehood, to be permitted to come in as a separate and independent State on equal footing with the other States. With this promise in their minds, the people then in the Territory, and those who have gone there since, have wrested Arizona from the control of the savage Apache and have also redeemed tens of thousands of acres from the desert by irrigation; have built up a splendid American population of about 175,000, developed wonderful mining and agricultural resources, and the promise made in 1863 should be kept by Congress to the extent of leaving Arizona alone and permitting her to remain at this time a Territory within her present boundaries. Arizona is not applying at this time for admission as a State.

COURTS OF NEW MEXICO CONDUCTED THROUGH SPANISH INTERPRETERS.

In the counties of New Mexico where the centers of population are, the native people of that Territory are of Spanish descent and more than one-half of these people do not speak and understand the English language. In accordance with the jury system in New Mexico, persons who do not speak and understand English are permitted to act as jurors, and because of this the necessity for Spanish interpreters is apparent and the courts in those counties are so conducted, and when a jury case is on every word that is spoken must be translated.

SPANISH INTERPRETER IN THE LEGISLATURE OF NEW MEXICO.

The rule is that the majority of members of legislatures in New Mexico are from the "native" people and the Spanish interpreter is always one of the officers in both houses of the legislature, made necessary because many of the members do not speak and understand the English language.

NEW MEXICO STATUTES.

The statutes of New Mexico are published in the same volume in English and Spanish for the convenience of these people.

DIFFERENCE IN ELECTION LAWS.

Arizona has a primary election law and the Australian system of balloting; New Mexico has not.

DIFFERENCE IN LAWS.

In Arizona we have a code which has its source in the common law. In New Mexico the statutes, to a great extent, are derived from the civil law. This is necessarily so because a majority of the people living in that Territory are descendants from the Spaniards and are accustomed to the laws and usage prevailing in old Mexico and Spain.

ARIZONA JURY SYSTEM.

In our Territory before a person is qualified to act as a juror, either grand or trial, he must speak and understand the English language. This is a statutory provision. In New Mexico there is no such limitation, and, as heretofore stated, persons who do not understand and speak the English language can rightfully sit upon juries. In Arizona no interpreter is used except as in any other part of the United States, when a witness is on the stand and he can not speak English. Arizona's courts are conducted entirely in English. The qualifications for jurors above mentioned should apply to all districts and counties of the proposed new State. In other words, there must be general legislation on this subject. Not for a moment is it to be hoped that this idea will prevail. The native people would not consent and thus deprive themselves of the right of sitting on juries. We submit that it would be special legislation only which would give the Mexicans a continuance of their right to act as jurors, and special legislation would doubtless be prohibited by the constitution of the proposed State.

NEW MEXICO WILL CONTROL THE CONSTITUTIONAL CONVENTION.

According to the provisions of the Hamilton bill, in the constitutional convention New Mexico would have sixty-six members and Arizona only forty-four. It will readily appear that the native people of New Mexico, desirous of protecting the rights and privileges which have been theirs for so many years, will see to it that the members of this convention from New Mexico will stand for only such legislation as will continue these special privileges, and the fear of the people of Arizona is that the conditions above mentioned will be continued in the new State. This would destroy our present system of laws and procedure and cause us to meet conditions which it will be admitted are not such as tend to a development of our present system in Arizona. These suggestions of differences existing are not made with a desire or intent of disparaging or condemning the "native" population of New Mexico. Many of these native people who are now in the country known as "New Mexico" were there when it was cut off from the mother country—old Mexico—by the treaty of Guadalupe-Hidalgo, and were brought within the boundaries of the United States without their consent, and they are entitled to have their customs and rights, as they now exist, protected and not be disfranchised because they do not speak and understand the English language; but the people of Arizona should not be placed in a position where they will be subjected to such conditions.

DIFFICULTY OF ADJUSTMENT OF DEBTS.

Certain counties of New Mexico, because of their large indebtedness and small amount of taxable property, are practically bankrupt and their securities at a great discount. Arizona's securities, Territorial, county, and municipal, are well above par and of the highest character. Because of this state of affairs serious financial complications must necessarily arise if joint statehood is established.

TAXATION.

Railroads.—We wish here to emphatically deny the charges which have been made that a corrupt mining and railroad lobby is in Washington endeavoring to defeat joint statehood. The members of this delegation have come here representing the people of Arizona, paying their own expenses, and under no obligations of any character to any particular class in Arizona, with the honest and legitimate object in view of presenting to Congress the reasons why the jointure of these two Territories should not be effected. The condition of assessed valuation of mines and railroads has been given a very prominent place in discussion. We submit that the same difficulties are encountered in securing a proper assessment in Arizona as in other parts of the United States. So far as the railroads are concerned, we suggest this statement, and it is corroborated by the figures in the remarks of Mr. LLOYD, of Missouri, in the House upon the consideration of the Hamilton bill this week, page 1553, CONGRESSIONAL RECORD. The amount of taxes paid by the railroads in Arizona in 1904 was $135 per mile; in Texas, $110 per mile. Hundreds of miles of the Santa Fe Railroad in Arizona pay a tax of $175 per mile under an act of Congress. Continuing to quote from Mr. LLOYD'S statement, on the same page (1553 of CONGRESSIONAL RECORD):

"According to Poor's Railway Manual, 1905, there are 213,828 miles of railways, worth $15,422,873,305. They paid last year $54,325,856 for taxes in the United States, or $254 per mile." These figures indicate that while our Territory is not receiving as much revenue from its railroads as it should, it has received, when real value is considered, about as much as is paid in the States of the Union.

Mines.—The proper assessment of mines has always been a subject for serious contemplation. It is not possible to place the assessed valuation on a mine the same as on a lot in Washington, D. C. It is admitted for the sake of argument that the assessed valuation of mines in Arizona is too low. The difficulty is to discover and enforce an equitable method of assessment. This is true in New Mexico, and is likewise true in States east of the Mississippi. In 1901 the mines in Arizona were assessed at less than $2,000,000; in 1904 they were assessed at $4,440,000; in 1905, at $5,325,000, and increased by the Territorial board of equalization to $14,440,000. It is suggested that by joining Arizona with New Mexico this evil in the assessment of mines will be corrected, and this, too, when, according to the report of the governor of New Mexico, that Territory has $38,500,000 invested in mines, with an output last year of over $5,000,000, and not one dollar of this mining property is assessed. If it is true as alleged that the mine owners control these elected officers under a Territorial form of government, is it not also true that this control would continue under a State form of government? The remedy which has been recently attempted to improve this condition was by the action of the present governor of Arizona and the Territorial board of equalization. The governor is an appointee of the President, confirmed by the Senate, and he in turn appoints this board. This body at its meeting last summer raised the assessment of mines about $9,000,000. The supreme court of Arizona last week decided that this Territorial board had the power to raise the assessed valuation of patented mines. It is apparent, therefore, that an improved condition of the assessed valuation of patented mines was the result of action by officers who were not elected and under a Territorial form of government. If the evils exist as suggested in each of the Territories, then the uniting of these evils would not eradicate them, but make them easier of continuance. To the conservative mind such an argument made in an endeavor to secure joint statehood is lacking in logic and common sense. Let Arizona alone under the Constitution and flag, but as a Territory within her present boundaries, and her intelligent and rapidly increasing population, coming from the best blood of the nation, will work out their own salvation.

In every line of industry, as we have shown, Arizona is making remarkable progress. Her population and wealth are rapidly and steadily increasing. Her agricultural valleys to-day are among the garden spots of the world, and are rapidly filling up with the highest class of home-making citizens. As we have shown, the population of these valleys will be greatly increased when the vast irrigation works now in actual construction by the Government within Arizona's borders are completed and the flood waters stored for the purpose of creating thousands of new homes.

We have referred to Arizona's magnificent forests and the growing lumber industry under the wise control of the Government Bureau of Forestry. The showing in the live stock industry will compare favorably with that of any State in the Union.

We have shown the immense mineral resources of Arizona and the desirable class of home-making citizens in her mining towns and cities, as well as the rapid development of these mining sections along lines of permanent stability. The increase in Arizona's school population during the past decade of over 100 per cent is certainly most significant, and the substantial homes, modern brick schoolhouses and splendid public and private buildings which are being constructed in all of Arizona's towns and cities, and her vast and rapidly developing resources, give the assurance of a future of which not only Arizona but the nation will be proud. When she applies for statehood, as is her right as provided in the organic act, the Congress will find her coming bright and beautiful, fully equipped with population and wealth suffi-

cient to completely satisfy the requirements of every fair-minded American citizen, and worthy to have a star placed in the blue field of our national flag.

APPENDIX.

A list of some of the petitions, protests, and resolutions of the people of Arizona in opposition to joint statehood.

The memorial of the Arizona legislature.
Protest, mayor and common council, Tucson.
Protest, mayor and common council, Phoenix.
Territorial Baptist convention.
Board of supervisors, Yavapai County.
Phoenix and Maricopa Board of Trade.
Tucson Chamber of Commerce.
Miners' Association of Arizona.
Arizona Cattle Growers' Association.
The citizens of Clifton, Ariz.
Protest of citizens of Coconino County.
Protest of citizens of Mohave County.
Protest of Republican central committee.
Protest of Democratic central committee.
Protest of citizens of Clifton, Ariz.
Resolutions, board of supervisors of Cochise County.
Resolutions, annual convention Arizona Cattle Growers' Association.
Resolution, John W. Owen Post, Phoenix, Ariz.
Resolutions, members Central Child Study, Phoenix, Ariz.
Resolution, Business Men and Miners' Association, Wickenburg, Maricopa County, Ariz.
Protest of the Republican central committee.
Protest, Methodist Episcopal Church.
Protest, Methodist Episcopal Church, Maricopa County.
Protest, Presbyterian Church, Phoenix.
Protest, Arizona Federation of Women's Clubs.
Protest, Volunteer Fire Department, Phoenix.
Protest, Bar Association, Prescott.
Protest, Territorial Bar Association.
Protest, mayor and common council, El Paso, Tex.
Protest, citizens, Valparaiso, Ind.
Protest, citizens' mass meeting, Dos Cabezos.
Protest, citizens' mass meeting, Tucson.
Protest, by petition, of 3,200 people at the State fair at Phoenix, obtained in thirty minutes, and a count of all refusing to sign showed less than 2 per cent of the people.
General Sampson obtained in Phoenix 1,200 names of protestants against the bill, and, keeping strict count and making no discrimination, reports that only 7 persons refused to sign.
Protest of Ministers' Conference, Phoenix, January 19.

Table showing distances, time, and fare from points in Arizona to Santa Fe, N. Mex., as compared with Phoenix, the present capital of Arizona.

[The time required to reach Phoenix from Globe and many other points in the Territory now, as shown, is due largely to delays occasioned by lay-overs necessary on account of existing schedules, all of which should shortly be remedied. This condition applies, in addition to Globe, to Bisbee, Douglas, Flagstaff, Holbrook, Naco, Nogales, Solomonville, St. Johns, Tombstone, Tucson, and Yuma.]

From—	To Phoenix.			To Santa Fe via Deming.			To Santa Fe via El Paso.			To Santa Fe via Ashfork.			Highest altitude reached.
	Miles.	Time.	Fare.	Miles.	Time.	Fare.	Miles.	Time.	Fare.	Miles.	Time.	Fare.	
		h. m.			h. m.			h. m.			h. m.		*Feet.*
Bisbee	208	6 47	$11.95	589	24 18	$21.95	582	20 40	$26.80	891	29 6	$42.00	7,228 and 4,614
Douglas	234	8 22	12.70	555	20 15	20.45	556	19 5	26.55	917	30 41	42.75	7,228 and 4,614
Globe	140	14 30	9.55	549	25 12	25.65				791	42 39	39.60	4,357 and 7,228
Flagstaff	254	8 50	14.25							429	14 14	22.10	7,228
Florence	52	2 55	2.80							735	25 14	32.85	7,228
Holbrook	345	15 16	18.45							338	16 31	15.30	7,228
Jerome	180	9 5	10.90							549	23 40	26.05	7,228
Kingman	309	11 15	16.90							602	26 50	27.35	7,228
Naco	303	7 2	11.40				587	20 15	25.55	882	34 57	41.45	7,228 and 4,351
Nogales	247	9 22	13.95	569	25 38	26.55				898	37 31	44.00	4,614
Phoenix				651	28 9	30.05				679	27 55	30.05	7,228
Prescott	137	5 45	8.20							542	22 10	35.50	7,228
Solomonville	226	8 17	12.70							459	21 17	20.20	4,351
St. Johns	415	27 16	24.45							408	28 30	21.30	7,228 and 5,057
Tombstone	170	5 32	10.25	620	22 30	22.85							4,351
Tucson	111	4 2	7.25	540	24 7	23.65							4,614
Yuma	201	8 10	10.20	791	32 12					880	36 5	40.25	4,614 and 7,228

The VICE-PRESIDENT. The Senator from Colorado asks that the memorial and statement of facts be printed as a document. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 969) granting an increase of pension to Howard Ellis;

A bill (S. 2346) granting an increase of pension to John W. Reed; and

A bill (S. 325) granting an increase of pension to Henry B. Burton.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2882) granting an increase of pension to Samuel E. Johnson, reported it with amendments, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2863) granting an increase of pension to Garrett Rourke;

A bill (S. 725) granting an increase of pension to William M. Smith;

A bill (S. 2406) granting an increase of pension to Thomas Milliman; and

A bill (S. 1228) granting an increase of pension to Julia L. Plimpton.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1604) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States;

A bill (S. 4188) granting an increase of pension to Frank D. Smith;

A bill (S. 4187) granting an increase of pension to Nathaniel E. Skelton;

A bill (S. 4100) granting an increase of pension to Carlton A. Wheeler;

A bill (S. 3866) granting an increase of pension to Samuel J. Burlock;

A bill (S. 203) granting an increase of pension to Edward E. Needham; and

A bill (S. 200) granting an increase of pension to Fredrich Behrens.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 466) granting an increase of pension to James H. Lewis;

A bill (S. 656) granting an increase of pension to Abraham Walters;

A bill (S. 3800) granting an increase of pension to Albert D. Cordner;

A bill (S. 4227) granting a pension to John H. McKenzie; and

A bill (S. 655) granting an increase of pension to Charles E. Bishop.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1978) granting a pension to Thomas Edsall;

A bill (S. 4181) granting an increase of pension to Margaret L. Hallett;

A bill (S. 1399) granting an increase of pension to Henry Jordan;

A bill (S. 482) granting an increase of pension to Amos M. Runkle; and

A bill (S. 4020) granting an increase of pension to Henry C. Johnson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2250) granting an increase of pension to John Rauch; and

A bill (S. 3932) granting an increase of pension to David Rankin.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1624) granting an increase of pension to Peter Betz;

A bill (S. 527) granting an increase of pension to Alfred McPherran;

A bill (S. 1634) granting an increase of pension to Solomon R. Ruch; and

A bill (S. 3031) granting an increase of pension to Frank Westervelt.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1420) granting an increase of pension to Sarah A. Tyler;

A bill (S. 180) granting an increase of pension to Joseph W. Legro;

A bill (S. 3125) granting a pension to Parthenia W. Baker;

A bill (S. 2840) granting an increase of pension to George L. Jaquith;

A bill (S. 3473) granting an increase of pension to La Forrest C. Darling;

A bill (S. 22) granting an increase of pension to Andrew Smith;

A bill (S. 2091) granting an increase of pension to John P. Bambush;

A bill (S. 2090) granting an increase of pension to Sarah E. Adams; and

A bill (S. 2968) granting a pension to George W. Hale.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3474) granting an increase of pension to James B. Kellogg;

A bill (S. 790) granting an increase of pension to William Benkler;

A bill (S. 1173) granting an increase of pension to James M. Fernald; and

A bill (S. 19) granting an increase of pension to Alphonso B. Holland.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10582) granting an increase of pension to Oscar B. Caswell;

A bill (H. R. 10258) granting an increase of pension to Elias Smith;

A bill (H. R. 10007) granting an increase of pension to Appleton Gibson; and

A bill (H. R. 8649) granting an increase of pension to William Bode.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3888) granting an increase of pension to Susan E. Israel, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3547) granting an increase of pension to Stephen M. Davis;

A bill (H. R. 11302) granting an increase of pension to John R. Cotton;

A bill (H. R. 9104) granting an increase of pension to Henry Brown; and

A bill (H. R. 10459) granting a pension to Alta M. Westenhaver.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1739) granting a pension to Henry Sistrunk, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2153) granting an increase of pension to Helen Read, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1527) granting an increase of pension to John M. Odenheimer;

A bill (S. 3310) granting an increase of pension to Richard M. Ogle;

A bill (S. 597) granting an increase of pension to David M. Pearson; and

A bill (S. 589) granting a pension to Joseph L. Prentiss.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 1138) granting an increase of pension to Albert S. Blake, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom were referred the resolutions of the Great Eastern Lodge, No. 4, Brotherhood of Locomotive Firemen, of Portland, Me., and others, favoring the passage of the bill (S. 1657) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and foreign nations to their employees, asked to be discharged from their further consideration, and that they be referred to the Committee on Interstate Commerce; which was agreed to.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. I am instructed by the Committee on Interstate Commerce to report a joint resolution and ask for its immediate consideration. I would want to discuss the joint resolution briefly, and therefore I ask that we may recur to this order of business after the Senator from Massachusetts [Mr. LODGE], who gave notice of his intention to speak this morning, has been heard. I do not want to interfere with that Senator, but the committee is anxious to have the joint resolution acted upon.

The VICE-PRESIDENT. The Senator from South Carolina reports from the Committee on Interstate Commerce a joint resolution.

Mr. TILLMAN. My request is that the Chair will not at this time have the joint resolution laid before the Senate, but allow the Senator from Massachusetts, who had given notice of a desire to speak this morning, to proceed, and as soon as he finishes then I should like to have this order of business recurred to by unanimous consent, in order that I may present the joint resolution and have it read, be given an opportunity to say something about it, and have it acted upon.

The VICE-PRESIDENT. After the routine morning business——

Mr. TILLMAN. After the Senator from Massachusetts has concluded his remarks.

The VICE-PRESIDENT. After the routine morning business is closed the Senator from Massachusetts will be recognized, and after he has concluded his remarks the Chair will recognize the Senator from South Carolina to make report of the joint resolution from the Committee on Interstate Commerce.

BILLS INTRODUCED.

Mr. HEMENWAY introduced a bill (S. 4318) granting an increase of pension to H. S. Bennett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4319) granting an increase of pension to Frederick C. Sturm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4320) for the relief of certain members of the National Board for the Promotion of Rifle Practice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LATIMER introduced a bill (S. 4321) for an addition to the public building at Greenville, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TALIAFERRO introduced a bill (S. 4322) to increase the limit of cost of the United States post-office and land office at Gainesville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORGAN introduced a bill (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BULKELEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4324) granting an increase of pension to James H. Noble;

A bill (S. 4325) granting an increase of pension to Jabez Miller; and

A bill (S. 4326) granting an increase of pension to Joseph A. Clark (with an accompanying paper).

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4327) for the relief of Tilman Jeter (with accompanying papers);

A bill (S. 4328) for the relief of the Methodist Protestant Church; and

A bill (S. 4329) for the relief of the vestry of St. Paul's Episcopal Church, of Alexandria, Va.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4330) granting an increase of pension to Charles J. Jenkins; and

A bill (S. 4331) granting an increase of pension to George Morrison.

Mr. KEAN introduced a bill (S. 4332) to correct the military record of James Danielson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4333) granting an increase of pension to Albert S. Scroggins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4334) granting an increase of pension to Alfred J. Rumford; and

A bill (S. 4335) granting a pension to George W. Farquhar.

Mr. PILES introduced a bill (S. 4336) to establish a light and fog-signal station at the entrance to Resurrection Bay, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4337) granting an increase of pension to Barney McGirl; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4338) to authorize the President to classify and allot Indian reservations and restore to the public domain the surplus unallotted lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 4339) to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 4340) to amend section 1026 of the Revised Statutes of the United States, relating to review of questions of law in criminal cases; and

A bill (S. 4341) relating to the right of review in criminal cases.

Mr. HANSBROUGH introduced a bill (S. 4342) to provide an excise board for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARK of Montana introduced a bill (S. 4343) granting a pension to John W. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4344) granting an increase of pension to William R. Bartlett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4345) granting an increase of pension to J. Dillon Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4346) granting an increase of pension to William E. Holloway; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4347) to authorize the appointment of a United States commissioner for the Shoshone or Wind River Reservation, in the State of Wyoming, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 4348) for the relief of Augustus Trabing; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4349) for the relief of James I. Patten; and

A bill (S. 4350) for the relief of Arthur A. Underwood.

Mr. GALLINGER introduced a bill (S. 4351) for the relief of Horatio McIntire; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4352) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PENROSE (by request) introduced a bill (S. 4353) to amend an act to provide revenue for the Government and to encourage the industries of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4354) granting a pension to Elizabeth S. Taylor;

A bill (S. 4355) granting a pension to Anna E. Hetherington; and

A bill (S. 4356) granting an increase of pension to Thomas Allen.

Mr. PENROSE introduced a bill (S. 4357) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4358) granting an increase of pension to Thomas McCormick;

A bill (S. 4359) granting an increase of pension to Mary E. Lincoln;

A bill (S. 4360) granting an increase of pension to John P. Dunn;

A bill (S. 4361) granting an increase of pension to John W. Daley; and

A bill (S. 4362) granting an increase of pension to William Fleugel.

Mr. FORAKER introduced a bill (S. 4363) granting an increase of pension to Charles W. Stratton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE. I introduce a bill to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States. It is a bill which has been prepared mainly, not entirely, in the Navy Department. There are certain provisions in it to which I do not agree, but in order that the whole subject-matter may come before the proper committee I introduce the bill and ask that it be referred to the Committee on Naval Affairs.

The bill (S. 4364) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4365) granting an increase of pension to Mathew Kerwin; and

A bill (S. 4366) granting an increase of pension to Henry B. Willhelmy.

Mr. DANIEL introduced a bill (S. 4367) for the relief of Mrs. C. N. Graves; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4368) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. CLARK of Wyoming introduced a joint resolution (S. R. 30) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FORAKER introduced a joint resolution (S. R. 31) authorizing the Secretary of War to award the Congressional medal of honor to Peter B. Cupp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate $600,000 for constructing and completing irrigation systems to irrigate the allotted lands of the Uncompahgre, and Uintah, and White River Utes, in Utah, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PILES submitted an amendment relative to the detail of Capt. William N. Hughes, United States Army, retired, for duty at East Florida Seminary, Gainsville, Fla., intended to be proposed by him to the army appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

PROHIBITION AGAINST WEARING OF UNIFORM.

On motion of Mr. PENROSE, it was

Ordered, That there be printed for the use of the Senate document room 200 copies of the bill (H. R. 13551) to prohibit the wearing of

the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service of the United States, etc., first session Fifty-ninth Congress.

COMMITTEE SERVICE.

Mr. PATTERSON. Mr. President, about ten days ago I was appointed to the Committee on Privileges and Elections. I accepted the appointment with some protest and a very great deal of reluctance. Since the appointment was made I find that on account of the mass of other business in connection with other committees to which I must give my attention, it is utterly impossible for me to give that degree of attention to the business which is before the Committee on Privileges and Elections that the great importance of the question before the committee requires. For that reason, I ask unanimous consent that I may be permitted to resign from service on that committee.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent to be relieved from further service upon the Committee on Privileges and Elections. Is there objection to the request? The Chair hears none, and the resignation is accepted.

Mr. BLACKBURN. I ask that the junior Senator from Tennessee [Mr. FRAZIER] be assigned to the vacancy just made upon the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Senator from Kentucky asks unanimous consent that the junior Senator from Tennessee [Mr. FRAZIER] be appointed to fill the vacancy upon the Committee on Privileges and Elections. Is there objection? The Chair hears none, and it is so ordered.

REGULATION OF RAILROAD RATES.

Mr. LODGE. Mr. President, I ask that resolution No. 61, now on the table, may be laid before the Senate.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the resolution submitted by the Senator from Georgia [Mr. CLAY] January 18, 1906, may be laid before the Senate. Is there objection? The Chair hears none, and the resolution is before the Senate. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That in the opinion of the Senate there is a governmental power to fix maximum future charges of carriers by railroad, vested in the legislatures of the States with regard to transportation exclusively within the States and vested in Congress with regard to all other transportation.

Although legislative power, properly speaking, can not be delegated, the lawmaking body having enacted into law the standard of charges which shall control may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

It is the duty of Congress to provide by law that all interstate rates shall be reasonable and just, and then to delegate to the Interstate Commerce Commission the power to ascertain what rates are reasonable and just, and to enforce its findings, this power to be exercised in reviewing rates already put in operation by the roads and on complaint.

Mr. LODGE. Mr. President, Coleridge, in his "Table Talk," said on one occasion:

I have heard but two arguments of any weight adduced in favor of passing this reform bill, and they are in substance these: 1. We will blow your brains out if you don't pass it; 2. We will drag you through a horsepond if you don't pass it; and there is a good deal of force in both.

In the discussion about railroad rates which has been going on during the past year I have been frequently reminded of Coleridge's words and I have come fully to appreciate the justice of his saying that there is much force in what may be called the "knock-down and drag-out" mode of argument. But if there is some excuse for reasoning of this robust kind when a country is on the edge of revolution, as England was in 1832, it is curiously inappropriate to a question which is not the vital and yet simple one of obtaining a larger freedom and more genuine popular representation, but which is intricate to the last degree and complicated with every variety of perplexing details as well as with the gravest economic difficulties.

Impressed by the magnitude and the importance of the railroad question, I have for some months devoted such ability as I may possess to studying it in its various phases and to an earnest endeavor to understand the conditions of the problem. Startled at the outset at the extent of my own ignorance and the difficulty of the subject, I have been soothed as I proceeded by the growing conviction that the question was not understood thoroughly, if at all, by many of those who had awed me by the ease with which they disposed of it and by the glib way in which they offered solutions so compact and simple that they could be uttered as confidently as if they were established aphorisms instead of mere fractions of truth, often more misleading than complete misstatements.

I am very certain that my own inquiries, which have been diligent, although, I am only too well aware, very far from exhaustive, have not enabled me to master the problem; but they have disclosed to me very plainly the many political, economic, and legal questions which rise up at every stage of this investigation. I have also been brought to certain very definite conclusions of a general nature beyond which lies a wilderness of details, all important, all more or less serious, upon which I should enter with hesitating steps. Yet I shall venture to state the general conclusions at which I have arrived, because I think the subject one which is in such great need of full and dispassionate public discussion that even the most imperfect effort to arrive at the truth, if honestly made, will not be without value.

I began my inquiries with the firm belief that there were serious defects in our methods of carrying on railroad transportation which had given rise to injustice and to discrimination productive of grave evils in the body politic and economic. I also believed that these evils must be met and cured, if they could be cured, by Government regulation and supervision wisely applied, unless we were prepared to see a movement toward Government ownership, which, if successful, I should regard as an unmitigated disaster and one fraught with the destruction of the institutions and principles of government under which we have risen to greatness as a people and which we all revere and love. These beliefs have been strengthened by all that the study of the problem has taught me. Yet I have learned at the same time that the matter can not be dealt with as a simple question of right and wrong, and that success depends absolutely on the manner, the measure, and the form of the legislation by which we seek a solution of the difficulty. The vital point is not what we desire to do—upon that all thoughtful men are agreed—but how we are going to do it, and there we come to wide divergence of opinions.

The second conclusion which I reached, and I reached it very soon, was that since the foundation of the Government there have been very few questions before Congress more serious or more momentous than the one involved in this measure. This may seem an exaggerated, if not an extreme, statement, and yet I believe it to be well within the bounds of sober truth. Economically there is nothing which approaches in importance our system of transportation with the single exception of the maintenance of a sound money standard. Tariffs and banks, rates of duty, and internal taxes are trifles compared to our system of transportation, whether we consider the advantages which are produced by a good system or the evils which may flow from a bad one. Like the money standard, the transportation of people and of freight comes home, sensibly or insensibly, to the daily business and the daily life of almost every member of the community. Moreover, while it touches and affects the individual, it is also the chief factor in the general prosperity, as well as in the ability of the country to obtain its due share in the markets, the trade, and the commerce of the world. To deal with this great question wisely and successfully will tend to promote the well-being and prosperity of millions of human beings. To make a mistake in dealing with it will not only cause commercial and financial disaster of a magnitude almost beyond computation, but will involve possibilities of political change and of alterations in our principles of government the gravity of which can not be overestimated. The subject, therefore, is one which must be approached without rhetoric and without partisanship, soberly, discreetly, with a full sense of its vast importance, and with a thorough realization that the action of Congress is capable of having the most far-reaching effect upon the welfare of the people and upon the future of the United States.

It must also be remembered at the outset that in no country in the world do railroads occupy the same place which they have occupied in America. Steam and electricity have produced throughout the world a revolution, social, political, and economic, which can not be paralleled in its effect upon the human race except by that wrought in the condition of mankind through such discoveries as those of the control and application of fire, or the invention of the wheel, the origin of which is lost in the mists of time. In the earliest civilizations, in those of Egypt, Chaldea, and Assyria, which modern archæology is laying bare before our wondering gaze, we find men already possessed of all the means of transportation which were practically known to the world less than a hundred years ago. Land transportation was carried on by men or animals and water transportation by sail or oar. Power was supplied in the one case by the muscles of men or animals, in the other by muscular force or by the winds of heaven. So deeply was this fact impressed upon the human mind that we still reckon the motive power of steam and electricity in terms of the horse. Seas, rivers, and canals in the earliest times of which we have historic record furnished the waterways, and rude trails trodden out first by the feet of men or horses and developed gradually into constructed roads and paved streets supplied the land routes. From the dawn of history to the beginning of

the nineteenth century there was no change in these methods of transportation. There was a slow improvement in seagoing vessels, but it seems probable, if not certain, that the roads of the Roman Empire furnished a better and more complete system of transportation and communication than was to be found in Europe in the Middle Ages or even as late as the eighteenth century. In means and modes of communication and transportation, which not only influence profoundly human society, but upon which that society largely rests, the men who fought at Waterloo were nearer to those who fought at Thermopylæ than they were to those who engaged in battle at Gettysburg, at Sedan, or at Mukden.

The Old World, therefore, in the course of centuries, reached its commercial and trade development on land through the construction of roads which were public works and which were slowly built by the combined efforts of the community. This country, on the other hand, was only in the earliest stage of its economic development when the application of steam to water and then to land transportation gave us first the steamboat and presently the railroad. By means of the railroad we were able to conquer, to open up, and to develop a continent, a task which with this new device occupied years where under the old system it would have consumed centuries. It is the railroads which have made the rapid yet solid development of the United States possible, and without them it may well be doubted whether the Union of States, covering so vast an area, and the subsequent political consolidation of the country would have been possible. With us, except along the Atlantic seaboard, and in later times on the Pacific coast, transportation and communication were obtained through railroads alone, except in those limited and detached regions where lake or river steamboats could be employed. We are the only country almost in the world which over great spaces has omitted the long preliminary stages of the building of highroads and has established on a large scale complete transportation and communication by the agency of rails and steam alone. We have been, therefore, in the past, and we are to-day, more dependent for our economic existence and for our civilization upon railroads than any other nation. If proof of this fact were needed, it can be found in the fact that there are more miles of railroad within the limits of the United States than there are in all Europe—more than in Europe, Africa, and Asia combined—nearly one-half of all the railroad mileage of the world.[a]

[a] I append the latest figures, as given by one of our leading statisticians in a recent letter to the New York Sun:

THE RAILROADS OF THE WORLD—THIS COUNTRY AHEAD BOTH AS TO MILEAGE IN OPERATION AND RECENT AND PRESENT GROWTH.

To the Editor of the Sun.

SIR: The United States leads the world both in the present mileage and recent growth of its railways, says the Department of Commerce and Labor, through its Bureau of Statistics, in a monograph just issued entitled "The transportation routes and systems of the world."

The total railway mileage of the world in 1904 was 534,000, mainly distributed as follows:

United States	211,074
European Russia	35,323
Germany	32,967
France	28,102
India	26,950
Austria-Hungary	24,120
United Kingdom	22,634
Canada	19,611
Africa	15,560
Australia	14,113
Argentina	11,559
Mexico	10,356
Italy	9,961
Brazil	9,368
Sweden	7,697
Siberia, Manchuria, and other Russian Asia	7,322
Japan	4,495
China	1,176

By that schedule we see that the United States in 1904 had 21,367 miles more railway than had European Russia, Germany, France, India, Austria-Hungary, the United Kingdom, and Canada combined. Or, to put it another way, the United States had 112,206 more miles of railway than all the other Anglo-Saxon countries of the world, namely, the United Kingdom, India, Canada, Africa (counting it all British), and Australia, combined.

The growth of the present railway system of the United States has been little short of marvelous. It was not until 1835 that it reached as much as 1,000 miles, being 1,098 miles in that year. Note the growth since then:

	Miles.
1850	9,021
1860	30,026
1865	35,085
1875	70,096
1885	128,320
1895	181,115
1905	217,328

There are two very striking facts to note here: First, that in spite of the civil war 5,059 miles of railway were built during that unhappy period; second, that in the ten years following our railway mileage was doubled.

During the latest year for which statistics are available, says the monograph, the railways of the United States carried, as compared with 1885:

	1885.	1904.
Freight.....tons..	437,000,000	1,300,000,000
Passengers	351,000,000	720,000,000

Reckoning our population at 80,000,000 in 1904, it is as if every man, woman, and child in the country made nine steam railway trips during the course of that year and also moved 16¼ pounds of freight.

The reduction since 1865 of railway freight rates in the United States is also remarkable, as illustrated by the fact that wheat by lake and rail has fallen from 29 cents to 5 cents; by railway only from 40 cents to 11 cents.

It will be noted that our railway mileage grew 6,254 miles between the summer of 1904 and the winter of 1905, and it is still growing, with no indication of its growth being checked for several years to come; on the contrary it bids fair to have a larger growth each succeeding year.

WALTER J. BALLARD.

SCHENECTADY, *January 18, 1906.*

There can be no greater proof of the energy and intelligence of the American people, of the genius which has been displayed in the construction and management of the railroads, and of the success which has attended these efforts than the fact that the United States exists in all the plenitude of its wealth and power to the admiration of the world to-day. Of all the nations of the earth, then, it surely behooves us more than any other to exercise the utmost care and the highest wisdom of which we are capable when we come to deal by law with that system of land transportation to which we owe so much and upon which such incalculable interests depend.

It is not worth while to consume time in demonstrating the right of the Government to legislate for the regulation of railroads. The highroads of antiquity and of modern times alike are public roads. The railroads which have so largely taken their place, although, as a rule, not built by the community, are likewise in the broadest sense public roads, because they perform the functions of the highroad, and those who operate them are common carriers. They are moreover the creatures of legislation, the possessors of great gifts and privileges conferred upon them by the public, and it is idle to suggest for a moment that they can set up any claim to deal with their property and their commodity of transportation with the same unrestricted freedom as the shopkeeper, the manufacturer, or the merchant, who enjoys no franchise from the state and who does not belong to a class like common carriers, who, by the very nature of their employment, have always been held to come peculiarly within the scope of the law.

The right of the Government, therefore, to regulate and control the operations of a railway system being uncontested, the only question for the law-making power to consider is how that right shall be exercised. Both in theory and in practice this question has received answers which range from Government ownership to complete abstention from any interference with the railroads of any kind whatever. The last extreme of entire noninterference, if it can properly be said ever to have existed, is now entirely abandoned, while the other extreme, that of Government ownership, has been widely attempted. In this country we have leaned toward the minimum of interference, but with the enormous expansion of railroads since the civil war there has been a constantly increasing movement toward railroad regulation. It is not my purpose, nor is it necessary, to trace the history of this movement. It has not been a steady and continuous progress, but has spread and advanced with sudden bursts, followed by corresponding periods of indifference and inaction. Most of the States have enacted railroad legislation and established a greater or less degree of control over the operation of railroads within their several boundaries. In many States this legislation has been wise and well considered, has proved of great benefit both to the railroads and to the public, and has practically put an end to agitation and discontent. In many other States the legislation proceeding apparently upon the theory that men could be compelled by law to carry on the business of transportation for the benefit of other people at an annual loss to themselves has been violent and injurious, detrimental both to the people and the business of the State as well as to the railroads, and has fortunately been usually brought to naught by the wisdom and courage of the courts.

This same feeling which produced the State laws finally

found, as was to have been expected, national expression in the interstate-commerce act of 1887. After more than twelve years' experience with this law as interpreted by the courts, the movement began again for further and more stringent legislation. This resulted in the last Congress in the passage of the law commonly known as the "Elkins Act," which was directed toward the abolition of rebates, and under this law and the interstate-commerce act of 1887 we are living at the present time. The question now before us involves a further extension of the interstate-commerce act, and in order to enlarge and change that act intelligently the first step is to determine what the exact evils are from which we are suffering and then how these evils can best be eradicated without opening the door to new ones caused by remedies which are worse than the disease. The evils complained of in our system of operating and managing railroads, and from which the public suffers, may all practically be covered under one of three heads.

These three classes of grievances are:

1. Discrimination between persons,
2. Excessive rates, and
3. Discrimination between localities.

I will deal with them in their order.

By discriminations between persons I mean discriminations between individuals, or between corporations, or between a corporation and an individual, by which one shipper is charged a lower rate than another for the performance of precisely the same service. These discriminations are commonly known in this country as "rebates" and in England as "undue preferences." A very large proportion of all the injustices complained of and of all the grievances alleged comes under this head, and nothing is more important than to cure and, if possible, finally root out the undoubted evils which exist in and which have been caused by these personal discriminations or rebates. That they should be so far as possible extirpated both by law and by the thorough enforcement of law seems now to be universally admitted. Yet, despite this general agreement, both as to the existence of the evil and the wisdom of a radical cure, nothing stands so much in the way of intelligent legislation as the prevalent confusion of mind as to what precisely these personal discriminations are and the consequent failure to distinguish them from discriminations between localities. In nine cases out of ten, when I have talked with anyone who was very eager for general railroad legislation and especially for Government rate making, I have found that the special grievance complained of was a personal and not a place discrimination. Such a failure to distinguish between the two kinds of discrimination draws with it inevitably a corresponding failure to understand that the remedies for the two kinds of discrimination must be totally different. This distinction is vital, because arguments either for or against Government interference, which apply in one case, have no application whatever in the other. It is obvious that a simple law against rebates would have and can have no effect either on excessive charges or upon discriminations between localities. It ought to be, but apparently is very far from being, equally obvious that a law to prevent excessive charges or discriminations between localities would have no effect whatever in stopping rebates or personal discriminations. The essence of the evil in the rebate or personal discrimination is the inequality of charge to individual users of the railroad for performing precisely the same service. A charge may be excessive and yet equal; it may be discriminating as between places and at the same time perfectly equal to all individuals or corporations; but the rebate, which favors one man as against another for the performance of the same service, must be unjust and wrong, as it is usually secret and sometimes corrupt.

The personal discrimination or rebate consists and must consist in giving to a favored individual, firm, or corporation a lower rate than that established, published, or ordinarily exacted from other firms, individuals, or corporations for rendering the same service. A rebate, or personal discrimination, in other words, is an evasion—necessarily a secret evasion—of a fixed rate. Therefore fixing a rate, whether the fixation is done by the Government, by a traffic association, or by the railroad itself, is no remedy whatever for an offense which can not be committed unless there is already a fixed rate to be evaded. If we had no law as to railroad rates upon the statute books, the passage of a law giving to the Government authority to establish maximum, or maximum and minimum, or specific, or even simple distance rates, would have no effect whatever upon rebates and personal discriminations. They could go on in secret just the same as before if anyone was willing to break the law. As it happens, we have a stringent law recently passed against rebates. That law fixes a rate by making the published rate, whatever it may be, the only lawful rate, and yet many advocates of additional railroad legislation declare that this law has not stopped rebates. In so saying they seem oblivious of the fact that they thereby admit that a rate fixed by the Government fails to prevent discrimination between persons. If fixing one rate by Government fails to achieve the desired result, fixing another in another way will not do it, for the essence of the discrimination is in the evasion, not of one particular fixed rate, but of any rate which has been fixed in any way. In other words, Government rate making is not, and in the nature of the case can not furnish, any remedy by and of itself for personal discriminations or rebates.

The evasion of the established rate for the benefit of a favored shipper, which constitutes a discrimination between persons, therefore, must be dealt with not by general legislation as to rates, but by an ample provision for punishing those who violate the law. I regard these discriminations between persons, or rebates, as by far the greatest evil now existent in connection with our railroad systems and as one of the most fruitful in wrong and injustice with which we have to deal. It is upon these personal discriminations that the great trusts, whose operations have not only alarmed the people but have made them justly indignant, have been built up. Without the rebates which they have extorted from the railroads the monopolies, either partial or complete, which they have created in certain cases, and the abnormal increase in prices which they have sometimes brought about, would have been well-nigh impossible. The rebates have been a wrong and injustice to the people and a serious injury to the railroads themselves. I do not think that it would be possible to pass legislation too drastic for the purpose of stopping these discriminations between persons. We have a law now upon the statute books which, so far as prohibition can go, ought to be sufficient. It undoubtedly has largely checked rebates, but it has not stopped them entirely. To make the law thoroughly efficient we ought to add, in my judgment, three provisions. We should restore the former penalties of the interstate-commerce law—which should not have been repealed—and make these secret evasions of the published rates punishable by imprisonment. The men who perpetrate these evasions in defiance of the law suffer but little by a fine, even if it be a heavy one. Their resources are too large to make a money penalty a serious one. For this very reason they are persons who would feel acutely a punishment by imprisonment, and that penalty ought to be provided in any law which we pass.

A second addition to the present law which we need is a provision to facilitate the procuring of evidence by the law officers of the Government. This defect has been pointed out by the Attorney-General in his report, and I think nothing is more requisite than a clause enabling the proper authorities to examine the books of the railroad companies whenever they have good reason to think rebates are being granted. A third and last addition should be the enactment of suitable provisions in regard to private car lines, switching charges, private sidings and tracks, elevator charges, midnight rates, and all the various and ingenious arrangements now employed to cover up the grant of rebates. Unless we can efficiently deal with these devices for making discriminations between persons our legislation will fail, and the fact that elaborate and carefully drawn provisions will be needed in order to render the law effective in this direction should not deter us from undertaking this particular branch of the work, for without it our other provisions would be in large measure futile. If, then, we provide an adequate penalty, arm the law officers with the means necessary to obtain evidence, and overcome the ingenious devices to cover rebates now in use, I think personal discriminations will cease and that the greatest evil which has grown up under our railroad system will come to an end. That the eradication of rebates is not impossible or in the least impracticable is proved by the experience of England, where "undue preferences" are practically unknown and where the railroads are most reliable in the payment of dividends, showing that the abolition of rebates and personal discriminations would be to the railroads a solid benefit instead of a fancied injury.

I come now to those cases of complaint included in the second class under the head of excessive rates. In this direction the complaints are the fewest in number and there is less ground for them in the United States than anywhere else. That there are occasional instances of excessive rates no one will deny, but these are exceptions which prove the existence of the rule, and the rule is that American freight rates as a whole are the lowest in the world. I will place here, and I desire to call especial attention to it, a table giving the average of American rates in comparison with the average of rates in other countries.

Year.	United States.	France.	Germany.	Austria.	Hungary.	Italy.	European Russia.
1870	1.89	1.78	----------	----------	----------	a1.95	----------
1880	1.23	1.68	----------	1.81	----------	1.97	----------
1890	.94	1.54	1.34	1.39	1.38	1.64	1.14
1891	.90	1.51	1.33	1.36	1.28	1.63	1.06
1892	.90	1.51	1.33	1.33	1.25	1.63	.95
1893	.88	1.48	1.32	1.32	1.25	1.63	.99
1894	.86	1.47	1.32	1.31	1.25	1.63	1.00
1895	.84	1.45	1.32	1.30	1.24	1.63	.98
1896	.81	1.44	1.32	1.32	1.27	1.63	.95
1897	.80	1.42	1.29	1.27	1.26	1.63	.89
1898	.75	1.39	1.27	1.23	1.25	1.60	.86
1899	.72	1.35	1.24	1.22	1.27	1.58	.87
1900	.73	1.32	1.22	1.24	1.25	(b)	.84
1901	.75	1.33	1.23	1.24	1.26	(b)	----------
1902	.76	1.33	1.22	1.26	1.24	(b)	----------

a For 1872. b Data not comparable with earlier years.

This table shows, what I have already stated, that our railroad freight rates are the lowest in existence. Mr. Acworth, who is not only an expert as to English railroads, but a most distinguished authority on railway economics, stated in his testimony before the Interstate Commerce Committee that English statistics were so defective that it was hard to get a comparison with our rates. He testified, however, that while he thought their rates were better than ours up to 25 or 30 miles, on all longer hauls it was his opinion that our rates were two or three times lower than those in England above that distance. If the long were averaged with the shorter hauls it would make our rates much lower than theirs throughout. The railroads of the United States, moreover, paid on the average in 1904, according to Poor's Manual, 2.92 per cent upon all the capital invested, a very small return. No reasonable man expects the railroads to carry on business without proper and fair remuneration, and these figures show that the average return on capital invested in railroads is very low indeed. The fact that rates are lower here than in any other country and that, as the table given above shows, they have steadily declined, taken in conjunction with the very moderate returns on the capital invested in railroad property, is proof sufficient that there can be but little suffering from excessive rates and that when rates have been excessive they can not have been of long continuance except under very peculiar conditions. It may, I think, be safely asserted that if there was no grievance to be dealt with except excessive rates there would be no need of any legislation whatever. We could safely leave the cure of excessive rates to the law of competition among the railroads themselves, and where there were no competing lines to the competition of markets, which no consolidation nor combination of roads can do away with. If cases of excessive rates which neither the competition of roads nor of markets could reach still remained, the conditions which made them possible would be so rare that they would of necessity be few in number and could be relieved by a resort to the remedy of the common law, which has always recognized the obligations of common carriers and held them to account.

This brings me to the third class of complaints—those arising from rate discrimination between localities. These complaints are numerous and widely scattered, but they are sporadic, they are not uniform, and they are generally inharmonious among themselves, the wrong denounced by one community being not infrequently precisely the redress which is demanded by another. That evils in the form of place discriminations exist can not be disputed, but the difficulty of finding a remedy for them seems to me very serious. Indeed, the further I have proceeded in such investigation of the subject as I have been able to make the graver the difficulty has appeared. The preventive legislation directed against rebates deals always with a single case, each case constituting a violation of the statute, and in result only brings back the rate lowered through favoritism to the rate already established by publication. But when a rate discrimination between places is altered it may and probably will affect thousands of other rates and change the conditions upon which business of enormous magnitude and extending over vast areas is transacted. This single consideration illustrates at once the difficulty of finding a proper remedy for the injustices arising from place discrimination.

Nevertheless, in the way of remedy for discriminations between localities only one method is suggested, and that is to take more or less completely the rate-making power from the railroads and give it to the Government. It seemed to me, after reading many assertions and some arguments on both sides as to the probable effect of transferring the rate-making power wholly or in part to the Government, that more satisfying than any prediction and more instructive than any speculative conclusion would be the results of actual experience in government rate making which have been adopted and carried on in many forms and in all degrees of stringency in other countries.

I desire, therefore, briefly to review the practice and effects of government rate making in some of the principal countries of Europe and in Canada and Australia.

I will begin with England. It is not necessary to trace the whole course of English legislation in regard to railroads. It is sufficient to say that after much discussion and many experiments of a partial nature England finally, in 1888, passed an act recasting and consolidating all the old maximum rates which had been gradually established as each railroad had been constructed. In 1893 another act was passed which imposed a further limitation, to the effect substantially that no rate could be increased within the maximum rates unless the railway commission was satisfied that there was good reason for allowing it. The condition in England, in brief, then, since 1893 has been this: There is a statutory maximum highly elaborated and providing for a rate on different classes of goods from each point in the Kingdom to every other point. There is also a provision that rates should not give an undue preference to one trader over another, and, lastly, that no increase shall be made in the rate if anybody objects unless good cause can be shown before the railroad commission court, as it is called, presided over by one of the judges of the highest court. In practical operation we find that within the limitation of the maximum rates, which are so high that they have no practical effect, the railroads carry on the business much as they do here, except that there are no undue preferences and that no attempt has been made to prevent the locality discrimination which arises under long and short hauls. In other words, there are rates to competing points lower than the rates to intervening points where there is no competition and where the distance traveled is less.

It has apparently been found impossible in practice to do away with these discriminations arising from the long and short hauls and the inevitable effect upon the rates of competing points. The interference of the Government in England has been moderate and in a large degree tentative, and yet all the evidence we have shows that even this very limited interference has not had a good effect on business and has brought in evils at least as serious as those which it sought to cure. Mr. Acworth said in his testimony:

> As to rate making, I have no doubt that the interference of Parliament and courts and the executive has all tended to stereotype and keep rates at an unnecessarily high level. Speaking as an individual student, I have no doubt that leaving the power to make rates generally and primarily to the railroads and to the free play of the business forces is the process that will arrive at the best results for the community, with this exception: That I fully think it is necessary that the community in some way should interfere to protect all customers from unfair treatment.

In other words, Mr. Acworth, who is one of the highest living authorities on railway economics, believes that the power of rate making, if undue preferences—that is, rebates—are abolished, as has been done in England, should be left very largely and under very slight limitations to the natural working of economic forces. The result, practically, of the very moderate legislation which they have adopted in England has been to make the rates almost wholly inelastic. No railroad dares to lower a rate, if it can possibly be avoided, because of the restrictions imposed by law on increasing the rate when it becomes necessary. The result is that rates in England have not, as a rule, declined; and while our rates show a decline of 41.7 per cent as against a 24.3 per cent fall in prices, it is apparent that in England prices have fallen faster than rates, owing to the fixed character given to rates by legislation.

To sum what we may learn from the English experience, we find that the provision against increasing rates has prevented the reduction of rates; that undue preferences or rebates have been successfully stopped; that discriminations between localities exist, and that the long and short haul discriminations are not interfered with. It therefore appears that in England the rate making by Government, so far as it has gone and so far as it affects discriminations between localities, has had either no result or has prevented rate reductions. To quote from Mr. Acworth's book, The Elements of Railway Economics, page 158:

> The legislation of the years from 1891 to 1894 has done much to prevent any natural and gradual lowering of rates. A railway company is still free to lower. It has ceased to be free to raise. A manager may desire to lower a rate, hoping thereby not only to benefit trade, but also, by increasing largely the volume of traffic, to increase his own net earnings. But it is only a hope. In the nature of the case certainty is not attainable in advance. A prudent manager, therefore, will not, unless his hope is closely allied with certainty, lower a rate when he must face a lawsuit before he can put it up again.

In considering the English experience and trying to learn from it it is well to remember that it is the gentlest and most

limited form of rate making by government which has been attempted in any foreign country, and yet we see that its principal outcome has been to prevent rate reductions and that rates have not fallen in England in anything like the proportion in which they have declined in the United States.

In France nearly all the railroads are in private hands; there are 26,148 miles in private operation and 1,726 operated by the State. The regulation of rates by the Government is very stringent, amounting practically to Government rate making. If a railway company wishes to raise or lower a rate, application must be made to the minister of railways. The minister then transmits a copy of the application to the prefect of the department, who notifies the local chamber of commerce, who have one month in which to file a reply. The evidence thus obtained is then submitted to the railway advisory council, who report upon it to the minister of railways, who then rejects or grants the request. This system has not done away with discriminations, but, on the contrary, has developed a new set, largely unknown to us and based on peculiar principles. The distance rate being found impracticable here as elsewhere to the point of impossibility, tapering rates have been introduced and carried to a point of elaboration probably beyond that attained in any other country. There are also many special rates devised to meet the needs of trade and industry. In fact, local discriminations exist in full force just as with us, only they are made by the clumsy, slow-moving governmental machinery instead of by the railroads themselves. The influences which govern the railroads in making rates are self-interest primarily, and secondarily, the competition of markets and the development of new territory. In France the influences are local and political, and these influences struggle for the control of the advisory council. Some years ago the railway representation on the council was diminished and that of the river and canal owners was increased, which illustrates the nature and working of the forces which strive for supremacy. What concerns us, however, is not the contest for control, but the practical results of this form of governmental rate making. Some of the decisions made and policies adopted are illuminating. As a rule, the council does not allow a railroad to reduce rates to a point which it reaches by a longer haul than another and rival road. This, no doubt, does away with making higher rates to intervening than to competing points, but it is accomplished by destroying competition to the point where it would otherwise exist. The council has also decided, and this practice now has the power of law, that railways must not reduce rates below 20 per cent above the rates on competing waterways. This strange policy is, of course, due to the pressure of the navigation interests, supplemented by local and political influences.

The results, briefly stated, of the system which these decisions illustrate have been to make rates inelastic, to keep them high, and to drive business to the waterways, where it is carried on by 300-ton boats drawn by horses, in order to find a free movement for freight. It will be seen by the table that the average charge per ton per mile in France was, in 1902, 1.33 cents as against 0.76 of a cent in the United States. Since 1870 rates have declined in the United States from 1.89 cents to 0.76 of a cent and in France from 1.78 cents to 1.33 cents. The level of prices in France between 1879 and 1897 has fallen 19 points and freight charges only 15 points, of which 13 were between 1887 and 1897. In the United States the decline of prices between 1880 and 1900 has been, in round numbers, 25 points and in freight charges 42 points. In other words, prices have declined in France faster than freight charges, and in the United States freight charges have declined nearly twice as fast as the general level of prices. Since 1881 the waterways in France have been gaininig steadily, and the average traffic density of the waterways carrying 95 per cent of the waterborne traffic was nearly twice the average traffic density of the French railways. The Government has recently carried a credit of a hundred million dollars to build additional canals, and this makes it to the Government's interest to prevent the lowering of railway rates where there is water competition. Summing up, we find that under stringent Government regulation in France rates are high and inelastic, that the movement of freight is so impeded that traffic is reverting to the river, the canal, and the towing path, and that discriminations between localities exist just as they do here, but are made by the Government in obedience to local, financial, and political influences, which exert power in proportion to the pressure they can severally bring to bear.

In Germany, the Government operates 29,473 miles of railway as against 2,815 miles in private operation, just reversing the proportion in France. Practically all the German railroads are controlled by the Government, either by direct ownership or stringent regulation, and nowhere has the problem of government management been more thoroughly studied or more elaborately worked out than in Germany. The main influence originally in bringing about Government ownership was political, the purpose being to promote the consolidation of the Empire, but the discriminations made by railways in favor of competing points also played a large part. Nothing is more instructive than to study the German system and the numberless problems with which the Government has endeavored to deal when it had once entered upon the policy of substituting law for the play of economic forces. An earnest and most intelligent effort has been made to meet every conceivable contingency by legislation, and like most such efforts this one has failed to foresee all the difficulties which a perverse world, fruitful in difficulties, can produce. It would be impossible for me to attempt here more than a brief outline of the German system and its results, but there is an extensive literature on the subject both in German and English which well repays examination.

Roughly stated, the German Government rate is composed of a dispatch fee increasing up to 62 miles and a mileage charge decreasing with the increase of distance. The principle is that of the distance rate, tapered moderately according to the number of miles traveled. Nothing on its face could be simpler or fairer, but the way it works out in practice is by no means either simple or fair. There are various classes of rates established, called ordinary tariffs, which consist of—

1. The less than one carload rate;
2. The express rate—double the former;
A1. Shipments of not less than 5 metric tons;
B. Shipments of not less than 10 metric tons.

Then there are four special classes applicable to specified articles—

A2. Shipments of between 5 and 10 metric tons, and I, II, and III, shipments of not less than 10 metric tons; the articles being roughly classified as follows:

Class I includes high-priced articles such as manufactures and grain, the latter for the benefit of the farmers.

Class II, semimanufactured articles.

Class III, low-priced goods or raw materials.

These classes all get reductions at special rates. But there is a further reduction by what is known as "preferential rates," which are "applicable to agricultural and industrial products intended to facilitate imports and exports and increase the traffic of the country."

The official British report on the Prussian railways states that not less than 63 per cent of the freight goes under preferential rates, about 17 on special rates, and only 20 per cent under the ordinary rates or regular tariff. Thus it will be seen that instead of doing away with discriminations government rate-making in Germany has resulted in giving discriminations of one sort or another to 80 per cent of all the freight carried. Even more interesting than the figures are the reasons for these reductions as stated in the same report. The reductions are made, first, as bounties to certain interests; second, as export bounties; third, for competing with foreign transportation; fourth, to support certain special important industries, such as the shipbuilding industry, the Silesian textile industry, and the beet-sugar industry, by conveying their raw materials at cheap rates; fifth, as a special fuel tariff; sixth, for the alleviation of distress due to bad harvests, floods, etc. It will be seen at a glance that these reductions can not be governed by economic reasons, but are, in the main, brought about by the pressure of political and industrial interests, and there must be, and indeed there is, a constant struggle between these interests to secure for each its share of the favors of low rates.

At the same time the railroads of Germany are managed as a revenue-paying branch of the Government, and the determination of the Government to make the railroads yield income tends to keep the rates high and inflexible, except so far as they are modified by preferred and special rates. What the general effect has been is shown by the enormous growth of traffic on the waterways. In 1875 there were 290,000 ton-miles of freight carried per mile of waterway and 410,000 ton-miles per mile of railway. In 1900 the ton-miles of freight per mile of waterway had risen to 1,150,000 and on the railways to only 740,000 ton-miles. In other words, the result of Government management in Germany has been to drive traffic back to the waterways in order to obtain a free movement for freight. There has been a great struggle in Germany for a further development of canals, and the Government proposed a bill in 1900 to spend no less than 339,000,000 marks for new canals. This bill was defeated, but none the less the canal and river business has continued its enormous development. It is a striking commentary on government rate making that both in France and Germany traffic is being driven from the railways back to the waterways,

which were used by men for transportation for thousands of years prior to the invention of steam.

As Germany has worked out government rate making more thoroughly than any other country, it is worth while to take one or two concrete instances in order to show the precise operation and result of discriminations when made by the Government. From 1877 to 1888 the charge for hauling grain remained at something over a cent and a half per ton mile. The agricultural interests of eastern Prussia then petitioned the Government to reduce this charge 66 per cent. The Government replied that it would be an inequitable departure from the scheme of uniform rates, because it would benefit the landowners of eastern Prussia at the expense of those of central and western Prussia, whose markets would then be open to eastern grain. In 1891 the charge was reduced to a little over a cent a ton mile on hauls between 23 and 187 miles. The amount of grain for long hauls increased rapidly, but the government of Saxony protested that their farmers and millers had a natural right to supply the Saxon demand, and should not be interfered with by the Prussian farmers and millers. Bavaria, Wurtemberg, and Baden followed suit, and millers on the Rhine also protested that it would interfere with their business of milling foreign grain, and that they had a natural right to the business of Rhenish Prussia. The result was that in 1894 the old rate of over a cent and a half a ton mile was restored and the various localities of Germany were again shut up by this arrangement of rates to the local producers, who claimed the natural right to their home market.

To take another example, the Ruhr district, which lies east of the Rhine and north of Cologne, is the great coal, iron, and steel producing region of continental Europe. Two hundred and twenty-six miles to the southwest lies what is known as the "Saar district," which is also an iron and coal producing region. The Ruhr district needs some of the ores of the Saar district to supplement its industry, but the railway rates are such that it can not import them, and it brings the ores it requires from Norway and Sweden. The Saar district, on the other hand, needs the coke of the Ruhr district, but owing to the system of railway rates is cut off from it. The Saar district is shut out of the markets of eastern Germany, but it has a practical monopoly of the steel trade with southern Germany and Switzerland. In similar fashion the iron and steel products of the province of Silesia have a monopoly of the trade of Silesia and the points of eastern Prussia. It will be seen that the iron trade of Germany is shut up in districts, and competition in the home product is destroyed except so far as it is maintained by the operation of the waterways.

To take another example; from the center of the Roumanian wheat and corn district it is 1,440 miles to Magdeburg, and the railways should be able to carry wheat and corn over that distance for $4.75 a gross ton. In the United States wheat is moved for much less over similar distances, but owing to the railway rates of Germany and Austria the wheat of Roumania goes down the Danube 475 miles to the Black Sea, thence 4,765 miles by sea to Hamburg, and thence 185 miles up the River Elbe to Magdeburg. The total charge for a shipment is $6.66 a long ton, or 50 cents a ton more than it costs to carry wheat from Duluth to Magdeburg, and yet it is much cheaper than the railway charge for carrying wheat 1,440 miles direct by rail from Roumania to the Elbe district of Germany. There is no need to multiply examples to show how government rate making in Germany has hampered the movement of traffic and the course of trade. Every analysis that is made, whether into the sugar industry, the commerce in oil, the trade of the different ports, or anything else, all alike exhibit the same results in impeding freight movement, inclosing different areas with what amounts to high tariff barriers and driving traffic to the waterways for relief.

Taking next the test of cost, it will be seen from the table already given that the average freight charge per ton per mile in cents is 1.22 in Germany as against 0.76 in the United States. Even more significant is the comparison with the level of prices. In Germany, between 1880 and 1899, prices fell 17.6 per cent and railroad rates 14.7 per cent. In the United States prices fell 24.3 per cent and railway charges 41.7 per cent. It is difficult to express the importance of this contrast or adequately to state the vast importance to the business and well-being of the country involved in the fact that our railroad rates went down nearly twice as fast as prices. Nothing, in fact, could demonstrate so clearly and beyond cavil our superiority in railroad management to the rest of the world.

To sum up the results from this brief review of German experience. We find that in Germany Government rate making and management have been carried out with an elaboration and scientific thoroughness unequaled anywhere else. The result has been the abolition, practically, of rebates or personal discriminations and the multiplication of all other discriminations, extending not only to localities, but to industries, character of articles, and the final destination of the freight. The outcome of this system of discrimination has been to sectionalize Germany and draw tariff barriers around certain regions or districts, and the discriminations have been brought about by the pressure of political, local, and industrial interests, have been taken up by political parties, and have played a large part in national politics and in the legislation of the Reichstag. It is also apparent that, although Germany has managed to make a profit on her railroads, the transportation efficiency is low, the railroads are run with great disregard of public convenience, and rates are 50 per cent higher than our own and are inelastic.

In Germany, which has Government operation practically throughout, and in France, which has very little Government operation and complete Government control of lines privately owned and operated, we find all the important and characteristic features which government rate making and ownership exhibit anywhere. The same results as those I have noted in France and Germany are apparent with unessential modifications in Austria-Hungary, in Italy, and in the smaller European states. It is therefore unnecessary to do more, in considering the experience of other countries, than to glance at Russia, Canada, and Australia, because they all present the element of great area, and Australia and Canada that of recent settlement, which are common to the United States, but which are not found in England or in western Europe.

With an area nearly three times that of the United States, Russia has only (1904) 43,774 miles of railroad as against our 212,000. These figures are an impressive expression of the difference in economic energy between the American people and the people of Russia, and are also instructive as to the comparative value of individual enterprise and that of the military and religious socialism which has hitherto been the Russian system. The State itself in Russia owns and operates over 65 per cent of the railways and is increasing its ownership. In 1887 the council of state asserted the right of the State to regulate all railway rates, so that practically all freight rates in Russia, whether on Government lines or those operated by private persons, are fixed by the Government. The rates in Russia, as will be seen by an examination of the table, approach, on the average, more nearly the average of the rates of the United States than in any other country. This is due to the fact that most of the freight in Russia consists of grain and other articles of large bulk, and that hauls are long hauls as in this country. The low average is also due to the fact that the Russian railways are run at a loss and show a deficit. It is perhaps needless to say that it is comparatively easy to obtain low rates if the railroad is run at a loss, but in order to do this it is necessary to have somebody make up the deficit, and this can only be done in the case of government-owned roads by the taxpayers being forced to make good the losses of operation. Even with this great advantage of running the railroads at a loss the Russian average rate is still higher than the rate in the United States, where the railroads are run at a profit. This illustrates incidentally the inferiority of government management, which is further shown by the fact, sufficiently obvious to anyone who has traveled in Russia, that the railroad lines are laid with slight reference to economic demands, but apparently chiefly for military or strategic reasons. The towns which the railroads are supposed to serve often lie many miles from the line, involving a long haul by carts in order to deliver freight to the railroads. This making the towns and distributing points eccentric to the railroad lines, which extends also to whole areas of population, adds, of course, enormously to the expense of the freight movement, although it does not show itself directly in the rate charged for the railroad transportation alone.

These conditions, it is true, bear more upon the incompetence of government management than upon the effects of government rate making, but if we examine even in a most general way the course of freight rates upon grain, the principal production of Russia, we can see at once the evil effects of the government rate making. Grain is the great product of Russia and it is immensely important to Russia to promote its export. Without going into details, it is enough to say broadly that there has been a protracted struggle between the Government, which has desired, very naturally, to aid in the export of grain, and the local interests, which have objected to low rates on long hauls because it would affect unfavorably the price of grain in those areas to which these local interests felt that they had a natural right. To put it concretely by an example, the landowners and farmers of central Russia have objected strenuously to low rates on grain from remote points, because it tended to lower

the price of grain in the region which they claimed a natural right to supply. There has been a long conflict between these opposing elements and there have been many ups and downs in the arrangement of rates, and yet, although Russia is an autocracy, the pressure of the local interests, political and financial, has been so strong that they have usually prevailed and the long-distance rates have been kept up in such a way as to hamper the movement of grain, to cause congestion of the grain supply in certain places, to force down the price in remote districts, and to raise the price at the port of export. The great grain fields of Siberia have been largely shut up, to the enormous injury or that region, by the successful and zealous opposition of local interests in old Russia. The famines which have occurred in certain parts of Russia when crops have failed in those regions have been in large measure due to the difficulty of moving grain, caused by the rates as well as by the ill-arranged railway lines which have not been able to bring grain cheaply from different parts of the Empire. If we had had rates in this country handled as the rates in Russia have been handled by the Government, the great wheat-growing region of the West could never have been developed, for the farming regions of the East would never have permitted rates to have been made which would have enabled the grain-growing States west of the Mississippi to enter the eastern market in the manner in which they have entered and taken possession of it. Had this course been followed in the United States the great farming population which has given to the East their market for manufactures could never have been built up, any more than it has been possible to build up effectively the vast grain-growing region of Siberia.

This is a mere outline of the results of government rate fixing upon the great staple of Russia, but it is enough to show how government rate making, oscillating one way and another under the pressure of local interests, has impeded the freight movement and arrested the development of the country. We find also in Russia, as we do in Germany and France, the same resort to the rivers and waterways in order to secure the free movement of freight. It is not necessary to analyze further the Russian experience. Government rate making has not removed discriminations, but has merely substituted for those which are necessitated by economic forces, and which in the long run balance each other and cure themselves, hard and fast discriminations made by the Government under the pressure of local, political, and industrial interests.

In Australia we have not only a large country with long hauls, but a new country, and the result of government control there is an interesting one. The great business of Australia is to bring the wool from the interior to the seaports and take back the supplies and manufactures needed by the inhabitants of the sheep-raising, farming, and mining districts. The result has been that the railroad question in Australia has largely resolved itself into a struggle between the various seaboard cities, which constitute one-half the population, for favoring rates. In other words, the conflict in Australia is, in the main, on the question of port differentials. The recent confederation of the colonies came very near being wrecked on this question of rates to the various ports. It was got over by a compromise, which, so far as an outsider can see who reads the reports, settled nothing. It was agreed that there should be no preferential rates, but that there could be differentials; the preferred were defined as illegitimate reductions, and differentials as legitimate. To each colony also was left the right to make rates on their own railroads, and it seems as if the struggle was only postponed and that under the confederation the conflict must break out again whenever it is sought to determine what discriminations are legitimate and what are illegitimate. The system adopted in making rates has been that of tapering, and the result of this has been to concentrate business in the seaboard cities and to abolish all interior basing or distributing points. Basing and distributing points are of great value, because they decentralize, and the Australian rates as arranged tend to cause too high centralization. The absorption of population in the seaboard cities is considered by the statesmen of Australia to be a great evil. There can be no doubt that the movement of population toward concentration in Melbourne, Adelaide, and Sydney set in before there was much extension of the railway systems, but there is no question that it was highly stimulated by the government establishment of tapering rates.

Roughly speaking, the picture which is presented to us by Australia is that of a large population at the ports and a scattered population of farmers, sheep growers, and cattle raisers in the interior, no interior cities and towns with independent life and commerce, and the growth of urban population at a few points, which throws out of balance the entire body politic. There is no doubt that this situation in Australia and the failure of the country to advance in population is not due to the railroad system alone, but it is equally certain that the system of railroad rates fosters tendencies which all the best judges of conditions in Australia deeply deplore. It will be observed that government rate making in Australia has not done away with discriminations between localities. On the contrary, it has substituted another and more injurious discrimination and has embedded it by process of law in the economic existence of the country. It will also be observed that, whatever the cause, this new country has failed to build up the interior as we have built up the vast interior regions of the United States. To put it a little differently, government rate making in Australia, if it has dispensed with evils of which we complain here, has opened the door and assisted the growth of evils much more serious in their nature and much more detrimental to the sound and healthy development of the country.

In Canada they have a railway act which confers powers of the most sweeping kind upon a government commission. The act was not assented to until October 24, 1903, and has not been in practical operation for much more than a year, so that it is almost impossible to draw any conclusions as to its workings. It is worth notice, however, that the act contains two clauses which show that the commission has full power to make discriminations:

DISCRIMINATIONS.

2. The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons.

3. No toll shall be charged which unjustly discriminates between different localities. The board shall not approve or allow any toll which, for the like description of goods or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the board is satisfied that owing to competition it is expedient to allow such toll. The board may declare that any places are competitive points within the meaning of this act.

It is also worthy of notice that despite the fact that the act gives almost autocratic powers for rate making it has been discovered that it does not cure discriminations. The question came up in a debate in Parliament last April, and it was then pointed out that Canadian railroad rates were much higher than American rates and that Canadian shippers were thereby handicapped in the market. It was also declared that freight from Michigan procured lower rates over Canadian lines than similar freight from points in Canada, although the Canadian points were nearer the port of destination.

The act has been in operation so short a time that it is not possible to make deductions of value, but it is already apparent that it has not cured discriminations but has produced others of a similar nature, as has happened in all other countries where government rate making has been attempted. The act, in fact, recognizes that discriminations must be made, and proposes to transfer them from the workings of economic forces to the action of a government board. There is no reason to suppose that the results in Canada under such a system will be different from the results under similar conditions in all other countries.

If now we review the experience of all other countries, taken as a whole, we find a singular uniformity of result so far as general principles are concerned. This examination shows us that it is not only entirely possible to abolish all discriminations between persons—that is, all rebates or undue preferences—but that this has been actually and effectively accomplished in other countries. It is not necessary to differentiate between the methods employed in the several countries, for whether, as in England, railroad regulation has been effected through the establishment of a railway commission court, or, as in France and Germany, by the simple operation of direct government control, the conclusion on this point is the same. It is proved beyond a doubt that personal discriminations can be utterly extirpated, and if it has been done in other countries it can be done here by suitable legislation.

On the second point of excessive rates the experience of other countries demonstrates that whatever good effects government rate making has had it has not lowered rates, but, on the contrary, has made them not only higher but inelastic. Where, as in Russia, rates are low, although not so low as ours, the railroads are run at a loss and the loss is made good out of the pockets of the taxpayers. In England, with maximum rates fixed by Parliament in a schedule and the prohibition against raising rates without the consent of the railway commission court, the rates are higher than ours, inelastic, and do not decline in accordance with the fall of prices, or, indeed, in any substantial degree.

On the continent of Europe generally rates are 50 per cent

higher than ours and show the same quality of inflexibility and the same lack of adaptation to changing conditions which we find in England. We have the lowest average freight rates in the world, and yet our railroads are run at a profit without, of course, a dollar of expense to the taxpayer. Government rate making in this country—directed as it can only be against place discriminations and excessive rates—therefore, if the experience of all the rest of the world is of any value, and I regard it as conclusive, would either not reduce the rates at all, or, if it did reduce the rates generally, it would destroy the profits of the roads and lower the wages of those employed upon them unless we accepted the other alternative of Government ownership, with the roads run at a loss and the people taxed to carry them on. The idea of many persons who have been urging Government rate making in this country appears to be that Government rate making will lower freight rates. In seeking popular support that is one of the inducements they hold out, and yet it is as clear as anything can possibly be that it will be impossible to reduce rates arbitrarily and suddenly by Government action without destroying the profits of the railroads and lowering the wages of those employed upon them, or else forcing Government ownership and placing upon the shoulders of the taxpayers the gigantic burden of running 200,000 miles of railroad at a loss. So far as excessive rates alone are concerned, it seems to me perfectly obvious from the experience of other countries that there should be no legislation, because if legislation is attempted the results will be disastrous in ultimately raising rates and in making them inflexible, and will produce a far worse condition than now exists under the play of natural forces.

The third and last point is that of discrimination between localities. The experience of other nations shows that government rate making has not stopped discriminations in the slightest degree. It has substituted discriminations made by the Government for the discriminations which are brought about by economic forces, the competition of markets, and the action of business interests. It hardly, I think, needs argument to show that discriminations forced in this way through political action would be peculiarly unfortunate in the United States, and that the combinations of political interests would make discriminations, which would be in the long run more oppressive than those which come into existence by the natural competition of business interests and the working of economic forces. That discriminations which arise in what may be called the "natural" way have in some instances been created to serve the selfish ends of individuals intrusted with the management of railroads is undoubted, but the history of our railroad development shows that these are constantly being reduced in number, and that the laws of competition and the necessity of earning money are certain to cure them in the long run. Moreover, the discriminations which exist in what may be called the "natural" way have the immense advantage of not leading to those results so apparent in Germany, where the pressure of local and political interests has forced the establishment of rates which have broken the country up into sections and thrown around each section a barrier higher than those which any tariff could create, in obedience to the entirely false principle that any given town or city or any given area of country is entitled by its neighborhood to the sole possession of the region and the population immediately surrounding it.

That discriminations between localities exist under our system, which work injustice, it would be folly to deny, but it would be a still greater folly to establish a new series of discriminations, working a larger injustice, in the hope of curing the original inequalities. To get rid of the inequalities which exist is eminently desirable; but it is much better to submit to those than to create more and worse inequalities by another system which experience has proved to be worse. In this direction, therefore, it seems to me that we ought to proceed with the utmost caution. Whatever attempt to remedy place discriminations we may make, we should so guard it as to avoid applying a remedy far worse than the disease. The experience of the world leads me to doubt most seriously whether any Government rate making, with a view to curing place discriminations, can be affected without bringing a change for the worse; but if it is to be tried at all it ought not to go beyond the fixing of a maximum rate by the Commission, with the most absolute protection against hasty or prejudiced action through provision for an appeal to the courts of the country. This certainly is as far as we can safely go, unless we are prepared to disregard entirely all the teachings of experience and all the wisdom of those who are authorities upon railway economics.

In closing this consideration of the lessons of experience in regard to the relation of the railroads to the Government I wish again to insist upon the magnitude of the problem. I am not arguing this question because I am a friend or an enemy of the railroad. I have no personal interest in railroads whatever. Such small interests as I once had I parted with before I took up the study of the subject in order that I might be wholly free from any conceivable bias. I am looking at the railroad system simply as one of the greatest forces in our modern economic life, upon which the prosperity of the country and its trade and commerce are more dependent than upon any other. It is in this way and with this spirit that Congress should approach the discussion of this question. Many of those who are loudest in denunciation of the railroads, and who assume to speak for the people of the United States, confuse their own personal hostilities and, in some cases, their own desire for revenge with the public interest, which has no grudges to satisfy and which seeks only to promote the general welfare. Even the shippers who especially cry out for sympathy, it is well to remember, have shared, in some instances at least, in the rebates and personal discriminations which could not have existed without their seeking and collusion, and mistake occasionally the disappointment caused by a failure to secure preferences themselves for a righteous indignation which aims solely to redress a public wrong. It is the fashion with many persons to talk about the railroads as if they were a great mechanical monster, a Frankenstein, which was striving to devour the people of the United States who created it. This is a false and misleading conception. The President of the United States, in his message to Congress on December 3, 1901, said:

> It must not be forgotten that our railroads are the arteries through which the commercial lifeblood of this country flows. Nothing could be more foolish than the enactment of legislation which would unnecessarily interfere with the development and operation of these commercial agencies.

Not only is this statement of the President profoundly true, as indicating the part which the railroads play in our commercial and industrial life, but it must also be remembered that the idea so sedulously disseminated, that the railroads are merely the property of a few men and run for their selfish interests, is without foundation in fact. The vast capital invested in railroads and distributed in the form of stocks and bonds is held by thousands of persons, many of whom have most moderate means. These securities largely constitute the securities of savings banks, in which are laid up the hard-won earnings of the working men and women of the country, and if we injure or destroy these securities we only affect slightly the great capitalists, but we bring misery and misfortune and poverty to thousands of persons whose little all, either in their own names or that of the savings banks and the trust companies, has been placed in the railroads of the country. It is well also not to forget that the high-paid men who are at the head of the great lines of road are but a handful in comparison with the great body of people who earn a secure but modest livelihood in the operation of railroads. There are between two million and a half and three million of people whose livelihood is dependent upon railroads. To force by ill-considered legislation a reduction in the earnings of this great body of people would be a cruel injustice, but that is just what we shall do if we do not consider well the steps we take.

The prosperity of the country is knit up with the well-being of the railroads, but it is also to be remembered that the profitable existence of the railroads depends upon the prosperity of the country. There is no body of people—and they constitute one-seventh of our population—so profoundly interested in the prosperity of the United States as the people, great and small, who own our railroads, who operate them, and who work for them. It is preposterous to suggest that the railroads of the country are hostile to its well-being and eaten up by a short-sighted selfishness which would lead them to destroy any industry or injure any locality. We all want to see the waste places built up, but no one desires it so much as the owners and managers of our railroads. We all want to see the settled and established sections of the country thrive, but to the railroads the well-being of such places is a matter of life and death. The great cry of the moment is the need of foreign markets. The expansion of our foreign trade in the last nine years has been marvelous, but that which has enabled us to enter into foreign markets more efficiently than any other one element has been our system of railroad transportation. If you cripple that system, if you force it into the position of the systems of Europe, you end at once all prospect of successful competition in the markets of the world. A sudden and ill-considered revolution in our methods of railroad management would bring on a business panic, reduce wages, and probably carry disaster to our trade and commerce in a degree which it is impossible to estimate.

For those reasons we should proceed with the utmost care. I consider it essential that we should have proper legislation in regard to the railroads, that there should be Government super-

vision and regulation, that we should stop the intolerable abuse of rebates or discriminations between persons, because if we do not we may find ourselves precipitated into that worst of all disasters, Government ownership. But it is equally essential that the legislation we undertake should not itself lead to Government ownership, the dangerous pitfall we are seeking to avoid. It is vital that this legislation should succeed, but it can only succeed by being effective against the evils which it can cure, while it proceeds with the utmost care in those directions where experience has shown that some of the remedies now proposed have introduced evils far more unbearable and far more injurious than those which it was sought to remedy.

Two dangers seem to me to menace this legislation. The first is that in the desire to have rates fixed in some form by an executive commission, exercising powers delegated to it by Congress, we shall fail to give an effective remedy for the worst evil which has arisen, that known as "personal discriminations." Whatever else governmental rate making can do, it can not by the mere fact of its existence do away with an offense which consists in the evasion of an established rate. The result of a failure to deal with what, to my mind, is the real and, I am strongly inclined to believe, the only real evil of the present conditions would be to discredit the law, convince the people that it was insincere, and thus promote an agitation in favor of that worst of all evils, Government ownership. Whatever else is done or left undone, no pains should be spared to render the law effective for the absolute extirpation of personal discriminations or rebates. That which is to be feared as to rebates is that the law will not go far enough and will not be intelligently effective.

The second danger which is involved in this legislation is that the rate making by the Government, which can only affect excessive rates and place discriminations, will go too far and will bring on evils far more serious than those it is designed to cure. The lessons to be learned from the experience of other nations confirm this view and admonish us to proceed in this direction with the utmost caution. We should not go too far in rate making by Government—surely not beyond conferring the power upon an executive commission to make maximum rates. The Commission charged with this great duty, upon the just performance of which the stability of business and of credit, as well as the welfare of thousands of people will so largely depend, should be established and organized with the utmost care. In tenure and salary the office of Commissioner should be made acceptable to men of the highest character and ability, and the chairman of the Commission should, as in England, be taken from among the judges of our circuit courts.

Finally, there should be ample provision for an appeal to—or, more properly, a review by—courts of competent jurisdiction sitting in equity, not only as to whether the rate is confiscatory, but also whether it is just and reasonable, and an arrangement should be made by law for the rapid disposition of all such cases.

All these conditions, as I understand it, are laid down in the legislation recommended to Congress by the President of the United States. In his message of December 5, 1905, he says:

> In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Last autumn, on October 22, 1905, a distinguished member of the Administration, the Secretary of War, speaking at Akron, Ohio, said:

> These results convinced those familiar with the law and anxious that it should operate effectively, that the two changes necessary were, first, a provision authorizing the Commission in declaring a rate to be unreasonable to declare at the same time what was a maximum reasonable rate, and to make an order requiring the company to reduce its rate to that maximum; and, second, that the law should, under proper penalty, require obedience to the order of the Commission and thus compel the carriers to treat the order with proper respect, reserving to them the opportunity to avoid its operation by a resort to the Federal court, and a setting aside of the order by judicial supersedeas or final decree. * * *
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> The two short amendments to the present law I have just described are all that the President has recommended to Congress. He regards them, for the reasons I have attempted to state, as essential to an effective interstate-commerce law.

A little later the distinguished Senator from Pennsylvania, very recently a member of the President's Cabinet and a most eminent lawyer, speaking, as it was understood, with the approval of the President, said at Pittsburg on November 5, 1905:

> There is no order that can be made by any commission or board now existing, or which it is proposed to create, that can change a rate or practice that is unreasonable or unjust without its order being subject to review in a judicial proceeding in the United States circuit court upon the ground of the unreasonableness of the order of the commission, and there is no law that does and probably no law could be enacted that could prevent the court, if satisfied that injustice had been done the railroads, from staying the operation of the order upon terms until the court had passed upon the merits of the controversy. * * *
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> No device can cure the objection to suspending the operation of the Commission's finding until passed upon by the court. Of course I do not mean that, in an independent proceeding begun in the court, the court could not, in the exercise of its discretionary powers, when satisfied that the rate fixed by the Commission was unlawful, enjoin its operation until a final hearing. That is a power that inheres in the court that need not be conferred by statute and probably can not be taken away by statute. * * *
>
> The Commission should have the power, if it finds the complaint well founded, to declare what shall be a just, fairly remunerative, and reasonable rate or practice to be charged or followed in place of the one declared to be unreasonable. * * *
>
> This order of the Commission should take effect within such reasonable time as shall be prescribed by the Commission in the order, and should be final, subject only to attack for unlawfulness in the Federal courts, where it would have to stand or fall upon its merits.

A year ago what was known as the "Esch-Townsend bill" came over from the House, containing in the first section the following clause:

> But at any time within sixty days from date of such notice any person or persons directly affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of transportation, sitting as a court of equity, to have it reviewed, and its lawfulness, justness, or reasonableness inquired into and determined.

This clause, which fully embodies the principle of review by the courts, had the nearly unanimous approval of the House of Representatives.

The distinguished Member of the House who has had charge of the bill which has just passed that body, introduced last year a bill which contained the following provision:

> But any common carrier affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of commerce of the United States, sitting as a court of equity, to have such order reviewed and its reasonableness and lawfulness inquired into and determined. Pending such review, if the court shall be of opinion that the order or requirement of the Commission is unreasonable or unlawful, it may suspend the same until the further order of the court, in which event the court shall require a bond of good and sufficient security, conditioned that the carrier or carriers petitioning for review shall answer all damages caused by the delay in the enforcement of the order of the Commission, which shall include compensation for whatever sums for transportation service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sums such person or corporation would have been compelled to pay if the order of the Commission had not been suspended.

Speaking of his bill on February 9, 1905, Mr. HEPBURN said:

> I have had in the preparation of the bill that I have the honor to present the aid of his suggestions and his counsel in regard to essential provisions. I have had that of his Attorney-General, that of other members of his official family. I made many alterations and many changes from time to time, as it seemed to me wise and best, to carry out the wise suggestions of his message. I prepared a rough sketch of the bill, the general principles of which met with his approval. With these aids I improved it, perfected it, and got it into that shape that was thought to be best. It again met with his approval in all its general scope and features, although some of the minor matters were not discussed with him. It was my pleasure and it was my great advantage to have the assistance of the Attorney-General. That bill met with his approval.
>
> Let me further say that, being somewhat timid about my own knowledge with regard to the language conferring jurisdiction upon courts, fearful of faulty phraseology, having had but little service in courts for twenty-four years, after it was completed and its general features were approved as being in harmony with the recommendations of the Executive I asked the Attorney-General to have that bill put in legal phraseology with especial reference to those features relating to court procedure.
>
> In the bill that I introduced, every word of it, save two, was prepared in the office of the Attorney-General; there were two words changed, one—by the mistake of the printer or copyist—the word "district" was used instead of "circuit." I changed the word "thirty" for "sixty." I had a motive just and justifiable; I believed that with the machinery I had prepared for the review of the findings of the Interstate Commerce Commission, with the speed that might be possible and would be probable in the administration of that law, that in the great majority of the cases where the findings of the Commission were not accepted by the carrier they would be disposed of by the courts within the sixty days.

From this it will be seen that a clause providing for an appeal as to the justice and reasonableness of the rate fixed by the Commission not only had the approval of the author of the bill which has just passed the House, but that that clause was drawn by the present distinguished Attorney-General of the United States.

Therefore, Mr. President, it is clear that the policy laid down by the President, declared in public speeches by those authorized to speak for him, approved by the author of the present House bill and by the present Attorney-General, who drafted the court clause in that bill, and adopted, so far as the courts are concerned, only a year ago by the House of Representatives, embodies the principles of the maximum reasonable rate established by the Commission, and the subsequent review of such rate by the courts, if their aid is invoked, to determine not merely

whether the rate established by the Commission is confiscatory, but whether it is lawful, just, and reasonable.

To this policy I gave my adhesion, and for a proper bill, embodying these principles, I propose to vote. I confess that I do so with reluctance, for I have the gravest doubts as to the wisdom of government rate making even in the most limited form, but so important does this legislation seem to me, so essential do I think a proper regulation and supervision of the railroad system, that I am not willing to oppose it, even if I do not feel satisfied as to some of its features. But if this policy which I have described is to be modified, the case will assuredly change. There seem to be now prophets of a new dispensation, who wish to depart from the line marked out by the President in his message and accepted in the House bill of last year by removing so far as possible from the proposed law all proper provisions for review by the courts. This seems to me to strike at the very heart of the measure. I am anxious to see this legislation, but I can not assent to any restriction upon the right of an American citizen to seek redress in the courts of the country. I am not yet prepared to substitute for the courts of the United States an executive commission. A proper solution of this railroad question is of vast importance, but it sinks into nothing compared with the primary duty of preserving to every American—high or low, rich or poor—free access to the courts of the country. I am quite aware that no statute can take away the constitutional right of a citizen to appeal to the courts if an attempt is made to take his property without due process of law. In other words, legislation can not prevent an appeal to the courts if it is alleged that the rate is confiscatory; but this is a very narrow ground and a very limited right. A rate may not be absolutely confiscatory and yet may be in the highest degree unjust and unreasonable, and indeed well-nigh ruinous. I am not sure that it would be possible to deprive a citizen by legislation of the right to appeal to the courts as to the justice and reasonableness of a given rate, which is a purely judicial question. But no attempt ought to be made, either directly or indirectly, by silence or by assertion, to destroy this privilege or, rather, this right. If delays are feared it is easy to make arrangements by law which will compel the swift disposition of these railroad cases. If it is a question as to maintaining a rate pending an appeal, either by bonds or by paying the money into court, loss to the party successful in the suit can be prevented. None of these objections have any real weight. But the distrust of the courts, the inclination to refuse an explicit statement of the right to such a judicial review of the Commission's decision as are now manifested, are ominous in the extreme. Nothing could be more alarming to reflecting men than the disposition shown by some persons to transfer to the legislative and executive branches powers pertaining to the judiciary, and thereby deprive the citizen of the most fundamental and sacred of rights.

The right of trial by jury is guaranteed to every citizen by the Constitution, and like unto it is his title to his day in court. In trial by jury and in an independent judiciary are to be found the very corner stones of liberty. They stand in history side by side with the Magna Charta of England and the Declaration of Independence of the United States. If every other protection were swept away, while trial by jury and an independent bench of judges shall survive, life, property, and personal liberty will still be safe and sheltered. The right to trial by jury and to the writ of habeas corpus were firmly established among the English-speaking people everywhere long before our Revolution, but the judges were still largely under the control of the Crown. So deeply did the great men who framed the Constitution feel this that one of the leading and governing principles of their action was to secure in the organic law the complete separation of the judiciary from the legislative and executive branches of the Government. The great court which they then established in the Constitution has been, of all its many memorable features, that which has most attracted the admiration of the world. To that court we owe the protection and development of the Constitution under Marshall, and it has always been the upholder and defender of ordered liberty and of personal rights, whether threatened by the rich and powerful or put in jeopardy by popular excitement or by excesses in legislation.

No one would pretend that judges have never decided wrongly, that the law's delays never wrought injustice, or that the courts have not in the administration of the criminal law often given too great weight to technicalities which were once a refuge from a bloody code, but which, with the softening of manners, have become a mere obstruction of justice. To assert otherwise would be to say that the courts were infallible, and that can be said of nothing human. But as we look back over the long vanished years, as we contemplate the movements of our daily life, we should be blind indeed if we did not perceive that many of the greatest and most enduring victories in behalf of human freedom have been due to the wisdom and courage of the courts and that day by day substantial justice is rendered unnoticed and unmarked in the countless controversies which arise between man and man. The courts are the greatest bulwark of the order of the state and the liberty of the people. It will be an evil day when they decline in character or when we lose faith in them. It will be hardly less evil if we try by any statutory device to exclude from the courts any American citizen who would seek their protection for his life, liberty, or property. We are about to pass a great measure from which, I hope, great good may come, but one which in its operation will affect the property and interests of millions of our fellow-citizens. It should be guarded with scrupulous care, but above all it should provide that no man should be deprived of his opportunity to go to the courts in defense of his rights if he thinks those rights are invaded.

Mr. PERKINS. Before the Senator from Massachusetts takes his seat, I should like permission to ask him one question on a phase of this subject-matter which inadvertently he passed over. I do this because the distinguished Senator has an enviable reputation—a national reputation—as a student of economics, and this rate question is one which is agitating the public mind in every State of the Union, perhaps more particularly so in the State I have the honor in part to represent.

The three evils which the Senator complained of were, first, rebates or discriminations between individuals, companies, and corporations; second, rebates or discriminations between different towns and cities, and, third, excessive rates, for which he had a remedy—that of competition.

The phase which the Senator failed to treat upon is that of pooling. To illustrate it, if three railroads reach into the Dakotas and there are a million tons of wheat for export out of the Dakotas to other markets and those three railroads agree to divide the proceeds of the rate they have agreed upon for the transportation, is not that one of the great evils which he should have added to the three he enumerated and against which as representing here the people we ought to legislate?

Mr. LODGE. I understand the question to refer simply to the feature of excessive rates because of failure of competition. My reply is that, in the first place, our rates to-day are the lowest in the world on the average, showing that economic forces in their natural play have brought the rates down. Second, that where such a case exists as the Senator describes we are not left to the competition of the roads alone, but there also comes in the competition of the markets and the competition for possession of the world's trade and meeting the world's price, which the railroad has to do whether it is in a pooling arrangement or not. My own belief is that the natural economic forces will settle rates so far as an excess is concerned—the Senator will understand I am confining myself to that—by the competition of the markets, by the play of natural forces, and by the certainty that if rates are put up to a point where it would make it profitable for some one else to come in he will come in. But, as a matter of fact, I think the working of economic forces disposes largely of the Senator's question, because, taking the great average of the rates all over the country, they are the lowest in the world and have enabled us to meet all competition in foreign markets.

Mr. ALDRICH. The case suggested by the Senator from California is covered by a prohibition contained in the present law.

Mr. LODGE. Of course. We have a law against pooling; I knew that; but I understood the Senator to put a hypothetical case.

[During the delivery of Mr. LODGE's speech the Vice-President announced that the hour of 2 o'clock had arrived and laid before the Senate the unfinished business, being Senate bill 529, known as the "shipping bill," when, on request of Mr. GALLINGER and by unanimous consent, the unfinished business was temporarily laid aside.]

Mr. TILLMAN. In connection with the discussion we have just had, wherein the Senator from Massachusetts [Mr. LODGE] gave us such an illuminating speech, I have had my attention called to a dispatch from Berlin in the Washington Post of this morning, and I should like to have it inserted in the RECORD without having it read. I do this simply because I wish to save time. The headlines are "Our railways in bad light—Prussian rates are lower and fewer people are killed." It relates to the report of Privy Councillors M. Hoff and F. Schwabach, who came over here at the instance of the Prussian Government to examine into and report the facts.

Mr. KEAN. Fewer people are killed in Prussia because fewer people travel there.

Mr. TILLMAN. I am not going to enter into the merits of the controversy, but I merely called attention to the fact that the statements of the Senator from Massachusetts are denied by the Prussian experts who have been here to examine and report on the conditions in both countries.

Mr. KEAN. I will ask the Senator whether there is anything in the article about freight rates.

Mr. TILLMAN. Freight and passenger rates.

The VICE-PRESIDENT. In the absence of objection, the article will be printed in the RECORD.

The article referred to is as follows:

OUR RAILWAYS IN BAD LIGHT—PRUSSIAN RATES ARE LOWER AND FEWER PEOPLE ARE KILLED.

BERLIN, *February 11, 1906.*

Privy Councillors M. Hoff and F. Schwabach, whom the Prussian Government sent to the United States in 1904 to study American railroad systems, have just published an exhaustive work on their findings which is attracting much attention in the German press. Herren Hoff and Schwabach make many striking comparisons of the American and Prussian railroads, often to the disadvantage of the former. They quote official statistics showing that per million passengers carried the American roads killed six times and wounded twenty-nine times as many of them as the Prussian roads.

The writers found that the average passenger rate in America was 2.02 cents per mile, against 0.98 cents in Prussia, while freight rates nominally average 0.78 cents per ton mile in the United States, against 1.36 cents in Prussia. This comparison, the authors affirm, is fallaceous, because it ignores some essential facts. The American statistics, they say, include freight carried for the railways themselves, while the Prussian statistics show only pay freights. On the other hand, the American statistics exclude high-class goods carried by express companies, which class is included in the Prussian figures. Furthermore, they say, the American roads receive immense sums for carrying the mails and the Prussian lines almost nothing, and besides the latter carry a volume of postal packages for which the American roads get large extra sums from the express companies.

If conditions were equalized at all on these points, Herren Hoff and Schwabach figure that the American average for freight would be 1.44 cents per ton per mile and that of Prussia 0.95.

The original cost of construction of the Prussian lines was 65 per cent higher per mile than that of the American roads.

HOUSE BILLS REFERRED.

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905, was read twice by its title, and referred to the Committee on the Philippines.

H. R. 13456. An act for the relief of James McKenzie, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, was read twice by its title, and referred to the Committee on Public Lands.

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla., was read twice by its title, and referred to the Committee on Territories.

URGENT DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, disagreeing to the amendments of the Senate, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

WILLIAM J. GROW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1098) granting an increase of pension to William J. Grow, which was, in line 8, to strike out "twenty" and insert "twenty-four;" so as to read "twenty-four dollars."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OSCAR R. ARNOLD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 943) granting an increase of pension to Oscar R. Arnold, which was, in line 8, to strike out "twenty-four" and insert "thirty;" so as to read "thirty dollars."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. Mr. President, I ask unanimous consent to return to the order of business "Reports of Committees," in pursuance of a request I made this morning; and I send to the desk a joint resolution which I am authorized by the Committee on Interstate Commerce to present and ask immediate consideration of it.

The VICE-PRESIDENT. The Senator from South Carolina makes the following report from the Committee on Interstate Commerce——

Mr. TILLMAN. It is not a report, except this——

The VICE-PRESIDENT. The Senator from South Carolina reports from the Committee on Interstate Commerce a joint resolution. Is that it?

Mr. TILLMAN. That is it, sir.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution (S. R. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, was read the first time by its title and the second time at length, as follows:

Whereas persons engaged or wishing to engage in mining and shipping bituminous coal and other products from one State of the United States to other States of the United States complain that they are treated unjustly by common carriers engaged in interstate carriage, in that they, being independent operators without influence with and in whose business common carriers or their officers have no interest, are unjustly discriminated against, and undue preference is given to other persons in whose business the officers of common carriers are interested, or in traffic in which the common carrier is interested, either directly or indirectly, and that undue preference or advantage is given by such common carriers to the shippers of coal from mines in which said carriers or their officers are interested, either directly or indirectly; and

Whereas it is further alleged that the bituminous coal and other traffic above referred to is controlled by a combination of common carriers by means of stock ownership, or other instrumentalities, directly or indirectly, thus creating a monopoly in restraint of trade: Therefore be it

Resolved by the Senate and House of Representatives in Congress assembled, That the Interstate Commerce Commission be authorized and instructed to immediately inquire, investigate, and report to Congress from time to time as the investigation proceeds—

First. Whether any common carriers by railroad, subject to the interstate-commerce act, they or any of them, own or have any interest in, by means of stock ownership in other corporations or otherwise, any of the coal or other products which they or any of them, directly or through other companies which they control or in which they have an interest, carry over their or any of their lines as common carriers.

Second. Whether the officers of any of the carriers aforesaid, or any of them, or any person or persons, or any of them, charged with the duty of distributing cars or furnishing facilities to shippers are interested, either directly or indirectly, by means of stock ownership or otherwise, in corporations or companies owning, operating, leasing, or otherwise interested in any coal mines, coal properties, or any other traffic over the railroads with which they or any of them are connected or by which they or any of them are employed.

Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of bituminous coal or other products is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize or combines or conspires with any other carrier, company or companies, person or persons to monopolize any part of the trade or commerce in bituminous coal, or other traffic among the several States, or with foreign nations, and whether or not, and if so, to what extent, such carriers or any of them limit or control directly or indirectly the output of coal mines or the price of coal.

Fourth. If the Interstate Commerce Commission shall find that the facts set forth in the three paragraphs above do exist, then that it be further required to report as to the effect of such relationship, ownership, or interest in coal or coal and other traffic aforesaid, or such contracts, combinations in form of trust, or otherwise, or conspiracy or such monopoly or attempt to monopolize or combine or conspire as aforesaid, upon such person or persons as may be engaged independently of any other persons in mining coal and shipping the same, or other products, who may desire to so engage, or upon the general public as consumers of such coal and other products.

Fifth. That said Commission be also required to investigate and report the system of car distribution in effect upon the several railway lines engaged in the transportation of bituminous coal or other products as aforesaid, and whether said systems are fair and equitable, and whether the same are carried out fairly and properly; and whether said carriers or any of them discriminate against shippers, or parties wishing to become shippers, over their several lines, either in the matter of distribution of cars or in furnishing of facilities or instrumentalities connected with the receiving, forwarding, or carrying of coal as aforesaid.

Sixth. That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

Seventh. That said Commission be also required to report any facts or conclusions which it may think pertinent to the general inquiry above set forth.

Eighth. That said Commission be required to make this investigation at its earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of its public duty.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the consideration of the joint resolution just read. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. TILLMAN. Mr. President, it will be observed by those who have listened to the reading of the joint resolution that it is very comprehensive and covers a very wide field of investigation. It will also be observed that it is a joint resolution which has the force of law and must pass both Houses of Congress before it becomes effective.

I will state here that the basis of the joint resolution in most of its terms is the resolution introduced in the House of Representatives last week by a member of that body, Mr. GILLESPIE, of Texas, which is now pending before the House Committee on Interstate Commerce simply as a House resolution. Of course it is easy to see that if the Senate shall pass the joint resolution the House committee, if it coincides with our view that a searching investigation is required, can take Mr. GILLESPIE's resolution, amend it, change it to a joint resolution, report it, substitute the Senate joint resolution for it, and pass it, and we can get the whole machinery of investigation in motion. The question is whether or not the House will do it.

I wish to give some reasons, Mr. President—I think it is due to the Senate that some should be given—why at this stage of the proceedings in dealing with railways I have thought it necessary to begin so searching an inquiry. I have been a member of the Interstate Commerce Committee of the Senate for eleven years, and I have had more or less to do with various propositions submitted to us from time to time dealing with the railways of the country. I am not as well informed on the subject as I would like to be, but I have some very clear convictions as to the evils which exist, and I have also some very strong desires to contribute, so far as I may be able, toward a proper and just solution of this vexed problem.

Any man who is silly enough to approach it in any other frame of mind than that of recognition of its overshadowing importance, its complexity, its vital importance, I may say, to millions of our people—all of them, in fact—is lacking in that common sense which at last is the essential basis for all decent consideration of public questions. It is a great question. In some of its aspects, when you begin to scrutinize and analyze, one is compelled to see that there are so many perplexities and so many conflicting interests and so many contingencies that anything like radical or ultra legislation would work incalculable harm, and I for one stand here to disclaim any purpose or desire to injure the railways of the United States, to rob them or take from them the right that is inherent in every property owner to have a fair return for the money invested.

We find, however, upon a cursory examination of conditions—and a very cursory one will suffice—that the old idea of competition has been destroyed utterly in this country, not only in this particular, but in many others, and in its place have come combination, consolidation, the organization of large bodies of capital under the direct control of a very few individuals, who are thus enabled by concert of action to produce the trusts and monopolies which are now grinding the people to death.

This is a funny world, Mr. President, and the older I grow and the nearer I get to the confines of that "undiscover'd country from whose bourn no traveler returns" the more am I convinced and the more clearly I see the absurdity, the contradiction, the ridiculousness, if I may use such a term, of human nature; and I do not hesitate to say now that a more stupendous farce than the one which is being played in the Congress of the United States, with 80,000,000 or 85,000,000 people looking on, as an audience, has never been enacted in the world's history.

We find, looking around the field a little, taking cognizance of what we read in the papers day by day, that the President of the United States is constantly in the public eye. He is heralded in the public press as the chief agitator, inspirer, leader in the effort to emancipate the people from the grinding exactions and outrages being perpetrated upon them by the railroads of the country. You can not pick up a paper from any part of the country that you do not see somewhere in it allusion to the fact that President Roosevelt has won his fight; that he is standing pat; that he has not budged one inch; that he does not yield to the importunities of the friends of the railway magnates, and all that kind of thing. Congress as a coordinate branch of the Government charged with making laws, and hardly ever mentioned. It is all and always the President's fight, the President's victory, etc.

And when you examine further and consider the actual conditions, what do you find? You find that President Roosevelt has as his two chief advisers—I am only speaking from the current reports in the newspapers—as the men upon whom he chiefly relies, Elihu Root, a man of profound legal ability, high character, and all that kind of thing; a man whom I admire and respect, too, but who is known absolutely and indisputably to have been, during his career as a lawyer, the closest adviser and in fact the attorney in many instances of railway magnates in New York City, who are primarily at the root of all the devilment that is abroad in the land in regard to railway management. Who is the other? An honored member of the Senate, a former Attorney-General, the junior Senator from Pennsylvania [Mr. KNOX].

These two great lawyers are now given the task, as the people are informed, to provide instrumentalities by which the people's rights shall be protected and their interests guarded from the oppressive and exacting and tyrannical and outrageous robberies by the railways. Mr. KNOX and Mr. Root are now the instruments of the President, the advisers of the President, in framing this legislation. Of course the Attorney-General, another great lawyer, is in the ring or among the conferees charged with a very serious duty. When you look back at Mr. KNOX's antecedents you find that he has been—I do not know for how many years—in the employ of the Pennsylvania Railroad; has been its warmest or closest friend and counselor, its attorney, as I am informed, and when you look further to see which one of the railroads and which man in charge of a railroad is most deeply concerned in the oppressive and tyrannical and outrageous exaction of the railways, you find the Pennsylvania Railroad and Mr. Cassatt at the head of the list, and therefore we have the spectacle of the people of this country being bamboozled with the story sent abroad every day from this press bureau or that that the President is depending upon the Secretary of State and the Senator from Pennsylvania to assist him in framing this great statute for the protection of the masses against the classes.

I do not want to appear too suspicious. Possibly I am naturally critical. I have thought sometimes if I had a genius for anything it was for fault-finding. Therefore I would disclaim at the outset any purpose to reflect in the slightest degree upon the integrity of purpose and the patriotism of these true and tried counselors of the Executive. But, recalling recent history, I am bound to say that I would like it better, and I would sniff less at the meat—to liken this law it is proposed we shall enact to a dish—I would sniff less to see if there was not some poison in it if it had not had such cooks.

The Senator from Massachusetts [Mr. LODGE] a few moments ago declared, with his air—you-can-not-possibly-dispute-me air—that the railroads were necessary and anxious to have the territory tributary to their lines developed; that the proposition is self-evident, and therefore indisputable. But the proof that has already been produced in this Chamber in the communication from the Red Rock Fuel Company and the communication from the governor of West Virginia goes to show how absolutely false is the assumption that a railroad always desires the natural and proper development of the territory tributary to its line.

If there were not so much evidence of the insincerity—or I had better say the apparent insincerity—of those charged with the execution of our laws, that they are cognizant and have been cognizant for several years, certainly for many months, of one case after another involving the identical principles underlying those which brought on the Northern Securities suit, and yet the Attorney-General has done absolutely nothing—I say if there were not so much evidence piled up to show that this zeal for the protection of the people is apparent, not real; that it has no sincerity behind it, that it is not honest, I would give more credence and be more willing to surrender my suspicions. But I am a plain, blunt man myself. I do not know how to practice the arts of deceit or chicanery or hypocrisy, and therefore when I see people parading their zeal and patriotic impulses for the public welfare when there is so much opportunity for that zeal to bear fruit and yet nothing is done, I naturally and necessarily feel that there must be something wrong.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. TILLMAN. With pleasure.

Mr. KNOX. I have just returned to the Chamber, and I have been informed that some reference was made to me, and it was stated that I had been counsel for the Pennsylvania Railroad. If I was informed correctly, I wish to say that the Senator is entirely mistaken. I never sustained the relation of counsel to the Pennsylvania Railroad either permanently or temporarily, directly or indirectly, at any time during my professional career.

Mr. TILLMAN. I am very glad to have the Senator disclaim that. I have seen it stated in the papers.

Mr. KNOX. I only make the statement lest I be misunderstood about the matter, not that I think it would be necessary to apologize for such a professional relationship.

Mr. TILLMAN. Not in the slightest. I have no purpose or intention of reflecting on the Senator. Every lawyer has the right to accept a professional fee from any honest and decent

source, railroads included. He has the right and it is his duty to give honest and able services to the best of his ability to do so. I therefore am glad to have the Senator say to us and to have the country know that these stories that have been going about to the effect that he was elected to the Senate of the United States as the representative of the Pennsylvania Railroad and is here in their interest are false. I will respect him more for the balance of my life, regardless of what else may happen, because of the fact that he was not so associated.

Mr. KNOX. Mr. President, then I wish to say to the Senator that a great deal has been accomplished by my refuting the story.

Mr. TILLMAN. The Senator does me too much honor to imagine that my personal opinion is of any value to him at all. I am glad he has the slightest appreciation of it.

But it can not be denied, I imagine, that Mr. Root has sustained intimate relations with the great railway corporations of New York City. It is not to his discredit that I am saying that. I am only trying to bring out this phase of the subject, because I see men preparing railroad-rate legislation who all their lives in a professional way have been engaged in these various legal combinations and trickeries, and I do not know what other things, but any string of adjectives that you want to use that will describe the process by which one railroad has continued to swallow another, until we have only got about five great systems out of the 200,000 miles in the country, and if you will examine the record you will find that practically those five are controlled by boards of directors who are so closely allied and so near akin in business relations that we have undoubtedly a railway trust in this country which controls, directs, manages, and, in the estimation of some people, is robbing the people of the country.

My language may be a little harsh. It may be going too far. I do not intend to be vitriolic and let my words express more than I feel; but I myself feel very deeply the condition of my own part of the United States, controlled absolutely by a corporation owned in New York, without a solitary opportunity down there to have any word in it except as a suppliant, with very little chance to do anything toward getting any redress; and I have understood from what I read that this same situation obtains practically throughout the country. Anyhow, it is shown in evidence that the entire country south of the Potomac and east of the Mississippi is dominated wholly by three railway corporations who have absorbed and combined and bought up or united with all the others; and that all three are controlled by the Pennsylvania and its brother in iniquity, the New York Central. This is believed by all well-informed persons.

I want to put this little document, after I read a few lines from it, not in the RECORD, but have it printed as a document. It is a "Petition to Theodore Roosevelt, President of the United States, by the Receivers and Shippers' Association of Cincinnati, Ohio." It was sent to the President June 1, 1905. It has been there more than eight months. I will simply read the conclusion, after marshaling the facts and producing the evidence at which these petitioners arrive:

> Wherefore your petitioners respectfully ask that you will instruct the Attorney-General of the United States to begin proceedings in the United States court—
>
> 1. To enjoin the Southern Railway Company and the Atlantic Coast Line Company from acquiring or attempting to acquire further stock of railroad companies in the southern territory, and from voting the stock which they now hold in railroads other than the stock of their own companies, and from exercising or attempting to exercise any control, direction, supervision, or influence whatever over the acts and doings of said other railway companies, and to secure such other relief on behalf of the people of the United States against said illegal combinations, conspiracies, and monopolies as the law and equity of the situation demand.
>
> 2. To institute proceedings in equity to dissolve the said Southeastern Mississippi Valley Association and Southeastern Freight Association, and to enjoin the company's subscribers thereto, and all and each of them, from further agreeing, combining, conspiring, and acting together to establish and maintain rules, regulations, and rates for carrying freight upon their several lines of railroad, and to secure such other relief on behalf of the people of the United States against said illegal combinations, conspiracies, and monopolies as the law and equity of the situation demand.
>
> 3. To enjoin the Southeastern Mississippi Valley Association and the Southeastern Freight Association from carrying into effect the joint agreements entered into between them, and from continuing to agree, combine, conspire, and act together to establish and maintain rules, regulations, and rates for carrying freight upon the several lines of railroads whose companies are directly or indirectly parties to said agreement, and to secure such other relief on behalf of the people of the United States against said illegal contracts, combinations, conspiracies, and monopolies as the law and equity of the situation demand.
>
> 4. To enjoin the companies parties to the meeting in New York City from carrying into effect the agreements entered into at said meeting, and from continuing to agree, combine, conspire, and act together to establish and maintain rules, regulations, and rates for carrying freight upon their several lines of railroad, and to secure such other relief on behalf of the people of the United States against said illegal combination, conspiracy, and monopoly as the law and equity of the situation demand.

That is the essence; that is the conclusion of the arguments and facts presented to the President by this association of Cincinnati merchants and business men.

Mr. President, I ask that this book be printed as a Senate document, only such parts as I have read to be incorporated in my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TILLMAN. Now, Mr. President, in order to get the matter immediately in interest, I am going presently into this question of merger and consolidation, to point out the neglect of duty by the Attorney-General. Probably I had better do it right now, because having already introduced that it would look a little odd to leave it standing by itself. I therefore recall to the attention of the Senate the charges or statements of fact made in the letter of the Red Rock Fuel Company and in the letter of the governor of West Virginia as to the situation in that State. I found last night in my mail because of somebody—I do not know who was kind enough to send it to me—this volume of Public Addresses by Gov. A. B. White, 1901–1905. Gov. A. B. White was the predecessor of Governor Dawson, and instead of Governor Dawson making known to the country a situation that was new and had just come about, I find here that Governor White in his first message makes this remarkable statement:

> There is now no competition among the three great trunk lines traversing this State, because they are all under the same control, and that control is that of a foreign corporation, possibly more concerned in the development of another State. Railroads should not have the right to say for whom they will haul freight, how much they will haul, in what direction they will haul it, nor to fix absolutely the rates of hauling. Being common carriers and public highways, they must be open to all on precisely the same terms, and these must be reasonable. It is intolerable that these highways can be used to build up one individual or interest and to tear down another. I know the argument of enlightened self-interest—

That of the Senator from Massachusetts, to which I have just alluded—

> that it is to the interest of a railroad to develop the territory it traverses by being fair and just. But this is not sufficient. Experience has proved that under more favorable conditions than those that now obtain it was not sufficient; and especially can we not trust the operation of self-interest when the railroads of one State are controlled by another of a foreign State, which foreign railroad is probably more directly interested in the development of the other State, and more especially as the principal product, so far as railroad freight is concerned, of this State comes somewhat in competition with the principal product of the other State. This is shown by the fact that the tonnage of coal carried by this foreign railroad in its own State increased 6,000,000 tons last year, while the tonnage of our own State showed no appreciable increase. If the railroads which are situated to do the business of West Virginia had given our shippers the necessary facilities our output of coal the past year would have approximated 30,000,000 tons instead of 23,000,000, and our output of lumber would have shown a proportionate increase.

Here is another governor of West Virginia, the predecessor of the present governor, calling attention to a condition of merger, of outside control, of conspiracies in restraint of trade, all of which are indictable under the original Sherman law and also under the Elkins law. Therefore we find that this condition of discrimination, of injustice, of wrong, and robbery has gone on from bad to worse; and it is only after the people of the country, sleeping quietly and peacefully, as is the habit of the masses, voting their party tickets under the influences which usually govern in such cases, oblivious of the great underlying and active forces that are revolutionizing trade and business, are at last aroused. They are beginning to wake up even in Pennsylvania. The poor, besotted Pennsylvania legislature, if I may use such a phrase, which has been said time out of mind for the last twenty-five or forty years to be owned body and soul by the Pennsylvania and the Reading railroads, I believe I saw in the newspapers two or three days ago has at last awoke to the fact that the people of Pennsylvania showed at the last election by a change of 600,000 Republican votes around to the other side that they were sick unto death and tired. This legislature tumbles over itself to pass a resolution instructing the attorney-general of that State to inquire and take action to see if the constitution of that State has been violated in the matter of the ownership of coal mines by railroads—something that is known of all men to have existed for a quarter of a century or more; and the anthracite coal output has been fixed in quantity and fixed in price beyond any possibility of dispute by reason of the fact that the limited area of anthracite coal lands is penetrated by only three roads. I believe—the Lackawanna, the Reading, and the Pennsylvania, and the Pennsylvania either itself or through its allies controls all those; and therefore, as I said, it is the head devil in the whole programme of monopoly.

There is another little exhibit that might perhaps have attracted the attention of an Attorney-General who is zealous in the discharge of his duties, who wanted to see that these combinations in restraint of trade and these mergers are brought to book in the courts and an effort made to undo them. I hold in

my hand an advertisement clipped from the New York Herald of February 9, 1906. I will have it put in the RECORD without reading the whole of it.

Twenty million dollars Pennsylvania Company 4 per cent fifteen-twenty-five year gold loan of 1906. Due April 1, 1931, with the option to the Pennsylvania Company to redeem all, but not any part, of the issue on April 1, 1921, or on any interest date thereafter, on giving ninety days' notice. Principal and interest unconditionally guaranteed by the Pennsylvania Railroad Company. Interest payable semiannually on April 1 and October 1 in New York. Principal and interest payable without deduction for any tax or taxes, which the trustee of the Pennsylvania Company may be required to pay, or retain therefrom, under any present or future law of the United States of America or of the Commonwealth of Pennsylvania. Girard Trust Company, trustee. Coupon certificates in denomination of $1,000 each with provision for registration of principal.

The above loan is to be secured by the obligation of the Pennsylvania Company, the pledge of $10,000,000 par value of the common stock of the Baltimore and Ohio Railroad Company; $14,000,000 par value of the common stock of the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company; $4,000,000 par value of the stock of the Vandalia Railroad Company, and by the unconditional guaranty of the Pennsylvania Railroad Company.

A large amount of the above loan having been sold, the undersigned offer the unsold portion for subscription at 100½ per cent, with interest adjusted to April 1, 1906, from which date the loan bears interest.

The subscription list will be opened at the office of the undersigned at 10 o'clock a. m. on Wednesday, February 14, 1906, and will be closed at 3 o'clock p. m. or earlier on the same day, the right being reserved to reject any applications and to allot smaller amounts than applied for.

Allotments made upon subscriptions are to be paid for on March 1, 1906, against temporary receipts of the trustee, which will be exchangeable for actual certificates as soon as ready. The amount payable on that date, with interest adjusted to April 1, is $1,001.66 per $1,000 certificate.

For further details as to the above loan, reference is made to the agreement relating thereto, copies of which may be obtained at the office of the undersigned.

Application will be made to list the above loan on the New York Stock Exchange.

New York, February 9, 1906.

KUHN, LOEB & CO.,
William and Pine streets.

It is a very innocent-looking little advertisement. These people have grown so utterly indifferent to governmental control and conditions in Washington, they have such a saving faith in the innocuous character of the thundering from the White House and from the Attorney-General's office, that they boldly advertise the fact—and the report of the Interstate Commerce Commission sent to the House last week proves it—that they control not only the Baltimore and Ohio and limit its coal shipped to market, but control the Norfolk and Western and the Chesapeake and Ohio, and those are the three railroads that cover West Virginia. And the Attorney-General is very busy, at the instance of his Chief, to have the country believe that this is a simple and innocent financial transaction; that there has been nothing unlawful in it; that it is nothing in restraint of trade; that there is the freest liberty of action and opportunity for development, until the Red Rock Fuel Company comes forward and states the fact, the bald, the outrageous fact, that the Baltimore and Ohio people denied them the right to connect their spur with the Baltimore and Ohio line and refused them any outlet to market, even though the Interstate Commerce Commission, after trial in the courts, issued the order.

These fellows snap their fingers in the faces of the people and of the people's representatives here, and say, as a celebrated financier of New York said once, "The public be damned! What are you going to do about it?" And then we are told by the newspapers: "The President stands firm;" "the President does not mean to yield one jot or tittle;" "he will not be coerced or bamboozled or persuaded to give way to the railway influences;" "he is going to stand by his original declaration." What was his original declaration? I will not go back to the original, but I will go back to the revised edition, the last one in the message. Our Executive does not always put in his messages things that he says in his speeches. He thinks them out and gets them in his mind and speaks them, and then sometimes boils them down under advisement from some of those friends of mine on the other side who can get his ear occasionally and tell him, "You had better take that out." But here is what the President said in his last message:

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—"the maximum reasonable rate," as it is commonly called—

Now, here is the milk in the cocoanut—

this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Now, the whole trouble here, if there be trouble—I am not so sure that there is, but the apparent trouble—is that there is a very strenuous effort being made to persuade the President to agree to put into the Hepburn bill as it has come to us an express provision which shall say in terms that there shall be an appeal to the courts, etc. I do not know the language; I have never been allowed to see it; but Messrs. Root and KNOX are prayerfully considering it, I am told, and it may be the momentous words will come to our eyesight sometime in the near future. But the trouble is to keep the President from flying the track and granting to the railways a provision in regard to an appeal which will not allow the decision of the Interstate Commerce Commission to go into effect at once, or within thirty days, but leave it to the judge to say, by supersedeas or injunction, "This rate is unreasonable; it is confiscatory; you must not put it into effect because it is unconstitutional," and all that kind of thing.

I know that there is the right of appeal to a court to right any wrong that can be shown to exist; and I would be the last to take it away from any man or any corporation, for it is in the Constitution itself in language which declares that you shall not take private property for public use without due process of law. It is there, and being there it is sufficient; and if the President of the United States sees fit under threats—I have heard there were threats; I do not know, but, anyhow, under pleading, or by threats on that side; if he stands firm, if he holds fast to the end, if he does not yield that crucial point, then I shall have more faith in the sincerity of purpose and honesty of intention of this whole agitation.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure; always.

Mr. FORAKER. I wish to ask the Senator from South Carolina if he does not think there ought to be a proper provision in this so-called "Hepburn bill" for a review by a court of the action of the Commission?

Mr. TILLMAN. Mr. President, that depends entirely on what the Senator from Ohio would mean by the word "proper."

Mr. FORAKER. One that would allow anybody, a party to a proceeding, who felt aggrieved by an order made, to appeal to a court for a review and the judgment of the court as to whether or not it was a right and proper order.

Mr. TILLMAN. I should be perfectly willing to have the right of appeal given if you will permit the decision of the Interstate Commerce Commission to go into effect pending the appeal. Otherwise the poor devil who is endeavoring to get redress for excessive rates on freight will be dragged from one court to another for three years at least, and will be so deterred by the length of litigation and the expenses, and possibly the accompanying destruction of his business interests in the meantime by such behavior as has been shown to us by the Red Rock Fuel Company, that he might just as well go into bankruptcy at once and close out his affairs.

Mr. FORAKER. The bill does provide that the order shall go into effect at once, and it will if the bill shall be passed, as I hope it will not be in the form in which it is. Does not the Senator think it would be proper to leave to a court to decide whether or not there was any equitable or just cause for the suspension of the order until the party could be heard?

Mr. TILLMAN. It would depend entirely on the phraseology that the Senator might employ as to whether or not I should agree to that. As at present advised, I stand by the President's original position, that nothing we shall do here in the way of legislation shall prevent the decision of the Interstate Commerce Commission from taking effect within thirty days, at least, and remaining in effect until the court has reviewed the case and decided whether or not there was error in the action of the Commission.

Mr. FORAKER. Mr. President, I should like to ask the Senator just one other question, and that is whether or not he thinks the so-called Hepburn bill meets the requirements of the President's recommendation, or whether or not it more than meets the requirements of the President's recommendation?

Mr. TILLMAN. Mr. President, I said a little while ago that there was a great game of opera bouffe or farce going on here, and I stand by my suspicions. I believe there are too many words in the Hepburn bill. It is a maze of words through which you can stumble, and every man will disagree as to what it means. They disagreed in the House anyway. One man says it means thus and so, and another man says that is not so; it is not in there; and so you go.

Mr. FORAKER. Are we to understand then, from the remarks made by the Senator from South Carolina, that he is entirely satisfied with the Hepburn bill?

Mr. TILLMAN. I certainly am not entirely satisfied with the Hepburn bill. [Laughter.] I hope to offer some amendments that will cover these phases of the railway question that

I have just been alluding to in West Virginia, that, as far as I can understand the English language, are entirely unprovided for; but I will ask the Senator from Ohio if he is entirely satisfied with the Hepburn bill?

Mr. FORAKER. Mr. President, I do not have to be satisfied with it.

Mr. TILLMAN. Well, would the Senator vote for it?

Mr. FORAKER. If the Senator will allow me, if I had been satisfied with that bill, after I heard the speech of the Senator from Massachusetts [Mr. LODGE] this morning I certainly would not have been satisfied with it any longer.

Mr. TILLMAN. Well, I want to ask the Senator——

Mr. FORAKER. The Senator from Massachusetts thoroughly convinced me that I was right in my position on rate legislation.

Mr. TILLMAN. The Senator from Ohio is a very great lawyer and one of the most forceful and clear-headed men in argument I have ever listened to. It is always inspiring to me to have him get up and elucidate a point, because he goes at it so energetically and so earnestly; but the Senator has catechised me in regard to the Hepburn bill, and I have answered very frankly that I do not like it. I should now like to ask the Senator, after he has said he does not like it, whether he is going to vote for it?

Mr. FORAKER. Mr. President, I am not going to vote for it.

Mr. TILLMAN. Then I am glad of that, but I am sorry that the Senator from Colorado [Mr. PATTERSON], who is such a stickler for Senatorial independence, is not here to give the right hand of fellowship to the Senator from Ohio.

There is another Senator who refuses to bow to party caucuses.

I want to say here and now the reason I had for introducing the joint resolution looking to a thorough and searching investigation was because, notwithstanding the month or more that we devoted to hearing witnesses, making inquiries of witnesses, and cross-examining them last summer in the Interstate Commerce Committee, there is so much yet unknown that it is necessary to know in order to legislate intelligently, that I feel almost willing to say, notwithstanding the agreement that has been made by the members of the Interstate Commerce Committee—if I may disclose the secrets of the committee, though they have already been given to the press—that I want more light before I agree to vote for a bill that may contain half a dozen snakes in it, much less the one which was charged against the Senator from Iowa [Mr. DOLLIVER] last week.

We are dealing with the most important question that this country has before it to-day. It is a vital question, and I find nothing in this bill, which the people are taught to believe will make everybody happy and do away with all cause of complaint—I find nothing whatever in it, so far as I can understand the English language, which will grant relief to the Red Rock Company or to any other company which is the private owner of coal lands, bottled up by the corporations running by their doors, although they are public carriers who presume to exercise the right, and to enforce it, that they will not give cars to these people because, forsooth, they themselves or their friends and associates own coal lands up there, as I understand. The output must be limited in quantity to suit—I will not say the convenience, but the greed of the real controlling interest in Pennsylvania—the Pennsylvania Railroad. There is nothing of the kind in the Hepburn bill except by implication.

I want a provision in any railroad law that I vote for which will be somewhat along the line which the gentleman from Ohio [Mr. GROSVENOR] drew up, but did not introduce in the House, that will prohibit any public carrier from owning and controlling a product which is carried over its line. I want this monopoly of the anthracite coal region, which is to-day the instrumentality through which the American people are robbed of from sixty to one hundred million dollars a year, checked. I want a provision in this law, or in some law which we shall pass through Congress, which will prevent any monopoly of the bituminous coal lands on the Atlantic slope by the Pennsylvania Railroad and its allies; and you have not got it in this bill. It is not there. If there is anybody here who asserts that it is there, let him read the language and try to show it. Yet you talk about the rate-making business as the principal cause of complaint, and you say you are going to redress the grievances of the shippers, when you leave the coal of an entire State—several thousand square miles of it—subject to this condition.

The Baltimore and Ohio and its allied roads, under the dictation and control of the Pennsylvania Railroad, can say to the owner of coal lands, "You have got coal down there that may be valuable, and we know it, but we have coal lands of our own and our friends have; we do not propose to have you compete with us; you shall not have the benefit or the facilities of our railways as a public carrier; we will haul coal until we have exhausted our own mines and those of our friends, and your grandchildren or your great-grandchildren may enjoy the coal that lies under your land if by that time we have not squeezed you out or other railroads are here to offer facilities of shipment." That is the abuse I am after as much as I am after the rate-making business. We have no coal in South Carolina, but we have to buy it; and I do not like to have somebody in Tennessee or elsewhere levying tribute of a dollar and a half or two dollars a ton over what it costs. I am going to offer an amendment in committee, and if I do not get it in the bill there I am going to offer it in the Senate, looking to redressing and righting and preventing this particular wrong. But knowing the condition in the Senate and the condition of mind in which the country now seems to be, the people having faith in the President's integrity of purpose and honesty of intention, looking to him as the great Moses to lead them out of the wilderness, depending wholly on his wisdom and that of his advisers, I want to see the Senate legislate intelligently.

We are under a cloud. We all know that. The newspaper press agencies, however controlled, getting their inspiration from whatever source—I do not know exactly what, but I have my suspicions—have educated the people of this country to believe that they are dependent solely upon Theodore Roosevelt, that the Senate is the servile tool and agent of these corporations, and that unless the whip is cracked and we are compelled to fall in line and take his ipse dixit they will get no relief.

We have now a peculiar and anomalous situation in the bill sent here by the House of Representatives. With only seven votes in the negative, it is so practically unanimous that one would say he must be a bold man to get up and declare against it; a bill which had so many wise lawyers and patriotic statesmen engaged in framing it, which came originally to us from the Attorney-General under the very wing of the President, everybody with any wisdom in law in the Republican party consenting, so to speak, in writing it, and saying, "Here, Pete, pass this." [Laughter.] But when Pete gets up to explain it, he wobbles about through the bill, and swears things are in it which nobody else can see, and swears things are not in it which everybody who knows the English language can see are in it, why, then, should I not be suspicious? Why should I not want the Republican majority and the Democratic minority to perform their function in legislating here advisedly and in the light of facts?

We have got enough facts for me, but they will say, "Well, the Red Rock people are lying; the governor of West Virginia may be mistaken; the two governors of West Virginia may misunderstand the facts." Therefore, I brought in the resolution—and I ask the Senate to pass it and hope the House will do likewise—instructing the Interstate Commerce Commission, which has facilities for investigation, which has trained experts at its command, to take this matter up, to go through it, and, if they go about it in the way I hope they will, certainly they will begin to uncover some fire somewhere in a week or two.

We had better wait here until June before we pass any legislation on the railroad-rate question rather than fail to pass such as will be wise and best; and certainly we had better pass none at all rather than pass something that will fool the people after all the anger and the arousement which has come about among them, and which will be greatly inflamed if they learn next year or the year after, when the Supreme Court has got through with it, that his mass of words, these thousand or more phrases and lines, all doubled and twisted and muddled up, had in them a loophole through which, with a little stretching, you can drive, not only an automobile, but a whole freight train. [Laughter.] There is danger of just such a catastrophe.

At the suggestion and solicitation, in a sarcastic way, of two distinguished Senators on the other side, who are on the committee with me—Messrs. ALDRICH and FORAKER—I prepared a little bill that I defy any lawyer here or anybody else or any court to prevent granting redress in the rate business. It goes right to the meat of the question; it has not got an extra word in it; it accomplishes the purpose which the President says he desires, but of course it will never pass. I will never get a vote on it. It does not deal with this question of monopolies. That is already dealt with to a considerable degree by the Elkins law, under which all restraints of trade, all combinations, and so forth, are prohibited and punished.

We have shown by the decisions of the court in the Northern Securities case that you can stop these mergers, but the trouble all along here is this: You stop them. Then they say, "Well, we have obeyed your order," and they go right around and transfer or swap about or work up some chicanery or trickery under the leadership and inspiration of great lawyers like Mr.

Root and others, and then the same thing goes right on, and the combination is carried out, but these people, Mr. James J. Hill and his confederates, do not obey the orders of the court. You will never stop this devilment until you put some millionaire in prison with stripes on him. That is my honest and earnest belief.

I presume, of course, that nobody will for a moment object to the investigation, and that the Senate will pass the resolution without any man voting against it. I will read here something that ought to make everybody willing to pass it, because it is a matter that invites inquiry. I suppose it will be asked why a Senatorial committee shall not investigate it, because we know better how not to do it than any people on the top of God's green earth. [Laughter.] It is for the simple reason that the Committee on Interstate Commerce has no time that I did not undertake to have that committee charged with the grave and responsible duty of looking into these questions that are disputed by some.

Here is another item [exhibiting] that is clipped from the Post of yesterday—"Mr. Cassatt not afraid." Here is another one from the Philadelphia Inquirer, which I will read:

PITTSBURG, PA., *February 10, 1906.*

That rebates amounting in the aggregate to millions have been granted to the Standard Oil Company by the Pennsylvania lines, and that small feeder lines have been frozen out by unjust discrimination in rates and unfair distribution of cars, are facts which it is said to-night have been gathered from the records and accounts opened to President Roosevelt's agents who are at work here.

Why does the President's agent take so long when the facts are so clear and so plain? The Northern Securities business was a very simple process. Only $30,000 were paid into the receiving company. Thirty thousand dollars in cash was advanced, and with that $30,000 as a basis they issued $400,000,000 worth of stock, and with that $400,000,000 of stock they went about to the various railroads which they wanted to consolidate, and said: "Here, we will take your road and we will give you so much of the holding company's stock;" and they said to others they could get so much stock, and so on, and so on. Then the Government took a hand in the matter, and under the leadership and legal attainments of our friend from Pennsylvania [Mr. KNOX] they won. But who denies the fact that the New York Central and the Pennsylvania in conjunction own or control lines that do own a controlling interest in nearly every railroad east of the Mississippi River? The President knows it; or, if he does not, there is no use of the Interstate Commerce Commission to report it for they have it there practically; and here you go.

The President knows these things, and his Attorney-General sits down and sends his agent to Harrisburg, which used to be a cesspool of rottenness, but it is getting quite respectable and decent now. We may then hope that in about five or ten years from now there will be enough facts gotten upon which to base a lawsuit to stop some of these combinations; yet the country is led to believe religiously that they have no protector, no hope, no chance to get redress, and no opportunity, unless they cling to the coat tails of the President and follow him blindly. I would rather have a little more action and less profession. I would like to have some overt act and honest effort to show that these illegal combinations were broken up or tried to be broken up.

We had a spectacle once, not very many years back—and I alluded to it in the Senate on a previous occasion—of the Attorney-General, Mr. Griggs, of New Jersey, retiring from the office of Attorney-General, going to his home, and immediately taking the case of the Northern Securities Company against the United States, against Attorney-General KNOX, who was then in office. It was another case of archangels like that described by Byron in The Vision of Judgment, where Michael and his former comrade, Satan, were brought to court as attorneys to try the case to see whether George III's soul should go to heaven or not.

> Yet still between his Darkness and his Brightness,
> There pass'd a mutual glance of great politeness.

[Laughter.]

So we have it. The Attorney-General and the ex-Attorney-General—the present Attorney-General so far has not been engaged by any railroad that I know of that is fighting the Government—I mean our friend the Senator over there who used to be in that office. And Mr. Moody—I have nothing in criticism in him. I am just watching him and praying that he will not take always to examine before he will bring some suits upon the evidence already in his possession and easily accessible to him if he had any honest purpose of trying to accomplish anything in regard to the rebate business.

I want to recall a little transaction a very short while back in which a member of the Cabinet was brought to book in a case before the Interstate Commerce Commission for granting rebates. I find "In the matter of the Transportation of Dressed Meats and Packing-House Products," before the Interstate Commerce Commission, this testimony:

Mr. DAY. Mr. Morton, the Commission wants to know the concessions that have been made during the past year; take the year 1901, or the last part of it, or eight months of the year; what concessions have been made from the established tariffs in the transportation of packing-house products and dressed beef or dressed meats by your road?

Mr. MORTON. We have carried the business from Kansas City to Chicago for 5 cents less than the published tariff to Chicago and Chicago Junction points.

Mr. DAY. Domestic as well as export?

Mr. MORTON. Both.

Mr. DAY. How long have you been doing that?

Mr. MORTON. We did it, I think, about April 1; we commenced to do it from the beginning of the year, at which time there was a general declaration of good faith and intention of an absolute maintenance of rates. We maintained the rate until April 1. We carried, I think, about 2 per cent of the business from Kansas City to Chicago. We bring into Kansas City about 33⅓ per cent of all the live stock brought in there.

Commissioner FIFER. What per cent?

Mr. MORTON. About 33⅓; and we were not satisfied with the proportion of the product that we were getting out. I do not know that rates were being cut via Chicago or via St. Louis, but we do know that we were confronted with a condition, not a theory, and we could not get any business unless we met the conditions, which we did. We told one of the largest shippers in Kansas City that if they would come and ship with us we would give them 5 cents reduction from the tariff, and in order to get them we had to promise to do it for a year—I think until the 1st of July of this year, 1902. Ordinarily on tariff rates we ought to carry 20 to 25 per cent of the business from Kansas City, where the rates are equal by all lines. Our justification for taking this business was that we were carrying less than 10 per cent of what we thought we were fairly entitled to.

Then a little further on I find the following:

Mr. DAY. How was this traffic billed out?

Mr. MORTON. Billed on the tariff.

Mr. DAY. How was the adjustment made?

Mr. MORTON. By cash.

Mr. DAY. At the time?

Mr. MORTON. Later.

Mr. DAY. It was billed at the tariff and the tariff was collected?

Mr. MORTON. The tariff was collected.

Mr. DAY. Were there claims presented for settlement?

Mr. MORTON. Statements.

Mr. DAY. Presented to whom?

Mr. MORTON. To our freight department.

Mr. DAY. Approved there?

Mr. MORTON. Settled there.

Mr. DAY. They did not go through the auditing department?

Mr. MORTON. The vouchers went through the auditing department—many vouchers for specific accounts. These shippers that did not sign any vouchers—some settlements have been made through connecting lines.

Mr. DAY. Who were the settlements made with?

Mr. MORTON. The shipper.

Mr. DAY. Any more than one?

Mr. MORTON. Yes, sir.

Mr. DAY. Who were they?

Mr. MORTON. The packing-house owners. Do you want the names?

Mr. DAY. Yes, sir.

Mr. MORTON. The principal shipper was the S. & S. Company, but settlements have been made with other people shipping at the same time.

Mr. DAY. Made directly with the houses or through their agents?

Mr. MORTON. Through their agents that have charge of that particular branch of the business.

There is a confession of the then vice-president of the Atchison, Topeka and Santa Fe Railroad Company that he paid rebates contrary to law; and then when in another case, the Coal Company case, proceedings were had before the Interstate Commerce Commission and the facts were brought out that the railroad had granted rebates contrary to an injunction, evidence was produced before the Interstate Commerce Commission that the managers of the road had undoubtedly granted more rebates in spite of the injunction. I called for the papers here by resolution six weeks ago. They came here and the complicated doubled and twisted methods of getting around the law necessitated photolithographs, so that they have not come in from the Printing Department yet. It takes a long time to get anything that exposes any of these people high up. It may be we will get them after a while. I hope so, or else I hope the Senate will go after those people with a stick and make them come to time.

But, I assert, whatever may have been the innocence of Mr. Morton, the evidence that the traffic manager or the men in authority had granted rebates in spite of the injunction, is not disputable, and that is a queer railroad which has a vice-president or other man in authority who has things going on in his road and in its management which are unlawful and contrary to his orders without his knowing it.

Messrs. Harmon and Judson were invited by the Government to take the case and prosecute it. They found they could not get the testimony upon which to convict without getting out proceedings in contempt. When they asked the Attorney-General for authority to go after the head man or head men of the Atchison, Topeka and Santa Fe, they were told, "No evi-

dence whatever exists of the guilt of the Secretary of the Navy, Mr. Morton. Therefore you can not enter that proceeding. You must stop where you are." The attorneys resigned. They found that the prosecution was not made in good faith, and that the Department of Justice was only honeyfuggling with the public. Therefore the thing dropped, and Mr. Morton, having resigned from the Navy, with the confession of rebates on him, made by his own mouth, and the proof hanging over him, if it had been allowed to be brought out, that he had disobeyed the injunction of the court, is promoted and made head of the great insurance organization in New York, which has been the stamping ground for as dirty a lot of thieves as ever walked God's green earth.

They took a man with this nice clean record and put him in charge of these hundreds of millions, which are the savings, so to speak, of the widows and orphans who are beneficiaries of policies in that insurance company. Yet here we go. The White House is immaculate. Nobody doubts, at least I do not doubt, Theodore Roosevelt's purpose and integrity and patriotism. As I stated the other day, he is monstrously persuaded by some people who get around him and honeyfugle him with flattery. I am afraid it is true. I do not know what their methods are. Whatever the methods may be, he stands by his friends. He gave Morton a certificate of good character, and so on.

Here is another phase of the subject which will be the final scene in this comedy, as I have tried to depict it; a sort of a tragedy, too. I find in the Post of February 10 this dispatch from New York:

[Special to the Washington Post.]

NEW YORK, *February 9, 1906.*

It is practically certain that an effort will be made to indict Judge Andrew Hamilton on a charge which will permit of his being extradited from France. It was learned on good authority to-day that Attorney-General Julius Mayer believes action can be taken against Hamilton on the facts contained in the report of the Fowler investigation committee, and that the State authorities will have to act in the event of nothing being done by District Attorney Jerome.

Mr. Jerome left town for Lakewood, Conn., this afternoon, to be gone until Monday. He refused to say anything about insurance affairs. Attorney-General Mayer has taken the stand all along that it is Mr. Jerome's duty as prosecuting officer of the county to handle the criminal end of the insurance scandal without any interference by the State authorities, and it was said to-day that that is the attitude which the attorney-general's office takes in the matter.

WITHIN GOVERNOR'S POWER.

It is possible, however, for the governor, acting on the advice of the attorney-general, at any time to issue instructions for the impaneling of a special grand jury to hear evidence on a criminal charge.

Of the findings against Hamilton by the Fowler committee, this one attracted special attention to-day:

"No other conclusion would seem to be permissible than that Hamilton used for his own purposes $75,000 of the proceeds of the check of June 6, 1904, delivered to him for the purpose of paying the State tax."

Attorney-General Mayer expressed his opinion of the Fowler committee report to-day. He said: "After studying the legal propositions involved I am convinced that the courts will hold that payment of political contributions was unauthorized and in violation of law."

IN THE SAME CATEGORY.

"Do you place legal expenses for which no satisfactory accounting has been rendered in the same category with political contributions?"

"Yes," was the attorney-general's reply.

When Mr. Mayer referred to the payment of political contributions as being in violation of the law, he meant the civil, not the criminal, law.

The attorney-general's attitude in this matter means that John A. McCall will probably be held liable for the $148,000 which the New York Life contributed to the Republican national committee under his instructions, and also for any other campaign contributions that may be turned up by the Fowler investigating committee as having been authorized by President McCall.

Right in the same paper, as illustrating the progress of events, we find this:

The President entertained the executive committee and officers of the Republican national committee at dinner last evening. Those present were Mr. George B. Cortelyou, Mr. Harry S. New, Mr. Cornelius N. Bliss, Mr. N. B. SCOTT, Mr. Franklin Murphy, Mr. Charles F. Brooker, Mr. William L. Ward, Mr. R. B. Schneider, Mr. D. W. Mulvane, Mr. George A. Knight, Mr. Elmer Dover, Mr. J. A. TAWNEY, Mr. F. H. Hitchcock, Mr. William F. Stone, Mr. Charles H. Duell, and Mr. L. A. Coolidge.

The President has been elected nearly a year and a half, and never has it been found necessary or desirable to bring these friends of his—these true and tried lieutenants and counselors in his last race for the Presidency—to dine with him. The inevitable conclusion, in my mind—at least it ought to be, if it is not—is that these people were brought together to confer how the money could be raised to help poor old McCall out of the bog into which he has sunk and refund the $148,000 which he stole from the policy holders of the insurance company and contributed to the campaign fund of the national Republican committee. I do not know that it was mentioned. If not, more's the pity, for surely this man McCall is not going to be left in the lurch and run the risk of bankruptcy or being sent to the penitentiary because of the fact that his love for the Republican party got him into this trouble.

The other day somebody here made comparison between Andrew Jackson and President Roosevelt. Let us look at it. Andrew Jackson never put Nicholas Biddle in his Cabinet. In his fight against the money power he fought to the bitter end. He used no blandishments; he used a bludgeon. President Roosevelt had no need for any campaign fund, but his lieutenants did. Mr. Bliss collected it; Mr. Cortelyou spent it. Mr. Cortelyou is in the Cabinet, and, as I said, the trusted friend and attorney of the money power in New York, Mr. Elihu Root, is in the Cabinet. I acknowledge he is a very bright and great man. I have nothing to say against him personally, for I admire him; but Andrew Jackson never would have taken as a Cabinet officer a man so closely allied with Nicholas Biddle in the United States Bank.

So we have a condition in this country to-day which should give every thoughtful man pause, to see whether or not it is possible that Senators have the saving grace and patriotism and regard for their obligations of office, the oaths they took, to take up and consider all these questions relating to the public welfare, this railway rate business, this railway discrimination business, this railway monopoly business, this destruction of private property without due process of law, simply by denying the right to ship coal and all that kind of thing. I say we need an investigation. We want the facts. We want the Interstate Commerce Committee to do the best it can with the bill now before it. I am ready. We have agreed among ourselves to bring it in next Friday, or to bring in something, so that the discussion here on the floor may proceed along the line of enlightenment for the people of the country and Senators who are not on the committee as to what is in the bill and what is not. I would rather keep it in committee until we get the facts from the Interstate Commerce Commission, upon which we could base an amendment to prevent public carriers from owning any coal or other product which is to be shipped over their lines, thus relieving us from this infernal monopoly which now oppresses the lifeblood out of Pennsylvania in the anthracite regions and is seizing upon the bituminous regions of Pennsylvania and West Virginia and the Atlantic seaboard generally, by which the people are held up and compelled to pay from $1 to $2 a ton more than is a just compensation for their coal, in order to put more millions, and stolen millions, in the pockets of Cassatt and his allies.

Mr. ELKINS. Mr. President, I have no purpose to discuss the joint resolution which has been reported by the Senator from South Carolina [Mr. TILLMAN] from the Interstate Commerce Committee, of which I am chairman. I voted to report the joint resolution and will vote for it in the Senate. My purpose is to bring to the attention of the Senate the statutes of the State of West Virginia on the subject of compelling railroads to connect, and to correct the misapprehension in the mind of the Senator from South Carolina, and possibly in the minds of others, as to the laws of West Virginia. The question raised by the Senator's remarks was whether there is adequate law in the State to correct an abuse complained of there arising out of the refusal of a railroad to make a connection with a lateral or branch line. I stated there was a law on the subject, and the only purpose I have at this time is to relieve the people of West Virginia and the State from the charge made by the Senator from South Carolina, if I may use that word, of being in disgrace because we have no proper law to compel a connection between railroads. The Senator from South Carolina said in his remarks a few days since:

In the first place, I want to remark that the relief sought here would appear to be obtainable under State law, and if there be none, then West Virginia stands disgraced because she has not enacted such a law.

As soon as I heard that remark, I interrupted the Senator to state that there was a law to compel the connection of railroads.

The Senator also referred to the circumstance in his remarks on the 8th instant, and substantially repeated what he said, and offered a letter from the governor of West Virginia, who stated, referring to the Senator from South Carolina—I will use his language—

You are nearer right than Senator ELKINS.

Mr. President, in order that there may be no doubt on this question and in order to properly defend my State and her people from the charge of disgrace, I wish to read and have appear in the RECORD the statute of the State of West Virginia on the subject of compelling connections between railroads. I read from the Code of West Virginia, chapter 54, page 573:

50. Every corporation formed under this chapter shall, in addition to the powers hereinbefore conferred, have power:

* * * * * * *

Seventh. To cross at grade, or to cross over or under, intersect, join, and unite its railroad with any other railroad now built and con-

structed, or hereafter to be built and constructed, within this State, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings, and switches and other conveniences in furtherance of the object of its connections, and every corporation whose railroad is, or shall be hereafter, intersected by any new railroad shall unite with the corporation owning such new railroad in forming such intersection and connections and grant the facilities aforesaid; and if the two corporations can not agree upon the amount of compensation to be made therefor, or the points and manner of such crossing and connections, the same shall be ascertained and determined in the manner prescribed by section 48 of this chapter.

I can not conceive of language being broader or of a remedy being more perfect to obtain a connection than the statutes of West Virginia afford.

I have no purpose to enter into any discussion of the question raised by the Senator, or of abuses alleged to have been committee by the railroads in West Virginia. I hope the joint resolution before the Senate will pass. I simply wish to say to the Senate and to put on record the fact that the laws of West Virginia afford a remedy in the case complained of, and the State is not in disgrace because of any supposed failure to enact proper laws. I believe the laws of West Virginia are about as stringent on the question of railroads and their operation as those of most of the States in the Union.

The people of West Virginia, which I am proud in part to represent on this floor, would hardly forgive the Senators if they should fail to resent a charge of the State being in disgrace coming from any source for any reason whatever. My contention is that our legislature under the section just quoted has provided a proper remedy to compel railroad connections. Why this remedy was not resorted to by the parties in interest I can not say. I suppose they had good reasons for not doing so.

Mr. NEWLANDS. In connection with the able speech of the Senator from Massachusetts [Mr. LODGE] I ask to have inserted in the RECORD certain extracts from an article written by Mr. William Z. Ripley, professor of economics, Harvard University——

Mr. KEAN. All of that is probably contained in the testimony taken before the Interstate Commerce Committee last summer.

Mr. NEWLANDS. Does the Senator state that this article appears in the report of those hearings?

Mr. KEAN. I do not know about that, but Mr. Ripley told nearly everything he knew, and more too, I think, before the committee; I think the request to print had better be looked into.

Mr. NEWLANDS. I ask that certain extracts from this article be printed in the RECORD. I will not ask to have them read.

Mr. ALDRICH. I do not object to their being printed as a document, but I do object to anything being published in the RECORD unless it is read.

Mr. NEWLANDS. Then I will ask to have it read. I will ask the Secretary to read the part marked, extending from pages 3 to 15.

Mr. ALDRICH. I recollect the article very well; it has some statements in it which I think would be enlightening; and I should be very glad to have the whole article read if any part of it is read.

Mr. NEWLANDS. It is entitled—

CHANGES IN RAILROAD CONDITIONS SINCE 1887.

The increased value of railroads as investments; widespread consolidations, direct and indirect, which obliterate competition, and the increase of rates as a tax on the business of the country; the necessity of regulation. By William Z. Ripley, professor of economics in Harvard University, expert on railroads for the United States Industrial Commission, 1900, and author of its final report on transportation.

I understand the Senator from Rhode Island wishes the entire article read, and I send it to the desk for that purpose.

The VICE-PRESIDENT. The Senator from Rhode Island requests that the entire article be read if any part of it is read.

Mr. ALDRICH. If any part of it is to be read, I suggested that the entire article be read.

The VICE-PRESIDENT. The Senator from Rhode Island suggests that if any part of the article is to be read, the entire article should be read. Is there objection to its being read? The Chair hears none. The Secretary will read as requested.

Mr. SPOONER. Does that embrace the entire pamphlet?

The VICE-PRESIDENT. The entire pamphlet.

Mr. SPOONER. Every man has read it, and I object to thus consuming the time of the Senate. I want to make a little speech on the subsidy bill to-morrow or some other time.

Mr. KEAN. Does the Senator from Wisconsin wish to go on to-night? If not, I would like to move an executive session.

Mr. SPOONER. No; I do not want to go on to-day.

Mr. TILLMAN. I hope——

The VICE-PRESIDENT. The Senator from Wisconsin objects to the reading of the pamphlet.

Mr. SPOONER. Yes; I object.

The VICE-PRESIDENT. The question then must be determined by the Senate without debate. Shall the article be read? [Putting the question.] The "noes" have it.

Mr. NEWLANDS. Mr. President——

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I hope the Senator will let the joint resolution be passed.

Mr. KEAN. I beg the Senator's pardon. I thought the joint resolution had been passed.

Mr. TILLMAN. No.

Mr. KEAN. I make no question on it.

Mr. NEWLANDS. Mr. President, I think I have the floor.

The VICE-PRESIDENT. The Senator from Nevada has the floor except as against the motion to proceed to the consideration of executive business.

Mr. KEAN. I withdraw the motion.

The VICE-PRESIDENT. The Senator from New Jersey having withdrawn his motion to proceed to the consideration of executive business, the Senator from Nevada is entitled to the floor.

Mr. NEWLANDS. I will not insist upon the reading at present, if it will interfere with the passage of the joint resolution of the Senator from South Carolina.

The VICE-PRESIDENT. Does the Senator withdraw his request?

Mr. NEWLANDS. I do.

The VICE-PRESIDENT. The Senator from Nevada withdraws his request. The joint resolution is in the Senate as in Committee of the Whole. If there be no amendment, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1906, at 12 o'clock meridian.

ADJUSTMENT OF TITLE TO ISLE OF PINES.

The injunction of secrecy was removed February 12, 1906, from Confidential Executive Report No. 1, Fifty-ninth Congress, first session, "Adjustment of title to Isle of Pines."

On motion of Mr. MORGAN, it was

Ordered, That 500 additional copies of Confidential Executive Report No. 1, Fifty-ninth Congress, first session, "Adjustment of title to Isle of Pines," with views of the minority, be printed for the use of the Senate.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1906.

COLLECTORS OF CUSTOMS.

George W. Gardiner, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island, in place of Ellery H. Wilson, deceased.

Frederick O. Murray, of New York, to be collector of customs for the district of Buffalo Creek, in the State of New York, to succeed Henry W. Brendel, whose term of office has expired by limitation.

Howard S. Nyman, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia. (Reappointment.)

PENSION AGENTS.

St. Clair A. Mulholland, of Pennsylvania, to be pension agent at Philadelphia, Pa., to take effect March 9, 1906, at the expiration of his present term. (Reappointment.)

Charles A. Orr, of New York, to be pension agent at Buffalo, N. Y., his term having expired January 13, 1906. (Reappointment.)

RECEIVER OF PUBLIC MONEY.

Will M. Gifford, of Nebraska, to be receiver of public moneys at Lincoln, Nebr., vice Alva E. Kennard, term expired.

REGISTERS OF LAND OFFICES.

Charles F. Shedd, of Nebraska, to be register of the land office at Lincoln, Nebr., vice William A. Green, term expired.

George W. Stewart, of California, to be register of the land office at Visalia, Cal., to take effect March 5, 1906, when his term expires. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Clarence M. Stone to be a lieutenant-commander in the Navy from the 28th day of June, 1905, vice Lieut. Commander Victor Blue, an additional number in grade.

Lieut. Douglas E. Dismukes to be a lieutenant-commander in the Navy from the 1st day of July, 1905, vice Lieut. Commander James E. Palmer, retired.

PROMOTIONS IN THE ARMY.

Lieut. Col. Sedgwick Pratt, Artillery Corps (detailed inspector-general), to be colonel from February 9, 1906, vice Thorp, retired from active service.

POSTMASTERS.

ALABAMA.

Albert N. Holland to be postmaster at Scottsboro, in the county of Jackson and State of Alabama, in place of Albert N. Holland. Incumbent's commission expired January 20, 1906.

ARKANSAS.

Joseph E. Dougherty to be postmaster at Russellville, in the county of Pope and State of Arkansas, in place of Samuel Davis. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Robert J. Nixon to be postmaster at Yreka, in the county of Siskiyou and State of California, in place of Robert J. Nixon. Incumbent's commission expires February 28, 1906.

Frank L. Powell to be postmaster at Lemoore, in the county of Kings and State of California, in place of Frank L. Powell. Incumbent's commission expires February 28, 1906.

COLORADO.

Daniel E. Cooper to be postmaster at Lamar, in the county of Prowers and State of Colorado, in place of Daniel E. Cooper. Incumbent's commission expired January 20, 1906.

Wesley H. Ogle to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, in place of Wesley H. Ogle. Incumbent's commission expired January 20, 1906.

FLORIDA.

John C. Stowers to be postmaster at West Palmbeach, in the county of Dade and State of Florida, in place of John C. Stowers. Incumbent's commission expired February 10, 1906.

IDAHO.

Ed F. Winn to be postmaster at Idaho Falls, in the county of Bingham and State of Idaho, in place of Ed F. Winn. Incumbent's commission expired January 21, 1906.

ILLINOIS.

William G. Baie to be postmaster at Hinckley, in the county of Dekalb and State of Illinois, in place of William G. Baie. Incumbent's commission expired February 5, 1906.

Cornelius T. Beekman to be postmaster at Petersburg, in the county of Menard and State of Illinois, in place of Cornelius T. Beekman. Incumbent's commission expired February 5, 1906.

L. A. Constantine to be postmaster at Aurora, in the county of Kane and State of Illinois, in place of L. A. Constantine. Incumbent's commission expired February 5, 1906.

H. A. Fischer to be postmaster at Staunton, in the county of Macoupin and State of Illinois, in place of Daniel G. Williamson. Incumbent's commission expired February 10, 1906.

Harry D. Hemmens to be postmaster at Elgin, in the county of Kane and State of Illinois, in place of Harry D. Hemmens. Incumbent's commission expired February 5, 1906.

Ernest G. Howell to be postmaster at Geneva, in the county of Kane and State of Illinois, in place of Ernest G. Howell. Incumbent's commission expired February 10, 1906.

William A. Mussett to be postmaster at Grayville, in the county of White and State of Illinois, in place of William A. Mussett. Incumbent's commission expired February 10, 1906.

INDIANA.

Harley D. Billings to be postmaster at Williamsport, in the county of Warren and State of Indiana, in place of John D. Chambers. Incumbent's commission expired February 7, 1906.

Charles G. Covert to be postmaster at Evansville, in the county of Vanderburg and State of Indiana, in place of James D. Parvin. Incumbent's commission expired January 9, 1906.

C. D. Houchin to be postmaster at Petersburg, in the county of Pike and State of Indiana, in place of Isaac H. La Man. Incumbent's commission expired January 9, 1906.

Wilbur U. Masten to be postmaster at Danville, in the county of Hendricks and State of Indiana, in place of Alfred Welshans. Incumbent's commission expired February 7, 1906.

IOWA.

Henry L. Chesley to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, in place of Henry L. Chesley. Incumbent's commission expires February 28, 1906.

Thomas P. Hollowell, jr., to be postmaster at Fort Madison, in the county of Lee and State of Iowa, in place of Ethan L. Trevitt. Incumbent's commission expired January 31, 1906.

KANSAS.

John M. Garvey to be postmaster at McCune, in the county of Crawford and State of Kansas, in place of John M. Garvey. Incumbent's commission expired February 7, 1906.

Mark Palmer to be postmaster at Eskridge, in the county of Wabaunsee and State of Kansas, in place of Mark Palmer. Incumbent's commission expired February 7, 1906.

KENTUCKY.

William C. Harper to postmaster at Catlettsburg, in the county of Boyd and State of Kentucky, in place of William C. Harper. Incumbent's commission expired January 16, 1906.

MAINE.

George M. Allen to be postmaster at Cherryfield, in the county of Washington and State of Maine, in place of George M. Allen. Incumbent's commission expires February 13, 1906.

Fred E. Littlefield to be postmaster at Vinal Haven, in the county of Knox and State of Maine, in place of Fred E. Littlefield. Incumbent's commission expires February 13, 1906.

Woodbury Marson to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine, in place of Woodbury Marson. Incumbent's commission expires February 20, 1906.

MASSACHUSETTS.

Frederick H. Fowler to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts, in place of Frederick H. Fowler. Incumbent's commission expired March 30, 1904.

Edwin D. Goodell to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts, in place of Edwin D. Goodell. Incumbent's commission expires February 20, 1906.

MICHIGAN.

George E. Adams to be postmaster at Bangor, in the county of Van Buren and State of Michigan, in place of John Mutchler. Incumbent's commission expired January 20, 1906.

Faustina M. Towle to be postmaster at Gaylord, in the county of Otsego and State of Michigan, in place of Faustina M. Towle. Incumbent's commission expires February 28, 1906.

Joseph E. Watson to be postmaster at Bronson, in the county of Branch and State of Michigan, in place of Joseph E. Watson. Incumbent's commission expired January 20, 1906.

MINNESOTA.

Wheaton M. Fuller to be postmaster at Little Falls, in the county of Morrison and State of Minnesota, in place of Wheaton M. Fuller. Incumbent's commission expired January 21, 1906.

MISSOURI.

William C. Askin to be postmaster at Salem, in the county of Dent and State of Missouri, in place of William C. Askin. Incumbent's commission expired February 10, 1906.

Clarence Gardner to be postmaster at Campbell, in the county of Dunklin and State of Missouri, in place of Hiram A. Gardner. Incumbent's commission expired February 10, 1906.

Frank I. Swett to be postmaster at Lebanon, in the county of Laclede and State of Missouri, in place of Frank I. Swett. Incumbent's commission expired February 10, 1906.

NEBRASKA.

Levi M. Copeland to be postmaster at Minden, in the county of Kearney and State of Nebraska, in place of Levi M. Copeland. Incumbent's commission expired February 10, 1906.

William A. McCool to be postmaster at Indianola, in the county of Redwillow and State of Nebraska, in place of William A. McCool. Incumbent's commission expired February 10, 1906.

Charles Miner to be postmaster at Ravenna, in the county of Buffalo and State of Nebraska, in place of Charles Miner. Incumbent's commission expired January 20, 1906.

George Olive to be postmaster at Weeping Water, in the county of Cass and State of Nebraska, in place of Charles V. Hay. Incumbent's commission expired February 10, 1906.

NEW JERSEY.

Brice P. Walling to be postmaster at Sussex, in the county of Sussex and State of New Jersey, in place of Edward C. Tuttle. Incumbent's commission expired January 21, 1906.

NEW YORK.

Michael Gleason to be postmaster at Carthage, in the county of Jefferson and State of New York, in place of Michael Gleason. Incumbent's commission expired February 10, 1906.

Frank W. James to be postmaster at Naples, in the county of Ontario and State of New York, in place of Frank W. James. Incumbent's commission expires February 28, 1906.

NORTH CAROLINA.

Clarence W. Teague to be postmaster at West Durham, in the county of Durham and State of North Carolina. Office became Presidential January 1, 1906.

Edwin L. Ware to be postmaster at Kings Mountain, in the county of Cleveland and State of North Carolina, in place of Edwin L. Ware. Incumbent's commission expires February 18, 1906.

NORTH DAKOTA.

Charles Gunthorp to be postmaster at Edgeley, in the county of Lamoure and State of North Dakota. Office became Presidential October 1, 1905.

Charles B. McMillan to be postmaster at Hannah, in the county of Chavalier and State of North Dakota. Office became Presidential January 1, 1906.

OHIO.

Ephraim D. Killinger to be postmaster at Edgerton, in the county of Williams and State of Ohio, in place of Ephraim D. Killinger. Incumbent's commission expires February 13, 1906.

PENNSYLVANIA.

George W. Best to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania, in place of George W. Best. Incumbent's commission expires February 17, 1906.

John B. Dennison to be postmaster at Jamestown, in the county of Mercer and State of Pennsylvania, in place of James B. Robinson. Incumbent's commission expired January 30, 1906.

SOUTH DAKOTA.

John E. Sullivan to be postmaster at Plankinton, in the county of Aurora and State of South Dakota, in place of John C. Bryan. Incumbent's commission expired January 20, 1906.

TENNESSEE.

Joseph N. Ellis to be postmaster at Jefferson City, in the county of Jefferson and State of Tennessee, in place of Burgess W. Witt. Incumbent's commission expired January 13, 1906.

Monroe C. Monday to be postmaster at Knoxville, in the county of Knox and State of Tennessee, in place of William L. Trent. Incumbent's commission expires February 18, 1906.

John M. Wooten to be postmaster at Morristown, in the county of Hamblen and State of Tennessee, in place of John B. F. Dice. Incumbent's commission expired January 13, 1906.

VIRGINIA.

William H. Faulkner to be postmaster at South Boston, in the county of Halifax and State of Virginia, in place of William H. Faulkner. Incumbent's commission expired February 10, 1906.

R. A. Fulwiler to be postmaster at Staunton, in the county of Augusta and State of Virginia, in place of Samuel N. Yost. Incumbent's commission expired January 20, 1906.

George L. Hart to be postmaster at Roanoke, in the county of Roanoke and State of Virginia, in place of Samuel H. Hoge. Incumbent's commission expires March 15, 1906.

Charles M. Keezel to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia, in place of Abram P. Funkhouser. Incumbent's commission expires March 24, 1906.

WEST VIRGINIA.

John O. Huey to be postmaster at Mannington, in the county of Marion and State of West Virginia, in place of John O. Huey. Incumbent's commission expired February 10, 1906.

WISCONSIN.

H. T. Eberle to be postmaster at Watertown, in the county of Jefferson and State of Wisconsin, in place of William F. Gruetzmacher. Incumbent's commission expires March 10, 1906.

Frank M. Givens to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin, in place of Frank M. Givens. Incumbent's commission expired February 7, 1906.

James T. Webb to be postmaster at Lancaster, in the county of Grant and State of Wisconsin, in place of James T. Webb. Incumbent's commission expires February 28, 1906.

Adelbert M. Penney to be postmaster at Waupaca, in the county of Waupaca and State of Wisconsin, in place of Adelbert M. Penney. Incumbent's commission expired February 7, 1906.

Richard Price to be postmaster at Wonewoc, in the county of Juneau and State of Wisconsin, in place of Richard Price. Incumbent's commission expires February 28, 1906.

WITHDRAWAL.

Executive nomination withdrawn February 12, 1906.

Robert L. Chambers to be postmaster at Colorado Springs, in the State of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1906.

POSTMASTERS.

MICHIGAN.

William F. Crane to be postmaster at Manistique, in the county of Schoolcraft and State of Michigan.

MINNESOTA.

Alexander Fiddes to be postmaster at Jackson, in the county of Jackson and State of Minnesota.

MISSISSIPPI.

Edith G. Morrow to be postmaster at West Point, in the county of Clay and State of Mississippi.

Lee Van Sample to be postmaster at Summit, in the county of Pike and State of Mississippi.

NEW JERSEY.

George W. Hope to be postmaster at Raritan, in the county of Somerset and State of New Jersey.

Harry L. Knight to be postmaster at Medford, in the county of Burlington and State of New Jersey.

Dennis W. Mahony to be postmaster at Passaic, in the county of Passaic and State of New Jersey.

Joseph Pierson to be postmaster at Phillipsburg, in the county of Warren and State of New Jersey.

Henry B. Rollinson to be postmaster at Rahway, in the county of Union and State of New Jersey.

August C. Stecher to be postmaster at Riverside, in the county of Burlington and State of New Jersey.

PENNSYLVANIA.

John W. Stuart to be postmaster at State College, in the county of Center and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 12, 1906.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

Our fathers' God and our God, we lift up our hearts in gratitude to Thee for our Republic, which has come down to us out of the past a precious and matchless heritage, and for that long line of illustrious men who, guided by the light of heaven, conceived, resolved, upheld, and maintained it; and may they ever be as beacon lights to guide us as we lengthen its history.

To-day our minds and hearts turn with one accord to the martyred Lincoln, whom in the darkest hours of the Republic Thou didst call from obscurity to be the savior of his people. We love him and honor him for what he did, yet more for what he was in the nobility, strength, and gentleness of his character, "With malice toward none and charity for all."

God grant that our lives may be as pure, as noble, as generous, as patriotic. In the name of Jesus Christ our Lord. Amen.

The Journal of Friday's proceedings was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 3338) for the relief of John L. O'Mara was changed from the Committee on Invalid Pensions to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. HOLLIDAY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William F. Shelato (Fifty-sixth Congress), no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3402. An act granting an increase of pension to Jesse W. Elliott—to the Committee on Invalid Pensions.

S. 1799. An act granting an increase of pension to Henry Logan—to the Committee on Invalid Pensions.

S. 1798. An act granting an increase of pension to Robert K. Smith—to the Committee on Invalid Pensions.

S. 201. An act granting an increase of pension to Lyman E. Farrand—to the Committee on Invalid Pensions.

S. 984. An act granting an increase of pension to William W. Benedict—to the Committee on Invalid Pensions.

S. 2797. An act granting an increase of pension to James Buggie—to the Committee on Invalid Pensions.

S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow—to the Committee on Invalid Pensions.

S. 207. An act granting an increase of pension to Marion F. Howe—to the Committee on Invalid Pensions.

S. 1414. An act granting an increase of pension to Sidney G. Smith—to the Committee on Invalid Pensions.

S. 3120. An act granting an increase of pension to Mary Driscoll—to the Committee on Invalid Pensions.

S. 2975. An act granting a pension to Mary L. Miller—to the Committee on Invalid Pensions.

S. 2329. An act granting an increase of pension to Knute Torgeson—to the Committee on Invalid Pensions.

S. 2327. An act granting an increase of pension to Sidney F. Mullin—to the Committee on Invalid Pensions.

S. 1465. An act granting an increase of pension to Patrick Fallihee—to the Committee on Invalid Pensions.

S. 3123. An act granting an increase of pension to William H. Alban—to the Committee on Invalid Pensions.

S. 2337. An act granting an increase of pension to Ellen S. Larned—to the Committee on Invalid Pensions.

S. 2257. An act granting an increase of pension to Mary J. Campbell—to the Committee on Invalid Pensions.

S. 3240. An act granting an increase of pension to John T. Jones—to the Committee on Invalid Pensions.

S. 2405. An act granting an increase of pension to John P. Winget—to the Committee on Invalid Pensions.

S. 1883. An act granting an increase of pension to Nellie Raymond—to the Committee on Invalid Pensions.

S. 533. An act granting an increase of pension to Francis M. Munson—to the Committee on Invalid Pensions.

S. 2702. An act granting an increase of pension to George W. Dightman—to the Committee on Invalid Pensions.

S. 3537. An act granting an increase of pension to Anthony W. Presley—to the Committee on Pensions.

S. 3039. An act granting an increase of pension to Joseph Smith—to the Committee on Invalid Pensions.

S. 1753. An act granting an increase of pension to Waldo W. Paine—to the Committee on Invalid Pensions.

S. 992. An act granting a pension to Albert E. Lyon—to the Committee on Invalid Pensions.

S. 3630. An act granting an increase of pension to Martin L. Barber—to the Committee on Invalid Pensions.

S. 1670. An act granting an increase of pension to William McNabb—to the Committee on Invalid Pensions.

S. 894. An act granting an increase of pension to Mrs. Sewall—to the Committee on Invalid Pensions.

S. 3643. An act granting an increase of pension to Seth Raymond—to the Committee on Invalid Pensions.

S. 125. An act granting an increase of pension to John E. Hadsall—to the Committee on Invalid Pensions.

S. 2377. An act granting a pension to Clara T. Leathers—to the Committee on Pensions.

S. 1433. An act granting an increase of pension to Joseph W. Willard—to the Committee on Invalid Pensions.

S. 124. An act granting an increase of pension to Curtis B. McIntosh—to the Committee on Invalid Pensions.

S. 4029. An act granting an increase of pension to Martha G. Archer—to the Committee on Pensions.

S. 1835. An act granting an increase of pension to James G. Doane—to the Committee on Invalid Pensions.

S. 620. An act granting an increase of pension to Elizabeth S. Law—to the Committee on Invalid Pensions.

S. 640. An act granting an increase of pension to Hugh P. Buffon—to the Committee on Invalid Pensions.

S. 3687. An act providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes—to the Committee on Public Lands.

S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905—to the Committee on Territories.

S. 3309. An act granting an increase of pension to James C. Baber—to the Committee on Invalid Pensions.

S. 2752. An act granting an increase of pension to Robert S. Moore—to the Committee on Invalid Pensions.

S. 3587. An act granting an increase of pension to Eliza Orr—to the Committee on Invalid Pensions.

S. 3507. An act granting an increase of pension to Isaac Van Valkenburg—to the Committee on Invalid Pensions.

S. 3291. An act granting an increase of pension to Mathew D. Raker—to the Committee on Pensions.

S. 1731. An act granting an increase of pension to William O. Colson—to the Committee on Pensions.

S. 1744. An act granting an increase of pension to Joseph B. Papy—to the Committee on Pensions.

S. 132. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota—to the Committee on the Merchant Marine and Fisheries.

S. 967. An act to amend section 2 of an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved June 9, 1896—to the Committee on Territories.

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902—to the Committee on Claims.

S. 176. An act granting an increase of pension to Benjamin F. Marsh—to the Committee on Invalid Pensions.

S. 186. An act granting an increase of pension to George P. Howe—to the Committee on Invalid Pensions.

S. 2482. An act granting an increase of pension to Cutler A. Chamberlin—to the Committee on Invalid Pensions.

S. 717. An act granting an increase of pension to Charles H. Tuck—to the Committee on Invalid Pensions.

S. 853. An act granting an increase of pension to Charles Lander—to the Committee on Invalid Pensions.

S. 8. An act granting an increase of pension to William M. Hall—to the Committee on Invalid Pensions.

S. 789. An act granting a pension to Mary E. Wolf—to the Committee on Invalid Pensions.

S. 267. An act to prohibit aliens from taking fish in the waters of the district of Alaska—to the Committee on Territories.

S. 611. An act to provide for the purchase of a site and the erection of a public building thereon at Rawlins, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 1724. An act providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

S. 2165. An act extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion—to the Committee on Invalid Pensions.

S. 961. An act to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Minnesota—to the Committee on Public Buildings and Grounds.

S. 338. An act making an appropriation for a public building at Houston, Tex.—to the Committee on Public Buildings and Grounds.

S. 35. An act to provide for the purchase of a site and the erection of a public building thereon at Dover, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

S. 1538. An act granting an increase of pension to Indiana A. Paul—to the Committee on Invalid Pensions.

S. 3605. An act granting an increase of pension to Albert Smith—to the Committee on Invalid Pensions.

S. 3126. An act granting an increase of pension to Stephen B. Tarlton—to the Committee on Invalid Pensions.

S. 1298. An act granting an increase of pension to Francis W. Usher—to the Committee on Invalid Pensions.

S. 590. An act granting a pension to John White—to the Committee on Pensions.

S. 3667. An act granting an increase of pension to Martha J. Brisco—to the Committee on Invalid Pensions.

S. 854. An act granting a pension to William W. Gauthier—to the Committee on Pensions.

CALIFORNIA STREET.

Mr. BABCOCK. Mr. Speaker, this being District of Columbia day, I ask consideration of the bill (H. R. 12614) to restore the name of California avenue in the city of Washington.

The SPEAKER. The gentleman from Wisconsin asks present consideration of the following House bill, which the Clerk will report.

The bill as proposed to be amended by the Committee on the District of Columbia was read, as follows:

Strike out all after the enacting clause and insert the following:

"That from and after the passage of this act the thoroughfare extending from Columbia road west to Massachusetts avenue extended,

formerly named 'California avenue,' and now designated as 'T street,' shall be known and designated as 'California street.'"

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill to change the name of a portion of T street to California street."

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS POTOMAC RIVER, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of Senate resolution 23.

The SPEAKER. The gentleman from Wisconsin asks present consideration of a joint resolution which will be reported by the Clerk.

The joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C., was read, as follows:

Resolved, etc., That the time for completing the construction of the highway bridge and approaches across the Potomac River, authorized by section 12 of the act of Congress approved February 12, 1901, entitled, "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act, approved July 1, 1902, and as amended by "joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C., approved February 18, 1905, be, and is hereby, extended to February 12, 1907.

With the following committee amendments:

Page 2, line 5, strike out the words "February twelfth" and insert in lieu thereof the words "December fifteenth."

Page 2, line 6, strike out the word "seven" and insert in lieu thereof the word "six."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1280. An act granting a pension to Mary K. Lewis;

H. R. 1545. An act granting a pension to Florence D. Rafferty;

H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;

H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;

H. R. 2340. An act granting a pension to Evelyn S. Beardslee;

H. R. 2342. An act granting a pension to Winifred E. Lewis;

H. R. 2811. An act granting a pension to Angie A. Marvin;

H. R. 2795. An act granting a pension to Emma Auger;

H. R. 3214. An act granting a pension to Maggie Parker;

H. R. 3229. An act granting a pension to Jessie Marie Hester;

H. R. 4607. An act granting a pension to Annie Rohr;

H. R. 4727. An act granting a pension to Emma M. Boyer;

H. R. 9352. An act granting a pension to Mary Van Blarcom;

H. R. 11310. An act granting a pension to Emma Aldred;

H. R. 11596. An act granting a pension to Marion H. Long;

H. R. 530. An act granting an increase of pension to George E. Ross;

H. R. 611. An act granting an increase of pension to John H. Cassidy;

H. R. 724. An act granting an increase of pension to John A. Coulter;

H. R. 1072. An act granting an increase of pension to John Fisher;

H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;

H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;

H. R. 1131. An act granting an increase of pension to George Sargent;

H. R. 1059. An act granting an increase of pension to Elijah Spangler;

H. R. 1136. An act granting an increase of pension to William D. Stauffer;

H. R. 1213. An act granting an increase of pension to John Breden;

H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;

H. R. 1382. An act granting an increase of pension to Benjamin Fagley;

H. R. 1437. An act granting an increase of pension to Darius J. Brown;

H. R. 1124. An act granting an increase of pension to John J. Grant;

H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;

H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;

H. R. 1884. An act granting an increase of pension to Robert Purcell;

H. R. 1952. An act granting an increase of pension to Axel A. M. Nattoch Dag;

H. R. 1974. An act granting an increase of pension to William R. P. Foale;

H. R. 2083. An act granting an increase of pension to Thomas A. Slack;

H. R. 2084. An act granting an increase of pension to Thomas Maginley;

H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;

H. R. 2169. An act granting an increase of pension to Elisha White;

H. R. 2289. An act granting an increase of pension to Algernon Lightcap;

H. R. 2291. An act granting an increase of pension to William Elmes;

H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;

H. R. 2394. An act granting an increase of pension to Frank Buncher;

H. R. 2771. An act granting an increase of pension to Thomas McCabe;

H. R. 3216. An act granting an increase of pension to John W. Seeber;

H. R. 3380. An act granting an increase of pension to George W. Wilburn;

H. R. 3400. An act granting an increase of pension to Anson K. Carr;

H. R. 3605. An act granting an increase of pension to Albert Lathrop;

H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;

H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;

H. R. 4215. An act granting an increase of pension to John A. Roberts;

H. R. 4217. An act granting an increase of pension to Daniel M. Rose;

H. R. 4218. An act granting an increase of pension to John M. Williamson;

H. R. 4224. An act granting an increase of pension to Christopher Pletzke;

H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;

H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;

H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;

H. R. 4666. An act granting an increase of pension to David A. Carpenter;

H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;

H. R. 4730. An act granting an increase of pension to Meshack L. Jones;

H. R. 4732. An act granting an increase of pension to James Scrogum;

H. R. 4735. An act granting an increase of pension to Thomas Adair;

H. R. 4737. An act granting an increase of pension to Odilia Logan;

H. R. 4738. An act granting an increase of pension to Henry Roberts;

H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;

H. R. 4765. An act granting an increase of pension to George W. Shepherd;

H. R. 4822. An act granting an increase of pension to Gabriel Smith;

H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;

H. R. 4879. An act granting an increase of pension to John W. Roache;
H. R. 4884. An act granting an increase of pension to John Bokart;
H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 5238. An act granting an increase of pension to Lockey Stuard;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 5644. An act granting an increase of pension to George J. Wilcox;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5925. An act granting an increase of pension to David L. Davidson;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 6143. An act granting an increase of pension to James Eiffert;
H. R. 6144. An act granting an increase of pension to Eli Brazelton;
H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 6338. An act granting an increase of pension to Richard McCarthy;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
H. R. 6451. An act granting an increase of pension to Adam Wucher;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 8090. An act granting an increase of pension to Emma H. Benham;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 10299. An act granting an increase of pension to Samuel C. Long;
H. R. 10434. An act granting an increase of pension to Samuel F. King;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
H. R. 11403. An act granting an increase of pension to David E. Longsdorf;
H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.; and
H. R. 10225. An act granting an increase of pension to Nathan B. Richardson.

PHARMACY AND POISONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Wisconsin asks for present consideration of the bill which the Clerk will report.

The bill was read at length.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I ask the gentleman from Wisconsin to yield to me for a moment.

Mr. BABCOCK. I yield to the gentleman.

Mr. LITTAUER. Mr. Speaker, I call up from the Speaker's table the urgent deficiency appropriation bill, and ask unanimous consent that the amendments of the Senate to that bill be disagreed to, and that the House ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take the urgent deficiency bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I understand that that course is favored by the minority members of the committee also.

Mr. TAWNEY. It is.

Mr. WILLIAMS. I shall not object.

The SPEAKER. The Chair hears no objection; and the Chair announces as conferees on the part of the House Mr. LITTAUER, Mr. TAWNEY, and Mr. LIVINGSTON.

CLOAKROOM EMPLOYEES.

Mr. BABCOCK. I yield to the gentleman from West Virginia for a moment.

Mr. HUGHES. Mr. Speaker, I desire to enter a motion to reconsider House resolution 145, relating to cloakroom employees.

Mr. SULZER. Mr. Speaker, a point of order. The Journal of the House having been approved, the motion of the gentleman is not now in order.

The SPEAKER. A motion to reconsider was not entered upon agreeing to the resolution, which was considered on Friday. Under the rule the motion is in order.

Mr. SULZER. Mr. Speaker, I make the further point of order that the gentleman who offered the resolution and presumably voted in favor of it can not now move to reconsider it under the rule.

The SPEAKER. It seems to the Chair that, there being no record vote, every Member stands upon the same parliamentary level with every other Member. It seems to the Chair any one of the 386 Members might enter the motion.

Mr. WILLIAMS. Mr. Speaker, does the gentleman from West Virginia enter the motion for immediate consideration?

The SPEAKER. The gentleman from Wisconsin yields to the gentleman from West Virginia, who enters the motion, and that motion can be called up at any time when it is in order.

Mr. WILLIAMS. I ask the question because I prefer that the gentleman would not take action upon it until the gentleman from Georgia [Mr. BARTLETT] is present.

Mr. HUGHES. That is my intention. I only enter the motion now that I may not lose my rights.

Mr. SULZER. Will the gentleman from West Virginia be good enough to inform the House what is the purpose of moving a reconsideration of this resolution?

Mr. BABCOCK. Mr. Speaker, I did not yield to the gentleman for the purpose of debate.

The SPEAKER. The gentleman from Wisconsin declines to yield further. The motion will lie over.

PHARMACY AND POISONS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. TAYLOR] to explain the bill.

Mr. TAYLOR of Ohio. Mr. Speaker, the bill which has just been read is one which provides for the regulation of the practice of pharmacy and the sale of poisons in the District of Columbia. It is particularly aimed at and is an effort to check the drug habit which has become so prevalent in this District and other great cities of this country. This bill is the result of careful study and consideration and was prepared, in fact, by the commissioners of pharmacy of the District of Columbia after six months of careful work on their part. It is also approved by the District Commissioners and has the unanimous approval of a conference composed of the representatives of the physicians, the pharmacists, and the National College of Pharmacy of the District of Columbia. This committee has, in addition to these precautions, had several public hearings, in which the persons interested, the pharmacists themselves, have been given hearings, and all of whom earnestly urge favorable action.

The fact of the matter is that the present law regulating the practice of pharmacy was passed in 1878, nearly thirty years ago, at a time when the drug habit, now so prevalent, scarcely existed. So that the present law is obviously imperfect and unable to cope with the cocaine habit and other drug habits now so prevalent. In fact, cocaine was not discovered at that time. Section 11 of this bill and section 12 of this bill strike directly at the drug-habit evil. Section 11 provides that no druggist can sell cocaine or other drug-habit drugs except upon prescription of a duly authorized physician, and then only once on that prescription. Section 12 prohibits a physician from prescribing one of the drug-habit drugs to persons addicted to

the habit of using drugs except when it is necessary in the treatment of the habit.

The bill is necessarily long because it embodies several features which include the general pharmacy law, the poison law, the antinarcotic law, and then it places it all under the direction of a supervisory board, with the health officer of the District of Columbia as the secretary.

The first ten sections of the bill provide rules for the admission to and the regulation of the practice of pharmacy. Sections 11 and 12 strike directly at the drug-habit evil. Section 13 is a general poison law, and provides the necessary precautionary measures in the sale of poisons. Section 14 is a provision to prevent an evasion of the law by fraud. Section 15 provides for publicity in filing prescriptions for drugs of this kind. Section 16 is an attempt to stop the promiscuous throwing about on the doorsteps of samples of headache and other dangerous preparations. This was incorporated because of the fact that statistics show that numerous cases of severe sickness, and in some cases death, has resulted by children picking up these samples and taking them without knowledge of their dangerous qualities. The balance of the sections provide for penalties and the method of enforcement.

In other words, this whole act places the practice of pharmacy on the same high plane that the profession of medicine now is placed, and I think that everyone who is familiar with the bill, or has followed the reading of it, will agree that it is a splendid piece of legislation and a long step in the right direction.

Mr. FITZGERALD. Will the gentleman allow me an interruption?

Mr. TAYLOR of Ohio. Certainly.

Mr. FITZGERALD. Section 10 of the bill provides that the expenses shall be paid from the fees. Suppose the fees of the applicants are not sufficient to pay the expenses. Where does the money come from?

Mr. TAYLOR of Ohio. The bill provides that it shall be paid from fees, and I presume that the fees will be sufficient to pay. If not, the bill does not make any other provision.

Mr. FITZGERALD. Is there any estimate of the number of pharmacists who will be included under this bill?

Mr. TAYLOR of Ohio. No; we have no estimate of the number, but it would not be hard to obtain.

The pharmacists themselves who are engaged in the practice of pharmacy in this District believe that the fees for licenses will fully pay for all expenses.

Mr. FITZGERALD. What is the opinion of the committee? I do not care for the opinion of the pharmacists.

Mr. TAYLOR of Ohio. The opinion of the committee is based on hearings of pharmacists and other persons interested, and the committee is of the opinion that this will be the case, and no other provision for the payment of the expenses has been made.

Mr. FITZGERALD. Can the gentleman give an estimate of the amount of fees per year?

Mr. TAYLOR of Ohio. No; we have no estimate.

Mr. FITZGERALD. This same section has a very peculiar provision, which provides that the board shall divide up all the fees that are left after paying the expenses of the board for their services. Was it the opinion of the committee that no limitation whatever should be placed upon the amount paid to the examiners?

Mr. TAYLOR of Ohio. I will say that in a letter from the Commissioners, referring to section 10, they state that the fees accruing to the board are to be used, first, to pay its expenses; second, to pay the lay members, as directed by the Commissioners, and any balance remaining may be divided among the several examining boards in proportion to the number of candidates examined by each.

Mr. FITZGERALD. Then each of these examining boards determines for itself how much each member of that board shall get out of the money spent?

Mr. TAYLOR of Ohio. Each of these examining boards receives its money in proportion to the number of applicants they examine, after all the expenses and the lay members are paid.

Mr. FITZGERALD. And then the board proceeds to divide whatever amount it gets among its own members according to its own judgment?

Mr. TAYLOR of Ohio. It does not provide for an unequal distribution. It provides that the balance left after all expenses shall be paid to the boards in proportion to the number of candidates they have examined.

Mr. FITZGERALD. The purpose is to make it sure that there will be no surplus returned into the treasury of the District of Columbia.

Mr. TAYLOR of Ohio. Well, there will not be any surplus.

Mr. FITZGERALD. Not under the operations of this bill. That is apparent.

Mr. TAYLOR of Ohio. Under any circumstances there would not be any surplus.

Mr. FITZGERALD. One other question. In section 19 of the bill, why is it specifically provided that the superintendent of police and the corporation counsel shall be charged with the enforcement of this law? Is it the practice to insert in these bills the officials that shall be charged with the enforcement of the different laws that shall be enacted?

Mr. TAYLOR of Ohio. Yes; it is customary. I doubt its necessity, but it is customary to state things specifically when we know the specific person who should perform the duty.

Mr. FITZGERALD. Would not the law be enforced under the operation of the general laws of the District? Why is it necessary to specifically designate?

Mr. TAYLOR of Ohio. Can the gentleman suggest any harm in being specific in one of these statutes?

Mr. FITZGERALD. I know the results that will follow from this. Both of these officials will be coming here for additional help in order to perform the duties which they will claim are imposed upon them by this law. If the gentleman will yield for that purpose, I would like to offer an amendment to strike lines 18, 19, and 20 out, on page 22 of this act.

Mr. TAYLOR of Ohio. I shall not yield for any such purpose.

Mr. FITZGERALD. Mr. Speaker, is it the intention of the chairman of this committee to refuse an opportunity to amend bills of this character? If it is, he will not succeed in passing his bills as easily as he may imagine.

Mr. BABCOCK. Well, the gentleman can take that responsibility. I desire to say in reference to this bill that it is a proposition which has been under consideration for more than twenty-five years.

Mr. FITZGERALD. Not this particular bill.

Mr. BABCOCK. Two years ago, when this proposition was before the committee and the medical society, it was opposed by certain manufacturers of patent medicines that came before the society and admitted that they were using in their preparations one-half a grain of morphine to each fluid ounce. An ounce is two tablespoonfuls. The ordinary dose of the medicine is one tablespoonful, and in that dose you get a quarter of a grain of morphine. Their opposition and the failure to agree on the part of the medical society, the pharmacists, and the Commissioners prevented its being reported to the House. The effect of the consideration two years ago has been that these manufacturers have reduced the amount of morphine in these patent medicines to the limit in this bill—one-quarter of a grain to an ounce—which certainly ought to be enough.

And when the gentleman understands the great work that has been done by the medical society, by the Society of Pharmaceutists, by the Commissioners, and the effort for years, I certainly do not think he would want to impede the passage of this legislation. I have had come to my house, day and night, mothers, widows, and parents begging for some legislation that would prevent their children being able to buy cocaine. The cocaine habit has grown in Washington here in the last five years until it is a thousand times worse than the alcohol habit. There is more suffering from it. This bill seeks primarily to regulate the sale of poisons and to control the sale of narcotics. Now, so far as the execution of the law is concerned, it is the ordinary course that has been provided for. That is all I have to say, and I do hope the gentleman will not offer an amendment when he realizes the work that has been done in the preparation and perfection of this measure and in view of the agreement that has been reached by all interested.

Mr. FITZGERALD. Mr. Speaker, the gentleman is familiar with the manner in which bills are reported from his committee.

Mr. BABCOCK. Will the gentleman please speak a little louder?

Mr. FITZGERALD. Whenever his committee reports a bill to regulate any particular business and provides means for the enforcement of the law, so far as my knowledge goes it has not been the practice to specifically designate certain officials to enforce those laws. I have no objection to the passage of this bill. I think it will accomplish some good, but I have objection to giving any official some ground on which he can come to the Committee on Appropriations late in this session and say by reason of being named in this bill to enforce this law he requires additional help and more money for his department. This law will be enforced just as effectually without that language being in it.

Mr. BABCOCK. The specific purpose, if I understand the gentleman, is contained in these three lines: "And it shall be the duty of the major and superintendent of police of the District of Columbia and corporation counsel of said District to enforce the provisions of this act." Now, it is sought to make that specific so that it will be enforced and so that it can not be

said that no one is charged with it, and the bill makes it the specific duty of those officers to enforce it as though it were any other violation of law.

Mr. FITZGERALD. Mr. Speaker, it is the duty of the superintendent of police to enforce all laws which provide penalties for violation, and under the provisions of this act it would be the duty of the corporation counsel to institute proceedings to revoke licenses when requested by the Commissioners of the District. This language will have the effect of bringing here some time or other these two officials of the District of Columbia, who will point to this law and say under the operations of that law they require additional help, which in my judgment they will not require, and I suggest to the gentleman that it will not make much difficulty to give the House an opportunity to decide whether that language should be put in there.

Mr. BABCOCK. I do not think there is any objection to it, but it will simply tend to weaken the bill.

Mr. FITZGERALD. It will not help the bill if we give it, and in my judgment it will improve it very much if we leave that language out. If the gentleman will give the House a chance to pass on that question that is all I care for. And if more Members agree with me than with him, unquestionably it would go out.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield me three minutes?

Mr. BABCOCK. Yes.

Mr. GAINES of Tennessee. Mr. Speaker, I do not agree with the gentleman from New York in his criticism of this bill. It seems that his criticism is based upon the fact that we direct certain officials connected with the court and police authorities to enforce this law. Possibly under the general law that might be their duty, but by specifically telling them to do it so emphasizes the importance of enforcing this law. It shows that Congress is more in earnest in having this law enforced than if we did not specifically direct them to do so. I think the bill would be improved on if we would also add words something like these, "And the court having jurisdiction shall charge the grand jury at its regular term to investigate alleged violations of this law." One of the great weaknesses, gentlemen, in our trust law, as I have contended here for ten years, is the fact that the people can not go before the grand jury and indict trusts. Under the present "practice" at least the Attorney-General of the United States has the right to say yes or no about indicting anybody or thing. He directs the district attorney to close or open the doors of the grand jury to the people, which is wrong. The people ought to have the legal right in this District and elsewhere to appear before the grand jury and tell them of unlawful acts. No officer should have the right to close the doors to the grand jury.

I heartily approve of the proposition that the corporation counsel shall see that this law is vigorously enforced, and I hope the gentleman from Michigan will offer an amendment saying that the judge in charge—the court having jurisdiction—shall especially charge the grand jury at each term of the court. Then you will get your law enforced.

Mr. CLARK of Missouri. Mr. Speaker, a question for information.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. BABCOCK. Certainly.

Mr. CLARK of Missouri. How does it happen that nobody can offer an amendment to one of these committee bills?

Mr. BABCOCK. I do not think anything of that kind has happened. The gentleman from Ohio declined to yield in his time for the offering of an amendment.

Mr. CLARK of Missouri. When can an amendment be offered to it?

Mr. BABCOCK. There will be opportunity, unless the previous question is asked.

Mr. CLARK of Missouri. I know; but that is just exactly the trick it is done with—namely, to insist on the previous question. I do not care a straw about this——

Mr. BABCOCK. I will say to the gentleman I do not intend to call for the previous question. This bill must stand on its merits.

Mr. CLARK of Missouri. I want to say this, that I do not care anything about this bill, because I do not know anything about it; but I am opposed to the Committee on the District of Columbia or any other committee bringing a bill here and then rearing back on its pastern joints and saying that it shall not be amended. [Laughter.]

Mr. BABCOCK. Mr. Speaker, I appeal to the gentleman from New York not to offer an amendment, not to weaken the bill, but to let it go into law with its full force—with the officers mentioned charged to enforce the provisions of it. That is what I ask of the gentleman from New York [Mr. FITZGERALD].

Now I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, it must appear to every man in this House that this is a bill dealing with matters decidedly technical. The physicians, pharmacists, and druggists of this city, as they stated before our committee, have been working for ten years, and this is the bill prepared by them as a result of that ten years of effort. It is intended to be as complete and perfect as those men can make it. I am not in harmony with the idea that we should shut off amendments by calling for the previous question; but if you undertake to amend this bill and pass it as amended, you may help it or you may not. It will be like shooting in the dark, unless the party who offers the amendment has special information on the subject.

I want to say frankly, as a member of the District Committee, that I do not know how to improve this bill—and I studied it as well as I possibly could—because I have not that technical training necessary to properly judge of it. But the objection of the gentleman from New York [Mr. FITZGERALD] seems to be based wholly upon the idea that it may in some way, by its enforcement, increase expenditures, and that there will have to be an additional appropriation in consequence thereof. I do not know whether that is true or not, but if, in order for this District to have a proper law, properly enforced, to stop the wholesale poisoning and the making of lunatics and maniacs in this District, and it does call for a little additional appropriation, I say, why not give it? Who wants to cause our asylums to be run over with maniacs and lunatics by the reason of the lack of such a law as this? We have got to take care of the asylums. We have got to go to the Appropriations Committee for that. I do not measure the value of legislation entirely upon whether it is to cost us nothing or not. If it benefits us, and the fees do not pay the expenses, the great Appropriations Committee of the House, of which the gentleman from New York is an honored and most valuable member, will judge of that when the matter is presented to them. If it should require a little additional expense to suppress as far as possible this death-dealing drug abuse in the District of Columbia, let us have it. And who is to judge of it if it is not the physicians and pharmacists and druggists who have practical and professional knowledge of it?

If we undertake to amend this bill, in all probability we will simply ruin it. That will be the result of it. I am the last Member of this House to advocate the shutting off of amendment and debate; but I appeal to the Members, as does the gentleman from Wisconsin [Mr. BABCOCK], that you do not offer an amendment unless you are sure it will not injure but, on the contrary, help the bill.

Sometimes we are ready on very slight consideration to offer amendments to a bill on the floor of the House we would not offer if we more fully understood it. I could not prepare a bill like this. I have not the requisite knowledge. Perhaps there are Members of the House who do have it, and we should have been very glad to have them appear before the committee. This is a long bill, technical in character, and I believe a very necessary and useful bill. We have got to rely on somebody, and if we can not rely on the druggists and the pharmacists and the physicians of this District when we have to prepare and introduce legislation that will bring about the particular results sought to be accomplished by this bill, where are we to go? How many of you gentlemen would go into that subject and study it so fully as to be able to thoroughly understand it before introducing a measure of this kind? I hope no serious effort will be made to amend this bill. I express the hope simply because I am afraid that in undertaking to make it better it may be made worse.

Mr. BABCOCK. I yield to the gentleman from New York, if he wishes to offer an amendment.

Mr. FITZGERALD. I wish to offer an amendment striking out lines 18, 19, and 20 on page 22; and I would like about three minutes on the amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, strike out lines 18, 19, and 20.

Mr. FITZGERALD. Mr. Speaker, I wish the gentleman to yield to me about three minutes.

Mr. BABCOCK. I yield three minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, this proposed law prohibits certain things in the District of Columbia and provides a penalty for the commission of them. It will be the duty of the police department to enforce this law. There is a provision in the bill which provides for the revocation of licenses upon cer-

tain complaints made by the Commissioners by proceedings in court. It will be the duty of the corporation counsel to take the proceedings when directed to do so by the Commissioners. To specifically designate these officers to enforce this law is entirely unnecessary. It is never the practice in legislation fixing crimes and penalties for their commission in the United States to provide specifically that the district attorneys shall enforce those laws.

It is an innovation to place this provision in this bill. To have the officers who are to administer this law alluded to in the act, or the official specially designated, gives them an excuse to come in and ask for assistants to enforce the law, merely because they have been enumerated in the bill. I can not see how it will harm this bill to amend it in the way I have suggested. The gentleman from Tennessee [Mr. SIMS] seems to imagine that because his committee has brought a long bill in here it would be dangerous for anybody else to have an opinion in regard to it that is different from that of the committee. It will be his privilege to vote as he pleases on the amendment; but I hope the House will not initiate this scheme of specifically naming the officer whose duty it is to enforce the law. It is presumed that they will perform their duty and enforce the law without such an enactment.

Mr. OLCOTT. Mr. Speaker, the remarks of the gentleman from New York seem to me to be remarkable. He seems to have great fear that by putting a statement in the bill stating clearly as to what officers shall perform this duty, it will be a serious matter. This provision does not in any way take from anybody else, whose duty it is to cause the laws to be enforced, that privilege or duty. It merely provides, where it is necessary to make an examination of books kept by pharmacists in this city, or in any other manner enforce the law, it shall be the duty of the major, or superintendent of the police force, to execute this law, and to see that the poisons, the sale of which we are seeking to control, are not improperly sold. What harm can it do to the bill to put this provision in? It might do very serious harm to leave it out. The bill has been reported after most careful consideration by the Committee on the District of Columbia after hearing from the pharmacists of the District. It has also been reported after very careful consideration by the Commissioners of the District and the District attorney; and it seems to me most remarkable to ask to have an amendment put in that is of such a trivial purpose, which can not do any good, and might do incalculable harm. I hope that the amendment will not be adopted.

Mr. BABCOCK. I call for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Speaker, I want to offer an amendment.

After the word "act," on page 22, line 20, add this:

And the courts having jurisdiction shall charge regularly their grand juries to investigate alleged violations of this law.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "act," in line 20, page 22, insert "and the courts having jurisdiction shall charge regularly their grand juries to investigate alleged violations of this law."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

BANKS AND TRUST COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for present consideration of the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That sections 713 and 714 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, are hereby amended so as, respectively, to read as follows:

"SEC. 713. All savings banks, or savings companies, or trust companies, or other banking institutions, organized under authority of any act of Congress to do business in the District of Columbia, or organized by virtue of the laws of any of the States of this Union, and having an office or banking house located within the District of Columbia where deposits or savings are received, shall be, and are hereby, required to make to the Comptroller of the Currency and to publish all the reports which national banking associations are required to make and publish under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes of the United States, and shall be subject to the same penalties for failure to make such reports as are therein provided, which penalties may be collected by suit before the supreme court of the District of Columbia. And the Comptroller shall have power, when in his opinion it is necessary, to take possession of any such bank or company, for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

"SEC. 714. The Comptroller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank mentioned in the preceding section. The expense of such examination shall be paid in the manner provided by section 5240 of the Revised Statutes of the United States relating to the examination of national banks.

"SEC. 714*a*. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is further authorized to make rules for the regulation of the banking business within the District of Columbia by the banks mentioned in section 713, and to provide for the enforcement of such regulations by the assessment of reasonable fines, which may be collected by suit before the supreme court of the District of Columbia. The expenses of such suit shall be paid from the proceeds of the fines collected, and the balance shall be annually paid to the Treasurer of the United States."

With the following amendment:

On page 1, line 9, after "companies," insert "or trust companies."

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KLINE].

Mr. KLINE. Mr. Speaker, this bill contemplates the extension of the provisions of sections 713 and 714 of the Code of Law for the District of Columbia to savings banks, savings companies, trust companies, or other banking institutions, organized by virtue of the laws of any of the States of the Union, having an office or banking house within the District where deposits or savings are received; and it also contemplates the enlargement of the powers of the Comptroller of the Currency in his supervision and regulation of banks, savings companies, trust companies, or other banking institutions, authorized under authority of any act of Congress, doing business in the District of Columbia, and organized by virtue of the laws of any of the States of the Union.

Section 713 of the Code of Law for the District of Columbia provides that all savings banks or savings companies or institutions organized under authority of any act of Congress, doing business in the District of Columbia, shall be required to make to the Comptroller of the Currency, and publish all the reports which national banking associations are required to make and publish, under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes, and that they shall be subject to the same penalties for failure to make or publish such reports as are provided in said sections of the Revised Statutes.

Section 5211 of the Revised Statutes provides, among other things, that national banks shall make to the Comptroller of the Currency not less than five reports during each year, according to the form prescribed by the Comptroller, and in addition to said reports they may be required to make special reports.

Section 5212, among other things, provides that every national bank shall within ten days after the declaration of any dividend make a report to the Comptroller of the Currency, showing the amount of the dividend and the amount of net earnings in excess of such dividend.

From information and advices received, there are now nine savings banks or banking institutions, organized and incorporated by the laws of the States of Virginia, West Virginia, and Connecticut, engaged in business in the District of Columbia, where they are receiving deposits and savings. These institutions are presently only amenable to the laws of the several States from which they have received their several rights of organization or incorporation. They are presently amenable to no Federal regulation or control. Some of these institutions have been doing business in the District for many years. They have established their banking houses in the District permissibly, without any objection, and apparently have been continuing their business by a comity between the several States and the District of Columbia.

Several of these institutions have no office or place of business where they receive deposits or savings in the States under whose laws they have been incorporated. The People's Bank, the Ætna Bank and Trust Company, the Union Savings Bank, and Washington Savings Bank are incorporated under the laws of the State of West Virginia. The Home Savings Bank, the Merchants and Mechanics' Savings Bank, the McLaughlin Real Estate and Loan Company, and the Potomac Savings Bank are incorporated under the laws of the State of Virginia; and the International Banking Corporation is incorporated under the laws of the State of Connecticut.

The People's Bank, the Ætna Bank and Trust Company, the Home Savings Bank, the Union Savings Bank, and Washington Savings Bank are, respectively, capitalized at $100,000, and the

Merchants and Mechanics' Savings Bank and the Potomac Savings Bank have a capital of $50,000 each. The McLaughlin Real Estate and Loan Company has a paid-up capital of $54,950, according to its last statement, and the International Banking Corporation is capitalized at $3,250,000, has a surplus of $3,250,000, and its aggregate assets, according to a statement made on June 30, 1905, amounted to $32,472,426.54.

The latter-named banking corporation has its principal office and place of business in the city of New York, with branches and agencies in Washington and other cities of the United States, as well as in foreign countries. These several institutions have established a large and extensive trade, and apparently have acquired the confidence of the general public.

National banks, as is well known, under the national banking law, must make to the Comptroller of the Currency no less than five reports during each year, according to the form which may be prescribed by him, verified by oath or affirmation of the president or cashier of such association, and in most of the States the banking laws provide for a commissioner of banking, or some similar official, who, through his staff of examiners, makes annual or semiannual examinations of State banks, savings institutions, and trust companies, and in addition to said examinations such companies are required, according to the laws of some of the States, to furnish sworn statements of condition twice a year.

I am told that several of these institutions doing business in the District, organized under State laws, voluntarily make reports of their resources and liabilities and cause the same to be published at periods of time when the Comptroller of the Currency makes call for reports from national banks.

By section 714a the powers of the Comptroller of the Currency are enlarged; he is authorized, with the approval of the Secretary of the Treasury, to make rules for the regulation of the banking business within the District of Columbia, by the several classes of banks and institutions mentioned in section 713. This power should be vested in the Comptroller of the Currency. He is familiar with this class of business, and, with approval of the Secretary of the Treasury, can make more appropriate and effective rules for the regulation and supervision of this class of banking than possibly Congress would be enabled to enact.

These several institutions mentioned in section 713, organized under the laws of the States, receiving deposits and savings, doing business under the power and authority granted to them by their several acts of incorporation, and having acquired the business and confidence of the general public in the District, not now amenable to any Federal regulation, should be made amenable to some supervising authority.

The committee has considered that the law intended to be enacted by this bill is a wise and meritorious safeguard. The Comptroller of the Currency approves of this legislation; it has the approval of the Commissioners of the District, and this bill, as advised, was drafted, prepared, and introduced at the instance of the District Commissioners.

The Comptroller of the Currency in his annual report to the first session of the Fifty-ninth Congress, on page 52, makes reference to this subject and calls attention of Congress to the necessity for legislation regulating banking institutions within the District of Columbia.

I request that the Clerk read from the report of the Comptroller of the Currency what is therein said on the subject now under discussion.

The Clerk read as follows:

BANKING INSTITUTIONS WITHIN THE DISTRICT OF COLUMBIA.

The attention of Congress is called to the necessity for legislation regulating banking institutions within the District of Columbia.

Under existing legislation only national banks, safe deposit, trust, loan, and mortgage companies, and savings banks organized under the laws of Congress, and banking institutions organized under State laws and having their principal place of business in the District, are required to make reports of their condition or are subject to any official supervision. As a matter of fact, every bank operating under a State charter within the District has, or claims to have, its "principal place of business" outside the District, and thus escapes or evades all governmental supervision and control.

Section 605, subchapter 3, of the District Code, providing for the general organization of corporations, excepts from its provisions only "banks of circulation and discount." Savings banks organized under this general act of Congress are required to make to the Comptroller of the Currency all the reports which national banking associations are required to make. The Comptroller has also power to cause examination to be made into the condition of any such savings bank, but he is without power to correct any abuse discovered, or to take any step for the protection of depositors, however unsafe he may find the condition of the bank. The power of the Comptroller is so limited as to render it practically useless.

The numerous banking institutions deriving their charters from the States have no other restrictions upon their methods of conducting business than such as may be contained in their respective charters. Many, if not all of them, are not required to make any reports of condition, are not subject to any examination, are not restricted as to reserve fund, or as to loans, or as to the amount or character of their investments.

Congress having exclusive power of legislation within the District, depositors, no doubt, assume that their interests are not left to the care of distant State legislatures. The erroneous impression is strengthened by the fact that some of the banks, not required to make any report of condition, in fact publish such reports in the same manner and at the same time as those of national banks are published according to law.

The Comptroller respectfully recommends the passage of an act requiring all banking institutions receiving deposits in the District of Columbia to make reports of their condition, to be subject to examination, and to conduct their banking business under such regulations as will afford better protection to depositors than exists under present conditions.

Mr. KLINE. My judgment is that this bill should be passed in the form in which it is now presented to the House.

Mr. SHACKLEFORD. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. BABCOCK. Certainly.

Mr. SHACKLEFORD. Mr. Speaker, I do not care to detain the House with any lengthy remarks upon this bill. I am opposed to it, however. It seems to me a left-handed way of giving a legal status to some banking institutions in this District which now do not have it. It appears from the facts at our disposal that some banking institutions organized under the laws of the several States came here and established branch banks without any authority whatever. It is true that they were not proceeded against, and they have grown to be institutions of considerable standing in the District.

As I understand it, there never was any authority for them to be here, exercising corporate authority within this District, in the manner that they have.

Now, there is no authority under Federal law for national banks to establish branch banks. This is a question that should receive the mature consideration of this House, whether or not Congress desires to approve of the policy of branch banks. Coming up as it has before this committee, without any consideration of that feature, I believe the bill ought not to pass. Indeed, the bill ought not to have gone to the District of Columbia Committee in the first instance, but should have been referred to the Committee on Banking and Currency, where it belongs. Entertaining as I do these views, I shall vote against the bill, and I think it ought to fail.

Mr. BABCOCK. Mr. Speaker, I now yield ten minutes to the gentleman from Pennsylvania [Mr. MORRELL.]

Mr. MORRELL. Mr. Speaker, two years ago, when the bill for appropriations for the District of Columbia was before the House, a Member who was not either a member of the Committee on the District of Columbia or the Appropriations Committee asked the question, in regard to an item, as to how that item compared with items in other cities of the same size as Washington. I was surprised at my own ignorance, being unable to answer his question. But it brought very forcibly to my mind the fact that some investigation should be made as far as that was concerned. During the following summer I collected statistics concerning the expenditures of fourteen other cities besides Washington. These statistics are arranged in tables. I had intended last winter to present the results of these investigations to the House, but unfortunately I was taken ill, and only returned on the very day on which the appropriation bill for the District was being considered.

Now, Mr. Speaker, it is popularly supposed that we are living in Washington under the best possible form of municipal government, and we are very happy in that belief. I do not mean to say that we are wrong in that belief, but I think it might be well to inquire as to whether the excellence of the government is commensurate with the expense. Inasmuch as I was unable to present these tables last winter, so as to bring them as near as possible to date, I again made inquiries directed to the cities themselves, reducing the number of cities for comparison from fourteen to seven, and only including those whose population was practically the same as that in Washington.

I will for a moment take up the time of the House by reading, not the tables themselves but some of the results of the deductions from those tables. For instance, it is worthy to note that in Buffalo, a city of 27 per cent more population and 5 per cent more property than Washington, the expense for all the ordinary purposes of a city government was 32 per cent less than that of Washington. Pittsburg, with 15 per cent more population and 28 per cent more property, expended only 2 per cent more than the city of Washington for the purpose of a civil government.

Baltimore, with nearly twice the population, more than twice the property, and the victim of one of the greatest fires in the world's history, expended but 34 per cent more than the city of Washington, $2,377,686 of which being expenditure resulting from the fire. Deducting this fire expenditure the percentage

for ordinary expense for Baltimore in 1904 was but 9 per cent more than that of Washington.

St. Louis, double in population and nearly double in property, expended but 18 per cent more than Washington.

These totals for ordinary expenditure for these seven cities, together with the percentages adduced, indicate an extravagance in expenditure for the city of Washington out of all proportion to the benefits derived. Had the comparison been extended to Cincinnati, Cleveland, Detroit, and other cities the comparison would have been still less in favor of Washington.

These ordinary expenditures cover salaries of city officials, clerks and laborers, expenses of the various departments of accounting, assessing, collecting and disbursing the funds; the expenses for electricity, gas, or other means of lighting; of water, excepting the original expenditure for plant; of the police, the fire, the health, charities, markets, parks, streets, and highways, including extension, sewers, garbage, ashes, schoolhouses, apparatus and school salaries, printing and binding, bridges, and all other items common to all cities for operation, protection, or education.

Taking up another table, for instance, the table of office expenditures, Washington, with a population of 74,000 less than Buffalo, expended for kindred office work $87,429 more than Buffalo. Baltimore, with 230,000 more people than Washington, expends $49,000 more than the city of Washington. Pittsburg, with 42,000 more people, expends $142,000 less money than Washington.

Mr. PAYNE. If the gentleman will allow me, when the gentleman speaks of the money expended in Washington he includes the one-half provided by the Government?

Mr. MORRELL. The total expense.

Mr. PAYNE. Including the half provided by the United States Government?

Mr. MORRELL. Yes. The entire cost, for instance, of the executive office in Washington in 1904 was $74,403. For Baltimore, $12,000; Boston, $30,000; for Buffalo, $11,000. Apparently, from these figures, the executive offices in Washington are rather, I might say, an expensive luxury.

The expense of the executive, assessors, collectors, and auditors' offices for Washington in 1904 was $181,642; for Baltimore, $74,661; for Pittsburg, $110,000; for St. Louis, $127,544; for Boston, $386,282; for Buffalo, $108,336; for Newark, $86,759. It will thus be seen that the Commissioners' office, which corresponds to the mayor's office in other cities, the collector's, the auditor's, and the assessor's offices cost very much more than all the other cities, except Boston, and more in proportion than Boston. The Washington classification has been so highly differentiated as to create unnecessary positions. No city of the same size, as far as I can gather, has half the force, and no one pays the clerks and assistants as high salaries.

Without at present going very closely into the details of these tables, I will state a few more expenses to attract, if possible, the attention of the House. Taking up the question of bridges, sewers, and street extensions, the table which I have shows that Washington expends about twice as much for street extensions and improvements as St. Louis or Boston, four times as much as Buffalo, and a hundred thousand dollars per year more than the city of Pittsburg.

Take the question of schools. It appears that the city of Cleveland, with a population of 100,000 more than Washington, employs the same number of teachers in that year—that is to say, 1,329 teachers—under a system which educators estimate to be one of the best in the United States.

To take up these tables more in detail, first, I have compared the population and valuation of seven cities in the United States for the year 1904:

City.	Population.	Percentage.	Valuation.	Percentage.
Washington	278,718	100	$237,862,660	100
St. Louis	575,298	206	439,584,490	185
Boston	560,892	203	1,206,644,267	507
Baltimore	508,857	182	503,144,182	211
Buffalo	352,887	127	249,373,000	105
Pittsburg	321,616	115	465,130,055	198
Newark, N. J	246,070	88	172,375,735	72

From this it will be seen that the population of St. Louis, Boston, Baltimore, Buffalo, and Pittsburg exceeds the population of Washington from 15 to 106 per cent, Newark, N. J., being the only city having a less population and valuation than Washington. The assessed valuations of property, both real and personal, in St. Louis, Baltimore, Boston, Buffalo, and Pittsburg exceed the valuation in Washington at from 5 to 402 per cent, the valuation of Newark being less than three-quarters of that of Washington.

Second, I shall call attention to Table 2:

TABLE No. 2.—*Showing gross expenditure of seven cities for the year 1904.*

City.	Gross expenditure.	Percentage.
Washington	$10,257,547	100
St. Louis	13,818,126	134
Boston	42,717,476	416
Baltimore	16,973,052	165
Buffalo	7,286,582	70
Pittsburg	10,976,044	107
Newark, N. J	6,538,939	63

GROSS EXPENDITURES NO CRITERION.

Gross expenditures include interest on debt, amount set aside for the sinking fund, amounts to meet specific loans, and other extraordinary expenses. They are therefore an unsafe basis for critical comparison. I have already called attention to the fact that it is a little singular that Buffalo, with 27 per cent more population and 5 per cent more property, should expend 30 per cent less for all purposes. Also, that Pittsburg, with a greater population and 98 per cent more property, should only expend 7 per cent more for all purposes, while Newark, with but 75 per cent of the property of Washington, has but a total expenditure of 63 per cent of that of Washington.

TABLE No. 3.—*Shows the net or ordinary expenditure of seven cities for the year 1904.*

City.	Ordinary expenditure.	Percentage.
Washington	$9,079,908	100
St. Louis	10,734,141	118
Boston	32,638,005	359
Baltimore	12,193,118	134
Buffalo	6,176,876	68
Pittsburg	9,330,172	102
Newark, N. J	5,842,939	64

Office expenditures as here used comprehend the salaries of all executive officers, as mayor or commissioners, auditors or comptrollers, treasurers or disbursing officers, attorneys or law officers, collectors, sealers, etc., together with the clerical force provided by law. To be more explicit, I shall define office expenditure to include all the ordinary expenses of municipal government except the cost of the police force, the fire department, the lighting department, the schools, the health, charities, parks, and a few other miscellaneous expenses.

TABLE No. 4.—*Office expenditures of seven cities for 1904 and five cities for 1902.*

1904.	
Washington	$416,867
St. Louis	741,477
Boston	740,407
Baltimore	465,870
Buffalo	329,438
Pittsburg	274,399
Newark, N. J	247,284
1902.	
Cleveland	98,999
Cincinnati	176,248
Detroit	207,488
Milwaukee	212,632
San Francisco	283,000

Thus, as I have already said, Washington, with a population of 74,169 less than Buffalo, expends for kindred office work $87,429 more than Buffalo. Baltimore, with 230,139 more people than Washington, expends but $49,003 more for office work. Pittsburg, with 42,898 more people, expends $142,468 less money. Detroit and Milwaukee, with about the same population, expend about one-half the money. The same is practically true of Cleveland, Cincinnati, and San Francisco. These are all well-governed cities, and there is no satisfactory reason for an expenditure in Washington of nearly twice as much for the same services. Newark, with but 75 per cent of the population, expends 60 per cent of Washington's expenditures. Because Washington is the capital of the country is no reason for doubling, trebling, and even quadrupling the aggregates paid for the same services in cities as large and even twice as large.

The other municipalities have a single head, for whose services one of them, Chicago, with a population of 1,698,575, pays $5,000. Nearly all of the others pay from $4,000 to $6,000. Washington has a triple head, each part of which draws $5,000,

with an allotment of a private secretary for each third of the authority. In other cities the chief officer is chosen by the people; has had a long residence in the city, and is identified with its material interests.

TABLE No. 5.—*Dealing with the police department, 1904 and 1902.*

City.	Area (square miles).	Cost.	Cost per square mile.
1904.			
Washington	70	$818,179	$11,688
St. Louis	62	1,948,864	31,433
Boston	43	1,758,420	40,894
Baltimore	31	1,059,046	34,162
Buffalo	42	787,613	18,129
Pittsburg	28	620,000	22,143
Newark, N. J	18	509,644	28,313
1902.			
Chicago	190	3,330,000	17,500
Cincinnati	37	577,607	15,600
Cleveland	33	374,000	11,300
Milwaukee	23	329,000	14,300
Philadelphia	129	2,689,915	20,700
San Francisco	41	849,248	20,700

Washington and Georgetown have an area of about 16 square miles; the remainder of the 70 square miles in the District, although under the police control of Washington, is served by a system of mounted police with beats of several square miles. The aggregate cost, $818,179, is really distributed over an area of not more than 25 square miles, and costs about $20,454 per square mile. Why police protection in Washington should cost twice as much as in Milwaukee and Cleveland and more than in Buffalo, Pittsburg, Newark, and Cincinnati is hard to understand. President Roosevelt and John C. Wilkie complimented the police force of Detroit in 1901 very highly. The police forces of any of the cities above named will compare in efficiency with the police force of Washington most favorably. Washington has 686 policemen; Baltimore, 972; Buffalo, 628; Newark (1902), 448; Cincinnati (1902), 536; Cleveland (1902), 376; Detroit (1902), 575; Milwaukee (1902), 322; Pittsburg (1902), 405.

Comparing the number of policemen in each city with its total valuation, we obtain the following interesting information: There is one policeman or police official in Washington for every $340,000 of taxable property; in Baltimore, one for every $510,000; Buffalo, one for every $397,000; Pittsburg (1902), one for $794,313; Milwaukee (1902), one for $500,000; Detroit (1902), one for $750,000; Cleveland (1902), one for $400,000; Newark (1902), one for $1,100,000.

If it be argued that the taxable property assigned to Washington is too small, being the valuation of the private property alone, it may be answered in reply that this does not materially affect the argument. The Government property is at all times under the protection of its own watch force, whose pay comes from the coffers of the National Government. If the valuation of Government buildings is to be added to one side of the account, then the expense of these extra police should be added to the other. It is evident from all these considerations that the Metropolitan police force of Washington, while a most efficient body, costs far more in proportion than other efficient bodies do in cities of the same or larger size throughout the country.

The expense account of the fire department in the city of Philadelphia—a city nearly five times as large and covering an area nearly twelve times as great as Washington proper—was $985,319. Washington expended $326,161. The following table will show the expenditures of seven cities for 1904 and five cities for 1902:

TABLE No. 6.—*Dealing with the fire department.*

1904.	
Washington	$382,217
St. Louis	829,823
Boston	1,334,382
Baltimore	615,060
Buffalo	741,661
Pittsburg	600,000
Newark, N. J	405,098
1902.	
Cleveland	412,999
Cincinnati	471,373
Detroit	465,932
Milwaukee	421,333
San Francisco	703,264

Next comes streets and highways. This table shows the comparative expense in cities for extension and improvement of streets, avenues, and alleys, excluding lighting, cleaning, sewerage, parks, and bridges, 1904.

EXTENSION AND IMPROVEMENT OF STREETS.

City.	Extension.	Improvement.	Total.
Washington	$199,504	$583,723	$783,207
St. Louis	89,138	219,443	308,581
Boston	43,283	320,770	364,053
Baltimore	1,132,458	784,122	1,916,580
Buffalo	18,095	175,468	193,563
Pittsburg	Can not separate.		678,000
Newark, N. J			

STREET CLEANING.

City.	Ashes and garbage.	Cleaning.	Total.
Washington	$133,387	$186,290	$299,677
St. Louis	322,562	704,569	1,027,131
Boston	706,529	434,132	1,140,651
Baltimore	195,800	257,621	453,421
Buffalo	160,000	140,000	300,000
Pittsburg[a]			
Newark, N. J	85,500	224,237	309,737

[a] The item in the preceding table covers all expense.

STREET REPAIRING AND LIGHTING.

City.	Repairing.	Lighting.	Total.
Washington	$293,427	$288,923	$582,350
St. Louis	605,169	566,715	1,171,884
Boston	1,073,445		1,073,445
Baltimore	180,510	320,121	500,632
Buffalo	50,632	303,391	354,023
Pittsburg	150,000	387,859	537,859
Newark, N. J	167,917	240,694	408,611

BRIDGES AND SEWERS.

City.	Bridges.	Sewers.	Total.
Washington	$61,777	$678,190	$739,967
St. Louis	131,710	255,560	385,270
Boston	459,658	324,360	784,018
Baltimore	44,303	97,906	138,209
Buffalo	369,862		369,862
Pittsburg	31,050	(a)	31,050
Newark, N. J	4,151	56,330	60,481

[a] Included above.

It will be seen from these tables that, as I have said, Washington expends about twice as much for street extension and improvement as St. Louis and Boston, four times as much as Buffalo, and $100,000 per year more than Pittsburg. The destructive fire at Baltimore cast such an amount of extra work upon that city as to make its expenditures for the year 1904 of no value in this comparison. Were less money spent upon street extension and improvement and more upon garbage and cleaning, a better equilibrium would be maintained.

The amount expended for sewerage seems to be very high when compared with that of St. Louis, Baltimore, and Buffalo.

Next I have a table of public schools. This table includes the expenditure for all schools—collegiate, business, art, kindergarten, normal, summer, and public—including salaries, books, fuel, buildings, grounds, and other contingencies, 1904 and 1902:

City.	Salaries.	Buildings and supplies.	Total.
1904.			
Washington	$1,068,986	$621,385	$1,690,371
St. Louis[a]			
Boston	2,631,358	3,106,876	5,738,234
Baltimore	1,169,147	270,897	1,440,044
Buffalo	1,081,650	97,021	1,178,671
Pittsburg	Both items included.		1,075,000
Newark, N. J	869,862	519,126	1,388,988
1902.			
Cincinnati	1,092,689	61,612	1,154,301
Cleveland	1,491,104	922,444	2,413,548
Detroit	763,002	334,829	1,097,031

[a] Comptroller's report does not itemize.

Enrollment, number of teachers, and cost per pupil, based on total enrollment and total expenditure, 1903.

City.	Enrolled.	Teachers.	Cost per pupil.
Washington	48,745	1,339	$33.30
Philadelphia	192,849	3,766	25.50
St. Louis	82,459	1,669	27.40
Newark, N. J.	42,230	863	23.20
Boston	97,871	2,195	44.00
Baltimore	88,528	1,689	19.10
Cincinnati	43,884	922	21.60
Cleveland	64,884	1,339	33.80
Pittsburg	51,494	1,008	27.90
Buffalo	60,779	1,199	24.80

One of the best systems of schools in the United States is that of Cleveland, Ohio. The figures upon which the above calculations were made were taken from the Report of the Commissioner of Education for 1903. It appears that the city of Cleveland, with a population of 100,000 more than Washington, employed the same number of teachers in that year. That is to say, 1,339 teachers in Cleveland, Ohio, under a system which educators admit to be one of the best in the United States, educated an enrolled population of 64,884, at a cost of $33.80 each, while the same number of teachers in Washington educated 16,000 less, at a cost of only 50 cents less per capita. It will also be seen that the per capita cost for the education of a child in Philadelphia, under a system admittedly the best, is $7.80 less than in Washington. The per capita cost of education in all the cities named, except Cleveland and Boston, is far below that of Washington. Newark and Cincinnati enroll almost as many pupils and educates them at a cost of from $10 to $12 less per capita. Buffalo educates 25 per cent more children than Washington, in schools equally as good or better, at $9 less per capita. The fault of the Washington system lies first in its so-called "board of education." It is nonrepresentative as to residence, educational ability, and knowledge of educational affairs. The system is without a head, as the superintendent is divested of that part of the authority which goes to make efficiency in public instruction. He has no absolute control over principals or teachers. The principals lack subordination, as do the teachers. The pay of both teachers and principals is representative of the pay of teachers and principals in good schools throughout the country. The above figures demonstrate this conclusion.

The last table refers to charities and corrections for the year 1903:

City.	Charities.	Corrections.	Total.
Washington	$688,343	$153,122	$821,465
Philadelphia	454,021	215,613	669,534
St. Louis	176,174	.....	.....
Newark, N. J.	218,406	.....	.....
Boston	1,257,362	.....	.....
Baltimore	387,169	.....	.....
Cincinnati[a]	236,200	148,743	384,943
Cleveland	78,627	.....	.....
Detroit	60,500	40,696	101,196
Milwaukee	9,001	.....	.....
Chicago	227,000	155,534	382,534
Buffalo	114,261	.....	114,261
Louisville	48,249	.....	.....
San Francisco	272,000	.....	.....

[a] Includes both.

Mr. Speaker, this concludes the tables. I may add that it was in the course of this investigation that the matter of street extension was brought to my attention, as also several other matters in connection with the District of Columbia—for instance, taxation. I propose at some future occasion to burden the House with some remarks upon these other matters, and I do hope that the Members of the House will give attention to these tables when they appear in the RECORD and will scrutinize them carefully.

I ask it for this reason, because, as far as the expenditures of the District of Columbia is concerned, the Members of this House occupy a dual position of trust. First, they come here representing their constituents at home, a portion of whose taxes are used to pay for the government of the city; next, they represent also almost 400,000 of population of the city of Washington, who are deprived of suffrage and who have no means of regulating the expenditure of the money they pay in taxes. I trust for these reasons that the Members of the House will give these matters their careful attention.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "companies," insert the words "or trust companies."

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the following bills:

S. 1098. An act granting an increase of pension to William J. Grow; and

S. 943. An act granting an increase of pension to Oscar R. Arnold.

EXTENSION OF RHODE ISLAND AVENUE NE.

Mr. BABCOCK. Mr. Speaker, I call from the Speaker's table the bill (S. 56) authorizing the extension of Rhode Island avenue NE.

The SPEAKER. The gentleman from Wisconsin calls up the bill (S. 56) authorizing the extension of Rhode Island avenue NE., and asks that it be taken from the Speaker's table and a similar House bill, which has been reported from the Committee on the District of Columbia and is on the Union Calendar, which the gentleman states should not be there, be put on the House Calendar. The Chair will state that he has not examined the bill. The gentleman from Wisconsin is familiar with it. What statement has the gentleman to make about it?

Mr. BABCOCK. Mr. Speaker, I would say that the bill carries no appropriation whatever from the General Government, and the expenses brought under the bill are paid by the abutting property owners. It is a street-opening bill.

The SPEAKER. And makes no charge upon the General Treasury?

Mr. BABCOCK. No.

The SPEAKER. Then the bill will be stricken from the Union Calendar and placed on the House Calendar. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within ninety days from the approval of this act, to institute proceedings to condemn the land necessary for the extension of Rhode Island avenue from Lincoln road to Fourth street east, with a width of 130 feet.

SEC. 2. That all of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Rhode Island avenue, as herein provided, shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits against those pieces or parcels of land on each side of said avenue as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said avenue, as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said avenue as aforesaid.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice, and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, nor are they in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said avenue and the condemnation of lands for the purpose of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court before accepting the jury shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or

cause any vacancy in the jury; when impaneled, to be filled, and after said jury shall have been organized and shall have viewed the premises said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise, as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having interest in the proceedings for the extension of said avenue. When the hearing is concluded, the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said avenue under the provisions hereof, and of the pieces or parcels of land benefited by such extension, and the amount of the assessment for such benefits against the same.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said avenue or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments the accounting officers shall take into account the assessments for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits, whenever such amendments will not interfere with the substantial rights of the parties interested.

SEC. 9. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 10. That the sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the extension of such avenue: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said avenue under the provisions hereof shall be paid as hereinbefore provided.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the similar House bill on the House Calendar will lie on the table.

There was no objection.

Mr. BABCOCK. Mr. Speaker, I now move that the votes by which the several bills reported from the District of Columbia and passed be reconsidered and that that motion lie on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PUNISHMENT FOR WIFE BEATING.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8133) to provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted, which I send to the desk and ask to have read:

The Clerk read as follows:

Be it enacted, etc., That whenever hereafter any male person in the District of Columbia shall beat, bruise, or mutilate his wife, the court before whom such offender shall be tried and convicted shall direct the infliction of corporal punishment upon such offender, to be laid upon his bare back to the number of lashes not exceeding thirty, by means of a whip or lash of suitable proportions and strength for the purpose of this act.

SEC. 2. That the punishment provided in the first section of this act shall be inflicted by the marshal of the District of Columbia, or by one of his deputies, within the prison inclosure, and in the presence of a duly licensed physician or surgeon and of the keeper of the said prison or one of his deputies, but in the presence of no other person.

Mr. BABCOCK. Mr. Speaker, I desire to say just a word in respect to this bill. This bill has been considered by the Committee on the District of Columbia, and the committee has agreed upon a unanimous report, and that is to report the same to the House without recommendation.

Mr. SIMS. Not a unanimous report.

Mr. BABCOCK. I beg the gentleman's pardon.

Mr. SIMS. There were three votes against it on the roll calls in the committee.

Mr. BABCOCK. I beg the gentleman's pardon. I understood the three votes were against the bill and not against reporting it to the House without recommendation.

Mr. SIMS. That would not be a unanimous report, would it?

Mr. BABCOCK. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER. How much time does the gentleman yield?

Mr. BABCOCK. Such time as the gentleman desires.

Mr. BARTHOLDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. I would like to know whether time will be granted to the opposition and whether somebody will be designated to have control of the time in opposition to the bill?

Mr. SIMS. Mr. Speaker, I ask for recognition, and then I shall yield to the opposition.

Mr. PAYNE. Mr. Speaker, I am willing to have the gentleman from Pennsylvania [Mr. ADAMS] present his views on this question, but I do not think the time of the House ought to be occupied a great while with it. If the gentleman will consent to divide the time of discussion between himself and the gentleman from Missouri [Mr. BARTHOLDT], and not take over an hour, I shall not object to it. Then I think the House ought to have a chance to vote on the question of whether the bill ought to be laid on the table or not.

Mr. MAHON. Well, Mr. Speaker, we desire to offer some amendments.

Mr. PAYNE. Mr. Speaker, I will say that the time of the House is too valuable for some of the amendments I have heard of. [Laughter.]

Mr. ADAMS of Pennsylvania. Mr. Speaker, I will be willing to yield half of my time to those in opposition, if that is satisfactory.

Mr. SIMS. Mr. Speaker, I am a member of the committee and I opposed this bill, and I desire to be recognized in opposition to the measure.

Mr. PAYNE. Well, suppose the arrangement be that the gentleman from Pennsylvania [Mr. ADAMS] yield half his time to the gentleman from Tennessee [Mr. SIMS], a member of the committee, who is opposed to the bill?

Mr. BABCOCK. Mr. Speaker, as I understand it, I am entitled to one hour.

The SPEAKER. That is correct.

Mr. BABCOCK. I yield one-half hour to the gentleman from Pennsylvania [Mr. ADAMS] and one-half hour to the gentleman from Tennessee [Mr. SIMS], a member of the committee, in opposition to the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. Does the gentleman think this bill should not be discussed longer than an hour? It is a new matter.

Mr. BABCOCK. The hour is all the time I have.

Mr. GAINES of Tennessee. Do you not think we ought to take more time? I suggest that to the gentleman.

Mr. PAYNE. That will be for the House to arrange afterwards.

Mr. GAINES of Tennessee. Then why limit it now?

Mr. PAYNE. It is not being limited now; it is simply distributing the hour, and afterwards it will be for the House to say whether they want to hear discussion longer.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask the serious——

Mr. MAHON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MAHON. I wish to offer the following amendment after the gentleman is through with his general statement.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I do not yield.

The SPEAKER. It is not in order for the gentleman to offer an amendment at this time.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I have the floor, and I do not yield.

Mr. MAHON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHON. I wish to make a parliamentary inquiry.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I do not yield the floor.

The SPEAKER. The gentleman can not interpose, the Chair takes it, even for a parliamentary inquiry while another gentleman has the floor.

Mr. MAHON. Mr. Speaker, I will make it in the future.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask serious consideration of this House for a few moments only to a subject which, while some are inclined to treat with levity, was considered of sufficient importance to be recommended by the President, who said in his message to the Fifty-eighth Congress, page 13:

> There are certain offenders, whose criminality takes the shape of brutality and cruelty toward the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment, for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

Which has been unanimously indorsed by the Commissioners of the District of Columbia, to whom, under the practice of the committee having charge, matters relating to the District are referred for their consideration.

They sent the following letter to the chairman:

> OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
> *Washington, January 3, 1906.*
>
> SIR: The Commissioners recommend favorable action upon H. R. bill 8133, Fifty-ninth Congress, first session, "To provide for the infliction of corporal punishment upon all male persons convicted of willfully beating their wives, and the manner and place of inflicting the said punishment, and the officers by whom the same is to be inflicted," which was referred to them at your instance for their views thereon, and invite particular attention to the fitness of retaining the provision that the punishment is to be administered in private.
>
> Very respectfully,
>
> HENRY B. F. MACFARLAND,
> *President Board of Commissioners District of Columbia.*
>
> Hon. J. W. BABCOCK,
> *Chairman Committee on District of Columbia,*
> *House of Representatives.*

More than that, it has the entire support of one of the ablest chiefs of police who exists in this country, who stands so high in his profession that he is at the head of the organization of that body throughout the United States. Not only does he give his unequivocal support to this measure, but he furnishes statistics that will perhaps surprise the Members of this House who have not had their attention called to the fact that within the last two years there have been 508 cases of wife beating in the District of Columbia, and we know this is not a very large city.

> HEADQUARTERS METROPOLITAN POLICE DEPARTMENT
> OF THE DISTRICT OF COLUMBIA,
> *Washington, December 19, 1905.*
>
> MY DEAR SIR: I have the honor to inclose herewith a memorandum showing the number of cases of arrest in this jurisdiction where the charge was assault or assault and battery on women. The statistics are based on the records where the wife, or person of the same name as the defendant, was the complaining witness, as under existing law the charge is one of assault. Many of these cases were dismissed or nolle prosequied upon the request of the prosecuting witnesses.
>
> If you will pardon the suggestion, I believe it would add to the completeness of your bill if you would include among those whom it would make subject to the penalty to be imposed the individuals who assault common-law wives or other females, as numerous instances of the kind have been recorded.
>
> In my annual reports to the Commissioners of the District of Columbia I have heretofore expressed a favorable opinion for such a measure as you propose.
>
> With best wishes, permit me to be,
> Very truly,
>
> RICHD. SYLVESTER,
> *Major and Superintendent.*
>
> Hon. ROBERT ADAMS,
> *House of Representatives, Washington, D. C.*

MEMORANDUM.

The number of arrests on the charge of assaulting wives during the past two years was:

	Cases.
First precinct	15
Second precinct	76
Third precinct	65
Fourth precinct (14 white, 72 colored)	86
Fifth precinct	24
Sixth precinct (23 white, 73 colored)	96
Seventh precinct	39
Eighth precinct	57
Ninth precinct	32
Tenth precinct	18
Total	508

Therefore, Mr. Speaker, I think it is time to put levity aside and to listen to whatever may be submitted in the way of argument in support of this legislation. It is a curious thing, but the people who have looked into this question—the people who have made a study of this question and those who have been called——

Mr. STANLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I decline to yield until I am through, then I will answer all questions—that those who have been thrown in relation to this crime, such as judges, magistrates, police—those to whom this revolting habit has been brought under their notice—are all in favor of this legislation, while those who pretend to cast it aside with flippancy and caricature and that maudlin sentiment that makes people send flowers to the cell of the condemned murderer, forgetting the victim, who lies in the cold ground, those people are opposed to this legislation.

I cite a few whose judgment should have weight on this question:

In 1874 the home office of England issued a circular requesting opinions whether flogging should be authorized in cases of assault, especially on women and children. There was a great unanimity of opinion that the law as it stood was insufficient, and that the penalty of flogging should be added to the list of sanctions. Lord Chief Justice Cockburn, Justices Blackburn, Meller, Lush, Quain, Archibald, Brett, Grove, Lord Chief Baron Kelly, and Barons Bramwell, Piggott, Pollock, Cleasby, and Amphlet were all of this opinion. Lord Coleridge and Mr. Justice Denman were hesitating, and Mr. Justice Keating, of all who sat upon the bench, was the only opponent of flogging.

The chairman and magistrates in sessions were, in sixty-four cases out of sixty-eight, in favor of whipping. The recorders of forty-one towns were likewise in favor of it, only three entering their protest against it. When, at the session of the legislature of Pennsylvania, a bill to establish the whipping post for wife beaters was introduced in the senate by the speaker he was flooded with letters from within and without the State in support of the bill, and copies thereof asked for even from Canada. The proposed act received the almost unanimous support of the public press. In the interrogatories sent to the several district attorneys the direct question of their opinion as to the establishment of the whipping post as a punishment was not asked for two reasons: First, in the agricultural counties the crime exists to a slight extent only, and the attorneys, probably in ignorance of its prevalence elsewhere, would naturally see no necessity for it; in the second place, the reasons for imposing whipping as a punishment solely for the crime of wife beating have but recently been given to the public. The following voluntary remarks, therefore, have double force as spontaneous opinions of the public prosecutors. The district attorney of Schuylkill County says:

> There is a growing sentiment in this county in favor of your bill. Our judge has spoken favorably of it, and reminded a defendant, as he was about to sentence him, that he hoped the day was not distant when wife beaters would be punished as directed in your bill.

The district attorney of Westmoreland County adds:

> As a rule, the same parties, in a year or so, turn up in court again for the same offense. The whipping post is the only adequate punishment for the offense.

The district attorney for Cameron County testifies:

> The law in its present condition is utterly powerless to prevent this crime. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent its recurrence.

The district attorney of Adams County puts a postscript:

> Your proposed correction of this evil, when the case is clearly established, meets with my hearty approval.

Forest County:

> A law to flog wife beaters would be good.

The judgment of the district attorney of Bradford is:

> We ought to have the old whipping post in Pennsylvania, and nothing else will so effectually check this most dastardly crime.

The district attorney of Franklin writes:

> I heartily favor the whipping post.

Clearfield County, represented by district attorney, says:

> In the writer's opinion, the Delaware whipping post would be a salutary preventive for this crime.

The opinion of the experienced district attorney of Philadelphia, who presented 308 bills to the grand jury and convicted 80 brutes of this cowardly crime, is:

> In my judgment the reestablishment of the whipping post or some mode of corporal punishment, inflicted privately, would be more effective to reduce the number of wife beaters than the punishment of incarceration.

Three grand juries of Philadelphia County recommended the passage of this bill to the legislature, and four called the attention of the public to the prevalence of the crime. The opinions of the judges of the court of common pleas of the State, on the advisability of whipping as a remedy for wife beating, are generally unknown to the speaker, but the mature judgment of the

two judges longest in service on the Philadelphia bench—Judge Allison and Judge Ludlow (his junior but a few years)—both favored the proposed punishment.

In 1883 the legislature of Maryland passed a bill to punish wife beaters by whipping them, and the district attorney of Baltimore informed the speaker that after the first conviction the crime ceased as if by magic in that State.

Mr. Speaker, there are sound economic reasons for the passage of this proposed measure. Society is organized for self-protection. We institute police courts and prisons for the protection of the weaker combined against the brutal. We are taxed, and in some instances taxed heavily, to support an expensive police and legal operation and the maintenance of jails, and for the thief and for the murderer the taxpayer gets some return. His property is that much safer and his person is more secure. But what relation has this brute to the taxpayer? What heeds it to any one of us whether he plies his brutal vocation daily except the instinct of humanity that arouses our better sentiments. It affects the citizen in no degree if he plies his vocation every day, and yet what is the practical result? Under the present law he is arrested and——

Mr. WACHTER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I decline to yield, and I request the House not to interrupt me until I get through, when I will answer all questions—and goes through all the expense of a trial and incarceration in jail and we are taxed to support him during his punishment. Does it end there? No; because the class of people who indulge in such brutal customs generally are without means, and before the end of the term of his imprisonment his family and children are sent to the almshouse and again we are taxed to support this man's family and himself in jail for which we get no return whatever. That in no degree affects the safety of our person or the safety of our property.

This is surely a sound argument, and one that can be met by the fact that the students of penology are of one accord that there is something in the low instinct of the man who would inflict pain on something weaker than himself, be it the animal creation or be it the one whom he has sworn to cherish and support—that there is a peculiar trait in the mental capacity of such a one that the punishment he dreads more than any other is that of the infliction of corporal punishment on himself. I do not wish to weary the House with all the facts that I have gathered on this subject, for it has been a study with me for many years. There sits not one within the sound of my voice who, when this question was first submitted to me, treated it more lightly or was more opposed to it as it appealed to his judgment. But it was my duty as a legislator in the senate of Pennsylvania to take charge of the bill that my constituents put into my hands, and in fulfilling my duty I became more than convinced that the legislation was wise and founded on argument that to my mind, in the course of time, became unanswerable. I gathered statistics in the State of Pennsylvania, and there, I regret to say, the terrible showing was made of 500 wife beatings in that civilized State in one year.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Adams	3	2	2, costs and fines	American	No	None	Yes.
Allegheny			50, 5 days to 1 year				
Armstrong							
Beaver	2	1	1, 2 years	Irish	No		
Bedford	None.	None.			No		
Berks	10	8	5, fines and costs	4 Germans, 3 Irish, 1 English	Yes	2	Mostly.
Blair	4	1	1, 6 months	American	No	1	Yes.
Bradford	2	2	6, 2 days to 3 months	All	Yes	1	Yes.
Bucks	15	None.				1 or 2	Three-fourths were.
Butler							
Cambria	None.				No		
Cameron	1	1	1, 6 months	German	No		Yes.
Carbon	8	6	6, 30 days to 3 months	German, Irish	Yes	2	1 case.
Center							
Chester		4	4, fines and costs		Yes	No	Yes.
Clarion	3	2	6, years	German, Irish	No	No	No.
Clearfield	5	3	3, fines and costs	American, Irish, German	No	Not any	Yes.
Clinton	2	2	Costs and fines	German, American	No	None	No.
Columbia	None.	None.	None		No	No	
Crawford	2	2			No	No	Yes.
Cumberland							
Dauphin	2	2	1, 2 months	Colored	No	No	Yes.
Delaware							
Elk							
Erie	1	1	1, 1 year	German	No	1	Yes.
Fayette	a 3			American		1	1.
Forest	None.	None.	None		No		
Franklin	2	2	1, 6 months	German	Yes	None	No.
Fulton	1	None.		American	No		Yes.
Greene	3	2	1, 30 days	do	Yes	None	No.
Huntingdon	4	None.		do	No	No	No.
Indiana	None.						
Jefferson	2	1	1, 30 days	American	No	No	Yes.
Juniata	1	1	1, 6 months	German			Yes.
Lackawanna	6	6	1, 30 days	Hungarian	No	None	Yes.
Lancaster	7	None.	2		No	No	No.
Lawrence	None.				No		
Lebanon	12	8	8, 60 days	German, Irish	No	Not any	Yes.
Lehigh	4	None.	None	Irish and German	No	None	No.
Luzerne							
Lycoming	10	6	4, 15 days	American, Irish	No	No	Yes.
McKean	5	5	None	Irish and American	No	None	Yes.
Mercer	2	None.	None		No		Yes.
Mifflin							
Monroe	None.				No		
Montgomery	9	9	4, 3 months	Irish, English, American	Yes	None	5 yes, 4 no.
Montour	None.				No		
Northampton	10	8	6, 30 days, 6 months	Irish, American	Yes	No	Yes.
Northumberland							
Perry	None.						
Philadelphia	308	182	80, 5 months	No record	Yes	Not many	Almost always.
Pike	None.				No		
Potter							
Schuylkill	16	16	15, 20 days		No		Yes.
Snyder							
Somerset	1	1	1, 2 years 6 months	Italian	No	No	Yes.
Sullivan	2	None.	None	American	No	No	Yes.

a Wife desertion.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Susquenanna	None.				No		
Tioga							
Union	None.				No		
Venango	1	1	1, 1 year	American	No	Yes	Yes.
Warren	None.						
Washington	4	None.	None	2 Welsh, Scotch-Irish	Yes	None	3 yes, 1 no.
Wayne	2	1	None	Irish		None	1 no, 1 yes.
Westmoreland	6	3	None	American	Yes	None	4 yes, 2 no.
Wyoming	2	None.	None	American, Hungarian	No	None	
York	None.				No		
	527	287	211, 3 months	Mostly foreigners	Yes 11, no 36.		Yes 30, no 7.
Camden	125	30	1, 15 to 60 days	Irish, German, American	Yes	A few	Mostly.

Five hundred and twenty-five brutal complaints by wives against their husbands for brutal beatings in one year is a terrible showing for a State so long settled and so far advanced in civilization in other respects as is Pennsylvania. Three hundred and thirty-seven of the complaints were pronounced well founded by the grand jury, and 211 husbands were convicted for terms averaging three months each, thus depriving their families of necessary support. Would that we could flatter ourselves that these returns showed the full extent of this crime in that Commonwealth, but it is probably ten times as great as is directly apparent. It will be noticed that there is no return from the coal regions of Luzerne County. Attention is also called to the prevalence of wife beating in Camden, N. J., which, except for geographical lines, is part of Philadelphia. The tabulated reports represent only the aggravated assaults, in which the wife, driven to desperation by repeated assaults, seeks to have her husband imprisoned.

Hundreds of minor cases appear before the justices of the peace or are settled before trial. This fact is established by the voluntary remarks of the several district attorneys. He of Lycoming County says:

> The statement does not by any means represent the extent of the crime. Many prosecutions are settled before the justices that we never hear of. Many more wives are abused who will not make a complaint.

The prosecutor of Northampton County says:

> There probably have been many more such cases returned for trial during the year, but settled by parties before bill is found. Many more have been settled by the justices of the peace and no returns made to court.

Blair County:

> I have had a great many cases of wife beating, but only some three or four have come to trial; all generally settled, and frequently before preliminary hearing.

Montgomery County:

> Desertion cases, which are disposed of on hearing without jury trial, develop a large amount of wife beating. These are not included in the queries. During the past year wife beating was developed in ten desertion cases.

The district attorney of Erie County says:

> I find that a certain class of Englishmen beat their wives from habit.

Dauphin County:

> Only two specific charges of assault and battery on wives, but in many desertion or maintenance cases the testimony showed personal violence by husbands.

Clearfield County reports:

> Forty complaints have been made before magistrates in addition to complaints appearing in court.

In the thickly settled mining regions of Schuykill County the preserver of the peace writes:

> Thirty-six cases were returned by justices of the peace and were bound over by the judges for good behavior. Then we had about forty cases in which there was no trial from the fact that the wives asked the court to withdraw the prosecution of the defendant, as his imprisonment would leave the families in want.

It is needless, in order to establish the prevalence of this crime, to quote from others who write in a similar strain.

Further, it will be noticed that wife beating exists to a greater extent, though not exclusively, among the foreign population, and it is certainly desirable that the baneful influence of the practice should be promptly checked before contaminating our native-born people.

To the question, "Were the condemned under the influence of liquor at the time of committing the crime?" the answer is almost invariably in the affirmative. Here is a thought for those interested in the temperance cause. What effect would the whipping post have on these drunken brutes? From eleven counties and from Camden comes the disheartening statement that in the opinion of the men best able to judge the crime is on the increase.

Surely, with its prevalence in many counties and its increase in others, the present law is proved to be inadequate, and legislation is necessary on the subject.

The knowledge of the frequency of wife beating will be startling to the community and the inadequacy of the present punishment evident. Infliction of punishment should always have a twofold end—the reform of the criminal and the prevention of the committing of the crime by others. Hobbes says:

> In revenges or punishments man ought not to look at the greatness of the evil past, but the greatness of the good to follow, whereby we are forbidden to inflict punishment with any other design than for the conviction of the offender and the admonition of others.

The latter has the greatest interest for the public for its own safety and that of its property.

The ordinary procedure, when complaint is made, is before justices of the peace, to whom the wife applies to have her husband bound over to keep the peace or to provide maintenance. These cases are usually settled, the wife preferring to risk a second beating rather than deprive herself and offspring of food and shelter. The risk of such deprivation likewise deters the magistrate. The district attorney of Cameron County writes:

> The greatest difficulty in enforcing the law properly and punishing wife beaters arises from the fact that the wives themselves in every instance come into court and beg their husbands' release. This has been my experience and my predecessor says his was the same. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent the constant occurrence of this crime.

The district attorney of Schuylkill County says:

> There were about forty cases in which there was no trial, from the fact that the wives asked the court to withdraw the prosecution. To imprison the defendants would only leave their families in want.

The district attorney of Lycoming County testifies:

> Except in aggravated cases settlement is encouraged, because the parties are all poor and have no money for the costs and fines, and their families suffer while they are in prison.

The district attorney of Pittsburg writes:

> In most cases the wives come into court and beg for the release of their husbands.

The district attorney of Philadelphia says:

> I have no doubt the imprisonment of the wife beater in a large majority of cases causes very great suffering to the innocent families—more, indeed, than his incarceration inflicts on him.

In the more formal and protracted procedure of complaint and indictment by the grand jury, followed by trial in court, the objections noted rise to even a greater degree of force, and Judge Mitchell, of Philadelphia, informed me that in cases in which conviction has been had he has invariably been appealed to by the wife to impose only a short sentence, as long imprisonment meant starvation to the family of the convicted.

Confinement in the county jail, where not even hard labor is imposed, has no terror for a brute so demoralized that he will strike a woman—his physical inferior—and by nature he is incapable of feeling for those suffering at home.

It has been urged that wives would not inform on their hus-

bands and expose them to the disgrace of being whipped. But at least they would have a chance, and it will be seen from the testimony given that the law as at present existent does not even give them any option, for with the want of food staring them in the face they dare not complain. The punishment of the lash is not open to the objection that want will follow to the complainants, and if they have a remedy and prefer to suffer, it is for them to decide. Wife beating is not done openly where the law can see and take cognizance of the breach of the peace, and that the law may be put in motion it is essential that the wife should be placed in an untrammeled position, free to protect herself by making complaint.

But more than that, Mr. Speaker; there was a general idea that the lash does not prevail as a punishment. There is a maudlin sentiment going around that this—the infliction of the lash—is a step back to barbarism. Why, I heard a Member of this House say but a few moments ago that he hoped he never would be elected to an office by the people so long as he lived if he ever consented to such a punishment as this. Why, that man is ennobling the culprit and forgetting the woman. He would spare the back of the wife beater, but forget the woman who is beaten.

One of the papers stated that the erection of the whipping post would be a disgrace to this capital. Why, Mr. Speaker, the disgrace to this capital is that the chief of police reports 508 wife beatings in the last two years; and, I take it, it will be to the honor of this capital if this body, responsible for the conduct of the inhabitants of the capital of our country, will institute a course of punishment which will cause it to go out to the world that the American people will not tolerate 500 brutes in the capital of the country who beat their wives.

Mr. Speaker, there has been legislation passed on this subject in some of the States in the Union. I wish it distinctly understood that I do not stand for the whipping post in Delaware as it exists, barring the statute for wife beating. I believe public whipping is degrading. I believe it has a bad effect and a demoralizing effect on the people. It has been stated in the public prints that there is no statute in Delaware against wife beating. That is not correct. It was passed expressly to cure this evil, and had no relation to the old-time statute against petty thievery, and so on. I have a letter from the district attorney of Delaware in which he states that this law has been most efficacious. So, too, in Maryland, where the law exists, it has been deterrent in its influence. Since this agitation started more widely two years ago, owing to attention being recalled to it by the President of the United States, a law has been passed in Oregon, and after three convictions the crime has almost disappeared.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. I decline to yield.

If these are not serious reasons, I would like to submit to the House some further evidence in this regard. It has been urged that wives will not inform on their husbands. Since this question has been under agitation I have made some clippings from the newspapers. There was a man, an ex-policeman of this city, who was arrested for beating his wife in the most inhuman manner. He was brought before the magistrate, and the magistrate who tried the case said he regretted he had not a post to send him to; so the present law was put into effect and the man was sent to jail. A few days afterwards I got another clipping from the paper relating to this case, and the subject-matter of it was this: The wife goes to the magistrate and asks him that her husband be released. Why; because he did not deserve it? No. Because she has forgiven him? No. Why, then? Because she and her children were starving. That is the present law. You punish the innocent wife and children and feed and house the man who beats her. If there is a man here that that argument does not appeal to, he must be like Pharaoh and has hardened his heart.

Mr. Speaker, under this law the wives will have an opportunity to complain. That is all that the law does. If a man picks your pocket in the street and you do not choose to prosecute him, the law is futile. Put it into the power of the defenseless wife, who is not beaten in the highway, who has not police protection. He does not have even the courage of the highwayman, who attacks openly and brutally uses force. It is done in what ought to be the sanctity of home, where the screams of his wife can not be heard and where police protection does not reach her; therefore the crime should receive that punishment which fits the crime.

There is another question that might interest some Members of this House. It is an admitted fact that many of these beatings are not the natural instinct of the man, but that he has been inflamed and is under the influence of liquor. Here is a thought for the temperance people. It is a demoralizing crime, and if a man knows it will lead to brutality, which will end in the lash of the whip, he may hesitate to take the final drink that will give him the great bravery to go home and attack his defenseless wife.

Now, Mr. Speaker, I will close for a few minutes, reserving the balance of my time. Before I do so, I wish to state that the result of this legislation where it exists has been most efficient. In Maryland this crime has been very much reduced. In Delaware they have a law where the reports show that it has been reduced where they have a whipping post.

Mr. WACHTER. The gentleman has told the House that the whipping post has been used efficiently in Maryland. Where does he get his figures?

Mr. ADAMS of Pennsylvania. I got my information from the prosecuting attorney.

Mr. WACHTER. Which one?

Mr. ADAMS of Pennsylvania. Not the present one.

Mr. WACHTER. One of fifty years ago?

Mr. ADAMS of Pennsylvania. Does not the gentleman think that it would be equally valuable now?

Mr. WACHTER. I want to say to the gentleman, for his information, that we have a whipping post in Baltimore city jail that we would like to sell to the District of Columbia. [Laughter.] Our law is still in existence, but there have been only two men whipped in all that time. There have been none whipped in the last ten years. I wish the gentleman to know that we have a whipping post for sale.

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman a question in return. I am told that under the law of Maryland there are two courses that prevail as to the punishment. If the whipping has been very brutal, he is whipped; most of these cowards have pleaded guilty of the simpler offense.

Mr. WACHTER. I will state to the gentleman Maryland always assumes her responsibility. The women do not want it used any more than the men.

Mr. ADAMS of Pennsylvania. Where do you get your information?

Mr. WACHTER. Right at home [great laughter]—I mean, in Baltimore. [Renewed laughter.]

Mr. NORRIS. I would like to ask the gentleman, referring now to his bill, which he has introduced, wherein it says that the number of lashes given shall not exceed thirty. Would not the law, if this were enacted, leave it in the discretion of the person inflicting the punishment, rather than the court, to say how many lashes shall be given?

Mr. ADAMS of Pennsylvania. It would be in the discretion of the judge.

Mr. NORRIS. The law does not give the judge any discretion to say how many lashes shall be received. The sentence would be "not to exceed thirty." Now, who would be the man who would determine that?

Mr. ADAMS of Pennsylvania. The judge has discretion in inflicting punishment to say what the term of imprisonment shall be.

Mr. NORRIS. No; the judgment of the court would be that he be punished. It seems to me, considering it seriously, which I am, that if there is such a law enacted there ought to be an amendment providing that the court shall determine how many lashes shall be given.

Mr. ADAMS of Pennsylvania. I would be glad to accept an amendment to that effect.

Mr. JAMES. I desire to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. I yield to the gentleman.

Mr. JAMES. I see that you say in your bill that this whipping shall be within the prison inclosure.

Mr. ADAMS of Pennsylvania. Yes, sir.

Mr. JAMES. I have heard with a great deal of interest your argument as to why this legislation should be enacted. Would you object to an amendment striking out those words and inserting in lieu therof, "in front of the Peace Monument, Pennsylvania avenue." [Laughter.]

Mr. ADAMS of Pennsylvania. I am perfectly willing to extend courtesy to any gentleman who wishes to produce an effective measure, but I am not prepared to reply to anybody who is inclined to treat the subject with levity.

Mr. JAMES. The gentleman is entirely mistaken. I am treating with great seriousness the gentleman's bill.

Mr. ADAMS of Pennsylvania. I only wish to say that I shall be glad to listen to any proposition concerning this bill which is serious, but I am not inclined——

Mr. JAMES. I understand the gentleman to say——

Mr. ADAMS of Pennsylvania. I decline to yield further.

The SPEAKER pro tempore. The gentleman from Pennsylvania declines to yield further to the gentleman from Kentucky.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. ADAMS of Pennsylvania. I do.

Mr. GAINES of Tennessee. The gentleman from Maryland [Mr. WACHTER] says they have in their State of Maryland a whipping-post law, and that they are ready over there to sell the whipping post. He does not say they are willing to repeal the law, or that they have repealed it. He says they have not whipped a man over there in ten years, but he does not tell you that there have been any wives beaten. In other words, the law has suppressed the evil; and yet he stands opposed to the law. [Applause.]

Mr. ADAMS of Pennsylvania. I asked the gentleman from Maryland where he got his information, and he hadn't any, and sat down.

Mr. WACHTER. I beg the gentleman's pardon. I am ready to tell the gentleman all about it.

Mr. ADAMS of Pennsylvania. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. SIMS. Mr. Speaker, I will ask to have my attention called when I have used ten minutes, as I wish to yield some of my time to others.

Mr. Speaker, it would not be courteous to treat this matter or the gentleman from Pennsylvania other than seriously, because he has taken himself seriously and he is seriously in favor of this bill, and therefore as a courtesy to him I will treat the matter seriously; but if a vote were taken now I do not believe there would be more than one vote in this House in favor of this bill.

But I want to show how strongly this legislation has been recommended. The gentleman from Pennsylvania says the President of the United States recommended it a year ago. Well, he is a year older now, and in his recent message he did not recommend it. But let us see what the President did say before we charge him up with so grave a thing as recommending the restoration of the whipping post in the capital of the United States in the year 1906, in opposition to public opinion, to higher civilization, to every Christian church in the United States that I know of, and everybody else except the gentleman from Pennsylvania, who, I understand, has spent several years in trying to impress the legislature of his own State with the necessity of such a law for Philadelphia and other cities in Pennsylvania, but who has so far been utterly unable to convert anybody in the legislature of his own State.

Let us see what the President says. He says:

> There are certain offenders, whose criminality takes the shape of brutality and cruelty toward the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment, for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality.

Now, here comes the recommendation:

> Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

The whipping post is not mentioned, whipping is not mentioned, and it is only said that probably some form of physical punishment would meet the case. Now, that is the "strong recommendation" of the President of the United States twelve months ago last December, which he has not thought worthy of repetition in his recent message.

Now, let us see what the chief of police says in writing to the gentleman from Pennsylvania. He says:

> MY DEAR SIR: I have the honor to inclose herewith a memorandum showing the number of cases of arrest in this jurisdiction where the charge was assault or assault and battery on women. The statistics are based on the records where the wife, or person of the same name as the defendant, was the complaining witness, as under existing law the charge is one of assault. Many of these cases were dismissed or nolle prosequied upon the request of the prosecuting witnesses.

Now, here is the suggestion of the chief of police:

> If you will pardon the suggestion, I believe it would add to the completeness of your bill if you would include among those whom it would make subject to the penalty to be imposed the individuals who assault common-law wives or other females, as numerous instances of the kind have been recorded.

Why did not the gentleman from Pennsylvania accept the suggestion of the chief of police, Major Sylvester? It seems that this beating has not been confined alone to legal wives, but that there have been men who have beaten their common-law wives. I do not know how many such wives there are in the District of Columbia, but they are referred to, and also other females. Some Members have suggested that there ought to be an amendment to this bill to strike out the words "wife beaters" and insert the words "wife chasers." I do not know what the effect of this would be, but we are wanting to benefit the District of Columbia and protect the wives, "common-law wives, and other females" who are beaten. So you see that the recommendation of the President falls to the ground when analyzed, and even the suggestion of the chief of police is not acceptable to the gentleman who introduced this bill.

Now, when we look at the report of the committee on this bill it shows that in the fourth precinct there were 14 white and 72 colored out of a total of 86 arrests for wife beating, and in the sixth precinct there were 23 white and 73 colored out of a total of 96 arrests for this offense. When you get at the facts, nearly all these cases of wife beating occur when the husband, or common-law husband, or the "chaser," or whatever he may be designated, was under the influence of intoxicating liquor. The best way in the world to cure an evil of this kind is to remove the cause. Why does not the gentleman from Pennsylvania [Mr. ADAMS] offer an amendment to abolish saloons in the District of Columbia, to stop all these habitual drunkards from getting drunk? Why have we not had recommendations along that line? If you want to stop an evil, the way to do it is to stop the cause which produces the evil. Why, the Government of the United States or the District of Columbia is a partner in every saloon in this District.

They charge a large fee or license and get a part of the profits of the business that makes wife beaters. Why does not the gentleman from Pennsylvania, if he is serious about this matter and really wants to stop wife beating, why doesn't he offer an amendment shutting up every saloon in the District of Columbia? You say that some beat their wives when sober. It may be that after having been drunk and brutalized themselves with liquor, that they have become brutes in the absence of liquor. I hardly think it necessary, Mr. Speaker, to discuss this bill much further.

Mr. JAMES. Will the gentleman allow a question?

Mr. SIMS. Certainly.

Mr. JAMES. In Kentucky we had a whipping-post law for petty larceny. That whipping was in public. This bill provides that it shall be private; that no person shall be present except the doctor and the person who does the whipping. Now, if the gentleman wants to stop wife beating, wouldn't it be a good thing to have it out where everybody can see it, where everybody could see how well the whipping was done—how well the lashes were laid on——

Mr. SIMS. In other words, whether he would whip them all alike, and not give thirty lashes lightly to one and thirty lashes heavily to another?

Mr. JAMES. Yes; so that they could see how the whipping was administered, and whether one man is whipped heavily and the other man lightly. My point is that if this is a good law it ought to be administered in the open light of day, where everybody can see how it is administered. [Applause.]

Mr. SIMS. I do not think it is good enough to administer anywhere, but I see the point of the gentleman's question—that if it is to be a deterrent, that if it is to be a warning to others, and if there isn't room enough elsewhere, we should build a platform on the top of the Washington Monument, so that people in the city may see and those from afar may also see [laughter] and know what we do, and will see that at least in whipping wife beaters we give a square, open deal. [Laughter.] But, Mr. Speaker, I am opposed to it, public or private; it has an element of brutality, as the gentleman indicated, by being done in private. Why need a surgeon if there is not going to be danger of taking human life? Why enact a law that requires the presence of a surgeon to execute?

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SIMS. Yes.

Mr. CLAYTON. Has the gentleman any serious apprehension that this bill is going to pass?

Mr. SIMS. I haven't the slightest; but I do want the House to sit down on this proposition in such a fashion that no such bill will ever again be introduced.

Mr. JAMES. If the gentleman from Alabama will allow a suggestion. I made a suggestion a moment ago to the gentleman from Pennsylvania in the same direction as that of the suggestion of the gentleman from Alabama, and the gentleman from Pennsylvania took umbrage at it, and I suggest that the gentleman from Alabama may likewise be treated in the way I was.

Mr. CLAYTON. Yes; but the gentleman from Pennsylvania can not subject any of us to the whipping post. [Laughter.]

The SPEAKER pro tempore. The Chair will inform the gentleman from Tennessee that he has now occupied ten minutes.

Mr. SIMS. I will now yield five minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I believe this matter ought to be taken seriously, and ought to be most soberly considered. The only argument that can be urged in its favor is that it tends to deter the crimes it punishes. There is no doubt that the auto-da-fé and the rack and the thumbscrew and the torture forcing confession from the pallid, quivering lips of a defendant all deter the crimes they are designed to punish. There is not an argument that can be used in favor of this brutal method of brutalizing a brute that can not be used in favor of all the dread instruments of torture that have been buried for a hundred years in the darkness of barbarism. [Applause.] I am surprised that this unusual measure should originate with the distinguished gentleman from Pennsylvania. Of all the men in the House, the last man to shed great tears as big as buttermilk biscuits over a suffering wife is the gentleman from Pennsylvania. [Laughter.] If it had come from some distinguished Representative from Utah I might have listened with more patience. [Laughter.]

Mr. CLAYTON. May I interrupt the gentleman?

Mr. STANLEY. Certainly.

Mr. CLAYTON. Some of us from the far South over on this side wish to know why the gentleman from Kentucky wants to make us hungry by mentioning buttermilk biscuits. [Laughter].

Mr. CLARK. Force of habit.

Mr. STANLEY. As the gentleman from Missouri says, force of habit and the time of day. Now, if the gentleman wants to take in all the suffering women of this country, I think he ought to accept an amendment. There are more of them that are in pain because they are unmarried than are in pain because they are married and are beaten. [Laughter.] The gentleman from Pennsylvania belongs to a class who really inflict more torture than the wife beater. Mental anguish is more terrible than physical pain, and if he would only think of the great number whom he has left alone lamenting and upon whom he should have mercy he would not inflict such agony on the fair sex. [Laughter.] If this bill is to go through I want to offer an amendment that a like punishment shall be inflicted upon not only those who are guilty of wife beating, but those who feloniously refuse to take one. [Laughter.]

Mr. GAINES of Tennessee. Mr. Speaker, I want my gallant and lovable friend from Kentucky to tell me what he would do with a man, a husband, whom he saw beating his wife.

Mr. STANLEY. Well, that would depend upon the man, and also depend upon the wife. [Laughter.]

Mr. GAINES of Tennessee. Now, Mr. Speaker, I know that my gallant friend from Kentucky answers me facetiously. I know him too well to believe that he would laugh and walk off idly and not lay his hands on him and tear the head off his shoulders, if it was necessary. [Applause.]

Mr. STANLEY. Mr. Speaker, I appreciate the compliment which the gentleman from Tennessee pays me, but I do protest that I would hesitate to interfere, notwithstanding my southern chivalry, if the woman was red headed. [Laughter.] I do believe that if the gentleman from Pennsylvania [Mr. ADAMS] really understood the conditions, knew more of the temptations that flesh is heir to, if he could be induced to look with longing eyes toward some coy damsel weighing about 300 pounds, with auburn hair, he would change his mind about even the criminality of the offense which he attempts to punish. [Prolonged laughter.]

Mr. SIMS. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, the business of this House, when it meets to make laws for the whole country, is usually of a serious nature—so serious, in fact, that an occasional flash of humor is often felt as a relief, the same as a gleam of sunshine would be on a gloomy day. Yet there is a limit even to fun and hilarity. I am sure no Member who has any regard for the reputation of this body would enjoy a joke if perpetrated at the expense of the dignity and honor of our country. To me, therefore, and I hope to many others, it is a source of satisfaction to know that the performance of this comedy takes place when the House is meeting merely as a board of aldermen for the city of Washington.

It is true, many a decent alderman would have a right to object to what he might regard as an invidious comparison, because since the dawn of the eighteenth century no municipal legislature has ever been recorded as seriously proposing to stoop to the tortures of the Middle Ages as a punishment for any crime, not even for so heinous offense as wife beating. Bodies of that kind have dealt with antismoking, antispitting, antidrinking, antitreating, antitipping, and antiwhipping ordinances, but if any ever proposed that a man shall be morally assassinated by the whipping process and yet be cruelly permitted to continue his physical existence, the fact has escaped the chroniclers of history. No doubt the average alderman hesitated to borrow his punitive instruments from the chamber of torture out of consideration for the wife in such a case, the unfortunate wife who, already wronged and insulted by a brutal husband, would be punished still more severely by this mode of punishment inflicted upon her lawful partner in life. And can anyone take a different view of it? Will that poor woman not be branded for life? And will you not bring lasting shame and disgrace upon the innocent children, the blameless parents of the unfortunate couple, and upon the whole circle of their relations?

Mr. Speaker, the man who lays hands on woman in the manner described in this bill is a brute, and I have never known anyone to excuse wife beating, because there is, there can be, no excuse for such brutality. The only one who has a right to do it, and who frequently does do it, is the wife herself. The chief of police of this city, Major Sylvester, reports that "many of these cases were dismissed or nolle prosequied upon the request of the prosecuting witnesses."

Thus it seems that the wife, in the goodness of her heart, often forgives the husband's rash act, but while she thus, rightfully or wrongfully, shows her magnanimity, surely she would never consent to again accept as her side partner a whipped cur, a creature who has been publicly sent to the whipping post. And what about him? A living being, degraded and shorn of every claim to the consideration of his fellow-man, without honor, the last spark of self-esteem ruthlessly destroyed in him, handed over to the contempt of a pitiless world, with absolutely nothing to lose save the breath of life. Has the course of human justice ever been such as to bring forth a victim equal to him, even in the darkest ages? In Russia the knout is said to be applied to unruly prisoners, but Russian despotism is merciful in comparison with the provisions of this bill, because it withholds the names.

In my judgment, Mr. Speaker, it would be a thousand times more merciful to kill the offender outright. Will it have a deterring effect? Not any more than the gallows will deter a man from committing murder, and all will admit that the gallows in that respect has proved an absolute failure. The American woman enjoys the reputation of occupying a higher position socially than the woman of any other country, and as American men we are justly proud of that fact. [Applause.] The whipping post is sure to rob us of this proud distinction. And why? Because it involves the humiliating confession before all the world that in the United States such a contemptible institution is necessary to protect woman against the brutality of man; that the inviolability of the American woman can not be safeguarded otherwise. Are the Members of this House willing to destroy, by heralding this fatal admission abroad, the fair reputation of our country in the eyes of the civilized nations?

I say, rather let us, by voting down this bill, serve notice on them that as the honor and integrity of the flag does not depend upon the guns put up to guard it, but upon the moral conduct of the nation, so does the security and honor of woman, in America at least, not depend upon the revival of the whipping post, but upon the decency, the education, the refinement of the citizen. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to have five minutes more.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I will not object if I can have five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BURTON of Delaware. Do you not think it is better we should take a vote in this House rather than allow the world to think we ever seriously considered this matter in the House?

Mr. BARTHOLDT. I was going to make that suggestion.

Mr. CLAYTON. Mr. Speaker, I would like to understand the remarks the gentleman from Delaware addressed to the gentleman from Missouri. I could not hear, and the gentleman from Delaware represents, I believe, the only State that has a whipping post in it, and I want to know what his opinion is about this measure.

Mr. BARTHOLDT. The gentleman suggested that the House should not lose its time, but proceed to a vote in order to avoid the impression that we are serious in this matter. [Laughter.] But, Mr. Speaker, it was not my intention to really argue this monstrous proposition. If I had a constituency favoring it, I should prefer to resign my seat in Congress, return to my sanctum, take pen in hand, and write editorials against it. But to oppose it here and in all seriousness is not at all advisable, because by so doing the impression might be conveyed to the people that there was really danger of this country relapsing

into barbarism. For this reason I shall change my tune and hope other opponents will also discuss the matter in a lighter vein.

In the treatment of this subject there are, fortunately, many alternatives left. In the first place, it could be treated with silent contempt and put out of the way by a rising vote. Furthermore, if we could not marvel at the originality of the father of this bill we could at least admire his courage and his well-meaning, though misplaced, chivalry. But the best course, after all, for the House to pursue, it seems to me, will be to enter into the spirit of the occasion. If the whipping post is a good thing for wife beating, other cruel inventions, dug out of the dust and débris of past ages, may prove a panacea against other offenses. And if this is the proper way to protect woman in one respect, why not try to protect her by similar means all along the line against all offenses which may be committed against her? In order to make this kind of legislation complete and apply it for the protection not only of married, but also of unmarried women, I suggest the fololwing amendments:

SEC. 3. Whenever hereafter any male person in the District of Columbia fails to properly support his wife and family, the court before whom such offender shall be tried and convicted shall direct him to be put upon the rack for such length of time as in the opinion of the public executioner will be an adequate punishment for the offense.

SEC. 4. Whenever hereafter any male person in the District of Columbia willfully deserts his wife or maliciously breaks the marriage vow, the court shall direct the public executioner to pinch such offender with red-hot tongs in the most suitable parts of his body for such length of time as in the opinion of such executioner shall be an adequate punishment for the offense.

[Laughter.]

SEC. 5. Whenever hereafter any male person in the District of Columbia of the age of 25 years and over persistently refuses to enter the state of matrimony, the court shall direct the public executioner to make such offender stand in the pillory until he promises to take unto himself a wife.

[Laughter.]

And if, after six months, it is found that this promise has not been faithfully kept, such offender shall be burnt at the stake.

[Great laughter.]

SEC. 6. To carry out the purposes of this act the Commissioners of the District of Columbia are hereby authorized to purchase a whipping post, a rack, a pillory, and a stake, and a sum not exceeding $10,000 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

[Laughter.]

Mr. SIMS. Mr. Speaker, I promised to yield to the gentleman from Pennsylvania [Mr. MAHON] for five minutes, and I was also very anxious to let the gentleman from New York [Mr. SULZER] and the gentleman from Tennessee [Mr. GAINES] have five minutes, and I will ask unanimous consent that after the gentleman from Pennsylvania has had five minutes these other gentlemen have also five minutes each.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I would like to ask for ten minutes more.

Mr. PAYNE. What is the request?

The SPEAKER pro tempore. The request is that altogether an additional ten minutes be granted to the gentleman from Tennessee [Mr. GAINES] and the gentleman from New York [Mr. SULZER].

Mr. PAYNE. Mr. Speaker, I think I will have to object to that.

Mr. SIMS. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. Five minutes.

Mr. SIMS. I yield to the gentleman from Pennsylvania [Mr. MAHON], as I promised.

Mr. MAHON. There are two sides to every question. I take it that the gentleman from Pennsylvania [Mr. ADAMS] is serious; at least, he hopes for the passage of the bill. We can not tell who will vote for it. It will not be a very gratifying thing to the people of this nation to have the other countries across the ocean witness the whipping of a President of the United States in the District of Columbia, or a Cabinet officer, Senator, or Representative. So I will offer an amendment to prevent that sort of thing.

Any man who has practiced law for thirty-five or forty years, as I have, and as have many other gentlemen here, and have had these family troubles in his office, not only among the humble, but the rich, where wives have come to tell dreadful tales, has found upon investigation that the trouble was not altogether with the husband. I have known good men—laboring men, not drunkards—who would come to their home at night and would find no supper cooked for them——

Mr. CLAYTON. Henpecked husbands, for instance?

Mr. MAHON. No; worse than that. The wife will begin to haggle and worry them—a woman that has a tongue with a sharp edge on each side and as rough as a file on its bottom, which she constantly uses from morning until night. If the husband would give her a little push to get rid of her, she would run to the magistrate's and prefer a charge of aggravated assault and battery. I have no patience with a man who would even strike a woman of that kind. A man who would strike a woman is a coward. If a woman would spit in my face on the streets, or anywhere, I would turn my back and walk away from her. But all men are not alike. There is such a thing as aggravating some men, and perhaps they will strike their wives. Now, our courts provide punishment, with a jury of twelve men and under a good judge, and the wife can convict a man for assault and battery or for an aggravated assault and battery, and send him to prison. I believe in Delaware they not only put them in the stocks and whip them, but they then send them to jail.

Now, Mr. Speaker, as I said before, we have all kinds of people in this world, and while the American women are the best women in the world, I find out, unfortunately, that among them is occasionally found a woman who can not control her temper or her tongue. And in order to protect the President, the Cabinet ministers, Senators, and Members of Congress, if in future they should take for better or worse such a wife, I offer the following amendment, and send it to the Clerk's desk to be read.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MAHON] offers an amendment, which the Clerk will read.

The Clerk read as follows:

SEC. 3. That any wife who shall become a common scold, commonly known as a "hell-cat," upon conviction, the court before whom such offender shall be tried and convicted shall direct the marshal of the District, in the presence of the public, to duck said offender in the Potomac River not less than five nor more than ten times: *Provided*, That the provisions of this act shall not apply to the President, members of the Cabinet, Senators, and Members of Congress.

[Laughter and applause.]

Mr. MAHON. Now, Mr. Speaker, has there been a point of order reserved on that amendment? Now, to be a little serious, the good women of this country——

Mr. ADAMS of Pennsylvania. Mr. Speaker, does the gentleman offer that as an amendment?

The SPEAKER pro tempore. The proposed amendment was read only for information. This is not the time to offer an amendment.

Mr. MAHON. Mr. Speaker, I am willing to change my amendment so that instead of the marshal ducking these women, the author of this bill be privileged to take them out and spank them.

The SPEAKER pro tempore. The time of the gentleman has expired. [Laughter.]

Mr. SIMS. Mr. Speaker, there are three gentlemen, Mr. SMYSER of Ohio, Mr. SULZER of New York, and Mr. GAINES of Tennessee, who desire five minutes each, and I therefore ask unanimous consent that the time be so extended, and that the gentleman from Pennsylvania [Mr. ADAMS] have a like amount.

The SPEAKER pro tempore. The gentleman from Tennessee requests the time be extended fifteen minutes so that each of the gentlemen mentioned shall have five minutes and the gentleman from Pennsylvania a similar time.

Mr. PAYNE. I object.

Mr. ADAMS of Pennsylvania. I move, Mr. Speaker, the time be extended fifteen minutes so as to complete the consideration of this question.

Mr. PAYNE. I make the point of order against that motion.

The SPEAKER pro tempore. The motion is out of order. All this discussion is out of the time of the gentleman from Wisconsin.

Mr. ADAMS of Pennsylvania. Have the other side exhausted their time?

The SPEAKER pro tempore. The other side have exhausted their time.

Mr. ADAMS of Pennsylvania. I yield thirteen minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I know that nothing I can say will save this bill. It ought to pass, but I am satisfied that it will not. It is a bill to prevent the crime of wife beating in the capital of this nation, and gentlemen all over this House are laughing at the idea of trying to prevent that crime in the capital of the nation. Five hundred and eight wives in the last two years have been beaten by their husbands, and gentlemen make merry over a law [applause] that seeks simply to bring proper punishment to the man who will whip his wife. And the gentleman from New York, the leader of this House, wanted to treat this question as one of such levity that even an hour ought to be devoted to it, and chivalric gentlemen from Kentucky—chivalric Kentucky—they make merry at the expense of those who want to take away from them the privilege of whipping their wives in the capital of the nation. [Laughter and applause.]

Mr. Speaker, in my judgment this is a serious matter and ought to receive the serious attention of gentlemen. The bowels of compassion of the gentleman from Missouri yearn toward the wife beater. He thinks that it would result in the ruin

and degradation of such a man to whip him. Can you ruin a beast like that? Can you discredit that kind of man? [Applause.] Will whipping make him more a beast?

We boast that the home, the American home, is the unit of our civilization. How can you have homes, American homes, where even in the capital of the nation men may whip their wives? The home is the ideal here, because of the equality that exists in husband and wife and child. No primogeniture, no entail; nothing of that kind. All are equal, and love presides over the home, and it makes the ideal home, nowhere else seen in all the world, because conditions such as these exist nowhere else.

But here in the capital of the nation there were 508 men who have destroyed their homes in the last two years, and it is proposed to do something to check that destruction of the home. Why, gentlemen say, there is ample provision now. There is no necessity for radical means. Why, our civilization has labored upon these men. That has failed. The teachings of the church have failed to influence them. The solemn ceremony that they have gone through when they took upon themselves the duties and obligations of establishing a home—to honor the wife, to love and to cherish the wife—they have failed. Every means that has been resorted to up to this time has been a failure—a complete, woeful, dismal failure—as is shown by this record, this horrible record of 508 cases in two years of time.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. No, sir. I beg your pardon. Mr. Speaker, the gentleman tells us that there is ample law; that they can be punished. How? All the punishment to-day of the husband who is the malefactor intensifies the suffering and the punishment of the wife. He is the breadwinner most usually. It is not usually the man with abundance; and when you incarcerate him in the penitentiary you doom the wife and the children to added suffering, to the pangs of hunger and the rigors of cold. And that is in the capital. Is that the remedy? Ah, but the gentleman says, we will advertise to the capitals of the world that we must go backward centuries to the brutalities of mediæval times in order to protect our women. How much better it is to advertise to the capitals of the world and to all mankind that we are making a manly effort to suppress and exterminate this wrong than to allow it to go on in the capital of the nation and under the flag that means so much.

Mr. Speaker, this bill ought not to be received with levity; it ought to receive serious consideration of gentlemen. The remedy proposed may not be the best one, but some one other than those we have ought to be resorted to.

Something ought to be done to put an end to this record of horror and crime—this destruction of homes. Gentlemen say that you brand this man whom you punish in this way, and that his wife would never recognize him again, and that you put a stigma upon his children. Is it not better that they, innocent as they may be, should suffer sometimes rather than that this should go on and the child life of thousands be destroyed because of homes of this character?

Gentlemen, there are two sides to this question; and are we going to be deterred from using the only means that you can make applicable to this kind of men simply because learned gentlemen from chivalric Kentucky talk about thumbscrews and all of the punishments of inquisitorial days? No one wants to bring back those evil times; but if there is some one punishment that is adaptable to this class of men, to whom nothing else seems to be adaptable, I would not refuse it because civilization in the main has discarded its use and discarded in large measure the offenses that it was then applicable to. [Applause.]

Mr. PAYNE. Mr. Speaker, I move that the bill do lie upon the table.

The SPEAKER pro tempore. The gentleman from New York moves that the bill be laid upon the table.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. NORRIS. I should like to inquire whether, under the rule prohibiting any Member from voting where he has a personal interest in the result, the members from Maryland, where they have a whipping post for sale, will be allowed to vote on this question? [Laughter.]

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from New York to withdraw his motion and let us have about thirty minutes more time for debate. Several gentlemen want time on this side.

Mr. PAYNE. I call for the regular order, Mr. Speaker.

Mr. ADAMS of Pennsylvania. I trust the gentleman from New York will not insist upon that.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

Mr. SIMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 60, answered "present" 7, not voting 164, as follows:

YEAS—153.

Alexander	Ellis	Lawrence	Shartel
Allen, N. J.	Esch	Lester	Sheppard
Ames	Field	Lloyd	Sherman
Bartholdt	Fitzgerald	Longworth	Sibley
Bennett, Ky.	Flack	Lorimer	Sims
Birdsall	Floyd	Loud	Slemp
Blackburn	Foss	Loudenslager	Smith, Iowa.
Boutell	Foster, Ind.	McCall	Southard
Brown	Fulkerson	McCarthy	Southwick
Brownlow	Gardner, Mass.	Mahon	Stafford
Buckman	Gillett, Mass.	Marshall	Stanley
Burgess	Goebel	Meyer	Stephens, Tex.
Burke, S. Dak.	Graff	Miller	Sterling
Burleigh	Graham	Minor	Sullivan, Mass.
Burton, Del.	Gregg	Moon, Pa.	Sulloway
Butler, Pa.	Gronna	Moon, Tenn.	Sulzer
Butler, Tenn.	Grosvenor	Mudd	Talbott
Capron	Gudger	Murdock	Tawney
Chapman	Hale	Nevin	Taylor, Ohio
Clark, Fla.	Hay	Norris	Thomas, N. C.
Clark, Mo.	Hedge	Olcott	Tirrell
Clayton	Heflin	Otjen	Tyndall
Cole	Henry, Conn.	Overstreet	Volstead
Cooper, Pa.	Hermann	Padgett	Wachter
Cooper, Wis.	Hill, Conn.	Page	Wadsworth
Curtis	Holliday	Patterson, S. C.	Waldo
Cushman	Howell, N. J.	Payne	Webb
Dale	Howell, Utah	Perkins	Webber
Dalzell	Hughes	Pollard	Weeks
Davey, La.	Hull	Powers	Weems
Davidson	Humphrey, Wash.	Randell, Tex.	Wharton
Davis, Minn.	Hunt	Reeder	Wiley, Ala.
Dawson	Kelliher	Reid	Wilson
Denby	Kennedy, Nebr.	Roberts	Wood, Mo.
Dixon, Ind.	Ketcham	Robinson, Ark.	Wood, N. J.
Draper	Kitchin, Wm. W	Rodenberg	Young
Driscoll	Knapp	Ruppert	
Edwards	Knowland	Ryan	
Ellerbe	Lacey	Shackleford	

NAYS—60.

Acheson	Davis, W. Va.	Huff	Ransdell, La.
Adams, Pa.	Dovener	Jones, Va.	Reynolds
Babcock	Fletcher	Jones, Wash.	Richardson, Ky.
Bartlett	French	Lamb	Rixey
Bates	Fuller	Lee	Scroggy
Beall, Tex.	Gaines, Tenn.	Lilley, Pa.	Slayden
Bell, Ga.	Gardner, N. J.	Livingston	Small
Bowers	Garner	Lovering	Smith, Ill.
Bowersock	Hayes	Macon	Smith, Samuel W.
Brantley	Hill, Miss.	Madden	Smith, Tex.
Broocks, Tex.	Hoar	Moore	Smyser
Burleson	Hopkins	Morrell	Spight
Burnett	Houston	Murphy	Trimble
Byrd	Howard	Parker	Wallace
Chaney	Hubbard	Pou	Watkins

ANSWERED "PRESENT"—7.

Candler	Jenkins	Patterson, N. C.	Wanger
Hardwick	Kline	Sherley	

NOT VOTING—164.

Adams, Wis.	Dresser	Kitchin, Claude	Prince
Adamson	Dunwell	Klepper	Pujo
Aiken	Dwight	Knopf	Rainey
Allen, Me.	Fassett	Lafean	Rhinock
Andrus	Finley	Lamar	Rhodes
Bankhead	Flood	Landis, Chas. B.	Richardson, Ala.
Bannon	Fordney	Landis, Frederick	Rives
Barchfeld	Foster, Vt.	Law	Robertson, La.
Bede	Fowler	Le Fevre	Rucker
Beidler	Gaines, W. Va.	Legare	Russell
Bennet, N. Y.	Garber	Lever	Samuel
Bingham	Gardner, Mich.	Lewis	Schneebeli
Bishop	Garrett	Lilley, Conn.	Scott
Bonynge	Gilbert, Ind.	Lindsay	Smith, Cal.
Bowie	Gilbert, Ky.	Littauer	Smith, Ky.
Bradley	Gill	Little	Smith, Md.
Brick	Gillespie	Littlefield	Smith, Wm. Alden
Brooks, Colo.	Gillett, Cal.	McCleary, Minn.	Smith, Pa.
Broussard	Glass	McCreary, Pa.	Snapp
Brundidge	Goldfogle	McDermott	Southall
Burke, Pa.	Goulden	McGavin	Sparkman
Burton, Ohio.	Granger	McKinlay, Cal.	Sperry
Calder	Greene	McKinley, Ill.	Steenerson
Calderhead	Griggs	McKinney	Stevens, Minn.
Campbell, Kans.	Hamilton	McLachlan	Sullivan, N. Y.
Campbell, Ohio	Haskins	McLain	Taylor, Ala.
Cassel	Haugen	McMorran	Thomas, Ohio
Castor	Hearst	McNary	Towne
Cockran	Henry, Tex.	Mann	Townsend
Cocks	Hepburn	Martin	Underwood
Conner	Higgins	Maynard	Van Duzer
Cousins	Hinshaw	Michalek	Van Winkle
Cromer	Hitt	Mondell	Vreeland
Crumpacker	Hogg	Mouser	Watson
Currier	Humphreys, Miss.	Needham	Weisse
Darragh	James	Olmsted	Welborn
Dawes	Johnson	Palmer	Wiley, N. J.
De Armond	Kahn	Parsons	Williams
Deemer	Keifer	Patterson, Pa.	Williamson
Dickson, Ill.	Kennedy, Ohio	Patterson, Tenn.	Woodyard
Dixon, Mont.	Kinkaid	Pearre	Zenor

So the motion to lay the bill on the table was agreed to.

The following pairs were announced:
On this vote:
Mr. CHARLES B. LANDIS with Mr. WILLIAMS.
Mr. KAHN with Mr. CONNER.
For the day:
Mr. TOWNSEND with Mr. UNDERWOOD.
Mr. PARSONS with Mr. MAYNARD.
Mr. SMITH of California with Mr. SMITH of Maryland.
Mr. OLMSTED with Mr. SMITH of Kentucky.
Mr. MANN with Mr. RAINEY.
Mr. MCKINLEY of Illinois with Mr. MCLAIN.
Mr. LAW with Mr. LINDSAY.
Mr. GREENE with Mr. LEVER.
Mr. HOGG with Mr. LEWIS.
Mr. HAUGEN with Mr. LEGARE.
Mr. DUNWELL with Mr. CLAUDE KITCHIN.
Mr. DRESSER with Mr. JOHNSON.
Mr. DIXON of Montana with Mr. GRIGGS.
Mr. CRUMPACKER with Mr. GILLESPIE.
Mr. COUSINS with Mr. GLASS.
Mr. CASSEL with Mr. GILL.
Mr. CAMPBELL of Kansas with Mr. GILBERT of Kentucky.
Mr. BRICK with Mr. CANDLER.
Mr. BONYNGE with Mr. GARRETT.
Mr. BENNET of New York with Mr. FLOOD.
Mr. BEIDLER with Mr. BROUSSARD.
Mr. BANNON with Mr. BANKHEAD.
Mr. KNOPF with Mr. WEISSE.
Mr. BURTON of Ohio with Mr. SPARKMAN.
Mr. LITTAUER with Mr. TAYLOR of Alabama.
Mr. BISHOP with Mr. GOLDFOGLE.
Mr. DARRAGH with Mr. GARBER.
Mr. FASSETT with Mr. HEARST.
Mr. THOMAS of Ohio with Mr. AIKEN.
Mr. WOODYARD with Mr. MCNARY.
Mr. HAMILTON with Mr. RUSSELL.
Mr. ANDRUS with Mr. BOWIE.
Mr. HITT with Mr. DE ARMOND.
Mr. JENKINS with Mr. RICHARDSON of Alabama.
Mr. MCCREARY of Pennsylvania with Mr. COCKRAN.
Mr. MCCLEARY of Minnesota with Mr. TOWNE.
Mr. GARDNER of Michigan with Mr. HENRY of Texas.
Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.
Mr. NEEDHAM with Mr. JAMES.
Mr. PEARRE with Mr. SULLIVAN of New York.
Mr. BINGHAM with Mr. MCDERMOTT.
Mr. BEDE with Mr. RUCKER.
Mr. VREELAND with Mr. RHINOCK.
Until further notice:
Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.
Mr. SCOTT with Mr. HARDWICK.
Mr. BARCHFELD with Mr. LITTLE.
Mr. WATSON with Mr. SHERLEY.
Mr. CALDER with Mr. VAN DUZER.
Mr. MCKINNEY with Mr. PUJO.
Mr. LE FEVRE with Mr. LAMAR.
Mr. DWIGHT with Mr. SOUTHALL.
Mr. CROMER with Mr. ZENOR.
Mr. RHODES with Mr. GRANGER.
For the session:
Mr. CURRIER with Mr. FINLEY.
Mr. WANGER with Mr. ADAMSON.
Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.
Mr. BRADLEY with Mr. GOULDEN.
The result was then announced as above recorded.

CONSOLIDATION OF CUSTOMS DISTRICTS.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7114.

Mr. GARDNER of Massachusetts. Mr. Speaker, I demand the regular order, and I raise the point of order that this bill is not privileged under any rule of the House. If the Chair desires to hear me upon the point of order, I am ready.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, the rule of the House, which alone is applicable to this matter, is that which gives to the Committee on Ways and Means the right at any time to report and call up a measure raising revenue. It has, to be sure, been held over and over again in this House that a measure affecting revenue in any way comes under the provisions of this rule, but there is only one single, solitary ruling which says that a measure which is purely administrative shall be held to be included in this rule for giving privilege to measures raising revenue. That, Mr. Speaker, is a ruling of the late Speaker Reed in the Fifty-fifth Congress, when the point of order was raised against the privilege claimed for a certain bill known as the "Texas Free Zone bill."

The point at issue which was raised at that time was that the measure was not privileged. The gentleman from Ohio [Mr. GROSVENOR] claimed that it was privileged because it would prevent smuggling, and therefore enhance the revenue. On the other side it was claimed that it would not enhance the revenue. The Speaker joined in the discussion entirely on the basis as to whether or not it would enhance the revenue, until Mr. Dingley of Maine rose in his seat and said that a similar question had been decided by Speaker Carlisle, and that the latter had held that a purely administrative customs bill must be held to be a measure for "raising revenue." Whereupon, Speaker Reed cited this decision of Speaker Carlisle and overruled the point of order, saying that it was immaterial whether or not the bill in question raised or lowered the revenue, in view of Speaker Carlisle's decision.

Now, Mr. Speaker, as a matter of fact, Speaker Carlisle never made any such decision as that cited by Mr. Dingley and followed by Speaker Reed. This will appear very clearly from a reading of the footnote in Parliamentary Decisions of the House of Representatives, paragraph No. 408.

Mr. Reed's decision was based on an erroneous statement made by Mr. Dingley on the floor of the House in discussing the point of order. Mr. Speaker Reed went on to say that Mr. Carlisle's interpretation having been given and the rules having been reenacted, the rule of the House must be held to be established. As a matter of fact, as I say, Mr. Carlisle never gave any decision. It is preposterous to say that any decision shall stand as the rule of this House for which there is just one precedent and that precedent based on an entirely incorrect presentation of the facts made by the late gentleman from Maine, Mr. Dingley.

But, Mr. Speaker, in addition to this objection, and taking it for granted that the late Speaker Reed's view is more likely to prevail with the present Speaker than my own, I invite the attention of the Speaker to the wording of this measure in line 6. He will observe that the President not only is authorized to establish convenient districts for the collection of customs, but he is also authorized to establish convenient districts for the "interests of commerce and shipping." Now, it is a well-known principle of parliamentary procedure, and has been so ruled by the present Speaker and by many others, that where a measure would otherwise be privileged under the rules of the House, if it contain within itself matter which is not privileged, the privileged character is taken away from the whole. Districts established for the "interests of commerce and shipping" have nothing whatever to do either with the raising of revenue or with the administration of our customs. A measure containing this provision can not be held to be privileged under the rule.

Mr. PAYNE. Mr. Speaker, I desire to call the attention of the Chair to the ruling of Mr. Speaker Reed cited by the gentleman:

On May 4, 1898, Mr. CHARLES H. GROSVENOR, of Ohio, called up as a privileged matter the joint resolution (H. Res. 27) to repeal the joint resolution in reference to the Free Zone on the frontier of Mexico, the subject involved being the transportation of dutiable goods and its relation to smuggling.

Mr. Samuel W. T. Lanham, of Texas, made the point of order that this was not a bill "raising revenue."

After debate, the Speaker ruled:

"The gentleman from Texas [Mr. BAILEY] has really stated the identical point involved here, and that is as to the words 'raising revenue' for the support of the Government. The gentleman admits that if the bill were a bill affecting the raising of revenues he would regard the question of order as decided.

"The Chair thinks that the interpretation always given with reference to the pending point is such as to make it quite the equivalent of a bill 'affecting revenues,' as suggested by the gentleman from Texas, and that the mere language used of 'raising revenue,' instead of 'affecting revenue,' can have no material application to the question of order.

"Not only in the opinion cited by the gentleman from Maine [Mr. Dingley], where Mr. Carlisle agreed that an administration bill was privileged in the same sense as the bill now presented, but in almost every other instance every tariff bill which has been considered by the House has contained, necessarily, some administration measures, pure and simple, which the bill would not have been entitled to carry unless in order and privileged under the rule, inasmuch as any unprivileged feature would necessarily take away from the bill the effect of such privileged matter as it might carry; and the Chair thinks that it has been the universal construction that all measures affecting the revenue or the methods of collection of revenue are understood to affect the raising of revenue. While it is true that any Speaker, when this question is raised, might construe the rules very strictly, nevertheless after they have been reenacted they are understood to be reenacted as carrying with

them the construction placed upon the rules, just as the reenactment of a statute after a decision of the court is understood to be reenacted with the approval of that provision.

"So it seems to the Chair that, this being a measure relating to the revenues and the collection of the revenues, and without determining whether it increases or decreases the revenue, it is a matter that comes strictly within the rules and can be considered under the rules.

"The Chair therefore overrules the question of order raised by the gentleman from Texas."

It would seem, Mr. Speaker, that this covers the point in this case. It allows the President to establish convenient districts, and the amendment, "to discontinue or consolidate ports and subports therein for the collections of revenue from customs, and for the interests of commerce and shipping, and for these purposes may subdivide any State or Territory within or appurtenant to the United States," etc. Of course, the establishment of ports has a most intimate connection with the collection of the revenue, it has the most intimate connection with the question of smuggling, as was decided in the Free Zone case, whether it be to prevent smuggling or whether it may simply facilitate smuggling, it still relates to the revenue. It would seem that this bill is in order, and not only in order, but in accordance with the established precedent of the House. We have here dozens of bills almost every Congress establishing a port or a subport here and there, or allowing the privilege of immediate transportation in bond.

All those bills came in as privileged matters and have been so treated in the House since I have been a Member of it.

The SPEAKER. The Chair will be glad to have the attention of the gentleman from New York. In lines 5 and 6 are the words "and for the interests of commerce and shipping." Now, the gentleman from Massachusetts makes the point that those words do not cover the subject that is privileged and being incorporated in the bill would destroy the privileged character of the bill.

Mr. PAYNE. Those words are only incidental to the other, incidental to the collection of revenue. It is part of the administrative act; it is only incidental to it, and the whole language relates to the establishment of ports for the collection of customs.

Mr. GARDNER of New Jersey. Mr. Speaker, I would like to call the attention of the Chair and the gentleman from New York to the fact that after those words which he speaks of as incidental the bill reads, "and for these purposes," and thereafter treats the purposes as plural.

Mr. GARDNER of Massachusetts. Mr. Speaker, I think that the gentleman from New York is mistaken in supposing that those words, "for the interests of commerce and shipping," have anything to do with the collection of revenue. Obviously they refer to the facilities afforded at our custom-houses for the issue of registry to vessels, for the enrollment of vessels, and for the issue of licenses to fishing smacks. Various other functions entirely unconnected with the collection of revenue fall to the lot of collectors of customs. If the Chair is desirous of further instruction on such part of my point of order as related to the mistaken assertion of Speaker Carlisle's ruling——

The SPEAKER. The Chair does not desire to hear the gentleman upon that point.

Mr. TAWNEY. Mr. Speaker, it seems to me there is much force in what the gentleman from New York says in regard to the language which it is claimed destroys the privileged character of this bill. The privileged matter in the bill is that relating to the collection of customs. That is the primary purpose of this bill. It is for the purpose of enabling the President of the United States to reorganize and consolidate customs-collection districts for the collection of customs revenue. Now, in connection with these districts and with the duties of the officers who are charged with the responsibility of collecting revenues, they issue clearances to vessels and perform other duties relating to shipping and commerce. In the latter respect their duties relate only to shipping and commerce, but the primary purpose is the collection of revenue, and if the nonprivileged matter connected with the privileged matter is merely incidental to the primary object it does not destroy the privilege. To have that effect it must necessarily be dependent upon and form a part of that which is privileged. You can take this away entirely and yet there remains the primary object unaffected by the incidental matter which is contained in the bill or the matters that are incident to the collection of revenue. I think, inasmuch as it is a mere incident in connection with these customs districts and the duties of these customs officers to issue manifests or clearance of vessels, that you could eliminate that entirely and it would not affect or destroy the primary purpose of the bill, namely, the reorganization of customs districts, which certainly does relate to revenue and, under the decision cited by the gentleman from New York, is in order.

Mr. GROSVENOR. Mr. Speaker, I would like to present a certain point of view to the Chair before he makes his ruling. I do not believe that a fair construction of this language will even bear the construction that the gentleman from Minnesota has suggested. My understanding of this language is that it is a description of the district and subdistrict now existing and which is to exist that may be affected by the action of the Secretary of the Treasury or President for the purpose of rearranging the collection districts, and I read the language in this way:

That the President is hereby authorized to establish convenient districts and to discontinue and consolidate ports and subports therein for the collection of revenue of customs and for the interests of commerce and shipping.

That is a description of the district itself and in nowise describes that which is to be done by the action of the President or that which is to be done by the operation of this bill. It is a mere description of the district; so that it ought to read and, in fact, ought to be construed in this way: The President is authorized, in the interest of the collection of revenue, to change the districts, ports, and subports now existing for the collection of the revenue and in the interest of commerce and shipping.

Those that are in existence for that purpose may be changed in the interest of the subject of collections.

The SPEAKER. Will the gentleman from New York [Mr. PAYNE] please give his attention, take the bill in his hand, and strike out, in line 5, the words "for the collection of revenue from customs?" Then the bill will read as follows:

That the President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the interests—

Striking out "and"—

of commerce and shipping.

In the opinion of the gentleman from New York, would that be privileged?

Mr. PAYNE. I do not think it would, because part of the sentence is emasculated, which refers the whole subject-matter to the collection of the revenue.

The SPEAKER. Precisely; but the Chair will suggest to the gentleman that if the words indicated were stricken out and the law was enacted, it would be operative. It would clothe the President with the power, would it not?

Mr. PAYNE. It would clothe the President with the power to establish districts to regulate commerce and shipping. If the Chair had left in "establish convenient districts and to discontinue or consolidate ports and subports therein," it would have been all right, but I think by striking out those words it would refer wholly to commerce and shipping. But those words are in the bill. They give character to it. It refers the whole subject-matter to the important part, namely, the collection of the revenue, and the commerce and shipping to be regulated are incidental to it.

Mr. TAWNEY. If the gentleman from New York [Mr. PAYNE] will permit me, I would suggest to the Chair if the words relating to commerce and shipping are eliminated, it certainly then would be clearly in order.

The SPEAKER. The Chair agrees with the gentleman.

Mr. TAWNEY. Now, if the Chair agrees, then, with that proposition, if without these words we clothe the President with the power to reorganize and consolidate those districts, when the districts are consolidated and the officers are appointed to discharge the duties connected with the collection of the revenue, all of the duties which are now imposed by law upon those officers would be performed independently of whether this refers to shipping and commerce or not. You could eliminate this language entirely, and when the districts are reorganized and the custom officers are appointed they would discharge identically the same duties they are discharging to-day, for they are discharging those duties under express authority of the statute. It is not proposed to change the duties of the officers in the least. My contention is that you can strike out of the bill entirely all reference to shipping and commerce and go on with the consolidation of these districts, appoint the officers to collect the revenue, and when that is done, if there are any duties that those officers have to perform to-day under the law in respect to commerce and shipping, they would have to discharge those same duties after the consolidation as they are doing now. So that it is not even an integral part of the bill. It is not an important or essential feature. And in cases where the privileged matter is not dependent at all upon the nonprivileged matter the nonprivileged matter does not destroy the privileged. I think that is the uniform ruling of the Speaker.

The SPEAKER. The Chair is ready to rule, unless the gentleman desires to address the Chair further. The Chair would be ready to follow, touching the first point of order made by the

gentleman from Massachusetts [Mr. GARDNER], the ruling by Mr. Speaker Reed, in which ruling the Chair concurs. Even without that ruling, the Chair would be inclined to hold that this bill under the rule was privileged. But the bill does more than that, as it seems to the Chair. It says that—

The President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the collection of revenue from customs and for the interest of commerce and shipping.

There are two objects to be accomplished by this bill if enacted into legislation.

One, collection of revenue; the other in the interest of commerce and shipping. The first is privileged under the rule. The second, as it seems to the Chair, is not privileged. Uniform rulings, so far as the Chair knows or has been informed, seem to be, without exception, that a nonprivileged proposition coupled with the privileged, even if slight and incidental, destroys the privilege. That is quite familiar to gentlemen on resolutions making inquiry from the heads of the Departments. When they go beyond the question of inquiry as to a matter of fact, it destroys the privilege. The Chair does not think it necessary to amplify. It seems to the Chair quite plain that this nonprivileged matter destroys the privilege; and therefore the Chair sustains the point of order.

The gentleman from Massachusetts demands the regular order, which is the call of committees. That rests with the Committee on the Judiciary, and there comes over an unfinished bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations and penalty therefor, and for other purposes.

RECOVERY OF VALUE OF UNLAWFUL REBATES.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill H. R. 11784.

The SPEAKER. The bill has been reported to the House.

Mr. JENKINS. I yield to the gentleman from New Jersey [Mr. PARKER].

The SPEAKER. The gentleman from New Jersey [Mr. PARKER] has twenty-three minutes remaining.

Mr. PARKER. Mr. Speaker, other members of the committee will speak upon this bill, and as I have given it very full discussion in the House on the 29th of January I shall try to be brief.

Mr. Speaker, those who were not here then will want to know the purpose of the bill. We all feel that the chief cause of the growth of monopolies is that they obtain unlawful rebates and that there has been no way thus far by which this evil could be corrected. If a great monopoly gets rebates worth a million dollars—as it is reported some of them have—a fine of ten thousand or twenty thousand dollars is nothing. This bill provides that if in future there be such unlawful rebates, whether they are such by the common law or by the interstate-commerce act, the United States may bring an action against the person who shall receive them to recover back their value, suing on the civil side of any court of competent jurisdiction. It provides, secondly, that if those rebates be received knowingly—that is, willfully, double the value may be recovered. This double recovery will be chiefly in the case of secret rebates. There may be inequalities and unlawful discriminations made by open and public tariffs which are claimed to be lawful. The Government or the persons interested may then determine whether they be unlawful or not by a suit in court. But when that question has been adjudged, if the shipper knowingly and willfully persists in taking these rebates, then double the value can be recovered.

Again, there are cases where the evidence is hard to obtain, and the third section provides that this action by leave of the court may be brought under control of the court by an informant, who shall receive half of the recovery, but shall not discontinue the action until after notice to the Attorney-General and by leave of the court first obtained. One can hardly imagine the power that this provision will give against some great trust, if any one of its clerks, cognizant of a secret rebate, say some bookkeeper, can be induced thereby to bring the facts to knowledge of the public and see that recovery is had.

In the fourth section, Mr. Speaker, this remedy is declared to be in addition to other remedies. This bill does not propose to punish anyone criminally. It is a remedy which simply enforces the principle that all are equal before the law, and that if any person or corporation receive such favor as gives an advantage over others in dealing with common carriers, that person or corporation must yield up the value of that special favor, so that equality shall be again established.

Mr. Speaker, I doubt whether I have explained this as well as I did before. I do not desire to take so much of the time of this House as I did before; but the committee believes—for this matter has been under consideration in committee for six years—that this is the only real remedy for unlawful rebates which will make all the people of this land equal in their dealings with common carriers.

I yield the remainder of my time to the chairman of the committee [Mr. JENKINS].

Mr. JENKINS. I yield ten minutes to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I desire to invite the attention of the Members of the House to two points in this bill, which has been before the Judiciary Committee for the last three years. It has had very careful consideration, and, I believe, comes to the House with a unanimous report.

In the first place, it interferes with no law upon the statute book. It is simply cumulative of whatever may have been passed upon this subject. Other laws may parallel it, but it interferes with and impinges upon none of them. As stated in the last section of the bill, it is simply cumulative of other acts.

The second point is that it allows the informant one-half of the amount that shall be recovered, and this, it seems to me, is the chief merit of the bill. A clerk, if you please, who is in the employ of some great trust or corporation, and who has access to its books, knows if it has been illegally receiving rebates. He knows from whence it comes and how to prove it. It is before him on the books, which he can produce at any time. It is easy for such a witness to have suit brought and to furnish evidence. One-half of the amount recovered easily stimulates his desire to disclose dishonest methods.

Every Member in this House knows that the fear of the informer is the great power that enforces the collection of excise taxes. Men who deal in liquor hang up in their places of business the license of the Government, not so much because the United States have officials going about the country as because of the knowledge that every man who buys liquor may become a spy, a detective, whose reports are certain to lead to prosecutions.

It is rare that one can visit a place where liquor is sold and not find Uncle Sam's license plainly exhibited, not because keepers are afraid of the United States marshal and his deputies, but because they fear their own customers, who may at any time turn informers and bring trouble and embarrassment.

Now, this bill gives clerks in the employ of corporations that are getting rebates illegally an incentive to inform the Attorney-General or district attorney of wrong practices and of becoming witnesses to prove them. This feature of the bill has commended itself to some of the gentlemen on the Judiciary Committee, and I feel confident that, as a business proposition, it will commend itself to the gentlemen of this House, for the fear of the saloon keeper who is selling without a license will enter the countinghouse of every corporation which is doing business illegally. It places them in the embarrassing position of knowing that their clerks, who, under this law, can receive a generous portion of the recovery, may reveal their dishonest methods at any moment.

These two points, therefore, that this bill is simply cumulative of other statutes, and that it opens a way for the Government to learn of dishonest practices, are, in my opinion, excellent reasons for passing this measure. [Applause.]

Mr. JENKINS. Mr. Speaker, I now yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill is in furtherance of what seems to be a desire on the part of this House to make more effective the laws now existing for the prevention of rebates and preferences. The Elkins law—the act of 1903—does not have in it a provision to recover of the beneficiary of the secret preference or rebate for such preference or rebate. There is, under existing law, only a doubtful way to get at the man who receives the secret preference or rebate. The bill that we passed here the other day was, in one of its provisions—section 20—an improvement on the Elkins law, in that it furnished other means for ascertaining the giving of a secret preference and rebate by reason of the fact that it prescribed certain bookkeeping and certain publicity that gave necessary information of the violation of the law.

Under existing law the company that gives the secret preference—the rebate—is punished. Now, the object of this bill is to reach in another way the man who receives a secret preference or rebate. When you reach both parties to this conspiracy, when you reach both parties to this violation of the law—the company or corporation that gives the rebate and the company or corporation or person that receives it—then you will go much farther toward preventing the giving of these rebates and preferences, and that is the object of this bill.

The first section of it has been criticised by some for the

reason that it does not require the person who receives the rebate to be guilty of offending against the provision to have knowledge of that preference or that rebate. The answer to that criticism is this: That it is often a difficult matter to prove, I believe, what the law books call the "scienter," or guilty knowledge. And we may say further that doubtless it will never occur in the history of the administration of this act, should it become a law, in any case where any person or company receiving any rebate that he or it did not know of the rebate or preference. This feature of the bill is in the nature of prescribing the rule of evidence to govern the case.

Now, under the second section of the bill the knowledge must be shown affirmatively. The person who receives the rebate or preference must be shown by positive evidence that he knowingly received it, knowing that it was a rebate or preference not given to others.

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I yield the gentleman two minutes more.

Mr. CLAYTON. Mr. Speaker, in case the action is instituted and judgment had under the second section of the act, the penalty is in double the amount of the secret preference or rebate. Now, as I said in the beginning, if we want to make effective the provisions of law against rebates and preferences, let us punish, in the manner proposed in this bill, those who receive these preferences. There will be fewer persons to ask them and fewer persons to grant them if this be done. The machinery provided here is common to the law. It will enable, through the medium of giving the informant half the recovery, the officers of the law to get proof in cases where now they are unable to get that proof; so I think, as I said before, that the bill is in consonance with and in furtherance of the legislation that is existing and that which we proposed to enact by the passage of the railroad-regulating bill the other day. It is in furtherance of existing law and will do a great deal toward stopping the accepting of secret preferences and rebates. In my judgment the bill ought to pass. [Applause.]

Mr. JENKINS. Mr. Speaker, I yield ten minutes to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, in so far as the purpose of this bill may be to prevent and to punish rebates it has my full and entire sympathy. I am of the opinion, however, that the bill is subject to some criticism, and it is to make that criticism that I take the floor. Rebates ought to be prohibited and ought to be punished. Not only should the giver of the rebates be punished, but the receiver as well, and such is the law now. The law could not be more emphatic or positive against the man who receives a rebate than it is now, and the fear and apprehension that I have concerning this bill is that, in the first place, it may prove ineffective and abortive, and in the second place, serve to confuse and complicate the existing situation. I have no special objection to the passage of the bill if it is the will of the House to pass it, but I desire to say that in my judgment what this bill seeks to do could be done far more effectively in another way, and I took the liberty of suggesting that way to the honorable gentleman who introduced it. The present law, known as the "Elkins law," provides in express terms, after defining a rebate as any device whatever by which property is transported at less than the published tariff rates, that—

> Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concessions, or discriminations shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000.

We therefore have upon the statute books to-day a penal law against a man who receives a rebate. What does this bill propose to do? It is claimed to be an authorization for a civil suit against a man who receives a rebate, but I have not been able to make up my mind clearly that such a suit would be simply a civil suit. Certainly the receiver of the rebate does not owe the value of that rebate to the United States Government. He might possibly owe it to the railroad that unlawfully gave it to him. He might possibly owe it to some competitor who had been wronged, but he does not owe it to the United States Government, and therefore I conclude that when the Government undertakes to assume to recover in a suit the value of such rebate the suit of the Government is a penal suit and the amount of the recovery is a punishment. The punishment imposed in the first section of this bill is the amount or value of the rebate or concession that is received. The second section of the bill provides that if it be shown that the rebate was knowingly and willfully received the Government may recover twice the value of such rebate or concession, and thus the punishment here is twice that imposed by the first section. To my mind there is no distinction between the first section and the second section so far as concerns each of them being in its nature penal. It is a punishment for the Government to collect by forfeiture the value of the rebate and it is likewise a punishment for the Government to collect by forfeiture twice the value of the rebate.

Mr. CLAYTON. Mr. Speaker, I would ask the gentleman a question right there. Is it not entirely competent for Congress to prescribe the rule of evidence or the amount of evidence necessary, taking the view that it is a criminal case or a civil case, to authorize a judgment or a conviction in any case?

Mr. BRANTLEY. I do not understand that this bill undertakes to prescribe any rule of evidence of any sort or character, but when it provides that the Government can only collect the value of a rebate when it is shown to be an unlawful rebate, the conclusion is irresistible that before the Government can maintain a suit at all it must show that the party being sued has committed the crime of receiving an unlawful rebate. Now, the law presumes every man innocent until he has been convicted. Are we proposing to exact a forfeiture from a man as a punishment for a crime before we have convicted him by proper proof under rules of evidence, whatever they may be, that he has committed the crime? I am inclined to doubt whether the suit authorized by the bill could be maintained at all until there has been a prosecution and a conviction under what is known as the Elkins law.

Mr. RANDELL of Texas. Mr. Speaker, in the case of swindling, does the gentleman mean to say that a man ought not to sue and get his property back if he has been swindled out of it unless the evidence is so strong that you can convict the man of the crime of swindling beyond a reasonable doubt?

Mr. BRANTLEY. Not at all, but that proposition is entirely foreign to this.

Mr. RANDELL of Texas. What is the difference in the application of that to the rule of evidence?

Mr. BRANTLEY. This is the difference. If the Government undertook to collect the value of property another had been swindled out of, it would be the Government imposing a penalty for the swindling. The case the gentleman cites is a case between two individuals. It is a suit for money had and received. The suit authorized here is a suit by the United States Government against a man that the Government says has committed a crime, and to exact a forfeiture from him by reason of that crime.

I am very much inclined to the view that before the Government can collect the forfeiture out of him the Government must convict him of having committed the crime. Now, Mr. Speaker, this bill if enacted into law and the same is sustained as a valid law, will change the present law, for it provides, in connection with the Elkins law, for two punishments against a man who receives a rebate and still leaves the railroad, the party who gives the rebate, to suffer but one punishment. The present law provides the same punishment for the giver as for the receiver. Here is a bill that by its own terms is claimed to be merely cumulative of the old law, providing an additional punishment upon the receiver of the rebate. Now, another apprehension I have about this bill is that I do not see very well how the Government can punish a man twice for the same act, and what I am afraid of is that the effect of this bill may be to repeal the Elkins law, a wise and proper penal law upon the same subject, at least so far as the receiver of the rebate is concerned. If it does not serve to repeal it I am afraid it will serve to confuse the present situation by producing complicated and protracted litigation, pending which the enforcement of punishment against anybody will be delayed. Mr. Speaker, the suggestion of the honorable gentleman who offers this bill that any different rule of law will apply in the taking of evidence under it from the rule that prevails in taking evidence under the Elkins law, I do not think well founded. In other words, under this bill before the Government can recover from the receiver of the rebate it must show an unlawful act. The bill so provides.

Can not a man claim the shield of protection against testifying to that which would incriminate him in a suit under this bill the same as he could under the Elkins law or any other criminal law? Now, as I said a while ago, if the House wants to pass this bill I have no objection to its being passed. My own judgment, however, is that if we want to make the present law more effective—and I would like to see it more effective, and if I had my way about it and could have controlled the Judiciary Committee I would have taken this bill and grafted it upon the Elkins law and would have provided that when a man is convicted of the offense of receiving a rebate he should pay not only the fine mentioned in the Elkins law, but in addition should pay the amount of the value of the rebate that he received. I would also provide that an informer instigating and bringing on a prosecution should receive not only half of the recovery, but half of the fine also. My judgment is, if we would continue to let rebates be a crime and continue to enforce the law against them as crimes, and increase the punishment

and the incentive to prosecute, in this way we would have much better results than can possibly be had by providing for two different punishments, calling one civil and another criminal, for the same identical act. I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS.]

Mr. WILLIAMS. Mr. Speaker, it strikes me that this is a very good bill for the purposes for which it was framed. Its main purpose is to deprive men of a motive to hold up the railroads and force them to give rebates. The first section of the bill subjects the man who has received an unlawful rebate to suit, and provides that he shall pay back the amount of the rebate or discrimination which he has received, regardless of the question as to whether he received the rebate "knowingly" or not. The next section provides that when he shall "knowingly" receive a rebate or discrimination he shall pay double. The beginning of section 3 gives a motive of suit to enforce the bill. "What is everybody's business is nobody's business," as a rule, and unless "everybody" has something to make by attending to the business. The first part of this section 3 therefore makes the informant receive half of the amount to be recovered and empowers him to sue. Then there is a practical danger that people of bad character, acting as informants, might sue railroads for the purpose of "holding them up;" that is, for the purpose of receiving from the roads a settlement in money to dismiss the case. The next part of this section undertakes to prevent that by saying that after a suit has been once begun by an informant it shall not be dismissed by him except after notice to the Attorney-General and with the leave of the court, and that in case there is undue delay upon the part of the informant in carrying on the suit it shall be the duty of the Attorney-General to proceed with the suit. Section 4 merely provides that this measure shall be cumulative and shall not repeal any other remedy which the people have by suit in law or in equity or by prosecution under the laws already in existence.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. WILLIAMS. Certainly.

Mr. CLAYTON. To the gentleman, who has had large legislative experience and is familiar with the legislative history of the country, this manner of proceeding here in this case, of providing a civil remedy for damages for the violation of a law where there is a penalty provided in another law, is not new or novel in legislation. Doubtless the gentleman can recall a number of instances where just such—if I may so term it—"ancillary legislation" as this has been had.

Mr. WILLIAMS. Auxiliary legislation?

MMr. CLAYTON. Auxiliary legislation. That is perhaps a better expression.

Mr. WILLIAMS. Damage of wife or children for murder of husband or father, for example. Now, Mr. Speaker, the point is made that this goes to somebody to whom it is not due, to wit, the United States Government; that the Government of the United States has not lost anything, and therefore the Government of the United States ought not to be repaid.

Mr. BRANTLEY. Mr. Speaker, will the gentleman allow me to interrupt him?

Mr. WILLIAMS. Yes.

Mr. BRANTLEY. The gentleman, if he is referring to my position, misunderstood me entirely. My proposition was that the party not owing this to the Government, for the Government to collect it would be the imposition of a penalty; would make it penal.

Mr. WILLIAMS. I understood that, and I was trying to state it that way, that the Government could not sue in a civil action, or ought not to recover, because it had lost nothing.

Now, Mr. Speaker, there is a high sense in which the Government has lost money. These rebates and discriminations go on in violation of law and at the expense of the public business—the commerce of the United States—attacking its integrity, equality, and distribution. Of course in no strictly legal sense is the Government of the United States a "legal representative" of the people of the United States; but this money is due to the people of the United States who have been discommoded, who have been defrauded, who have lost money, whose affairs have been dislocated, who have suffered absolute and actual loss by the existence of just this sort of practice. In a political sense, the Government of the United States is by far the fairest and fittest party to receive the money unless you ascertain—which you can not with precision do—just what particular competitive shippers have suffered by loss of business which has gone to these people who have received rebates. In a high public sense, then, the Government of the United States is "the legal representative" of the people of the United States, and it is very fitting and proper that in that way the money should be paid back to them. Now, I do not think there is much in the point that a prior prosecution would be necessary in order to show that the man had violated the law—in other words, that the rebate was "unlawful." Of course it is stated here that there must be "an unlawful rebate," but that is merely a fact to be established in the civil suit as a predicate for recovery, and a fact to be established not by the rules of criminal evidence, but by the rules of civil evidence. So that I do not think there is much in that. I do not think it can repeal any part of the existing law. I do not think gentlemen will think so if they read section 4 fully and carefully. Now, then, this objection is made—that a man might be "convicted" upon his own testimony. In the first place, this is not a conviction. It is a suit to recover for the common treasury damages done to the people, damages done to their commerce and to industry. But in the next place, Mr. Speaker——

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I ask for two minutes more for the gentleman from Mississippi.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS. In the next place, Mr. Speaker, if the parties were subsequently prosecuted no lawyer would contend that the evidence taken in the civil case could be used against them, even though they, as witnesses, had incriminated themselves. They could keep off the stand in a criminal case, and this evidence could not be used against them in any manner whatsoever. Moreover, even in a civil suit no man can be made to answer a question which might lay him liable to subsequent prosecution.

Mr. CLAYTON. And the judgment in this case could not be pleaded in bar of a prosecution.

Mr. WILLIAMS. And could not be pleaded in bar of a prosecution. And then practically, Mr. Speaker—because I like things to be looked at from a practical standpoint wherever possible—practically the fine will seldom, if ever, be recovered on the man's own testimony. It will be recovered as the result of somebody's else testimony, and the relator—the informant—and the Government alike will find that they will have to depend upon the testimony of somebody besides the man sued in order to recover the penalty.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SMITH].

Mr. SMITH of Kentucky. Mr. Speaker, I do not think it is necessary for me to add much to what has been said in favor of this bill. I believe that it is a wise measure and ought to be supported by every man in this body. Congress has been at work a good many years in its efforts to break up the systems of rebates that have prevailed in this country; and I believe that this measure will go as far to achieve that end as any measure that has ever been passed by Congress.

In the first place, the proceeding provided for in this bill is in the nature of a civil proceeding. It will not require proof beyond a reasonable doubt that the rebate has been received, but simply a preponderance of testimony will enable the United States Government to recover in an action brought under this bill if it should be enacted into law.

Now, the first section of the bill provides that the Government may institute an action against anyone who receives any unlawful rebate. It sometimes happens in the course of dealing with railroads and other carriers that men receive rebates without actual knowledge of the fact. The railroad is not entitled to recover the amount of the rebate, because it has voluntarily surrendered all claim to the amount given when it made the concession; the party to whom it is given is not entitled to it, because the laws of the land have forbidden him to receive rebates, and I know of no person or any other organization more entitled to take the sum that has been given in the form of rebates than the United States Government.

It is very similar, Mr. Speaker, to the cases of illicit distilling, where the Government detectives go along and discover a man running a still. The Government takes his still and destroys it. It does not keep it, it is true; but the Government takes charge of it, takes the ownership of it, and destroys it; and yet that does not relieve the man who has been operating the illicit distillery from punishment for operating it. So in this case, Mr. Speaker, instead of its being in the nature of punishment, it is simply taking from the wrongdoer the ill-gotten gain. It can not be punishment to take from a man that which he has unlawfully gotten. The way to punish a man is to take from him something that belongs to him and not something that does not belong to him, the fundamental idea being to withdraw some right from the violator of the laws;

and in taking these sums, received in the form of a rebate, the Government of the United States, instead of depriving him of some right, takes from the men who receive them that which never did belong to them.

Mr. SULLIVAN of Massachusetts. Will the gentleman yield to a question?

Mr. SMITH of Kentucky. Certainly.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman why, upon his theory, the United States Government might not change its entire penal system, and, by adopting the form of bringing damage suits against those who break its laws, recover as penalties the amount of illegal profits gained by breaking the laws, and by such process deprive the person against whom the action is brought of his constitutional rights upon a criminal proceeding to refuse to be a witness against himself?

Mr. SMITH of Kentucky. The gentleman evidently did not understand the statement I have just made. I said that it was not a punishment of the man who has unlawfully received the money to take that money from him by the Government. That is no punishment at all. It is something like taking from a thief the stolen goods he has possessed himself of in violation of law.

Mr. SULLIVAN of Massachusetts. Will the gentleman allow me to ask him this question?

Mr. GILBERT of Kentucky. Will my colleague permit me to make one suggestion?

Mr. SMITH of Kentucky. I yield first to my colleague from Kentucky.

Mr. GILBERT of Kentucky. I want to make this suggestion: That every State in the Union where a person is killed by careless or negligent use of firearms, for example, the man is often indicted, tried, and acquitted of the manslaughter, and still the widow or children may institute a suit for damages, and recover damages. Such laws are in force, I think, in every State in the Union.

Mr. SMITH of Kentucky. I do not think there is any State that has not such a law as has been referred to by my colleague. Now I will respond to a further question from the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. Suppose a clerk in the post-office has stolen Government funds and instead of proceeding against him criminally the Government should sue him for damages, and in that damage suit the court will hold that he take the witness stand and testify. In that situation you would not have had a trial under the criminal law, and if he should lose in this damage suit then you would have the effect of convicting the man of a crime and yet have deprived him of his right to refuse to testify against himself.

Mr. SMITH of Kentucky. The gentleman is unfortunate in the case that he cites, because in a case where the Government employee under bond has embezzled any property of the Government it can sue him upon his bond and recover the full amount, and, so far as that is concerned, in case he is not under bond it can institute suit and it may recover judgment and enforce collection thereof if property can be found, and still prosecute him criminally for the embezzlement or other crime that he has committed.

Mr. CLAYTON. And the judgment in the civil action would not be a bar to the criminal prosecution.

Mr. SMITH of Kentucky. And that would not be a bar to the criminal prosecution. That is on all fours with this case, and I think the bill ought to become a law.

Mr. JENKINS. Mr. Speaker, I ask for a vote on the bill and amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, the motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENTS IN JUDICIAL PROCEEDINGS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States.

The bill was read, as follows:

Be it enacted, etc., That in any suit in equity instituted in the courts of the United States wherein it shall be decided prior to final decree that the complainant has a complete and adequate remedy at law the complainant may, at his election, upon such terms as the court may impose, cause the same to be transferred to the law docket of the court, there to be proceeded with as if originally instituted as a suit at law.

SEC. 2. That where in any suit brought in or removed from any State court to any circuit court of the United States the jurisdiction of the circuit court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal.

Mr. CLAYTON. Mr. Speaker, I desire to make a brief explanation of the provisions of this bill. It has a twofold object. The first section of the bill provides for an amendment in the case where a suit has been brought in equity and the remedy is found to be not in equity, but at law.

Every lawyer knows that the complainant in a case in equity must decide at his own peril, at the beginning of his suit, whether he has a complete and adequate remedy at law or whether his remedy is in equity. Having decided that at the beginning, the litigation may drag along for months and perhaps for years, and finally the court may determine that the complainant had a complete and adequate remedy at law, and therefore his bill in equity must be dismissed. He has incurred a great expense, and perhaps the statute of limitations has run against his action at law. His suit is dismissed, and he is left without remedy, and justice is defeated.

This bill is in the line of all modern legislation. When the court decides that the remedy is on the law side or on the equity side, as the case may be, the court shall then and there have the power, and it shall be its duty, to transfer the case to that docket where the correct remedy can be applied. That is the purpose of this bill, that where the remedy is decided to be at law and not at equity, to allow the court, when it reaches that decision, to transfer the case from the equity side of the docket to the law side, and proceed with the trial of the case and the administration of justice. Now, that is the first provision of the bill.

Mr. LACEY. Mr. Speaker, I should like to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. LACEY. Where the case is transferred from one calendar to the other, does the bill provide for the remodeling of the pleadings?

Mr. CLAYTON. That is left to the rule of practice in the courts. Nothing is said in the bill about that, except that the transfer shall be made upon such terms as the court may impose. I may say for the benefit of the gentleman from Iowa that this particular wording of this bill has the approval of two circuit judges of one of the circuit courts of appeal.

Mr. GILBERT of Kentucky. Mr. Speaker, may I make a suggestion?

Mr. CLAYTON. You may.

Mr. GILBERT of Kentucky. In line 6, of section 1, it provides that where the complainant has a complete and adequate remedy at law—

> The complainant may at his election * * * cause the same to be transferred to the law docket of the court.

Now, suppose in the progress of the litigation it turns out that the complainant does not wish to avail himself of that remedy, but that perhaps a counter claim or a set-off is made, and the defendant has a good defense upon the law side, of which he can not avail himself upon the equity side, or has a good defense upon the equity side which he can not properly present on the law side. In other words, he is on the wrong side of the docket. Now, why should not that remedy be given to the defendant as well as to the complainant?

Mr. CLAYTON. Perhaps that is so, but the gentleman is presenting an imaginary case. Perhaps that sort of a case has occurred, or perhaps it may occur; but perhaps it has not occurred, and perhaps it may not occur. We are not playing the game of "perhaps" here now, but we are following the well-pointed-out defects in the law and seeking a remedy not for what perhaps has occurred nor perhaps may occur, but what undoubtedly has occurred in cases where justice was defeated. We are legislating to remedy judicially ascertained defects in the law. I will refer the gentleman to the case of Busard v. Houston, 119 United States, page 347, where this exact defect in the law was pointed out which this first provision of the bill seeks to remedy. Now, with all due deference to the gentleman, it may be well for him to prepare a bill on the line he has suggested, or to prepare an amendment. We are attempting to legislate for ascertained, existing evils.

Mr. GILBERT of Kentucky. I do not mean to be hypercritical, and I merely wish to suggest that it constantly occurs in litigations in the courts that the defendant litigant wants to avail himself of the same remedy. It is not a question of "perhaps" at all, and I want to know why the remedy you propose to grant here for the complainant should not be extended to the defendant also? The gentleman from Alabama knows, in his long and successful law practice, that the suggestion I make is

not a hypothetical one, is not a perhaps, but a thing that has constantly occurred in the courts.

Mr. ROBINSON of Arkansas. I will ask the gentleman from Alabama if he does not think the objection would be met by an amendment allowing the defendant to transfer as well as the complainant?

Mr. CLAYTON. Perhaps so. I can not recollect of any case in the Federal courts where justice has been defeated in such a case as the gentleman from Kentucky suggests, and in my correspondence with the judges in reference to this bill, and in talking with the lawyers on the Judiciary Committee and the lawyers who practice in the Federal courts, none of them have ever suggested the proposition now urged by the gentleman from Kentucky.

Mr. GILBERT of Kentucky. I beg the gentleman's pardon, but I am not urging any alteration in this bill at all. I merely made what I thought was an amicable suggestion in the way of assistance.

Mr. CLAYTON. Certainly. The gentleman knows that the hour for adjournment has about come, and he knows that all the defects in the existing law can not be remedied in one bill. The Judiciary Committee of this House submits to this House that it has done its best to remedy an existing defect in the law, which has been ascertained and pointed out by the judiciary of the country; and if the gentleman from Kentucky, in his large experience, will introduce a bill with various provisions seeking to cure other defects of the law, and bring it in here and support it with his great ability, I have no doubt that I will not be hypercritical, but will back him up and endeavor to pass it.

Now, as to the second provision. On account of the loose language employed in the act of 1887, amended in 1888, providing for the removal of cases on the ground of diverse citizenship, the words "resident," "inhabitant," and "citizen," are used indiscriminately and in a confused way. On account of that confusion in the statute it is a common thing for the average practitioner in drawing his pleadings to indulge in the same confusion and inaccuracy, and he brings his suit into the Federal court predicated upon diverse citizenship, and instead of alleging technically—the courts are very technical on that point, you must be technical and precise in alleging diverse citizenship—as I say, instead of being technical the average lawyer draws his pleadings in the same loose way. You can not use correctly the words "resident" or "inhabitant" in this connection, but must use "citizen." Now, if it is pointed out in the circuit court that you have not alleged with technical precision the diverse citizenship which the law requires, you can amend there, but if you overlook it in the circuit court, if it is not taken advantage of there, and it gets into the court of appeals, it can not be waived there, it can not be amended there, it can not be overlooked there, or if it is overlooked, if it is waived, the Supreme Court upon certiorari will reverse it and dismiss the case. The case of Knight *v.* Lutcher, Moore & Co., 136 Fed. Rep., 404, settles this. That is the law.

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to ask the gentleman if this amendment applies solely or generally after the case has been tried so as to make the pleading conform to the proof?

Mr. CLAYTON. It applies in the circuit court of appeals. You try your case in the circuit court, and this defect was not pointed out. The case is tried on its merits, and it is a mere technical defect and was not discovered or was not pointed out or was not taken advantage of. In the circuit court of appeals, by the provisions of this bill, the technical defect in pleading can be cured, and the case can proceed, if there is no other error in the case, and the litigation may be settled.

Mr. DAVIS of Minnesota. It simply allows him to amend the pleading to conform with the proof?

Mr. CLAYTON. Yes.

Mr. BOWERS. May I ask the gentleman a question?

Mr. CLAYTON. Certainly.

Mr. BOWERS. Is not this bill really a bill to cure defects in lawyers rather than in the law? [Laughter.]

Mr. CLAYTON. That is to some extent a just criticism. I have no doubt the gentleman from Mississippi has been guilty, at some time in his long practice, of defective pleading. The bill is in line with modern legislation which seeks to allow defective technical pleadings to be amended, to the end that justice may be done.

Mr. BOWERS. I never have gone out of court on it, I will say to my friend.

Mr. CLAYTON. I shall incorporate in my remarks the report prepared by me for the committee. It makes a full explanation of the bill:

The Committee on the Judiciary, to whom was referred the bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States, report the same with the recommendation that it do pass.

The bill is in the interest of the better administration of justice by the courts.

However difficult the question may be the complainant must decide at his own peril, at the beginning of his suit in equity, that he has no complete and adequate remedy at law. (See Buzard *v.* Houston, 119 U. S., 347.)

If the court decides that his remedy is an action at law, his bill is dismissed regardless of the merits of his case. This may be after much delay and after great expense has been incurred. It may be that then his cause has become barred by the statute of limitations, and if so, that justice has been defeated.

The first section of this bill seeks to cure this. It gives the right to transfer the case from the equity side of the court to the law side, upon such terms as the court may prescribe, to the end that injustice may not be done to either party to the cause.

The second section of the bill is to allow defective pleading to be cured in the appellate court, so that a mere technicality may not be invoked to defeat a meritorious cause.

The jurisdiction of a circuit court in any case must appear of record. The decisions of the Supreme Court are very technical and exacting in this particular. The average lawyer makes omissions and mistakes in his pleadings upon which jurisdiction is founded, although the requisite diverse citizenship of the parties really exists, and the cause is one which can be rightfully brought into the United States court.

In the statute and amendment (judiciary act of 1887, amended in 1888) providing for the removal of causes on account of diverse citizenship the words "resident," "inhabitant," and "citizen" are used in such a way as to cause confusion to one who is not familiar with the distinctions between these terms. The ordinary lawyer in his pleadings in the circuit court often uses "resident" or "inhabitant" when he means "citizen," and should employ that word.

Under existing law this defect may be cured in the circuit court by amendment, but if the defect be first discovered or taken advantage of in the circuit court of appeals the amendment can not be allowed, and the appellate court is not permitted to ignore or overlook the defect. If it does, the Supreme Court on the certiorari will reverse the decision. (Knight *v.* Lutcher-Moore L. Co., 136 Fed. Rep., 404.)

If the amendment could be allowed in the appellate court the case might be affirmed, the litigation ended, and justice administered.

Mr. JENKINS. Mr. Speaker, I call for the previous question.

Mr. RANDELL of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDELL of Texas. I am desirous of introducing an amendment that will carry out the purposes of the second section, and I wish to know when I can offer it.

The SPEAKER. If the previous question is not demanded or ordered, the gentleman can offer it now.

Mr. RANDELL of Texas. Then I hope the gentleman from Wisconsin will withdraw his demand for the previous question.

Mr. JENKINS. I will withdraw it, Mr. Speaker, and yield to the gentleman to offer his amendment.

Mr. RANDELL of Texas. I offer the following amendment, Mr. Speaker, which I send to the desk.

The Clerk read as follows:

Add to section 2 of the bill the following: "*Provided*, That this section shall not apply in any case where the petition for removal has been overruled in the State court."

Mr. JENKINS. Mr. Speaker, I yield two minutes to the gentleman from Texas.

Mr. RANDELL of Texas. Mr. Speaker, the intention of the amendment is to carry out the purpose, as I understand it, of this second section. If, on account of defective pleading, a party is about to lose a right supposed to be guaranteed by law, this bill in the second section allows him to amend his pleading in the Federal court; but it may be that the petition for removal will have been overruled, thus leaving the case in the State court. Suppose the pleading is such that the State court overrules the petition for removal, under this bill the trouble may be remedied in the Federal court by amendment, and there we have the case in two courts if petition for removal has been denied in the State court. This, it seems to me, would be unfair. It is not the fault of the plaintiff, and yet he loses his right to stay in the State court. On the showing, on the face of the petition, removal should not be granted; but under this bill, and under our decisions as they now stand, the transcript can be carried to the Federal court, and there the pleading may be amended. Hence we have the case in two courts. It seems to me the party who claims the right to amend his pleading ought not by his own fault to put his adversary at a disadvantage. I think the second section should not apply in a case where in the State court the petition for removal has been overruled; and I believe my amendment will carry out the real intention of this second section, which evidently is to remove technical obstacles from our judicial procedure and pleading.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, just a word in reply to the gentleman from Texas. I think if his amendment were adopted it would go a long way toward defeating the object of this second section of the bill. The second section of the bill is to correct that defective pleading, it matters not when or where

that defective pleading happened, so that in the end justice may be done. I hope the amendment will be voted down.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. RANDELL of Texas) there were—ayes 9, noes 31.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. OTJEN to withdraw from the files of the House, without leaving copies, the papers in the case of Edgar Parry, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. LEE, to withdraw from the files of the House, without leaving copies, the papers in the case of Jordan H. Saylor, Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRANGER, for one week, on account of important business.

To Mr. PUJO, for ten days, on account of important business.

To Mr. RHODES, indefinitely, on account of illness.

DESTRUCTION OF USELESS DOCUMENTS.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting a statement of certain useless documents suitable for destruction under the act of February 16, 1889, and announced the appointment of the following committee under the law:

Mr. BATES and Mr. RICHARDSON of Kentucky.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill providing for the bonding of certain officers of his Department—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant treasurer of the Washington, Alexandria and Mount Vernon Railway Company, transmitting a statement for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill relating to the bonds and oaths of shipping commissioners—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the president of the East Washington Heights Traction Railroad Company, transmitting the report for the last four months of 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting, with a letter from the Commissioner for the United States to the International Prison Congress, an index of the reports of the association—to the Committee on Printing.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Leopold Bickart against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. M. Derreberry, administrator of estate of Samuel B. Derreberry against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of U. S. Denny, heir of estate of Thomas D. Denny, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John A. Herrod against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. G. Mason, administrator of estate of Glorvinia Mason and John O. Mason, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Jane*, Robert Knox, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. W. Aycock, administrator of estate of Reddick Aycock, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Susannah Schwartz, executrix of estate of Christian Schwartz, member of the firm of Christian Schwartz and Leopold Bickart, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of increase of appropriation for an investigation of the condition of women wage-earners in the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. C. M. and W. N. Cunnyngham, executors of the estate of Elvina Cunnyngham, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Grays Harbor (inner portion) and Chehalis River to Montesano, Wash.—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Postmaster-General, transmitting a schedule of useless documents suitable for disposal under act of February 16, 1889—to the Select Committee on Disposal of Useless Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of same and of the Batan Military Reservation for the purpose of securing a local coal supply to the United States Government in the Philippine Islands, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8977) to create a new division of the western judicial district of Texas, and to provide for terms of court at Delrio, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 1181); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4810) granting an increase of pension to Jerome Goodsell, reported the same with amendment, accompanied by a report (No. 1126); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2091) granting

a pension to Henry F. Landes, reported the same with amendment, accompanied by a report (No. 1127); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13034) granting an increase of pension to Frederick Hildenbrand, reported the same with amendment, accompanied by a report (No. 1128); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12900) granting an increase of pension to James D. Havens, reported the same with amendment, accompanied by a report (No. 1129); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12643) granting an increase of pension to William H. Franklin, reported the same with amendment, accompanied by a report (No. 1130); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12540) granting an increase of pension to Morris J. James, reported the same with amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11065) granting an increase of pension to Joseph Pollard, reported the same with amendment, accompanied by a report (No. 1132); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10594) granting an increase of pension to James Martin, reported the same with amendment, accompanied by a report (No. 1133); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11071) granting an increase of pension to Allen E. Williams, reported the same without amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11742) granting an increase of pension to Charles H. Culver, reported the same with amendment, accompanied by a report (No. 1135); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11209) granting an increase of pension to Thomas Griffith, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14123) granting an increase of pension to Gottlieb Spitzer, reported the same with amendment, accompanied by a report (No. 1137); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7223) granting an increase of pension to George Blair, reported the same without amendment, accompanied by a report (No. 1138); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7396) granting an increase of pension to John E. Ball, reported the same with amendment, accompanied by a report (No. 1139); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8161) granting an increase of pension to Alonzo Douglas, reported the same with amendment, accompanied by a report (No. 1140); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8289) granting an increase of pension to Isaac J. Holt, reported the same without amendment, accompanied by a report (No. 1141); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8642) granting an increase of pension to Henry Crandall, reported the same with amendment, accompanied by a report (No. 1142); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13584) granting an increase of pension to Anna M. Jefferis, reported the same with amendment, accompanied by a report (No. 1143); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11129) granting an increase of pension to Thomas J. Lindsey, reported the same with amendment, accompanied by a report (No. 1144); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9898) granting a pension to Abraham H. Miller, reported the same with amendment, accompanied by a report (No. 1145); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10478) granting an increase of pension to William McGowan, reported the same with amendment, accompanied by a report (No. 1146); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12090) granting an increase of pension to Mary M. Stark, reported the same with amendment, accompanied by a report (No. 1147); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12101) granting an increase of pension to Alfred Connor, reported the same without amendment, accompanied by a report (No. 1148); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10399) granting an increase of pension to John H. H. Sands, reported the same with amendment, accompanied by a report (No. 1149); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12275) granting a pension to Verelle S. Willard, reported the same with amendment, accompanied by a report (No. 1150); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12417) granting an increase of pension to Samuel G. Raymond, reported the same with amendment, accompanied by a report (No. 1151); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12795) granting an increase of pension to Henry Stimon, reported the same with amendment, accompanied by a report (No. 1152); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13525) granting a pension to Wilson Hensley, reported the same with amendment, accompanied by a report (No. 1153); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13610) granting an increase of pension to James Hann, reported the same with amendment, accompanied by a report (No. 1154); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13798) granting an increase of pension to Alida King, reported the same without amendment, accompanied by a report (No. 1155); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff, reported the same with amendment, accompanied by a report (No. 1156); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1243) granting an increase of pension to John W. Burton, reported the same with amendment, accompanied by a report (No. 1157); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1331) granting an increase of pension to Roswell J. Kelsey, reported the same with amendment, accompanied by a report (No. 1158); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 1460) granting an increase of pension to C. W. Renell, reported the same with amendment, accompanied by a report (No. 1159); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh, reported the same with amendment, accompanied by a report (No. 1160); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1967) granting an increase of pension to Joseph Baker, reported the same with amendment, accompanied by a report (No. 1161); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2006) granting an increase of pension to Florence B. Knight, reported the same with amendment, accompanied by a report (No. 1162); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2344) granting an increase of pension to Selden C. Clobridge, reported the same without amendment, accompanied by a report (No. 1163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2982) granting an increase of pension to Ansel K. Tisdale, reported the same with amendment, accompanied by a report (No. 1164); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3397) granting an increase of pension to Nicholas Chrisler, reported the same with amendment, accompanied by a report (No. 1165); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4222) granting an increase of pension to Otto Boesewetter, reported the same with amendment, accompanied by a report (No. 1166); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4832) granting an increase of pension to Henry W. Yates, reported the same with amendment, accompanied by a report (No. 1167); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5215) granting an increase of pension to Jennie Little, reported the same with amendment, accompanied by a report (No. 1168); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5383) for the relief of John W. Davis, reported the same with amendment, accompanied by a report (No. 1169); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5615)) granting an increase of pension to John Coleman, jr., reported the same with amendment, accompanied by a report (No. 1170); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6453) granting an increase of pension to W. H. Marsden, reported the same with amendment, accompanied by a report (No. 1171); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9904) granting an increase of pension to Neeta H. Marquis, reported the same with amendment, accompanied by a report (No. 1172); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11536) granting an increase of pension to James D. Hudson, reported the same with amendment, accompanied by a report (No. 1173); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11625) granting a pension to William C. Robison, reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10725) granting an increase of pension to Etta D. Conant, reported the same with amendment, accompanied by a report (No. 1175); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Houe (H. R. 7844) granting a pension to Phoebe Keith, reported the same with amendment, accompanied by a report (No. 1176); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8063) granting an increase of pension to Mary A. Coburn, reported the same with amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8144) granting a pension to Ada J. Lasswell, reported the same with amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9561) granting a pension to Clara I. Ashbury, reported the same with amendment, accompanied by a report (No. 1179); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2766) granting an increase of pension to Horace E. Brown, reported the same with amendment, accompanied by a report (No. 1180); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MINOR: A bill (H. R. 14576) to increase the limit of cost of the public building for Green Bay, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 14577) for the erection of a public building at Platteville, Wis.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14578) to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 14579) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are produced—to the Committee on Labor.

Also, a bill (H. R. 14580) for the relief of volunteer officers and soldiers who served during the Spanish-American war and beyond the period of their enlistment—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14581) to appropriate $25,000 to inclose and beautify the grounds and repair the monument on Moores Creek battlefield, North Carolina—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 14582) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14583) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to the south city limits of South Omaha, Nebr., and appropriating money therefor—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 14584) for the improvement of the Tallahatchie River from the mouth of Coldwater River to Batesville, Miss.—to the Committee on Rivers and Harbors.

By Mr. SIMS: A bill (H. R. 14585) to amend an act for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 14586) to incorporate "The Edes Home"—to the Committee on the District of Columbia.

By Mr. STERLING: A bill (H. R. 14587) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed—to the Committee on the Judiciary.

By Mr. GREENE: A bill (H. R. 14588) authorizing Government assistance in the development and encouragement of ramie fiber silk and flax preparation and manufacture, and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor—to the Committee on Manufactures.

By Mr. JAMES: A bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge over the Tennessee River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 14591) to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14592) to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14593) to increase the limit of cost for the purchase of site and the erection of a public building at Crawfordsville, Ind.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14594) providing for the erection of a public building at Kokomo, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. WEBBER: A bill (H. R. 14595) to provide for the erection of a public building at Mount Gilead, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14596) for the erection of a public building at Norwalk, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14597) for the erection of a public building at Elyria, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14598) for the erection of a public building at Lorain, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14599) to provide for the purchase of a site and the erection of a public building at Mount Vernon, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14600) to provide for the erection of a public building at Ashland, Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14601) to provide for the purchase of a site and the erection of a public building at Mansfield, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: A bill (H. R. 14602) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. LARRINAGA: A bill (H. R. 14603) to provide for a duty on all coffees coming from foreign countries into ports of the United States and its possessions—to the Committee on Ways and Means.

By Mr. VREELAND: A bill (H. R. 14604) forbidding the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 14605) to increase the limit of cost of the public building at Ogden, Utah—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes—to the Committee on Ways and Means.

By Mr. SOUTHARD: A bill (H. R. 14607) to provide for the erection of a public building at Toledo, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. KLINE: A bill (H. R. 14608) granting to any assistant surgeon in the United States Navy, in determining his lineal and relative rank, the same credit for prior commissioned service to which assistant surgeons who served as medical officers in the Volunteer Army during the war with Spain are entitled under section 18 of the act approved February 2, 1901—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 14609) to pay all Federal soldiers honorably discharged $2 per day while confined in Confederate military prisons thirty days or more—to the Committee on War Claims.

Also, a bill (H. R. 14610) to amend section 3 of an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,'" approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 14611) to create and establish a Bureau of Geology and Mining as a part of the Department of Commerce and Labor—to the Committee on Mines and Mining.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 14612) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 18) providing for the printing of 3,000 additional copies of Report of Director of the Mint for years 1904 and 1905—to the Committee on Printing.

By Mr. SPARKMAN: A concurrent resolution (H. C. Res. 19) asking the President to issue a proclamation concerning a celebration in honor of the commencement of work on the Panama Canal—to the Select Committee on Industrial Arts and Expositions.

By Mr. MAHON: A resolution (H. Res. 268) to supply the committee and cloak rooms with pure natural spring water—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 14613) in the interest of Gilbert P. Cotton—to the Committee on Military Affairs.

Also, a bill (H. R. 14614) for the relief of Henry C. Bliss—to the Committee on Military Affairs.

Also, a bill (H. R. 14615) for the relief of Charles Bates—to the Committee on Military Affairs.

Also, a bill (H. R. 14616) for the relief of Daniel Walsh—to the Committee on Military Affairs.

Also, a bill (H. R. 14617) for the relief of Patrick McGarry—to the Committee on Military Affairs.

Also, a bill (H. R. 14618) for the relief of the estate of Mark S. Gorrill—to the Committee on Claims.

Also, a bill (H. R. 14619) for the relief of Capt. Rogers F. Gardner—to the Committee on Claims.

Also, a bill (H. R. 14620) for the relief of Matthew Hogan—to the Committee on Military Affairs.

Also, a bill (H. R. 14621) granting a pension to Frank Maguire—to the Committee on Pensions.

Also, a bill (H. R. 14622) granting a pension to Dennis H. Finn—to the Committee on Pensions.

Also, a bill (H. R. 14623) granting an increase of pension to William Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14624) granting an increase of pension to Kate T. Dimon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14625) granting an increase of pension to Alden Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14626) granting an increase of pension to William I. Bastian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14627) granting a pension to George A. Kittredge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14628) granting an increase of pension to Patrick Deverix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14629) granting a pension to Marcella E. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14630) granting an increase of pension to Mary Eaton Livingston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14631) granting an increase of pension to Emma Thurston—to the Committee on Pensions.

Also, a bill (H. R. 14632) to correct the military record of Alonzo Vining—to the Committee on Military Affairs.

Also, a bill (H. R. 14633) to remove charge of desertion of Lawrence Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 14634) for the relief of George H. Chase—to the Committee on Military Affairs.

Also, a bill (H. R. 14635) for the relief of Michael H. Farrell—to the Committee on Claims.

Also, a bill (H. R. 14636) for the relief of Charles M. Peirce—to the Committee on Claims.

Also, a bill (H. R. 14637) granting an increase of pension to Frank W. Buxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14638) granting an increase of pension to William D. Lamb—to the Committee on Pensions.

Also, a bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 14640) granting an increase of pension to Annie D. Page—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14641) for the relief of Hiram Pope and William Pope—to the Committee on War Claims.

Also, a bill (H. R. 14642) granting a pension to James P. Himes—to the Committee on Pensions.

Also, a bill (H. R. 14643) granting a pension to Rector Vaughn, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14644) granting an increase of pension to Albert G. Roper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14645) granting a pension to Cynthia Gulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14646) granting an increase of pension to A. R. Fisher—to the Committee on Pensions.

Also, a bill (H. R. 14647) granting an increase of pension to Louis S. Wyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14648) granting an increase of pension to Joseph Walsh—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14649) granting an increase of pension to Susan P. Torrey—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 14650) granting an increase of pension to Abel M. Lackey—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 14651) granting a pension to Samantha M. Stephens—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 14652) granting an increase of pension to James Welsh—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 14653) granting an increase of pension to Sophronia Lofton—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 14654) for the relief of George R. Blackwood—to the Committee on Military Affairs.

Also, a bill (H. R. 14655) granting a pension to Henry Gilham—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 14656) granting an increase of pension to John D. Hamersley—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 14657) granting an increase of pension to D. W. West—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 14658) granting an increase of pension to Daniel H. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14659) granting a pension to Minerva E. Banning Sherer—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14661) granting an increase of pension to John B. Bussell—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 14662) granting a pension to Daniel Jarboe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14663) granting an increase of pension to David Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14664) granting an increase of pension to James Gaffney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14665) granting an increase of pension to William E. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14666) granting an increase of pension to Duncan M. Vinsonholer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14667) granting an increase of pension to Henry Molter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14668) grating an increase of pension to Elizabeth H. Early—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 14669) granting an increase of pension to Anna H. Wagner—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 14670) granting a pension to Nancy Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14671) granting an increase of pension to Rollin S. Burbank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14672) granting an increase of pension to James McNeil—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14673) granting an increase of pension to David H. Semans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14674) granting an increase of pension to Henry Denzer—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 14675) granting an increase of pension to James Davis—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 14676) granting an increase of pension to Leander Stocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14677) granting a pension to Reuben R. Ballenger—to the Committee on Pensions.

Also, a bill (H. R. 14678) granting a pension to James A. Boggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14679) granting an increase of pension to Richard H. Vanderhoof—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14680) granting an increase of pension to Sampson Parker—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14681) granting an increase of pension to Melinda Bennitt—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 14682) granting an increase of pension to Harrison Lee—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 14683) for the relief of and to correct the miltary record of G. W. Glenn—to the Committee on Military Affairs.

Also, a bill (H. R. 14684) granting a pension to Adline Cloer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14685) granting a pension to J. M. C. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14686) granting a pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14687) granting an increase of pension to Paton Drewry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14688) granting an increase of pension to Robert Timmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14689) granting an increase of pension to Herman G. Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14690) granting an increase of pension to Henrietta Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14691) granting an increase of pension to Thompson Garland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14692) granting a pension to A. H. Alfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14693) granting a pension to Nancy A. Smith—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer—to the Committee on Pensions.

By Mr. FULKERSON: A bill (H. R. 14695) granting a pension to Isaac Lance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14696) granting a pension to Mary F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14697) granting a pension to P. G. Higbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14698) granting an increase of pension to William F. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14699) granting an increase of pension to Levi H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14700) granting an increase of pension to George Weisser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14701) granting an increase of pension to Jordon J. Denny—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14702) granting an increase of pension to Christian Schlosser—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14703) to authorize an appropriation to pay Mrs. Corinne Lawrence, the widow of W. L. B. Lawrence, for certain property taken, applied, damaged, used, and consumed by and for the immediate benefit of the Army of the United States in 1862 and 1863—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 14704) granting a pension to Mary J. Quirk—to the Committee on Pensions.

Also, a bill (H. R. 14705) granting an increase of pension to Alva Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting an increase of pension to Marshall B. Burk—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14707) granting an increase of pension to S. A. Duling—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 14708) for the relief of Jeremiah C. Conkling—to the Committee on Claims.

By Mr. HEFLIN: A bill (H. R. 14709) for the relief of the estate of James McDonough, deceased, late of Chambers County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 14710) granting an increase of pension to M. E. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 14711) granting an increase of pension to Sydney R. Grigg—to the Committee on Pensions.

Also, a bill (H. R. 14712) granting an increase of pension to Mary J. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14713) to pay the estate of John M. Ellington, deceased, the sum of $7,755 for stores and supplies—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 14714) for the relief of C. M. Rankhorn, administrator of Crawford Rankhorn, deceased—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 14715) granting an increase of pension to Norman W. McDonald—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 14716) granting an increase of pention to Aldrich Patterson—to the Committee on Pensions.

Also, a bill (H. R. 14717) granting an increase of pension to Milton Burgess—to the Committee on Pensions.

By Mr. JOHNSON: A bill (H. R. 14718) granting an increase of pension to Joseph A. Jones—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 14719) granting an increase of pension to Hannah A. Preston—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14720) for the relief of Bernard Campbell—to the Committee on Claims.

Also, a bill (H. R. 14721) granting a pension to John Gleason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting an increase of pension to Leonard S. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) granting an increase of pension to William O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14724) to authorize the President to appoint Capt. Edward O. C. Ord to the grade of major in the United States Army and place him on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 14725) to grant honorable discharges from the United States Navy to certain officers and men of the naval militia of the State of California who performed active duty on board of the United States steamship *Marion* and the United States steamship *Pinta* during the war with Spain—to the Committee on Naval Affairs.

By Mr. KENNEDY of Nebraska: A bill (H. R. 14726) granting an increase of pension to William Arnold—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 14727) granting an increase of pension to W. L. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14728) granting an increase of pension to William Cartwright—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 14729) granting an increase of pension to David Ford—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 14730) granting a pension to Elizabeth Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting a pension to Ezra H. Wiggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14732) granting a pension to Ambrose G. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14733) granting an increase of pension to Isaac Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14734) granting an increase of pension to Edwin A. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14735) to remove the charge of desertion against John B. Ackley—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 14736) granting an increase of pension to Isaac C. Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14737) to renew and extend certain letters patent heretofore issued to Alex. Worden, of Petoskey, Mich.—to the Committee on Patents.

By Mr. McMORRAN: A bill (H. R. 14738) to remove the charge of desertion from the military record of Enoch Vandecar—to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 14739) for the relief of A. R. Miller—to the Committee on Claims.

Also, a bill (H. R. 14740) to correct the military record of George F. Dewey—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 14741) granting an increase of pension to William H. Smyser—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14742) granting an increase of pension to Jacob S. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14743) granting an increase of pension to Ermina A. Boss—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14744) granting a pension to Col. Isom Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14745) granting an increase of pension to Frederick B. Walton—to the Committee on Pensions.

Also, a bill (H. R. 14746) granting an increase of pension to John F. Houssinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14747) granting an increase of pension to Daniel M. Meredith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14748) granting an increase of pension to William F. Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14749) granting an increase of pension to George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) making an appropriation for Thomas A. Vernon—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 14751) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 14752) granting an increase of pension to William H. Gautier—to the Committee on Pensions.

Also, a bill (H. R. 14753) granting an increase of pension to James M. Sykes—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 14754) for the relief of Daniel Smith—to the Committee on War Claims.

Also, a bill (H. R. 14755) granting an increase of pension to Joseph Timmens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14756) granting an increase of pension to Mary E. Johnston—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 14757) granting a pension to Jordan King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14758) granting a pension to William S. Suter, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) granting a pension to Jacob Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14760) granting a pension to John Fleegle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14761) granting an increase of pension to John L. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14762) granting an increase of pension to W. Grant Mellott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14763) granting an increase of pension to John W. Gummo—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 14764) for the relief of William H. Taliaferro, administrator of James G. Taliaferro, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14765) for the relief of A. H. Weaver, of Calverton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14766) for the relief of the supervisors of Stafford County, Va.—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 14767) granting an increase of pension to Henry Simon—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 14768) granting a pension to Orlando W. Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14769) granting an increase of pension to Lewis Gilbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14770) granting an increase of pension to Jennie L. Buckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14771) granting an increase of pension to Matilda B. M. Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14772) to remove the charge of desertion from the record of Leander J. Day—to the Committee on Military Affairs.

By Mr. SHARTEL: A bill (H. R. 14773) granting an increase of pension to Thomas Currah—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14774) granting an increase of pension to Levi M. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14775) granting an increase of pension to Hugh L. Freeman—to the Committee on Pensions.

Also, a bill (H. R. 14776) to remove the charge of desertion from John M. Compton—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 14777) granting a pension to Mary A. Clark—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14778) for the relief of James J. Elliott—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 14779) granting an increase of pension to Willard Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14780) granting an increase of pension to John A. Royer—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 14781) granting a pension to Charles M. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14782) granting an increase of pension to Michael Manahan—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 14783) granting an increase of pension to John A. Reese—to the Committee on Pensions.

Also, a bill (H. R. 14784) granting an increase of pension to William F. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14785) granting an increase of pension to Susan M. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14786) granting an increase of pension to George E. Carr—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 14787) granting an increase of pension to Francis M. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting an increase of pension to David M. Hammond—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 14789) for the relief of

the heirs of Elisha Lowry, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. WATSON: A bill H. R. 14790) to place Hugh T. Reed on the retired list of the Army—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 14791) granting a pension to Mary S. Hodo—to the Committee on Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 14792) granting an increase of pension to Marie Louise Michie—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 14793) granting an increase of pension to William W. Howell—to the Committee on Pensions.

By Mr. COUSINS: A bill (H. R. 14794) to remove the charge of desertion from the military record of Andrew S. Abbot—to the Committee on Military Affairs.

Also, a bill (H. R. 14795) granting an increase of pension to James H. Ross—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 14796) granting an increase of pension to Tony Verrosso—to the Committee on Pensions.

By Mr. HEFLIN: A bill (H. R. 14797) granting an increase of pension to John Tenant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14798) granting a pension to Lucinda Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting a pension to W. W. Dobson—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14800) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

By Mr. MARSHALL: A bill (H. R. 14801) granting an increase of pension to Thomas Armstrong—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 14802) for the relief of Frank W. Clark—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1775) granting a pension to Alexander Kinnison—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10304) granting an increase of pension to Michael Daniel Kernan—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 8304) for the relief of William B. Payne—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13527) granting a pension to Willard V. Shepherd—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the board of aldermen of Boston, in favor of a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Petition of citizens of Irish Ripple, Lawrence County, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ADAMS of Pennsylvania: Petition of the sanitary district of Chicago, for an appropriation for a canal from Lake Michigan to the Mississippi River—to the Committee on Railways and Canals.

Also, petition of the National Business League, for reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of the National Board of Trade, held in Washington, D. C., January 16–18, 1906, in regard to the exclusion of Chinese—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Order of Railway Conductors of Buffalo, N. Y., for the employers' liability and anti-injunction bills—to the Committee on the Judiciary.

Also, petition of the Lake Seamen's Union of Buffalo, N. Y., for maintenance of marine hospitals—to the Committee on Naval Affairs.

Also, petition of the New York State legislative board, Brotherhood of Locomotive Engineers, against the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State legislative board, Brotherhood of Locomotive Engineers, against repeal of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. AMES: Petitions of the Courier and the Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTLETT: Petitions of Jesse W. Bates, of Macon, Ga., and the J. K. Orr Shoe Company, for removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. BEIDLER: Petitions of the Medina County Gazette, the Collinwood Chronicle, the Advertiser, the Times, the Cleveland Herald Publishing Company, the Review, and the East Cleveland Signal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petitions of Tabor & Ellington, the Cherokee Advance, and S. E. Johnston, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Hiram A. Darnell—to the Committee on Invalid Pensions.

Also, petitions of citizens of Gainesville, Ga., and Flowery Branch Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of the Nepperhan Avenue Baptist Church, of Yonkers, N. Y., not to pass bill H. R. 7043—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of the National Business League, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petitions of citizens of Merriam, Kans.; Equity Grange, Lone Elm, Kans., and the Kansas Society of Labor, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of the business men of Devalls Bluff, Ark., in regard to an appropriation for improvement of the river—to the Committee on Rivers and Harbors.

By Mr. BUCKMAN: Petitions of the Daily and Weekly Journal-Press, the Cass Lake Times-Press, the Messenger-Times, the Independent, the Advocate, the Brainerd Arena, the Sherburne County Times, the Swanville News, the Cokato Enterprise, and the Anchor, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of Brandywine Council, No. 758, Junior Order of United American Mechanics, to revise the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of W. H. Bush—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. C. Stafford—to the Committee on Invalid Pensions.

Also, petition of Caney Creek Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Hiram Bowman—to the Committee on Invalid Pensions.

By Mr. CHANEY: Petition of the Lawrence County Farmers' Institute Association, for reciprocity with foreign nations—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of W. T. Holifield and others, requesting removal of the duty on hides—to the Committee on Ways and Means.

By Mr. COLE: Petition of the Observer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Friendship Grange, No. 670, Kenton, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CURTIS: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Paper to accompany bill for relief of Anna H. Wagner—to the Committee on Pensions.

Also, petition of citizens of Pittsburg, for the McCumber-Sperry bill—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, for an amendment to the Constitution relative to divorce laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Pittsburg, against the sale of opium—to the Committee on the Judiciary.

Also, petition of the Womans' Christian Temperance Union of East Side, Pittsburg, for prohibition of polygamy—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of

East Side, Pittsburg, for arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of the Woman's Christian Temperance Union of East Side, Pittsburg, against the sale of liquor in all public buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of East Pittsburg, for a Sunday law in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, to exclude gambling from the express and telegraph service—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, to exclude gambling schemes from the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pennsylvania State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of General Putnam Council, No. 125, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Petition of W. E. Lawrence, for repeal of revenue tax on denaturized alcohol—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Paul Nelson—to the Committee on Invalid Pensions.

Also, petitions of John O'Hara, Mike Coghlin et al., John P. Gilman, H. K. Strand, and G. C. Fasbender, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois; Petition of the Mount Carmel Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Engineers, New York State legislative board, against any law that would repeal the present Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, New York State legislative board, against the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, favoring moderation of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the New York Produce Exchange, board of managers, against railway rate making by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Business League, for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of Mettiwee Grange, No. 806, of Greenville, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ELLIS: Paper to accompany bill for relief of Isaac Meyer—to the Committee on War Claims.

Also, paper to accompany bill for relief of John Jefferson Wilson—to the Committee on Military Affairs.

By Mr. ESCH: Petition of the Wisconsin Humane Society, against bills H. R. 47, 145, and 440—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin State Board of Agriculture, for revision of tariff schedules—to the Committee on Ways and Means.

Also, petition of the California Fruit Growers' Exchange, for Government control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for more experiment stations—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, indorsing the railway-rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for a distinct Dairy Bureau in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, against the bill reducing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Central Federated Union of New York, approving bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Engineers, against freight rates by Interstante Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Petition of Malone Grange, of Malone, N. Y., for a law to prevent collection on newspapers or periodicals mailed to subscribers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fort Covington Grange, No. 937, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Harrison Lee—to the Committee on Invalid Pensions.

Also, petition of the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of A. G. Bainbridge, of Minneapolis, in favor of proper restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Politiken, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOYD: Petition for the relief of John Welch, to accompany bill H. R. 14554—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of the Board of Trade of Elizabeth, N. J., to extend the time to build a bridge over Newark Bay—to the Committee on Rivers and Harbors.

By Mr. FRENCH: Petitions of the Troy Weekly News, the Herald, and the Gem State Rural, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of J. J. Witte, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Christian Schlorser—to the Committee on Invalid Pensions.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the United Confederate Veterans, relative to graves of Confederate soldiers—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Papers to accompany claim of Mrs. Lawrence—to the Committee on War Claims.

By Mr. GARNER: Paper to accompany bill for relief of Alexander Moore—to the Committee on Pensions.

Also, paper to accompany bill for relief of Floyd L. Frisbie—to the Committee on Pensions.

By Mr. GILBERT: Petition of the Spencer Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of Robert Grant and 180 others, of Wilson County, N. Dak., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Robert Grant and 211 others, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of S. S. Rodening et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of C. N. Barnes, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petitions of the Republican, the Enterprise, the Tribune, and the Buckeye News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Admiral Bunce Naval Section, No. 42, against destruction of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of Liberty Council, No. 36, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chicago Federation of Labor, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Nebraska Park Forest Association, favoring more experiment stations (bill H. R. 345)—to the Committee on Agriculture.

Also, petition of the Brotherhood of Locomotive Firemen, Overland Lodge, No. 123, favoring the Bates-Penrose bill and the Gilbert bill—to the Committee on the Judiciary.

By Mr. HOUSTON: Paper to accompany bill for relief of Abner B. Robertson—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of James V. Hoover—to the Committee on War Claims.

Also, petition of citizens of Tullahoma, Tenn., for a public building (bill H. R. 7088)—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: Petition of Diamond Coun-

cil, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of the Grand Valley Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petitions of the Register, the Monitor, and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Sioux City Humane Society, against bills H. R. 47145 and 440—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petitions of the Perry Journal and the Roland Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of the Brotherhood of Painters, Decorators, and Paper Hangers of America, local union at Superior, Wis., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. JOHNSON: Petition for granting an increase of pension to Joseph A. Jones—to the Committee on Pensions.

By Mr. JONES of Washington: Petitions of the News Mines, the News Letter, the Kettle River Journal, the Columbian, the Davenport Tribune, the Sprague Times, the Northport Republican, the Register, and Bulletin, and the Spokane Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KAHN: Petition of 89 prominent citizens of San Francisco, Oakland, and Berkely, Cal., favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the California State Board of Health, for the Hepburn pure-food bill—to the Committee on Agriculture.

Also, petition of the California Club, of San Francisco, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of a committee of the Veterans' Home of California, favoring conversion of the State Home into a National Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the Japanese and Korean Exclusion League, for maintaining of present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the Manufacturers and Produce Association of California, for improvement of Yosemite Valley—to the Committee on Agriculture.

Also, petition of Golden Gate Council, No. 8, United Commercial Traders of America, favoring bill H. R. 5298—to the Committee on the Judiciary.

Also, petition of the California State Federation of Labor, for increased pay of enlisted musicians, and prohibiting competition with civilians—to the Committee on Labor.

Also, petition of the California State Federation of Labor, for an eight-hour workday for post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Sailors' Union of the Pacific, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of the Massachusetts State Board of Trade, indorsing bill H. R. 10056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Deutscher Central Verband, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of John Clark—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob Brugh—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Nicholas A. Bovee, John H. Morris, and Thomas H. Leslie—to the Committee on Invalid Pensions.

By Mr. KITCHIN: Petition of the Manufacturers' Club of High Point, N. C., relative to fast mail service from Washington to North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. KLEPPER: Petition of citizens of Liberty, Mo., and others, relating to abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of citizens of Phoenix, N. Y., for pensions and per diem to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of the National Society of Colonial Dames, of Indiana, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of A. G. Bailey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Edwin A. Gardner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Isaac Babcock—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the California Fruit Growers' Exchange, relative to transportation rates for fruit—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Petitions of the School World, the Farmington Chronicle, the Bowdoin Quill, and the Courier-Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petitions of the Atlanta Journal Company, the Railroad Record, the Watts Railway Guide, the Free Press, and the Christian Union, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petitions of the Press-News, the Pythian Record, the Enington Joker, Chas. H. Webb, La Tribune Italiana, the Geringer Press, the Musical Standard, E. O. Vaile, the Interior, Dziennik Narodowy, the Chicago Packer, the Standard Opinion, the Chicago Banker, the New Voice, the World To-Day, the Western Brewer, and the Construction News Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUD: Paper to accompany bill for relief of Henry West—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Isaac Smallwood—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the editor of Poet Lore and other publications, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Sturtevant Mill Company and others, for the removal of the tax on ethyl alcohol—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Petition of the Democrat Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Chicago Federation of Labor, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of the Illinois Manufacturers' Association, relative to a canal from the Great Lakes to the Gulf—to the Committee on Railways and Canals.

By Mr. MINOR: Petition of the Fox River Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of the Commercial Club of Gallion, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Star-Journal and the Daily Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of 50 citizens of Milwaukee, for bills H. R. 3134 et al.—to the Committee on the District of Columbia.

Also, petition of the Wisconsin Sunday Rest Day Association, relative to a Sunday law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Petition of the locomotive firemen of Indianapolis, favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of the Lumber Retail Dealers' Association, for removal of the tariff on lumber—to the Committee on Ways and Means.

Also, petition of Charles E. Allen and J. C. McIlvaine, relative to the "fraud order"—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Indianapolis Humane Society and N. W. Butler, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank H. Carter, favoring bill H. R. 8988—to the Committee on Coinage, Weights, and Measures.

Also, petition of Robert Metzger, W. E. Henry, and H. W. Pemberton, against bill H. R. 45—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petitions of the Record, the Press, the Triweekly Tribune, the Daily News, and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Potomac Lodge, No. 7, Brotherhood of Locomotive Firemen, relative to bill H. R. 239—to the Committee on the Judiciary.

Also, petition of the Pennsylvania Dairy Union, relative to bill H. R. 345—to the Committee on Agriculture.

Also, petition of Campbells Ledge Division, No. 65, Order of Railway Conductors, for restraining orders in certain cases—to the Committee on the Judiciary.

Also, petition of Division No. 25, Order of Railway Conductors, of Pittston, and Keystone Lodge, No. 42, Brotherhood of Railway Trainmen, of Harrisburg, Pa., relative to bill H. R. 239—to the Committee on the Judiciary.

Also, petition of M. B. Hughes Camp, No. 88, Sons of Veterans, relative to bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of McKees Rocks (Pa.) Division, No. 201, Order of Railway Conductors, relative to bill H. R. 9328—to the Committee on the Judiciary.

By Mr. PARSONS: Petitions of the Converted Catholic, the Medical Times, the Army and Navy Journal, the Adams Monthly, the Baptist Home Mission Monthly, and the Home Friend, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PERKINS: Petitions of Taylor Bros. & Co. and others, and the Brotherhood of Painters, Decorators, and Paper Hangers of America, of Rochester, N. Y., for repeal of the duty on denaturized alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of the National Academy of Science, for passage of bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Nebraska Stock Growers' Association, for leasing of public lands of the West—to the Committee on the Public Lands.

Also, petition of the Nebraska Academy of Science, for passage of the Lacey bill relative to the Cliff Dwellers of the West—to the Committee on the Public Lands.

Also, petition of the Nebraska Park and Forestry Association, for an increase of experiment stations—to the Committee on Agriculture.

By Mr. REYNOLDS: Petitions of East Tyrone Council, No. 346; Orient Council, No. 72; Pride of the Mountain Council, of Altoona; Daniel Webster Council, and Cresson Council, No. 108, Junior Order United American Mechanics; Morrellville Circle, No. 78, and Sherr Orr Camp, Sons of Veterans, of Johnston, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John L. Decker—to the Committee on Invalid Pensions.

Also, petitions of Granges Nos. 1117, 737, and 1124, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Suter, jr.—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin F. Jameson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frank M. Amos—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph Stroyer—to the Committee on Invalid Pensions.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: Evidence in the claim of Mary A. Summerhill—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany bill for relief of the supervisors of Stafford County, Va.—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the National Press-Intelligence Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Business League, for an amendment of the Lodge consular bill as originally drafted—to the Committee on Foreign Affairs.

Also, petition of the board of directors of the California Fruit Growers' Exchange, relative to Government control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the National Business League, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. SCROGGY: Papers to accompany bill (H. R. 9617) granting an increase of pension to David A. Kirk—to the Committee on Invalid Pensions.

Also, resolution of the National Grange of Patrons of Husbandry, at Atlantic City, N. J., and petitions of J. E. Oribaugh, of Wilmington, Ohio, and Farmers' Grange, No. 13, of Waynesville, Ohio, requesting removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Wilmington Council, Junior Order United American Mechanics, and J. D. Vandervort and others, of Port William, Ohio, for the enactment of stricter immigration laws—to the Committee on Immigration and Naturalization.

Also, papers in the matter of the application of Orlando W. Frazier for a pension—to the Committee on Invalid Pensions.

Also, petition of H. R. Speelman, against passage of bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SHARTEL: Petition of the Sarcoxie Record, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Two Rivers Division, No. 151, Order of Railway Conductors, to secure a favorable report on bills H. R. 9328 and 239 and S. 1657—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of the Lake Seamen's Union of Toledo Ohio, for improvement in merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. SPERRY: Petition of the Wilcox & White Company, of Meriden, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of officers of the First National Bank of Portland, Conn., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Naval Veterans of Connecticut, for preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of Mary Floyd Tallmadge Chapter, Daughters of the American Revolution, for a reservation in the White Mountains—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Abner W. Lanier—to the Committee on War Claims.

By Mr. STERLING: Petition of the Towanda News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chicago Federation of Labor, for improvement of the marine service—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLIVAN of New York: Petition of the California Fruit Growers' Exchange, for rate control by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade, of Philadelphia, Pa., favoring bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Staten Island Transcript, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the New York Produce Exchange, against rate control by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Produce Exchange, for a modification of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Fishel & Levy, of New York; Joseph Beck & Son; the Barrett Company; E. Eising & Co., and P. W. Enge & Sons, for amendment to a pure-food bill—to the Committee on Agriculture.

Also, petition of the Edwin C. Burt Company, for repeal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the National Board of Trade, relative to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of W. H. Comstock Company, the Buffalo Forge Company, the Rome Ax Company, and J. W. Wupperman, relative to forgeries on trade-marks—to the Committee on Patents.

Also, petition of Edward Eberle, relative to the Army and Navy dental corps—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of Harold Foss, relative to matters in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WEBB: Paper to accompany bill for relief of Jeremiah Lunsford—to the Committee on Invalid Pensions.

Also, petition of citizens of Lawndale, N. C., for repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of the Women's Foreign Missionary Society of Newton Upper Falls, Mass., for investigating affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of S. M. Long (previously referred to Committee on Pensions)—to the Committee on Military Affairs.

SENATE.

TUESDAY, *February 13, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair appoints the Senator from Kentucky [Mr. MCCREARY] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 56) authorizing the extension of Rhode Island avenue NE.

The message also announced that the House had passed the joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 8997. An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes;

H. R. 11784. An act to authorize the recovery of the value of unlawful rebates and discriminations and penalty therefor, and for other purposes;

H. R. 12614. An act to change the name of a portion of T street to California street; and

H. R. 12709. An act to allow and regulate amendments in judicial proceedings in the courts of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 2582. An act to authorize the American National Bank of Graham, Va., to change its location and name;

H. R. 530. An act granting an increase of pension to George E. Ross;

H. R. 611. An act granting an increase of pension to John H. Cassidy;

H. R. 724. An act granting an increase of pension to John A. Coulter;

H. R. 1059. An act granting an increase of pension to Elijah Spangler;

H. R. 1072. An act granting an increase of pension to John Fisher;

H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;

H. R. 1124. An act granting an increase of pension to John J. Grant;

H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;

H. R. 1131. An act granting an increase of pension to George Sargent;

H. R. 1136. An act granting an increase of pension to William D. Stauffer;

H. R. 1213. An act granting an increase of pension to John Breden;

H. R. 1280. An act granting a pension to Mary K. Lewis;

H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;

H. R. 1382. An act granting an increase of pension to Benjamin Fagley;

H. R. 1437. An act granting an increase of pension to Darius J. Brown;

H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;

H. R. 1545. An act granting a pension to Florence D. Rafferty;

H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;

H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;

H. R. 1884. An act granting an increase of pension to Robert Purcell;

H. R. 1952. An act granting an increase of pension to Axel A. M. Nattoch Dag;

H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;

H. R. 1974. An act granting an increase of pension to William R. P. Foale;

H. R. 2083. An act granting an increase of pension to Thomas A. Slack;

H. R. 2084. An act granting an increase of pension to Thomas Maginley;

H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;

H. R. 2169. An act granting an increase of pension to Elisha White;

H. R. 2289. An act granting an increase of pension to Algernon Lightcap;

H. R. 2291. An act granting an increase of pension to William Elmes;

H. R. 2340. An act granting a pension to Evelyn S. Beardslee;

H. R. 2342. An act granting a pension to Winifred E. Lewis;

H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;

H. R. 2394. An act granting an increase of pension to Frank Buncher;

H. R. 2771. An act granting an increase of pension to Thomas McCabe;

H. R. 2795. An act granting a pension to Emma Auger;

H. R. 2811. An act granting a pension to Angie A. Marvin;

H. R. 3214. An act granting a pension to Maggie Parker;

H. R. 3216. An act granting an increase of pension to John W. Seeber;

H. R. 3229. An act granting a pension to Jessie Marie Hester;

H. R. 3380. An act granting an increase of pension to George W. Wilburn;

H. R. 3400. An act granting an increase of pension to Anson K. Carr;

H. R. 3605. An act granting an increase of pension to Albert Lathrop;

H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;

H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;

H. R. 4215. An act granting an increase of pension to John A. Roberts;

H. R. 4217. An act granting an increase of pension to Daniel M. Rose;

H. R. 4218. An act granting an increase of pension to John M. Williamson;

H. R. 4224. An act granting an increase of pension to Christopher Pletzke;

H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;

H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;

H. R. 4607. An act granting a pension to Annie Rohr;

H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;

H. R. 4666. An act granting an increase of pension to David A. Carpenter;

H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;

H. R. 4727. An act granting a pension to Emma M. Boyer;

H. R. 4730. An act granting an increase of pension to Meshack L. Jones;

H. R. 4732. An act granting an increase of pension to James Scrogum;

H. R. 4735. An act granting an increase of pension to Thomas Adair;

H. R. 4737. An act granting an increase of pension to Odilia Logan;

H. R. 4738. An act granting an increase of pension to Henry Roberts;

H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;

H. R. 4765. An act granting an increase of pension to George W. Shepherd;

H. R. 4822. An act granting an increase of pension to Gabriel Smith;

H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;

H. R. 4879. An act granting an increase of pension to John W. Roache;

H. R. 4884. An act granting an increase of pension to John Bokart;

H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 5238. An act granting an increase of pension to Lockey Stuard;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 5644. An act granting an increase of pension to George J. Wilcox;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5925. An act granting an increase of pension to David L. Davidson;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 6143. An act granting an increase of pension to James Eiffert;
H. R. 6144. An act granting an increase of pension to Eli Brazelton;
H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 6338. An act granting an increase of pension to Richard McCarthy;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
H. R. 6451. An act granting an increase of pension to Adam Wucher;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 8090. An act granting an increase of pension to Emma H. Benham;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 9352. An act granting a pension to Mary Van Blarcom;
H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
H. R. 10225. An act granting an increase of pension to Nathan B. Richardson;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 10299. An act granting an increase of pension to Samuel C. Long;
H. R. 10434. An act granting an increase of pension to Samuel F. King;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
H. R. 11310. An act granting a pension to Emma Aldred;
H. R. 11403. An act granting an increase of pension to David E. Longsdorf; and
H. R. 11596. An act granting a pension to Marion H. Long.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the second session of the third legislative assembly of Porto Rico, praying for the enactment of legislation conferring citizenship upon the Porto Ricans as recommended by the President of the United States; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed in the RECORD, as follows:

Joint resolution praying both Houses of the United States Congress to adopt and approve the recommendation made by the Hon. Theodore Roosevelt in his last message, regarding the conferring of citizenship upon the Porto Ricans.

The legislative assembly of Porto Rico to the United States Congress:

Whereas the Hon. Theodore Rossevelt, President of the United States of America, in his last annual message to the United States Congress, recommends that an act be adopted and enacted by virtue whereof due justice shall be done the Porto Ricans by explicitly conferring upon them American citizenship, to which they are rightfully entitled, inasmuch as the people of Porto Rico are part and parcel of the Republic, possessing the necessary fitness and education to enforce and perform the duties and exercise the rights which are derived from the Constitution thereof; and

Whereas the people of Porto Rico eagerly desire to begin to enjoy the dignity and benefits that go with the recognition of such citizenship: Be it

Resolved by the legislative assembly of Porto Rico, That both Houses of the United States Congress be petitioned to embody in an act the high and just recommendation made by the President in favor of granting American citizenship to the Porto Ricans.

Approved February 6, 1906.

THE PEOPLE OF PORTO RICO,
Secretary's Office:

I, Regis H. Post, secretary of Porto Rico, do hereby certify that the foregoing is a true and correct copy of a joint resolution of the legislative assembly of Porto Rico, entitled "Joint resolution praying both Houses of the United States Congress to adopt and approve the recommendation made by the Hon. Theodore Roosevelt in his last message, regarding the conferring of citizenship upon the Porto Ricans," approved by the governor of Porto Rico on February 6, 1906, the original of which is now on file in this office.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of Porto Rico, at the city of San Juan, this 7th day of February, A. D. 1906.

[SEAL.] REGIS H. POST, *Secretary of Porto Rico.*

Mr. HOPKINS presented petitions of Glaser, Kahn & Co., Eugene O. Reed Company, and Oscar C. Miller, all of Chicago, in the State of Illinois, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Pittsfield, Ill., and the petition of J. L. Turner, of Mount Sterling, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Hamilton Brothers, of Hoopeston, Ill., and the petition of James W. Owen, of Elgin, Ill., praying for the ratification of international reciprocity treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 577, Brotherhood of Locomotive Engineers, of Mattoon, Ill., and a petition of Belknap Division, No. 96, Order of Railway Conductors, of Aurora, Ill., praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Federation of Labor of Chicago, Ill., and a petition of the Lake Seamen's Union of Chicago, Ill., praying for the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Decatur, Ill., praying for the enactment of legislation relating to one-cent postage, and remonstrating against the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George Johnson, of Naperville, Ill., and the petition of O. M. Powers, of Chicago, Ill., praying for the enactment of legislation relating to postage rates on college publications; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of C. F. Wright, of Libertyville, Ill., and the memorial of Greene & Greene, of Tallula, Ill., remonstrating against the enactment of legislation to establish a postal savings bank system; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the Minnesota Retail Liquor Dealers' Association, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented resolutions of the Minnesota Implement Dealers' Association, favoring the recommendations of President Roosevelt relative to railroad-rate legislation; which were referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a memorial of N. H. Smith Division, No. 448, Brotherhood of Locomotive Engineers, of Bluefield, W. Va., remonstrating against the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. HEYBURN presented a petition of the Presbyterian Ministers' Association of Philadelphia, Pa., and a petition of the Methodist Episcopal Preachers' Meeting of Philadelphia, Pa., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. FRYE presented a petition of the Tacoma Branch of the Sailors' Union of the Pacific, and a petition of the Trades Council of Tacoma, Wash., praying for the adoption of a certain amendment to the bill relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

Mr. BURROWS presented a petition of the Flint River Baptist Association, of Mount Morris, Mich., and a petition of sundry citizens of Three Rivers, Mich., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of Pittsford Grange, Patrons of Husbandry, of Pittsford, Mich., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Typographical Union No. 18, American Federation of Labor, of Detroit, Mich., praying for the enactment of legislation to prevent the unauthorized use of the names or pictures of persons for the purposes of trade; which was referred to the Committee on Finance.

He also presented the petition of Charles S. Juade, of Powers, Mich., praying for the enactment of legislation to remove the duty on linotype and composing machines or the composing parts thereof; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Petoskey, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Horticultural Society of Berrien County, Mich., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the City Bank, of Dowagiac, Mich., and a memorial of the Maynard-Allen State Bank, of Portland, Mich., remonstrating against the enactment of legislation to establish a postal savings-bank system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Sunrise, Alaska, and a petition of sundry citizens of Hope, Alaska, praying that an appropriation be made for the construction of public roads in that Territory; which were referred to the Committee on Territories.

He also presented a memorial of sundry citizens of Albion, Mich., and a memorial of sundry citizens of the State of Michigan, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Lodge No. 568, Brotherhood of Railroad Trainmen, of Alpena; of Delta Division, No. 86, Order of Railway Conductors, of Escanaba, and of Saginaw Valley Lodge, No. 188, Brotherhood of Railroad Trainmen, of Saginaw, all in the State of Michigan, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Saginaw, Mich., and a petition of Board of Commerce of Detroit, Mich., praying for the enactment of legislation to reorganize the consular service; which were ordered to lie on the table.

He also presented petitions of the Wells-Higman Company, of St. Joseph; of the Saugatuck and Ganges Pomological Society, of Douglas; of the Ballou Basket Works, of Belding, and of the Farmers' Institute of Sandusky, all in the State of Michigan, praying for the passage of the so-called "railroad rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Hildreth Motor and Pump Company, of Lansing; of E. Bement's Sons, of Lansing, and of the Oliver Machinery Company, of Grand Rapids, all in the State of Michigan, praying for the adoption of certain amendments to the present Chinese exclusion law; which were referred to the Committee on Immigration.

He also presented sundry petitions of citizens of Shelby, Mich., and a petition of sundry citizens of Ingham County, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Commitee on Privileges and Elections.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Cranston, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I present a petition from the National Society of Colonial Dames of America in the District of Columbia, in reference to the encroachment upon the Falls of Niagara, and making an appeal for the preservation of that most important interest. I have been requested by the officers of this society to ask that the petition, which is very brief, may be printed as a Senate document, which request I make.

The VICE-PRESIDENT. Is there objection to printing the petition as a document? The Chair hears none, and it is so ordered. It will be referred——

Mr. GALLINGER. Let it be referred to the Committee on Foreign Relations, that committee having jurisdiction, as I understand, of the matter now.

The VICE-PRESIDENT. The subject has heretofore gone to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER. Then let it go there. I understood that a bill or something of that nature the Senator from New York [Mr. PLATT] introduced had gone to the Committee on Foreign Relations, but I have no choice in the matter.

The VICE-PRESIDENT. The petition will be referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER. I present also petitions indorsing the action of the Colonial Dames of the District of Columbia, signed by the presidents and officers of the Colonial Dames societies in the following States: Alabama, Florida, Illinois, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, North Carolina, South Carolina, Rhode Island, Vermont, West Virginia, Wisconsin, and the national officers of these societies. I move that the petitions be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

Mr. GALLINGER presented the petition of Ellen W. Boyd, of Philadelphia, Pa., praying that the Indian Territory be admitted into the Union as a separate State; which was ordered to lie on the table.

He also presented the petition of Mrs. G. D. Willingham, of Hobart, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which was ordered to lie on the table.

Mr. BEVERIDGE presented a petition of Eureka Lodge, No. 14, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. ALLISON presented a petition of the Ministerial Association of Louisa and Des Moines counties, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Eagle Grove Division, No. 164, Order of Railway Conductors, of Eagle Grove, Iowa, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Audubon County, Iowa, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of Company M, Fifty-third Regiment; of Company D, Fifty-sixth Regiment, and of Company H, Fifty-third Regiment, all of the Iowa National Guard, and of members of the Fifty-fifth Iowa Regimental National Guard Band, all in the State of Iowa, praying that increased appropriations be made for the support of the National Guard; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy, and regulating the procedure and punishment in trials for hazing at the said academy, to report it with amendments, and submit a report thereon. I ask that the bill may be placed on the Calendar; and as it is a very important measure, I shall at an early day ask the Senate to take it up for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10457) granting a pension to Lizzie Bremmer;

A bill (H. R. 10522) granting an increase of pension to Charles H. Everitt;

A bill (H. R. 10308) granting an increase of pension to Dillon F. Acker; and

A bill (H. R. 8242) granting an increase of pension to John Alves.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11653) granting an increase of pension to James R. Jordan;

A bill (H. R. 10588) granting an increase of pension to John H. Parker;

A bill (H. R. 10623) granting an increase of pension to Joseph L. Bostwick;

A bill (H. R. 8187) granting an increase of pension to Silas G. Elliott; and

A bill (H. R. 7680) granting an increase of pension to William Shannon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3933) granting an increase of pension to Sidney R. Smith;

A bill (S. 1273) granting an increase of pension to Eleanora A. Keeler;

A bill (S. 3029) granting an increase of pension to Delia A. Hooker;

A bill (S. 94) granting an increase of pension to Albert Wines;

A bill (S. 3903) granting an increase of pension to John McCoy; and

A bill (S. 4226) granting an increase of pension to James Cain.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 548) granting an increase of pension to William Carr, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3905) granting an increase of pension to James M. Garritt, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11620) granting an increase of pension to John J. Quimby; and

A bill (H. R. 10323) granting an increase of pension to Patrick J. Donahue.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 3292) to incorporate the Great Council of the United States of the Improved Order of Red Men, reported it with amendments, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9944) granting an increase of pension to Thomas J. Martin, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10872) granting an increase of pension to Abram J. Hill;

A bill (H. R. 10611) granting a pension to John J. Brewer;

A bill (H. R. 9416) granting an increase of pension to Jacob M. Longsworth;

A bill (H. R. 8926) granting an increase of pension to John Keller;

A bill (H. R. 8847) granting an increase of pension to Philip B. Thompson;

A bill (H. R. 8846) granting an increase of pension to Thomas Todd;

A bill (H. R. 7838) granting an increase of pension to S. Harriet Morris;

A bill (H. R. 6859) granting a pension to Eva B. Koch;

A bill (H. R. 6613) granting a pension to Thomas J. Stevens;

A bill (H. R. 6076) granting a pension to Anna M. Case;

A bill (H. R. 7576) granting an increase of pension to George W. Brummett; and

A bill (H. R. 7001) granting an increase of pension to Andrew M. Dunham.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 218) granting an increase of pension to James White;

A bill (S. 220) granting an increase of pension to Jonathan F. Gates;

A bill (S. 623) granting an increase of pension to Bridget Evans; and

A bill (S. 641) granting an increase of pension to James M. Conrad.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 1834) granting an increase of pension to Frederick W. Partridge, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2332) granting an increase of pension to Ashley A. Youmans;

A bill (H. R. 9142) granting an increase of pension to Herman A. Kimball;

A bill (H. R. 6538) granting an increase of pension to George H. Rice; and

A bill (H. R. 6977) granting an increase of pension to Alfred S. Isaacs.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10439) granting an increase of pension to Mary Ann Gaunt;

A bill (H. R. 10266) granting an increase of pension to William H. Morris; and

A bill (H. R. 4826) granting a pension to Leola V. Franks.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 398) to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Texas, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11160) granting an increase of pension to Lemuel Herbert;

A bill (H. R. 11144) granting an increase of pension to Lewis Pratt;

A bill (H. R. 9789) granting an increase of pension to Josiah Nicholson;

A bill (H. R. 6947) granting an increase of pension to Charles Washburn;

A bill (H. R. 8044) granting an increase of pension to Angel Hausker;

A bill (H. R. 8043) granting an increase of pension to Lafayette Dodds;

A bill (H. R. 7665) granting an increase of pension to Wesley J. Banks;

A bill (H. R. 10362) granting an increase of pension to William J. Chenoweth;

A bill (H. R. 7607) granting an increase of pension to Annie M. Smith;

A bill (H. R. 7240) granting a pension to Glawvina A. Pinnell;

A bill (H. R. 7231) granting an increase of pension to Samuel O'Tool; and

A bill (H. R. 6941) granting an increase of pension to Alice Gearkee.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6992) granting an increase of pension to Mary Duffy;

A bill (H. R. 8288) granting an increase of pension to Jonathan Carr;

A bill (H. R. 8596) granting an increase of pension to John C. Messerschmidt;

A bill (H. R. 7941) granting an increase of pension to Carlon B. Osborn;

A bill (H. R. 8253) granting an increase of pension to John Dolan;

A bill (H. R. 10722) granting an increase of pension to William H. Flint;

A bill (H. R. 10918) granting an increase of pension to Nathan W. Josselyn; and

A bill (S. 672) granting an increase of pension to James F. Hubbard.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 675) granting a pension to Ulricke Boettcher, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4369) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. LODGE introduced a bill (S. 4370) to appropriate the sum of $40,000 to the Cape Cod Pilgrim's Memorial Association, to be used in erecting, at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims; which was read twice by its title, and referred to the Committee on the Library.

Mr. BEVERIDGE introduced the following bills; which were

severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4371) granting a pension to Caroline B. Sloan; and

A bill (S. 4372) granting an increase of pension to Emily P. Hubbard.

Mr. CLARKE of Arkansas introduced a bill (S. 4373) for the relief of Chester Bethel; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4374) for the relief of the estate of William Flannigan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 4375) granting an increase of pension to David McCredie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 4376) to quitclaim all the interest of the United States of America in and to certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (for Mr. GORMAN) introduced a bill (S. 4377) for the relief of the Davison Chemical Company, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 4378) granting an increase of pension to Mark R. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 4379) granting an increase of pension to Roy E. Knight; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 4380) for the relief of the trustees of the Methodist Episcopal Church South, of Glenville, W. Va.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 4381) granting an increase of pension to John T. McGarraugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4382) to further regulate commerce with foreign nations and among the States, and to amend the laws on that subject now in force; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4383) for the relief of Elizabeth M. Earle, administratrix of the estate of J. B. Earle, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4384) to regulate the appointment, number, rank, and pay of chaplains in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4385) granting a pension to J. R. Clifford; and

A bill (S. 4386) granting a pension to George Thomas.

Mr. ALLISON introduced a bill (S. 4387) for the relief of Florence Lambert; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4388) for the relief of Robert McFarland; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4389) granting an increase of pension to Florence Plato;

A bill (S. 4390) granting an increase of pension to Rebecca A. Alexander;

A bill (S. 4391) granting an increase of pension to Abner R. Barnes; and

A bill (S. 4392) granting an increase of pension to Cornelia A. Mobley.

Mr. FORAKER introduced a bill (S. 4393) authorizing the erection of a post-office building at East Liverpool, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLARK of Wyoming introduced a bill (S. 4394) to increase the limit of cost of the post-office and court-house at Evanston, Wyo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4395) granting a pension to Kate Goode;

A bill (S. 4396) granting an increase of pension to Thomas C. Davis;

A bill (S. 4397) granting an increase of pension to Marshall Bragg (with accompanying papers);

A bill (S. 4398) granting an increase of pension to William H. Waddle (with accompanying papers); and

A bill (S. 4399) granting an increase of pension to Alpha C. Puckett (with accompanying papers).

Mr. TELLER introduced a bill (S. 4400) to grant certain lands to the town of Fruita, Colo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. McCUMBER introduced a joint resolution (S. R. 33) directing the Secretary of War to deliver medal of honor awarded to F. W. Summerfield, January 6, 1906, to J. W. Summerfield, father of said F. W. Summerfield, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FULTON submitted an amendment proposing to appropriate $400,000 for continuing the improvement at the mouth of the Columbia River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I desire at this time to ask unanimous consent that on Wednesday, February 21, the Senate shall take up Senate bill 88 and proceed to vote upon the same and any amendments that may be offered to it.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that on Wednesday, February 21, the Senate shall take up Senate bill 88, known as the "pure-food bill," and proceed to vote upon it and all amendments now pending or hereafter offered. Is there objection? The Chair hears none, and consent is given.

Mr. HEYBURN subsequently said: I desire, having made some inquiry at the desk, to make more explicit the order, so that it shall read "after the routine morning business," in regard to fixing the time for a vote on Senate bill 88.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that Senate bill 88 shall be taken up after the close of the routine morning business on February 21 next.

Mr. HEYBURN. Unanimous consent has already been given to take it up, and I merely ask that the order be made to provide that it shall be taken up after the routine morning business.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The next business in order is Senate bill 529, under the unanimous-consent agreement of February 5.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I call the attention of the clerks to page 6, line 5, where an amendment was put in the bill, with the suggestion that a comma should be placed after the word "public;" that is all.

The VICE-PRESIDENT. The amendment will be made.

Mr. GALLINGER. On page 11, line 17, the word "desired" should be changed to the word "needed," to conform to an amendment made previously.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 17, strike out the first word in the line, the word "desired," and insert in lieu the word "needed," so as to read: "When the repairs shall be needed."

The amendment was agreed to.

Mr. GALLINGER. I offer two proposed amendments which I think it desirable to have printed and lie on the table so that they may be examined.

Mr. ALLISON. Let them be read.

Mr. GALLINGER. They might be read, perhaps.

The VICE-PRESIDENT. The proposed amendments will be read.

The Secretary read as follows:

After the word "vessel," in line 10, page 8, strike out the words "then the same shall be determined" and substitute the words "the United States is hereby authorized and empowered to take the vessel at once, leaving the fair actual value or fair rate of hire to be determined thereafter."

After the word "agree," in line 13, page 8, add the words "and the

provisions of this subdivision shall be embodied in every contract between the vessel owner or owners and the United States."

The VICE-PRESIDENT. The proposed amendments will be printed.

Mr. GALLINGER. Mr. President, I presume other Senators desire to discuss the bill. I do not wish to be heard at the present time on the subject.

The VICE-PRESIDENT (after a pause). The Chair lays before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes; and

H. R. 12614. An act to change the name of a portion of T street to California street.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 11784. An act to authorize the recovery of the value of unlawful rebates and discriminations and penalty therefor, and for other purposes; and

H. R. 12709. An act to allow and regulate amendments in judicial proceedings in the courts of the United States.

H. R. 8997. An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER subsequently said: A moment ago the Chair referred the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, to the Committee on the District of Columbia. Inasmuch as the Senate committee has reported a bill (S. 2070) identical in terms with this bill, and it is Order of Business No. 802 on the Calendar, I ask that without referring the House bill to the Committee it be given the same place on the Calendar the Senate bill has, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

POTOMAC RIVER HIGHWAY BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

The amendments of the House were, on page 2, line 5, to strike out "February 12" and insert "December 15;" and on page 2, line 6, to strike out "seven" and insert "six."

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

Mr. FRYE. What is the exact effect of the amendments?

Mr. GALLINGER. To shorten the time.

The VICE-PRESIDENT. The joint resolution will be read as amended by the House.

The Secretary read as follows:

Resolved, etc., That the time for completing the construction of the highway bridge and approaches across the Potomac River, authorized by section 12 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act, approved July 1, 1902, and as amended by "joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C.," approved February 18, 1905, be, and is hereby, extended to December 15, 1906.

Mr. FRYE. I have no objection to the amendments.

The amendments were concurred in.

DAMS AND POWER STATIONS AT MUSCLE SHOALS, ALABAMA.

Mr. MORGAN. I ask the immediate consideration of the resolution which I will read:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the House of Representatives House bill 297, to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, for the purpose of amendment.

That bill passed both Houses and went to the President. There is a difficulty in the draft of the bill which has challenged the attention of the President and raises in his mind an objection to the bill, which difficulty can be removed by amendment exactly in accordance with the purpose for which the bill was offered. I ask unanimous consent that the resolution may now be considered.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That, the President is requested to return to the House of Representatives House bill 297, to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, for the purpose of amendment.

STATEMENT OF LAND ENTRIES.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish for the use of the Senate a complete statement as of December 31, 1905, by land-office districts, of the total number of filings of record under each of the public-land laws, in sections, from which the respective local land officers were on said date under instructions not to receive final proofs.

Second. The total number of entries of land under each of the respective public-land laws under suspension on December 31, 1905, by reason of orders of suspension theretofore made by him or under his direction.

Third. The aggregate acreage embraced in the filings and entries aforesaid.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, unless some Senator is prepared to proceed with the discussion of the unfinished business——

Mr. TELLER rose.

Mr. GALLINGER. The Senator from Colorado rises. Perhaps he is prepared to go on.

Mr. TELLER. No, I am not.

Mr. CULBERSON. Mr. President——

Mr. GALLINGER. Allow me to complete my sentence.

Mr. CULBERSON. Certainly.

Mr. GALLINGER. I was about to suggest that the unfinished business might be temporarily laid aside and the Calendar be taken up until Senators are ready to go on with the discussion.

Mr. CULBERSON. I rise to that very question, Mr. President. As there seems to be a dearth of argument on this particular question of the subsidy and the value of this bill to the country, I have received a letter from a shipowner of Galveston, Tex., in which he discusses it somewhat fully. If there is no objection, I should be glad to have the letter printed in the RECORD to-morrow morning, so that all Senators can have the benefit of it before the vote is taken.

Mr. GALLINGER. There can be no objection to that, surely.

Mr. ALLISON. If it is an instructive letter, why not have it read as a part of the remarks of the Senator from Texas?

Mr. CULBERSON. I was simply desiring to save time. It is a long letter and gives a good many figures and details. Each Senator can read it in the morning if he desires to do so. I have no objection personally to its being read.

Mr. ALLISON. The letter may be suggestive of other things. I think perhaps it is well enough to have it read.

Mr. CULBERSON. Very well.

The VICE-PRESIDENT. Without objection, the letter will be read by the Secretary. The Secretary will read it.

The Secretary read the letter, as follows:

GALVESTON, TEX., *February 10, 1906.*

Hon. C. A. CULBERSON,
United States Senate, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your favor of January 29, and also of a copy of the CONGRESSIONAL RECORD of January 20, which contains Senator MALLORY'S speech on American merchant marine, in which he very much honors me by using some of the data which I sent to you at your request from the Raleigh Hotel during the first part of January.

As the matter is of utmost importance to our shipping, I trust you will kindly read also the following:

If I understand correctly, Senator MALLORY agrees that the payment of a retainer to the crew and a $5 per ton subvention proposition to the shipowner is insufficient for the purpose outlined in Senator GALLINGER'S bill, but the Senator from Florida says that if everything else be eliminated except the postal subsidy proposition he would like to have it passed to-morrow.

Paragraph No. 5 of the postal subsidy proposition provides as follows:

"From a port of the United States on the Gulf of Mexico to Cuba for steamships of the United States of not less than 14-knot speed for a semiweekly service at a maximum compensation not exceeding $75,000 per year."

I pick out this number, because it seems to be the nearest in which Florida and Texas are jointly interested, and would like to point out that the provision is either impractical of execution or fails of its purpose.

It requires a semiweekly service. To establish a semiweekly service that will cover the distance, say, between Habana and Mobile, which is the nearest trading line in the American-Cuban freight traffic, and which amounts to about 550 miles each way, at least two steamers are required.

Steamers making 14 knots speed on the trial trip, in actual navi-

gation will average at the highest 12 knots, or 290 miles per day; consequently, about two days to make the voyage. A steamer requiring two days between port and port, as a matter of fact, will require two and one-half days between finishing loading and commencing discharging, because an additional night intervenes—i. e., a vessel leaving Mobile, say, on Sunday night, and requiring two days for travel to Habana, would not be available at the latter port for discharging until Wednesday morning, although it might have arrived at Habana on Tuesday night. That, therefore, means two and one-half days between ports, and then two and one-half days at sea for the return voyage gives five days at sea, to which must be added in summer time two and one-half days on account of the quarantine detention, as with yellow fever in Habana, as is actually the case now, the quarantine authorities will not admit a vessel during the summer without having been en route five days out from Habana.

We then have five days plus two and one-half days, or seven and one-half days, on the voyage, on a schedule that requires the steamer, in order to get the benefit of the postal subsidy, to make the round trip in seven days.

No provision, therefore, is made for the time required for loading and discharging, or, in other words, it is utterly impracticable to comply with the requirements of paragraph No. 5. At least, I should judge that it is not a business proposition to build steamers and take the chance of working them night and day all the time and always going without quarantine detention. I don't think Cuba has enough business power to employ three steamers from one Gulf port.

Steamers also have to be repaired occasionally, and hauled out and bottom painted, which would be impossible under the provision of paragraph No. 5—at least as far as a line from Mobile to Habana is concerned.

From New Orleans it would be still worse, and from Galveston utterly useless to spend any time figuring on it.

It might be possible between Key West and Habana, or, at the very outside, Port Tampa and Habana.

On the other hand, under paragraph No. 5, a concern can start two fast towboats running between an extreme southern Gulf port of Florida and an extreme north port of Cuba and claim the $75,000 subsidy, as long as a bona fide passenger and freight service from the larger Gulf ports to Cuba is not feasible under the terms of the Senator Gallinger bill.

There are at present running between American Gulf ports and Cuba the following lines:

1. Plant Line, from Key West and Tampa, which is American vessels that carry practically only passengers.
2. Munson-Habana Line, from Mobile, using one Cuban steamer for their freight service and one English steamer for passenger service.
3. Munson-North Side of Cuba, using two boats, Norwegian.
4. Munson-South Side of Cuba, using two boats, Norwegian.
5. Morgan Line, from New Orleans to Habana, running one American freight steamer and one English passenger steamer.
6. Commercial Union Navigation Company, of Habana, running one Norwegian freight steamer from Galveston.
7. Galveston Steamship Company, running one Norwegian freight steamer from Galveston to the north and south sides of Cuba.

There are consequently seven lines of steamers running from American Gulf ports to Cuba.

First. Now, why should the Government give $75,000 per year to develop American traffic between Gulf ports and Cuba?

Second. Would the payment of such a sum be sufficient if the Government requirements as now proposed were feasible?

Third. What would result if the payment of $75,000 would give a line of American steamers the control of the Cuban business?

In answer to the first, I believe that with seven lines already in existence there is no occasion for monetary support from the people of the United States, who are expected to vote in favor of this subvention, in order to establish means of communication between America and Cuba. At least that is the argument to the taxpayer, producer, and manufacturer.

In answer to the second, I consider that $75,000 per year for two 14-knot steamers would not offset the difference in cost and running expenses between an American vessel and a foreign vessel. An American steamer of this kind would probably cost $250,000; two of them, therefore, $500,000. The running expenses of these boats probably $175 per day, or two of them $350 per day, or a total running expense for the two steamers $127,775 per year. The Congressional investigation shows that the cost of running expenses of an American vessel as compared with a foreign vessel is about 33⅓ per cent larger, and calculating 33⅓ per cent on the cost and running expenses of the two steamers above referred to, and proportionately greater interest and insurance on cost of vessel and depreciation, and applying against the same the subvention of $75,000, it seems to me it is simply a question of calculation to convince shipowners that it is not good business to replace the foreign steamers now running in this trade with American vessels, particularly not if owners will take into consideration, as certainly they will, that the American boat can only be used in this one particular trade and is a dead loss should similar competition come up and force them out of business, or should business become for any reason so slack that the boats have to be employed in other unprotected deep-sea traffic, and then in competition with ships of foreign nations. Seventy-five thousand dollars applied to a semiweekly service that requires a dispatch 104 times a year means a subvention of only $73⅓ per trip, an amount so small that on a steamship proposition of this sort it has no bearing at all when the requirements of semiweekly service on the extremely limited time is taken into consideration. Seven hundred and thirty-one dollars per trip would not pay the extra expense of night work for two nights on a voyage, nor Sunday.

Answering the third: Assuming that all this calculation was in error, although I do not think it is, and assuming that $75,000 is given an American line and enables them to control the business, and further taking it for granted that the American line could overcome all other difficulties of time and insurmountable distance, and such an American line had such an advantage by reason of the $75,000 that it would drive all the remaining six lines out of business, and Galveston capital would happen to have the good luck of securing the subsidy, and no one else in the Gulf could fight the same, and Tampa, Pensacola, Mobile, and New Orleans would be driven out of the Cuban business. Then the movement would be restricted into Galveston, and feeling that we had the business grabbed, we would raise our rates to the maximum point possible and instead of giving the American farmer and producer, as now, seven lines to Cuba, all the traffic tributary to the Gulf, as far as Cuba is concerned, would have to come to Galveston; and I would like to be on the inside of the Galveston proposition.

If, on the other hand, Mobile or Tampa should get it, and Louisiana and Texas remain on the outside, why New Orleans and Galveston would simply not be in it.

It is my opinion that the Congressional investigation has fully discovered the cause that produced the decline in American merchant marine, but they have as yet not proposed a successful remedy (free ships and free crews) and that the mail subsidy, as now proposed, is insufficiently and wrongly applied.

There is a vast difference between subsidy to a Gulf line to Cuba when there are seven of them already in existence without it, and say, a steamship line between Hamburg and a German colony, or a route that must have the support of the Government not only for commercial but also for military purposes.

Speaking of Germany, I would also like to point out that German subsidies have failed to produce a general development of the German shipping, such as is in existence in England and Norway, and, as a matter of fact, the German subsidies have not produced anything but practically two large lines, who are, as a matter of fact, now dividing their territory so that they might not conflict with each other any more than absolutely necessary.

Senator MALLORY in the last part of his most interesting speech favors, as a remedy, a system of discriminating duties and believes that foreign retaliation on that score would be ineffective.

This proposition, without being now able to fully grasp its results, looks very inviting to me for the purpose of closer investigation, but the leading question that in my mind it involves is, What are you going to do with your ships enjoying the benefits of discriminating duties when business becomes slack by reason of crop failure or otherwise and in years of depression in American export and import trade? Will not we then be compelled to tie up our ships whilst foreign vessels are doing profitable business in other waters or between other continents where trade at the moment happens to be flourishing whilst it happens to be extremely slack and unprofitable on our shores?

I think we will be at a disadvantage.

If we had free ships and free crews we would never be at a disadvantage. We would always be on an equal basis with the balance of the world, and I think we then could take our chances with the balance.

Yours, very respectfully,

H. MOSLE.

Mr. GALLINGER. Mr. President, I believe the Senator from Texas [Mr. CULBERSON] has left the Chamber. I was about to ask that Senator whether he could give me any information concerning the author of this most remarkable letter, and as to whether or not he has any connection with a foreign steamship company. I do not know whether he has or not, but have a strong impression that he has such connections. The letter will go into the RECORD and the Senator can answer at his convenience. All I have to say about the letter is that it will have very careful consideration when I have an opportunity to see it in print.

The writer of this letter advocates free ships and free crews—absolute free trade in ships and free trade for men engaged in navigating ships, the reduction of the wages of American seamen and American officers to the wages paid by Great Britain, France, Germany, Italy, Norway, and other nations of the world. There is not a Senator, Mr. President, who would dare to vote for such a proposition to-day—not one. The Senator from Texas will not vote for it if it is submitted to him.

So far as free ships are concerned, I think that matter has been sufficiently discussed. It was very carefully inquired into by the Merchant Marine Commission, and no Senator or Member of the House of Representatives on that Commission, Republican or Democrat, advocated free ships, and there has been no suggestion in any report made to this body in favor of free ships. It simply means that if we purchase our ships abroad we utterly destroy our shipbuilding plants in the United States. We not only reduce the wages of our seamen, as is contemplated in this letter, by having free employment or having our navigation laws changed so that there is no benefit to accrue to American seaman, but we likewise destroy the possibility of American mechanics getting employment in the shipyards of this great country of ours.

As I said before, Mr. President, I will carefully examine the letter and have something further to say about it later on; but I want to now put in the RECORD the suggestion that it is the old, moss-grown, free-trade argument that to-day has very little place in our American economic system.

Mr. SPOONER. Mr. President, I suppose there is no man in either House who would not be glad to see some measure devised and enacted which would certainly operate to build up the merchant marine. I do not rise to make any set speech, but to call attention to some provisions of this bill which I think should be carefully scrutinized and as to which the Senator in charge of it can give some information. It is one of the most difficult subjects, so far as I have been able to consider it, which has been before Congress. There are various propositions, some of which, and the most popular, the Commission have, for apparently excellent reasons, felt constrained to reject. This is the best bill upon the subject in many respects that I have known anything of. There is a series of provisions in it for which the Senator from Georgia [Mr. BACON] and, I presume, although I know nothing about it, other Senators on the other side of the Chamber would be quite willing to vote with this side, and that is to establish specified lines of steam-

ships of requisite tonnage and speed power between the ports of the United States and ports of other countries with which we have some commerce and with which we desire very much more. That is a feasible, practical proposition, and one advantage in it is that, so far as the cost of it to the country is concerned, one can see the end from the beginning.

The cargo-bounty proposition is not offensive to me. I do not know how it will operate, but, so far as I know, it is an experiment in which I would be willing to invest something under restrictions and limitations which would leave Congress perfectly free in two years or five years to try it as an experiment, and to discontinue it if it shall be proven not to be successful, without subjecting the Government to a fairly well-founded charge of having held out inducements to men throughout the country to invest their money in ships upon the faith of a continuing bounty or subsidy, and then, the proposition having been accepted and money invested, of having in bad faith withdrawn it.

I particularly can not bring myself to like in this bill the provision in it for a naval reserve. I do not know where it originated. I do not quite know its concrete purpose. I can see, although I live in the interior and do not profess to know much about the sea or commerce by sea, a class to whom it would, beyond any possible question, be a concrete continuing benefit. I refer to the deep-sea fishermen, which I suppose includes the whalers, the sealers, the fisherman on the Grand Banks, and perhaps others.

Mr. BACON. I should like to make an inquiry of the Senator.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Oh, yes.

Mr. BACON. I should like to inquire of the Senator if he does not think, in case that principle should be recognized by us, that the practical operation of the bill ought to be extended, not only to fishermen on the Grand Banks, but also to fishermen on the Great Lakes and to fishermen, say, on this vast system known as the "Chesapeake Bay system," on which are engaged so many people? Why should they not be included?

Mr. SPOONER. I had not supposed that the fishermen on Chesapeake Bay were deep-sea fishermen.

Mr. BACON. I know they are not.

Mr. SPOONER. And I had supposed the object of this bill was to promote the construction of seagoing vessels and to create, as far as possible, a nursery or school for deep-sea sailors.

Mr. BACON. Yes; but that is not the point of my suggestion to the Senator. Of course we are seeking the promotion of seagoing vessels, and I suppose that object is one which would be as much advanced possibly in the manner I speak of as otherwise, unless it may be on the Great Lakes. They are quite large. The truth is the sailors engaged in fishing on the Great Lakes and on the waters of the Chesapeake Bay, for instance, have just as much to educate them in the matter of sea craft as those who go farther out, and I am inclined to think that they have to endure really greater hardships and greater dangers than those who go farther out to sea.

Mr. SPOONER. I doubt if that is true as to the Chesapeake Bay fishing. It may be so, but I am not sufficiently familiar with it to say.

Mr. BACON. I am not sufficiently informed to state it accurately, but they do have a great many hardships to undergo and a great many dangers to incur, and while they are within what you might call "landlocked" waters, still they are very large waters.

I was just asking the Senator—and I beg pardon for interrupting him—if that principle is to be recognized and put into practical operation, if we are to be restricted to the Grand Banks. I do not favor the system in either case, but I do not see why it should be extended to one and denied to another. For instance, I know on the coast of my own State there are a great many landlocked waters in which we have a considerable amount of shipping—small, it is true, but still shipping which instructs men in all the things that are necessary to make sailors—and men there undergo a great many dangers and hardships. I say I should not favor it in either instance, but I can not understand why it should be extended to one and denied to another.

Mr. GALLINGER. Mr. President, if the Senator from Wisconsin will permit me a moment, I would like to ask the Senator from Georgia a question.

Mr. SPOONER. Certainly.

Mr. GALLINGER. I will ask the Senator from Georgia where in the bill he discovers the prohibition against seamen on the Great Lakes?

Mr. BACON. I do not know but possibly the Senator who drafted the bill may have intended to include the Great Lakes.

Mr. GALLINGER. Undoubtedly it does include them. There is no question about that.

Mr. BACON. I have no information which could determine that.

Mr. SPOONER. Does the Senator from New Hampshire consider that it includes the Great Lakes?

Mr. GALLINGER. Yes. Absolutely so.

Mr. SPOONER. Does the Senator from New Hampshire say that the naval reserve provision and the payments provided for thereunder apply to the Great Lakes?

Mr. GALLINGER. I so understand it.

Mr. ALLISON. Certainly it does.

Mr. GALLINGER. It is very necessary it should include the Great Lakes if we are to get a naval reserve.

Mr. SPOONER. I am not so certain, Mr. President, that it does include them. This is a complicated system which is proposed to be put in operation, and one would suppose primarily the object of it is, from the manner in which it is drawn, to give a largess and a continuing bounty to the deep-sea fisheries. There might be controversy as to whether that is the primary purpose of it. It would undoubtedly be asserted by the Senator from New Hampshire and others who favor it that the primary purpose of it is to create a naval reserve upon which the Government may in time of stress depend for adequate skill with which to man our ships; but, to quote a phrase, it is inextricably intertwined with the provision for cargo bounty and tonnage bounty. Perhaps that is not to be avoided, but it has seemed to me, looking it over with some haste, that the interdependence between the naval-reserve provision and the other provisions would bring about a situation which would be almost intolerable and which would be calculated to defeat the purpose which it professes to have in view. The bill reads:

> That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and deep-sea fisheries of the United States.

I have thought that the phrase "merchant marine," as used there, did not include the Great Lakes.

Mr. ALLISON. I think it certainly does include all the vessels that sail on both oceans, the Great Lakes, on the Gulf, and in the coastwise trade. I understand that to be the meaning. If it is not I myself have made a mistake.

Mr. SPOONER. The object of this bill is not to encourage the coastwise trade, for that trade derives no benefit from it.

Mr. ALLISON. The Senator says that is not the object, but that is the effect of the first section of this bill so far as those who are engaged in the coastwise trade are concerned—that is to say, they, as well as those engaged in deep-sea fisheries, receive this subvention.

Mr. SPOONER. Where does the Senator find anything in this bill which makes it clear to him that the Lake sailors are included?

Mr. ALLISON. The only thing that I can find in it is that it includes all persons who are in the merchant marine, and I am quite sure that all the vessels on the Great Lakes and everywhere on the seacoast, and those engaged in the coastwise trade, are included in this first provision. I have made inquiry about that from others who know more than I do in regard to this matter, and they said that that was the intent and purpose of this first section.

Mr. GALLINGER. If the Senator will permit me, there need be no controversy over this. As originally drafted, the provision was confined to those engaged in the foreign trade, but the Commission deliberately changed it so as to include the Great Lakes and the coastwise trade. We could not get a naval reserve unless we did that, and we will be very fortunate, indeed, if we get one, broadened as the provision is.

Mr. SPOONER. I am not so sure that we shall be so very fortunate if we get it, broadened as it is.

Mr. GALLINGER. That is a question of opinion.

Mr. SPOONER. That is a question for debate. I understand the term "merchant marine" may be used in a generic sense and be as broad as the Senator construes it, or it may be used in a more limited sense. Whether it is used in a particular measure in a generic sense or in a limited sense, we are to ascertain from looking upon it from every part of the measure. I was inclined to exclude it—at least to see the possibility if not the probability of its exclusion—because the merchant marine, so far as it concerns the Great Lakes, is to derive no benefit whatever from this legislation. They are to receive no bounty, as I understand, in time of peace. Does the Senator from Iowa understand differently?

Mr. ALLISON. I understand they receive the bounty pro-

vided by the first section for four years. They, of course, receive none of the bounty under the second section.

Mr. SPOONER. I am not speaking of sailors; I am speaking of vessels. Under the whole scheme of this bill there is no purpose evidenced in it to encourage by bounty the building of a single additional ship for navigation on the Great Lakes.

Mr. GALLINGER. Certainly not, because on the Great Lakes——

Mr. SPOONER. I am not complaining of that.

Mr. GALLINGER. You can not complain of it, because foreign ships are absolutely prohibited by statute from engaging in that trade.

Mr. SPOONER. On the Great Lakes?

Mr. GALLINGER. Certainly; they have got protection in every conceivable way.

Mr. HOPKINS. It is prohibition.

Mr. GALLINGER. Yes; it is prohibition.

Mr. SPOONER. Foreign ships would not engage very much in navigation on the Great Lakes without the prohibition, I apprehend.

Mr. GALLINGER. I am not so sure about that. Canada is quite a country.

Mr. SPOONER. But let that go. I think the term "merchant marine," as found in the first section, construed with reference to the entire structure of the bill and the object of the bill, leaves it in doubt as to whether the broader or the narrower construction should be placed upon it in connection with the Great Lakes and the deep-sea fisheries.

Mr. GALLINGER. If the Senator will permit me, if he desires an amendment to that provision, those of us who are advocating this bill have no objection to having it read "including the Great Lakes and the coastwise trade." That is what we are aiming at.

Mr. SPOONER. If the Senator thinks this naval-reserve provision is wise, I think that amendment ought to be made.

Mr. GALLINGER. I have no objection.

Mr. SPOONER. If it is not a wise provision, it is inconsequential whether it is made or not. It is this particular phase of it about which I intended to briefly address the Senate. I will begin again, for I want to analyze this provision.

That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and deep-sea fisheries of the United States, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war—

There is no definition of "eligibility." I suppose that is to be prescribed by the Secretary of the Navy.

Mr. GALLINGER. By regulation.

Mr. SPOONER (reading):

for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States either by birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war.

That, I suppose, involves an enlistment in the Naval Reserve. Is not that the understanding of the Senator?

Mr. GALLINGER. A voluntary enrollment.

Mr. SPOONER. Where comes in the compulsory element, then? They are to be paid. They are to be under the control and discipline of the Navy Department. Is it a mere simple contract from which they are to be at liberty to depart whenever they have received as much of this bounty as they desire, or when they may secure more profitable employment elsewhere? Is it intended that there shall be no binding force in this enrollment? If that is the theory of the provision, it is simply, in the last analysis of it, a scheme, so far as the sailors not connected with the deep-sea fisheries are concerned, to shovel money out of the Treasury into the hands of numerous citizens who are not bound by any enlistment paper or any contract to render service to the Government for it in time of war unless they choose.

I had supposed on reading this clause for a naval reserve that as a condition precedent to the payment of these retainers, as they are denominated in that portion of the measure, the men assumed some obligation in consideration of those payments to serve the Government if called upon by the President in time of war.

Mr. HOPKINS. I suggest to the Senator from Wisconsin that if the bill is deceptive in that particular, why not present an amendment covering the very point he suggests?

Mr. SPOONER. I am trying to ascertain what the bill means. If it does not mean what I thought it did, that a man is to bind himself to serve this Government if called upon during the four years, then it is fatally defective; it is child's play; it is a prodigal waste of money.

Mr. HOPKINS. The reason I made a suggestion was that if the bill does not require the service——

Mr. SPOONER. The Senator in charge of the bill says it does not.

Mr. GALLINGER. I did not mean to say it exactly in that form. I do not know exactly what the requirements of the Navy Department may be in the event of these men offering themselves for enrollment. I only know that the British naval reserve is along precisely the lines of this provision. I know furthermore that this particular provision was prepared by the naval board, they thinking it preferable to the provision originally in the bill.

Now, the provision in question says this——

Mr. HOPKINS. What page?

Mr. GALLINGER. Page 3. I want to call the attention of the Senator from Wisconsin to this point: These men, in the first place, have to be willing. They are not coerced.

Mr. SPOONER. I fear they are coerced somewhat.

Mr. GALLINGER. The Senator will have great difficulty in doing that, with all his great ability.

Mr. SPOONER. Possibly.

Mr. GALLINGER. They are to be enrolled under provisions and regulations to which they subscribe. How far, after they have accepted that service and have become enrolled members of the Naval Reserve, the Government can lay its hands on them afterwards, I am not prepared to say. But I think it would be adequate. I think the Government would have full power to compel these men to fulfill the obligation they entered into when they became enrolled members of the Naval Reserve.

Mr. SPOONER. The truth is, as I think is obvious from a more careful reading of the bill, that the Senator from New Hampshire misconstrues it when he indicates the opinion that it does not involve an enlistment, a binding obligation to serve at any time during the four years upon the command of the President.

Mr. GALLINGER. I think that that is exactly what I said—that, in my judgment, they were so bound.

Mr. SPOONER. No.

Mr. GALLINGER. They can be compelled to serve.

Mr. SPOONER. You say that now.

Mr. GALLINGER. Yes.

Mr. SPOONER. Well, a little while ago you thought otherwise.

Mr. GALLINGER. I spoke inadvertently, perhaps, or I did not understand the Senator's question. I said they could not be compelled to enlist.

Mr. SPOONER. They can not be compelled to enlist, but they are induced to enlist by the offer of this bounty, or "retainer," as it is called in the bill. The bill has strong language. It says:

These members of the Naval Reserve shall be enrolled for a period of four years, during which period they *shall be subject* to render service on call of the President in time of war.

Of course that involves an enlistment and an obligation, and it ought to be so. I should like to ask the Senator whether this provision involves an obligation that he reenlist?

Mr. GALLINGER. I think not. I do not know that it does. There is no obligation for a soldier to reenlist in the service of the United States Army. I do not know why this provision should include reenlistment.

Mr. SPOONER. The men are to receive this bounty during the four years, and at the expiration of the four years they are at liberty to decline to be reenrolled.

Mr. GALLINGER. I think so.

Mr. SPOONER (reading):

They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe.

That characterizes an enlistment, a service to which one has bound himself.

The Secretary of the Treasury is hereby authorized and directed, upon proper audit, to pay, out of any money in the Treasury not otherwise appropriated, to each officer, petty officer, or man thus enrolled and employed in the merchant marine or deep-sea fisheries, as hereinafter provided, an annual retainer as follows: For each officer of the line or Engineer Corps, having the rank of lieutenant of the Naval Reserve, $110; for each officer of the line or Engineer Corps, having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps, having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40—

Compared with the Hanna-Frye bill, this is a marvelously liberal allowance—

for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24.

There they are classified, beginning with a hundred and ten dollars, which is the highest, and going to $24, which is the lowest.

Mr. BACON. Will the Senator permit me right in this connection to ask the Senator from New Hampshire a question for information?

Mr. SPOONER. Certainly.

Mr. BACON. It is as to the number of men, so far as can be ascertained, at present engaged in service who will be entitled to this compensation. I refer to the number of petty officers and seamen who are engaged in the deep-sea fisheries. Has the Senator any information on that subject?

Mr. GALLINGER. I have not the information at hand, but will supply it later on.

Mr. SPOONER. The Senator from Georgia must not limit it to the deep-sea fisheries. It is contended here that it applies to the merchant marine generally throughout the United States, including the coastwise trade. So the basis upon which this payment is to be made, or rather the field from which these voluntary enlistments are to be made, embraces the Great Lakes, the coastwise trade, the deep-sea fisheries, and the merchant marine of the United States engaged in the foreign service; and that of course——

Mr. BACON. The reason I limited the question to the deep-sea fisheries is that the merchant marine is comparatively undeveloped at present, whereas there are a number engaged in the deep-sea fisheries, and I did not know but that the Senator from New Hampshire had the statistics on the subject. Of course, the question of the number who will be engaged in the merchant marine is one of some uncertainty, so far as the question of the effect of this bill may be uncertain in the development of the merchant marine. I thought that the deep-sea fisheries being now something developed, probably very nearly to the limit which it will attain subsequently, the Senator might have the information. But I see the force of the suggestion of the Senator from Wisconsin.

Mr. SPOONER. The merchant marine is pretty well developed in respect to the coastwise trade——

Mr. BACON. So far as concerns the coastwise trade the Senator is correct.

Mr. SPOONER. And the Great Lakes.

Mr. HEYBURN. In view of the remark of the Senator from Wisconsin that possibly there is some room for doubt as to whether the word "marine" includes vessels on the Great Lakes, I suggest that after the word "marine," in line 21, the words "Great Lakes" be inserted. I find upon some investigation that the term "marine" applies exclusively to the high seas, except where by statutory enactment a like jurisdiction has been extended over the Great Lakes. If it will not interfere with the Senator's statement of the matter, I would suggest that amendment—after the word "marine," in line 21, on page 3, to insert the words "Great Lakes."

Mr. DANIEL. I beg leave to ask the Senator from Idaho a question.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. SPOONER. Certainly.

Mr. DANIEL. I suggest to the Senator from Idaho that he move to strike out the words "deep-sea fisheries" and insert "fisheries of the United States."

Mr. HEYBURN. I can not hear the Senator.

Mr. DANIEL. Would it not tend to accomplish the purpose of the Senator to strike out the word "deep-sea" and leave it "the fisheries of the United States?" [After a pause.] I hardly think, on reflection, that it would. It would be a separate proposition. So I will not detain the Senate with it.

Mr. HEYBURN. I only intended to remove any doubt that might exist as to whether the word "marine" would include the Great Lakes by inserting the words "Great Lakes," and I shall ask that that amendment be considered at the proper time.

Mr. SPOONER. It will be observed, Mr. President, that there is no limitation whatever upon the number of men who are to be paid this annual retainer, and *from the structure of the provision generally*, I think almost every eligible man on the Great Lakes, on the rivers, in the coasting trade, or anywhere else will be quite likely to avail himself of the provisions of the act.

Mr. GALLINGER. The Senator will observe that there is one very important restriction, and that is that they shall be citizens of the United States.

Mr. SPOONER. Or naturalized.

Mr. GALLINGER. Or naturalized. That makes them citizens.

Mr. SPOONER. Certainly; but that is a very easy——

Mr. GALLINGER. But——

Mr. SPOONER. Does the Senator from New Hampshire wish to proceed?

Mr. GALLINGER. I was about to say that at the proper time I would show, I think, by actual facts that we will not be overburdened by American citizens, either by birth or naturalization, for this reserve from our complement of sailors.

Mr. SPOONER. Well, let us see what the probabilities are about that. I do not think the Senator can show very definitely from actual facts what will happen in the future.

Mr. GALLINGER. Nobody can.

Mr. SPOONER. Nobody can. Therefore the Senator can not. Now, take the bill—

Such retainer shall be paid at the end of each year of service—

Upon what?

on certificate, by an officer to be designated by the Secretary of the Navy, that the member of the Naval Reserve has satisfactorily complied with the regulations.

Now, that is right enough, because the officer designated by the Secretary of the Navy will be aware of the fact as to the conduct of the man as a member of the Naval Reserve. Then what follows?

and on certificate by the Commissioner of Navigation—

Upon what can the Commissioner of Navigation base his certificate? What is he to certify? He is to certify—

that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries.

It goes without saying that the Commissioner of Navigation will have no personal knowledge whatever of the fact concerning which he is to make certificate. He must base his certificate on somebody else's certificate, must he not?

Mr. GALLINGER. I will say to the Senator just here—I do not know that it will make any difference in his argument—that it is the purpose to change that to the Secretary of Commerce and Labor, who is at the head of the Department.

Mr. SPOONER. That makes it no better.

Mr. GALLINGER. Prior to this certificate there is a certification that is very accurate, and if there is a duplication of certification it will do no harm.

Mr. SPOONER. Here is what troubles me about it. So far as concerns the condition precedent growing out of the certificate of the naval officer, that takes care of itself. But whether the member of the Naval Reserve has served six months at sea satisfactorily or not is a matter which neither the Commissioner of Navigation nor the Secretary of Commerce and Labor can certify except upon information received from some one else. From whom? From the master of the ship under whom the sailor served; certainly from some officer of the ship under whose eye he has worked.

Mr. GALLINGER. If the Senator will permit me, I think he is altogether too technical.

Mr. SPOONER. That is not technical.

Mr. GALLINGER. If the certificate is not satisfactory, the man will not get his pay.

Mr. SPOONER. No.

Mr. GALLINGER. So no harm is done.

Mr. SPOONER. Yes; harm may be done to the sailor, but what a control, if I am right, it gives the master of a ship over this member of the Naval Reserve. The master of the ship or the shipowner may reduce the wages which would otherwise be paid to the sailor by the amount of this bounty proposed to be taken out of the Treasury to pay him as a member of the Naval Reserve.

Mr. GALLINGER. My answer to that is that it is improbable.

Mr. SPOONER. Mr. President, my answer to that is that it is entirely probable. So far as I have been able to discover, in all of these bills there has been given tremendous attention to the building of ships, to the multiplication of ships (and our legislation generally bears evidence of that), and but very little attention to the comfort of or justice to the men who navigate ships.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Certainly.

Mr. FRYE. The Senator from Wisconsin is entirely inaccurate in his statement.

Mr. SPOONER. In what respect?

Mr. FRYE. Legislation has been passed ever since I have been in Congress favoring the sailors. There have been increased dimensions for them on shipboard and increased comforts on shipboard. There is a regular menu established for their provision, and all that sort of thing, and the sailors have up to this time made no complaint. Most of the legislation reported from the Committee on Commerce has been in the interest of the sailors rather than of the shipowners.

Mr. SPOONER. A year ago, or at the last session, a bill passed the Senate and was amended in the Senate having reference to the manning of ships and the efficiency of the deck crew on ships. That bill died on the table in the House of Representatives. I believe it died on the table of the House of Representatives because the Senate had incorporated in it an amendment which was intended to throw around the deck crew of the ship safeguards absolutely obvious to those who have solicitude either for passengers or for crew. I will read it:

Provided, That except in the case of steamers navigating rivers exclusively, at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands.

That does not define itself. But the Senate amendment explained it:

That is, of a rating not less than able seaman, and no one shall be signed as an able seaman unless he shall be 19 or more years of age and shall have served at least three years on deck at sea or on the Great Lakes.

The provision in this bill, and it contains a definition, is:

That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the deck force—

The deck or navigating force, the men who in time of stress of danger are the safeguards of the ship and its human frieght—

excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck.

This matter of undermanning a ship, of not having the requisite number of able seamen—and when I say able seamen I mean men who reach up to a standard, which in the world is deemed requisite, in the way of experience, proved courage, knowledge of navigation, the dangers which confront a crew on an ocean-going vessel—is not simply of importance to the owner of the ship, nor simply of importance to the passengers on the ship, to the great mass of waiters on the ship, to the men who are of no avail in time of accident, except to make a rush for the boat; but it is important to the crew, it is important to the men who are fit to be in the deck crew. They are all interested in that. If they are surrounded by an unjust proportion of men very much less efficient than themselves, it involves overwork upon their part, and not simply overwork, but it involves danger to them as it does to the ship.

It does not rest simply on the statement of the seamen's unions; it does not rest simply on the statement of those who go down to the sea in ships, and who have banded together, as all other men who work have banded together to promote in fair ways the interest and the safety of their craft. The importance of this matter of manning and of absolute efficiency in the crew on deck has received the attention of Parliament in Great Britain. It was thoroughly investigated. The reports show that very little testimony could be secured from the masters of ships or the owners of ships. The testimony came mainly from men who manned the ships.

Mr. GALLINGER. Does the Senator refer to the testimony taken by the Merchant Marine Commission?

Mr. SPOONER. I do not know whether it is the Merchant Marine Commission or not.

Mr. GALLINGER. It was; and if the Senator will read the testimony, he will see that seamen were called at every port which the Commission visited and were given hearings by the hour.

Mr. SPOONER. I am not talking about your Commission.

Mr. GALLINGER. Oh, I beg pardon.

Mr. SPOONER. I am speaking of the English commission.

Mr. GALLINGER. I beg the Senator's pardon. I will say to him right here, if he will permit me, that the Merchant Marine Commission, which formulated this bill, gave hearings to seamen in every port which it visited, and it listened attentively and patiently to them hour after hour, and endeavored in formulating the bill to do them no harm.

Mr. SPOONER. Did the Commission learn of nothing that could be reasonably desired by the sailors in the construction of this bill, involving $40,000,000 expenditure?

Mr. GALLINGER. The Commission did not discover that there were any very profound grievances on the part of the sailors.

Mr. SPOONER. Were there any?

Mr. GALLINGER. I presume so.

Mr. SPOONER. Are they remedied in this bill?

Mr. GALLINGER. This bill is not a panacea for all the ills of the world.

Mr. SPOONER. No.

Mr. GALLINGER. No; but——

Mr. SPOONER. But if we are to embark upon the experiment of building up the merchant marine and the Naval Reserve, it is part of our duty to make the seafaring life as attractive as it was once; to give attention to ships, and none the less to the men who man them.

Mr. GALLINGER. I will ask the Senator what provision he would insert in this bill which would tend to make seafaring life an attractive one?

Mr. SPOONER. For this loose provision of the bill—

That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the deck force, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck—

I would substitute a larger percentage of able seamen.

Mr. GALLINGER. Americans?

Mr. SPOONER. Of Americans. I would require them to have had a longer experience at sea, and I would not close the door either, as this bill has closed it, as the Senate did not close it on another occasion, on the sailors from the Great Lakes.

Mr. GALLINGER. This bill does not close it on the sailors on the Great Lakes.

Mr. SPOONER. Let us see whether it does or not.

Mr. GALLINGER. I will ask the Senator if he is aware of the fact that on the Pacific coast only 5 per cent are American seamen?

Mr. SPOONER. I am aware of that fact.

Mr. GALLINGER. How are you going to increase the proportion if you have not the men?

Mr. SPOONER. We can get the men, I suppose. You expect by this bill to get the men.

Mr. GALLINGER. I hope so, but we will not have them at the start.

Mr. SPOONER. The Senator says the men on the Great Lakes are not excluded. I read from the bill:

Able seamen, who are hereby defined to be men who have had two years or more experience *at sea* on deck.

"At sea on deck." Does that leave any room for the splendid sailors on the Great Lakes?

Mr. GALLINGER. From what is the Senator reading?

Mr. SPOONER. I am reading from page 8 of the bill, subdivision 3.

Mr. GALLINGER. That has nothing to do with the Naval Reserve.

Mr. SPOONER. I am not talking about the Naval Reserve. I am not through with that, but I passed from it to this other proposition. I will go back to the Naval Reserve. If there had been a decent number of efficient men on the *General Slocum*, there would have been infinitely less loss of life, if any, and it is not good legislation nor is it good administration that renders it possible for shipowners to gather in dollars from men, women, and children without taking the precautions reasonably to be prescribed by law to have their ships manned by men who know the sea and who know what to do in an emergency, and have the courage to do it. I came across the ocean once on a great steamship with my family when the crew of able-bodied seamen had been taken off at night on a strike and their places filled by men picked from the slums of Liverpool, and there were not ten able seamen on the ship. Happily it was a smooth voyage; but no ship with hundreds of people ever ought to be permitted, Mr. President, to leave port to start upon an ocean voyage unless there are upon that ship the requisite number of seamen of experience.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Yes.

Mr. FRYE. I should like to have the Senator define what he means by deck force.

Mr. SPOONER. It does not mean the cabin, of course.

Mr. FRYE. Is the Senator sure? Does it mean the waiters, and all that sort of thing?

Mr. SPOONER. Does it mean the waiters?

Mr. FRYE. In my opinion it does, and by the Senator's requirement of 75 per cent of able-bodied seamen there is no passenger ship on the Lakes that could run.

Mr. SPOONER. If the bill in its provision about able-bodied seamen includes the great army of waiters and the cooks and the laundrymen and the stewards, it is for the interest of the people of the United States not to pay out any money for the construction of additional vessels.

Mr. FRYE. The language of the bill is "able-bodied seamen." The language the Senator uses is "deck force," which is a totally different thing, as I understand it.

Mr. SPOONER. I read it from the bill. It says:

That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States—

I understand the word "crew" to be a generic word and to take in all the employees of the ship—

or men who have declared their intention to become citizens, and of the *deck force*, excluding licensed officers, at least one-half shall be able seamen.

I did not understand that to be applicable to the waiters.

Mr. LODGE. I do not understand it, either.

Mr. SPOONER. The Senator from Maine seems to understand it that way.

Mr. FRYE. It does.

Mr. SPOONER. It does? Then there may be, in compliance with the law, no sailors of experience on the deck provided that among the waiters and stewards there are some able seamen who have served at sea two years on deck. Is that what it means?

Mr. GALLINGER. As the Senator addresses himself to me——

Mr. SPOONER. I address myself to anybody.

Mr. GALLINGER. I will say that I do not agree with the Senator from Maine, although he may be right, that it includes waiters, cooks, etc.

Mr. FRYE. I did not say that it included cooks, etc.

Mr. SPOONER. Waiters.

Mr. GALLINGER. I understood the Senator to say that it included waiters and cooks.

Mr. FRYE. I did not.

Mr. GALLINGER. I will say in reply——

Mr. FRYE. I did not say it included cooks and laundrymen, but the Senator from Wisconsin went on to enumerate them.

Mr. SPOONER. Why should it not include stewards if it includes waiters?

Mr. GALLINGER. I will say on that point, the only difficulty those of us who tried to construct a reasonable bill encountered in this direction was the protest that it would be impossible under certain conditions to get even one-sixth of the crew Americans, and I think on the Pacific coast it will be an extremely difficult matter to do.

I want to add, Mr. President, that this bill for the first time, I think, has prohibitions of that kind; that we are making restrictions in this bill much more severe than have heretofore been made in the matter of having trained men on shipboard who can take care of ships in a case of emergency. We can not have one-half the crew Americans if it is impossible to get them. We can not have one-half the crew able seamen if they do not exist. The Commission investigated this matter with the utmost thoroughness and came to a deliberate conclusion. This is not any guesswork; it is not any haphazard legislation that is proposed. Of course it is subject to criticism, but some of the criticism that the Senator is indulging in I think is not quite fair.

Mr. SPOONER. If it is not fair I should regret it. I have no motive on earth to make an unjust criticism upon the bill. But I believe that every interest from the standpoint of humanity and every interest from the standpoint of making sea life attractive again ought to lead the Senate in enacting legislation of this sort to look out for the interest of the sailor——

Mr. GALLINGER. I quite agree with the Senator.

Mr. SPOONER. And the passenger. It ought not to be left open to debate as to what constitutes a navigating crew or deck force as contradistinguished from the waiters and the stewards.

Mr. GALLINGER. If the Senator will permit me on that point, I should like to read a paragraph from the report of the Commission, which was charged with this duty:

Authorized representatives of the seamen have been heard by the Commission on the Atlantic, the Pacific, and the Gulf of Mexico. They have had a conspicuous part in almost every meeting, and their evidence is fully set forth in the published volumes. As a rule, this testimony is to the effect that general conditions of life in the American merchant marine—wages, food, quarters, etc.—are superior to those in foreign services, but that the discipline is often more exacting and the work more arduous. These seamen witnesses frankly acknowledge the beneficial effect of legislation enacted in recent years by Congress, but they ask for further measures of relief. The Commission would, therefore, commend to the friendly attention of the proper committees—

The Commission did not feel that this bill was the proper place for these remedial measures.

The Commission would, therefore, commend to the friendly attention of the proper committees of the Senate and the House of Representatives requests offered by the sailors as to the load-line law, the adequate manning of seagoing ships, imprisonment for desertion in foreign ports, and certain standard qualifications of seamen.

The Commission recommended to the proper committees of Congress the consideration of these measures which did not properly belong and which could not well be incorporated in a law of this kind.

Mr. SPOONER. Why did the Commission take so much testimony all over the country if they were so obviously without the purview of the Commission's action?

Mr. GALLINGER. The Commission were very much gratified to find that even the wildest foreign seamen, and there are a great many of them in this country as wild as hawks, admitted that our legislation was beneficial, and that they were receiving better, far betteer, quarters and better treatment in every way than were given to seamen on foreign ships. That was a great gratification to the Commission.

Mr. SPOONER. I ask the consideration of the Senator who has the bill in charge of an amendment in the twenty-fourth line on page 8, which shall admit in the definition of "an able seaman" men who have served three years on deck on the Great Lakes, where the navigation is quite dangerous, if not more dangerous, than it is at sea, and where the skill required in the handling of a ship is of as great utility on the lake as it would be on the ocean. That provision was in the bill which passed the Senate, and I read it a little while ago.

Mr. GALLINGER. I think there can be no objection to that. I have that impression. I will look it over.

Mr. SPOONER. Now, I will go back—and I want to be through—to the Naval Reserve. When I left that subject I was asking the Senator from New Hampshire upon what evidence of satisfactory service for six months by the naval-reserve men the Commissioner of Navigation is to certify?

Mr. GALLINGER. If the Senator will permit me, I will read six lines from the existing law.

Mr. SPOONER. Very well.

Mr. GALLINGER. I read from the postal-aid law of 1891:

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under 21 years of age for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

Now, in some way the Navy Department, without the provision even that we have in this bill, gets that information. I presume they get it from the commanders of the vessels; I do not know.

Mr. SPOONER. All that has to be certified is that the apprentice was on the ship and made the voyage.

Mr. GALLINGER. Exactly; and he gets his pay for it.

Mr. SPOONER. The law requires no certificate as to the character of service, does it?

Mr. GALLINGER. Oh, yes; he has got to be trained in seamanship.

Mr. SPOONER. He is being instructed in seamanship; that is all.

Mr. GALLINGER. Certainly; but the point that I make is that if we can not trust somebody to make a fair return of the naval reserve men, certainly we ought not to trust them to make a fair return of those boys; but we do trust somebody under existing law.

Mr. SPOONER. The certificate has got to be that such a person has served satisfactorily—that can only be determined by some one on board the ship—for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries, and if the captain of the ship does not certify that the person served satisfactorily for that period it is incompetent for the officers of the Government to pay to that man the retainer. Now, what greater power could be given over a sailor's ability—I do not phrase that happily—to secure this retainer than is provided here as to the evidence upon which it is to be paid?

Suppose the captain of the ship or the owner insists upon paying less wages because of this payment by the Government, is it not entirely within his power under such a procedure as that to enforce it? If a mean captain, a tyrannical captain, a captain who has been prejudiced by mates against a sailor or in anywise does not see fit to make this certificate, is there any manner in which justice can be brought about?

Mr. GALLINGER. Well, Mr. President, the captain has precisely the same authority over these boys under existing law if he is a mean captain and has mean mates and they want to punish a boy or deprive him——

Mr. SPOONER. That is a small matter, and this is a large one.

Mr. GALLINGER. But the principle is the same, whether big or little.

Mr. SPOONER. That deals with a few boys, and this is expected to deal with thousands of men.

Mr. GALLINGER. I hope so.

Mr. SPOONER. And the more it deals with the better it will suit.

Mr. GALLINGER. I will ask the Senator right there if he will be kind enough to indicate a different process from what is provided in the bill on that point?

Mr. SPOONER. If I do not, and this is a serious defect in

the bill, as I think it is, it looks as if there is something the matter with the plan.

Mr. GALLINGER. I ask the Senator to suggest a better plan.

Mr. SPOONER. I can not.

Mr. GALLINGER. If we can not get anything better——

Mr. SPOONER. I suppose it must be based upon the certificate of the captain. Now, when you come to require a man to join the Naval Reserve in order to get employment on ships, as in some degree this bill does, it gets to be very material.

Mr. GALLINGER. If the Senator will allow me right there, there is no inhibition for these men to get employment in the service of the Navy or of the merchant marine.

Mr. SPOONER. What men?

Mr. GALLINGER. These naval-reserve men.

Mr. SPOONER. No.

Mr. GALLINGER. They need not join the Naval Reserve. That is the only inhibition.

Mr. SPOONER. But certainly some of the men on these bounty-paid ships must be of the Naval Reserve.

Mr. GALLINGER. Certainly.

Mr. SPOONER. And that in a constantly increasing number up to one-fourth. If the captain of a ship sees fit to deprive a sailor of this bounty from the Government, he may be able to keep him from getting employment in the merchant marine at all. Now, what follows, Mr. President? Here is a peculiar proposition. Here is a six-months' service. I suppose that is intended to refer particularly to the deep-sea fisheries. This takes care of itself.

Then this:

Each officer, petty officer, or man of the Naval Reserve thus enrolled, who has not served for six months of the preceding year on vessels of the United States in the merchant marine or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the Naval Reserve, shall receive one-half the annual retainer as enumerated above.

That is, from $110 down to $24. He need not have *served a day at sea on a ship* during the year.

Mr. GALLINGER. That is explainable, if the Senator will permit me. That is not a provision I am at all insistent upon. It is a provision that was placed there at the earnest solicitation of the Navy Department, and their purpose is that men who have served in the United States Navy, but who are not now in the service, might come in under that provision. They have had their experience, and they would be very valuable men in time of need. It will not take a great many. They conform to all the requirements of the statute except the one matter of having been six months at sea, they having been perhaps ten years at sea formerly. That is what that is intended to cover. I do not care whether it remains in the bill or not.

Mr. SPOONER. Every able-bodied seaman in the United States of proper age and citizenship could enroll himself in that reserve and without going to sea at all.

Mr. GALLINGER. Provided——

Mr. SPOONER. He could be engaged in other business——

Mr. GALLINGER. Provided he had served as a seaman and is acceptable to the Navy Department.

Mr. SPOONER. And draw one-half of this bounty from the Government.

Mr. GALLINGER. American seamen on land are not very numerous, I will say to the Senator. There are very few of them.

Mr. SPOONER. I construe it correctly, then?

Mr. GALLINGER. You do.

Mr. SPOONER. That is the purpose?

Mr. GALLINGER. That is the purpose, and the provision was inserted at the earnest solicitation of the Navy Department.

Mr. SPOONER. The Navy Department earnestly solicits a good many things that Congress does not do and ought not to do.

Mr. GALLINGER. The Senator is right.

Mr. SPOONER. I do not think a man who has been in the Navy and has experienced the supreme difficulty of getting out, no matter what the exigency or situation may be at home, would put himself in a position where he could be tolled in again for this little pay under existing regulations.

Mr. GALLINGER. Then it will do no harm.

Mr. SPOONER. But it would not be confined to those people. It is not confined to those people. Any man in the United States who has served, after this amendment or, as the Senator construes it now, in the coastwise marine or merchant marine on the Lakes—perhaps the merchant marine on the rivers—and is otherwise qualified, may enroll himself; and while those who have spent six months at sea get the full pay those who do not spend an hour at sea get the half pay. There is an indefiniteness of generosity about that that is inexpressible. It compares rather unfavorably with the tenderness and considerateness with which, as I view it, both the bill and the law have treated the men upon whose fealty and courage and skill the ships and their passengers and crew and freight depend.

Here is the sixth subdivision of section 3. We get the connection here between this naval reserve and the payment of this bounty.

Sixth. A vessel shall not be entitled to the subvention above provided for, unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth.

In section 7 also it is provided:

That all contracts hereafter made pursuant to the act of March 3, 1891, before mentioned, or pursuant to sections 5 and 6 of this act, shall provide that on each voyage the following proportion of the crew shall be enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; and after July 1, 1917, one-fourth.

A man, Mr. President, who is willing to be put in that duress, who, in order to secure employment in his calling on a ship at sea will bind himself in time of peace to serve four years whenever called upon in time of war, to get this money out of the Treasury, is not the kind of a man to be relied upon for national defense in time of war. Good sailors, self-respecting sailors abhor it. They say that it is an insult. They say it is a governmental tip, and is predicated upon the false assumption that they do not love the flag which floats over the ship upon which they sail out on the sea; that their patriotism is to be bought by this bounty from the Treasury, and that the people of the United States and its Government are not looking to the past and the prompt enlistment of sailors in the past in time of trouble, willing to trust to their patriotism.

The idea—and some would have to do that in order to get employment in the merchant marine—that a man must enlist, must take this pay which he does not earn, perchance simply paid for the right to call upon him any time during four years if the exigency demands it, and that he must enter upon that obligation in order to obtain service on one of these bounty-paid ships, is repulsive. It is a new way of building up or making a recruiting establishment for the Navy. The sailors say it is a governmental press gang after a fashion, and they do not like it.

I will not take the time to read them, for I want to yield to the Senator from Iowa [Mr. ALLISON], but I will ask permission to put in the RECORD one or two resolutions of sailors' organizations protesting against this provision.

The VICE-PRESIDENT. Without objection, it is so ordered.

The resolutions referred to are as follows:

Lake Seamen's Union resolution.

Whereas the United States Senate is about to vote upon the subsidy bill: Therefore, be it

Resolved by the Lake Seamen's Union, in meeting assembled, That we respectfully but earnestly protest against the bill in its present form, and appeal to the Senate to strike out subsections 3 and 6 of section 3, for the following reasons:

First. Subsection 3 appears to give some advantage to the seaman, but in reality lowers the standard of efficiency by authorizing the vessel to go to sea with but half of the crew able seamen. They have done so in the past, but in violation of the spirit, if not the letter, of the law.

Second. Subsection 6 provides that the owner must have a certain number of naval reserves to get the subsidy. This means that the seaman must be in the reserves in order to get employment. This is conscription pure and simple, and we protest against being selected for this while other men may, under ordinary conditions, choose whether they will enlist or not until the nation needs all its men.

Third. It would compel us to be in the military service from 21 to 47 or quit the sea.

Fourth. Under such conditions we would rather quit the sea, since it would be a notice to us that we must, as seamen, give up any hope of improvement in our life. We have asked for laws in accord with American ideas, and we are getting more servitude and more discriminations against us.

Fifth. The discrimination is coupled with a bonus, which places us in the position of receiving, while in health, money which we have not earned, and which is therefore in the eyes of honest men dishonorable.

Sixth. The striking out of these two sections leaves it to each seaman to choose for himself whether he will accept the bonus or not, and this, we respectfully suggest, is a privilege granted to all other servants. As workingmen we ask to be permitted to retain so much of the respect of our fellows and ourselves as our present status has made it possible for us to keep.

On behalf of the Lake Seamen's Union.

V. A. OLANDER, *Assistant Secretary.*
T. A. HANSON, *Chairman.*

CHICAGO, ILL., *February 9, 1906.*

WASHINGTON, D. C., *February 10, 1906.*

DEAR SENATOR: On behalf of the seamen I hereby respectfully and earnestly protest against the adoption of the subsidy bill as now before the Senate. The protest is based upon the following reasons:

1. Section 1 offers to us a bonus, for which we never asked and against which we most emphatically protest. When this country needed men we always volunteered, and Congress has no right to assume that we will do otherwise in the future.

2. The same section puts us under the absolute authority of the Secretary of the Navy to "receive such instructions and be subject to such regulations as the Secretary of the Navy may prescribe." To re-

fuse would mean punishment for desertion under the naval regulation.

3. The bonus shall only be paid on condition that we have served in some private vessel to the satisfaction of the owner thereof for six months or more during the previous twelve months. The bonus shall be paid "on certificate by the Commissioner of Navigation that such member has served satisfactorily for at least six months * * * on some merchant vessel of the United States." None but the owner of the vessel can give such certificate.

4. Subsection 6 of section 3 and section 7 provide that the owners are not to receive the subsidy unless they employ in their vessels an increasingly large number of members of the naval reserve. This makes industrial employment contingent upon enlistment in the Navy, and is a more drastic form of conscription than is now practiced by any country.

5. This bill makes the seamen's bread dependent upon service in the Navy not only during war, but during peace as well.

6. The seamen may not, under this bill, choose for himself whether he shall volunteer; he must or else he must leave the sea.

7. He can not, like an honest man, refuse to accept money which he has not earned. He must either so behave himself as to fail in getting a certificate of good conduct, he must leave the calling, or he must accept, no matter if what self-respect he may possess is thereby wounded or destroyed.

8. He must at all times be ready to go to war upon the call of the President against anybody in any cause for anybody. He may not, like a citizen may, refuse to serve until the President shall by the need of the country deem it proper to call upon all men in the country's defense.

9. The industrial employer could, and, as we know him, we know that he would reduce the present all too low wages by so much as the Government would be paying. To dispute his right to determine the rate of wages would be to fail in getting that certificate of good conduct necessary to get this bonus. Real seamen will without doubt fail.

11. Seamen are too ill paid and poor to live like other men, but we have yet, in spite of our status under the law and the pity with which we are considered, sufficient self-respect to appreciate the true value of the gift which it is contemplated to force upon us.

On behalf of the organized seamen of the United States.

Very truly, yours,

ANDREW FURUSETH,
Chairman Legislative Committee.

Mr. FRYE. Will the Senator yield to me one moment?

Mr. SPOONER. Certainly.

Mr. FRYE. The deck crew, I said, includes waiters and stewards. It includes all deck stewards, and all men who are employed by the deck stewards, as well as the scrubbers and painters and everything of that kind.

Mr. SPOONER. The able-bodied seamen "wash down" the deck and all that.

Mr. FRYE. The able seamen are needed to handle the boats.

Mr. SPOONER. You do not need the able seamen to scrub the deck, but you need the able seamen in time of peril and in time of storm. They scrub the deck in time of sunshine and smooth sea.

Mr. FRYE. Under the United States statute, wherever the word "seaman" or "crew" is used it includes everybody on board of a ship having anything to do with the working of the ship. So there ought to be a pretty strict definition if you undertake to make a provision of law.

Mr. SPOONER. That is what I think, and it is not in the bill.

Mr. FRYE. Then, there is another thing which I think the Senator overlooked in the remark I heard about the certificate required. There is entered on the log of a ship everything about the conduct of a sailor, his qualifications as a sailor, his manner of service, and when he is sick where he goes to the hospital. Everything of that kind is on the log of the ship, and that log is deposited with the shipping commission; so that all those difficulties which the Senator raises about the granting of a certificate are without foundation in fact.

Mr. SPOONER. I doubt that. But is there any harm to have some provision in the bill which would render it difficult to reduce the sailor's ordinary pay by the amount in whole or in part——

Mr. FRYE. You can not reduce the sailor's pay. Good gracious! You can not get sailors on the Pacific coast. To-day sailors earn from $100 to $125 a month—more than captains—on the ordinary tramp ships.

Mr. GALLINGER. Foreign tramps?

Mr. FRYE. Foreign tramps. The sailors' union is running the Pacific coast business, and that is shown by the wages which they compel them to pay.

Mr. SPOONER. Of the bounty or retainer?

Mr. GALLINGER. Mr. President, I wish to put in the RECORD a statement in reference to the Naval Reserve. A careful calculation shows that we have in this country, including the Great Lakes, about 96,500 seamen. Of course they are not all Americans; probably not more than fifty or fifty-five thousand of them are. Great Britain has 250,000 seamen, and Great Britain has been working a great many years under a retainer somewhat smaller than this bill provides to get a naval reserve. She has succeeded in getting 33,500 men out of 275,000.

Mr. FRYE. Is there any objection to putting in the Senator's bill a limitation of 10,000 as the number of the Naval Reserve?

Mr. GALLINGER. Certainly not. The Merchant Marine Commission and the Committee on Commerce of this body, who considered this bill, hoped that in the course of ten years, under the provisions of the bill, we might get 10,000 naval reserves, but I have very little hope that we shall succeed in doing it. As the Senator from Maine [Mr. FRYE] suggests, there is no objection on the part of anybody, so far as I know, to limiting the Naval Reserve to 10,000.

Mr. NEWLANDS. Mr. President——

Mr. GALLINGER. Just one further remark.

The Senator from Wisconsin suggests that he is going to put in the RECORD a statement from certain seamen in opposition to this bill—resolutions, I believe. I presume I have a copy of them here. They come from the Pacific coast. They are signed by Mr. Elison. I wonder that it was not Mr. Furuseth who signed them. We took testimony on the Pacific coast in regard to this matter, and we heard Mr. Furuseth and Mr. Livernash and those men at great length. I want to state just one question and one answer, if I can turn to it. Representative MINOR asked what proportion of the men on the Pacific coast were Americans, and Mr. Jortall replied: "I think 5 per cent." I have a table showing that on the Pacific coast there are only about 5 per cent who are American seamen. These resolutions come from foreigners who are on our ships receiving our wages, which are larger than they can get on foreign ships; also participating in a better food schedule and better quarters, and yet they refuse to become citizens of the United States, and they protest against this legislation on the ground that it is going to be oppressive to them.

Mr. NEWLANDS. Mr. President, I have very little information upon the subject either of the Navy or of the merchant marine. It has never been my good fortune to serve either in the other House or in the Senate on committees having jurisdiction of those subjects. But I have been very much interested in the exposition of this matter given by the Senator from New Hampshire [Mr. GALLINGER], and I have certain suggestions to make, and shall be glad to have the opinion of the Senator from New Hampshire as to their value.

I assume that aid is necessary, first, because American ships cost for construction about 25 per cent more than foreign ships, and, second, because the administration of American ships costs about from 30 to 50 per cent more.

Mr. GALLINGER. If the Senator will permit me, he had better reverse those figures as to the difference between administration and construction.

Mr. NEWLANDS. And say that the difference in the cost of construction is 50 per cent and the difference in the cost of administration is 25 per cent?

Mr. GALLINGER. Thirty-five and 25 per cent would be nearer the correct figures.

Mr. NEWLANDS. I assume that so long as those conditions stand there will be no ships built in America for the foreign trade, or very few, because, even assuming we should be willing to pay more for the construction, the constant factor of the greater expense of administration would always stand against the American ship in the trade of the world.

I understand that our object is to enlarge our merchant marine, first, for the purpose of enlarging our foreign trade, and, second, for the purpose of supplementing our Navy with a service from which we can draw both men and ships in case of emergency. The difficulty we have now, as I understand it, with our Navy is that we find it difficult to get men to man our ships, and the merchant marine, which is a training school for the Navy, is undeveloped.

Assuming, therefore, that the Government must do something, I wish to avoid as far as possible subsidizing private interests; and the question arises in my mind as to whether we can not avoid subsidy by making a portion, at least, of the merchant marine a part of the Navy itself, so that the vessels so constructed will be ready in case of emergency for the use of the Navy and during time of peace can be used in the merchant marine.

What do we need in the way of supplementary shipping in order to maintain the efficiency of our Navy? We have the report of the General Staff of the Army, in which, being asked by this Commission their opinion as to what number of ships and what tonnage of ship will be required for the purpose of supplementing our Navy in the protection of our insular possessions should they be threatened by a great military power, they say they would require 228 vessels of an average tonnage of from 6,000 to 6,500 tons each, and they adopt 14 knots per hour as the standard for that tonnage. They say that the total tonnage required would be about 1,368,000 tons.

The Senator will recollect that in the discussion of the affairs of the Oceanic Steamship Company it was developed that each steamer owned by that company cost about $1,000,000. Those steamers go at the rate of 14 knots an hour; they cost from

$900,000 to $1,000,000, and they are of about 6,500 tons each. So that it appears that if the necessary vessels are to be constructed and placed in the service of our merchant marine simply for the purpose of supplementing the Navy in its work, the expenditure of about $228,000,000 will be necessary. If those ships are necessary, if in war they are an essential part of our Navy, and if, under existing conditions, it is utterly impossible for us to secure those ships because of the deficiency in our American merchant marine, I ask whether it is not a part of the construction of our Navy to supply these supplementary ships and to have them on hand in case of emergency? Would it not be well to diminish to the same degree the expenditure of our Navy, now aggregating over $100,000,000 annually, and just to the extent that you take off from that appropriation to apply the difference to the construction of these steamers of 6,500 tons capacity, each one of them costing a million dollars? We could go on constructing these ships, say, at the rate of five or ten a year, involving a cost for construction of not more than $10,000,000. Then how would those ships be utilized? By having them at hand in case of war we could use them just as we used the *St. Louis*, just as we used the *City of Peking* and other ships that were chartered from private corporations during the late Spanish war; and during time of peace could we not let out those ships to private corporations at a rental involving a return of a certain percentage of their cost?

It seems to me that, under existing conditions, we could hardly expect private corporations to build these ships. Even if you grant a subsidy the shipbuilders will be fearful that it may at some time be withdrawn. It is exceedingly probable that should there be a change of Administration the subsidy would be withdrawn, and this fear would endanger the success of the proposed legislation. It would also compel them to demand a larger amount in the way of subvention or subsidy because of the risk as to the time during which they would receive it.

Now, how would these ships be manned? This very project, as I understand it, involves the creation of a naval reserve—a naval reserve which would ultimately reach 10,000 men. It is proposed that the officers and seamen in that naval reserve shall receive an annual sum from the Government as a perpetual retainer. They are enlisted for a fixed period of time, subject to call at any time for active duty should there be war, and meanwhile they are paid a certain sum for the privilege that the Government has of calling upon them at any time for active service.

What is this sum? Under the pending bill the sum averages about $50 per annum apiece for officers and men—not more than from twenty-five to thirty dollars per annum, I believe, for the men and a larger sum for the officers. I do not believe that that will be sufficient to make up the difference between the foreign wage and the domestic wage, and unless the Government pays the excess which the American seaman demands over the foreign seamen we can not expect American shipowners to go into competition with foreign shipowners in foreign transportation. We must give the men the domestic wage. If that wage is 35 per cent above the foreign wage we must see to it that they get it, and they must get it either from the shipowners or from the Government—one or the other.

American shipowners can not pay it, because they can not engage in foreign transportation in competition with the entire world and pay 35 per cent more for their administration than their competitors. It would simply mean that they would run the business at a loss, or they would go out of business, or, rather, they would never enter it at all. So it seems to me we must face the necessity of allowing each man of the naval reserve a larger amount than is allowed him in this bill.

Ten thousand men with an annual retainer of $50 per annum would cost the Government $500,000 a year. An annual average wage of $100 would cost the Government $1,000,000 annually. It seems to me we would have to pay them at least $100 per annum, and perhaps more, so that for 10,000 men the United States would pay from $1,000,000 to $1,500,000 per annum simply for the right to call upon them for their services in case of war or emergency. The more the Government pays the less the shipowner will pay, and if by this annual governmental pay we can cover the difference between the domestic pay and the foreign pay the American shipowner will be able to run and administer his ships.

Assuming now that the Government should within the next ten years, we will say, or within the next few years, construct twenty ships, we will say, of 6,500 tons capacity, how could they be employed in time of peace so as to return the Government an interest upon the investment? I ask the Senator from New Hampshire whether it would not be possible to organize private corporations resembling the Oceanic and Australian Steamship Company, to which reference was made the other day? That company was organized in San Francisco and is engaged in trade between San Francisco and Australia. It has four ships of 6,500 tons capacity, and I believe they are ample for the present trade between San Francisco and Australia. Would it not be possible to organize similar lines, or two or three similar lines, for service down the coast toward South America, or is that covered now by private enterprise?

Mr. GALLINGER. Mr. President, if the Senator will examine the bill, I think he will see that we provide for just that contingency by establishing certain lines, some of which run from the Pacific coast, though possibly they do not cover the exact routes the Senator suggests. We carefully inquired into it, however, and thought that we put the routes where they would increase American commerce and American trade. That is what we are after.

Mr. NEWLANDS. Will the Senator inform me how many such routes are covered by this bill?

Mr. GALLINGER. There are seven steamship routes provided for where we have not at the present time a single American ship, and then there are three additional routes—ten routes in all.

Mr. NEWLANDS. Is there any estimate as to the number of ships that will be necessary upon those routes?

Mr. GALLINGER. That can be ascertained very accurately. It is not stated in the report, and I can not tell the Senator offhand the exact number.

Mr. NEWLANDS. I presume four or five for each line would be required.

Mr. GALLINGER. Quite likely, though some lines would get along with two or three.

Mr. NEWLANDS. But it would average, I imagine, four or five. That number would be ample, would it not?

Mr. GALLINGER. Undoubtedly.

Mr. NEWLANDS. For seven lines that would make twenty-eight or thirty ships, costing a million dollars apiece. Now, we will assume the Government constructs those ships as a part of the Navy and then lets them out to private corporations, at a rental that will replace the ships, let us say, in twenty years, and meanwhile give an interest of 3 per cent upon the investment. Those ships would then be the transports, the scouts, and the supplemental ships that are necessary in time of emergency and time of war—just such ships as we employed during the Spanish war—and they would be manned by men belonging to this naval reserve numbering 10,000 men, and those men would be paid partly by the ship company and partly by the Government, the Government contributing from 25 to 30 per cent of their entire pay simply for the right to call upon those men for their services in case of war.

In addition to that a certain amount of military discipline, it seems to me, could be maintained. We could put upon some of these ships at least one naval officer, who could give the men the preliminary training that would be required for service on a man-of-war, and thus we could gradually supplement the fighting ships with the scouts, the transports, and the colliers—all of them absolutely essential to the complete working of the Navy, all of them absolutely necessary in case of war, and yet all of them serving a useful purpose in time of peace.

The construction of these ships would keep our shipyards busy. I think that Congress would probably not assent to the construction of these ships abroad in order to secure them at a less cost, for one of the purposes of all this legislation relating both to the Navy and the merchant marine is to maintain American shipyards, and of course we can not maintain shipyards unless we build ships on American soil.

So we have as essential to this entire system the naval and mercantile shipyards, the fighting vessels, and the carrying vessels, and I see no reason why we should not enter in an experimental way upon such a plan. It would entirely do away with subsidy to private interests. We could keep control over the corporations which lease these ships from the United States. We could control their incorporation under national laws, and, it seems to me, as the control over commerce between the States and with foreign nations is intrusted to the National Government we should see to it that these corporations are organized under national law, so that we can keep proper control and receive proper information regarding their receipts and expenditures.

The vice of this entire system of subsidy is that we allow a corporation to be organized under State law, and then we subsidize that corporation without having any control over it, without having any knowledge or inspection of its books and accounts, and without having any knowledge as to whether it needs a subsidy or not, except such as is given in casual hearings and inquiries. It does seem to me that by incorporating

these shipping companies engaged in foreign trade under a national law and maintaining control over them, and requiring publicity as to their accounts, we could see to it that no advantage over the Government was secured; and we could, by this gradual method, involving an expenditure of very much less than is contemplated by this bill, enlarge our mercantile marine, enlarge our Navy, and enlarge the force upon which the Navy must call in case of war.

Now, I should like to ask the Senator from New Hampshire—and I make the inquiry in all candor, because I do not profess to have much information upon this subject—whether this plan would be practicable?

Mr. GALLINGER. Mr. President, I will reply by asking the Senator what he thinks would become of a bill if he should introduce it and send it to the Committee on Naval Affairs, involving the principle for which he has been arguing? In other words, as I understand, the Senator is in favor of the Government of the United States building thirty or forty merchant marine ships, costing a million dollars or so apiece, and letting them out to private parties to operate upon a rental. If the Government goes into that business, why not into building factories and every other conceivable industry that the Senator could think of? Why confine it to ships?

Mr. NEWLANDS. My answer is that these ships are an essential part of the Navy, absolutely necessary, according to the statement of the Navy itself and of the General Staff of the Army, to supplement the Navy itself when the use of the Navy is required.

Mr. GALLINGER. Yes.

Mr. NEWLANDS. Now we keep a navy in existence, though we have no war, simply because its use will be necessary in an emergency. It is just as essential that we should have these supplementary ships, these transports, these colliers, and these scouts. These thirty ships would cover that class.

Mr. GALLINGER. My answer to the Senator is that his theory is beautiful, sounds well, and looks attractive; but it is as impracticable, in my judgment, as any other theory the Senator could possibly evolve. I do not believe this country is ever going into the building of ships and then letting them out to private parties upon a basis of 3 per cent income, as the Senator suggests.

Mr. NEWLANDS. I quite agree with the Senator in that, and if the Navy did not require these ships I should regard the thing as entirely impracticable; but they state that we do require these ships. We require them just as much as men-of-war. When men-of-war are needed, the use of these colliers and these transports and these scouts is needed; and we all know to-day that if a great naval war were to occur we could not get enough ships from our present merchant marine to supplement the Navy. We know that.

Mr. GALLINGER. The Senator is absolutely correct in making that statement. That is the fact, and it is a deplorable fact.

Mr. NEWLANDS. It is a deplorable fact. It is an absolute naval necessity that we have these ships, and I base my proposition upon that.

Let us see about the cost of it. Thirty ships, enough to serve all these lines to which the Senator referred, would cost $30,000,000. Three thousand men would be required on these ships. They should be enlisted in the Naval Reserve.

The pay of $100 per annum to 3,000 men would cost $300,000 per annum, or in the course of ten years it would cost $3,000,000. Add that to the $30,000,000 for the ships, and you have a total cost of $33,000,000. The bill which is suggested by the Senator from New Hampshire provides for an expenditure of $40,000,000 in ten years, and at the end of that time the Government has nothing to show for it; whilst under the plan I suggest the Government would have thirty ships, worth approximately $30,000,000. The rental received from the ships could be applied to building ships for new lines of trade. So it seems to me this plan has the advantage of that plan upon the score of economy.

Then, there is another thing I wish to criticise, and that is this: Wherever the Government makes a subsidy it should compel the corporation which receives the subsidy to incorporate under national law. The State is utterly incompetent to deal with the question of foreign trade, and the national law should provide, just as the interstate-commerce law does, for publicity as to receipts and expenditures. As it is, it is utterly impossible for us to tell, except from the statements of interested parties, as to whether or not these subventions are required. If a national corporation is subsidized, and you have on record sworn statements regarding its receipts and expenditures, and you find that in performing a certain service it meets with a certain loss, you know accurately just what loss has got to be filled by Government aid. As it is, there seems to be no accuracy of adjustment in these matters.

It seems to me the plan which I have proposed entirely does away with the suggestion of subsidy, which is repellant to the mind of almost everybody. The Government undertakes the construction only of those ships that are absolutely necessary to its service. It enters upon the employment of men who are absolutely necessary for its service, but simply as a matter of economical administration, lets out those ships and lets out those men to private corporations in time of peace, so that the Government may not be put to this large expenditure of administering ships for which there is no present use. That does not involve the ordinary significance of paternalism or of Government ownership, the construction of public utilities, and so on. It is simply building up a proportionate navy.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I should like to inquire whether it would not create rather a formidable competition to any private shipbuilding industry if the Government should build twenty great ships and rent them to private corporations for carrying purposes? Would it not probably discourage, if not destroy, shipbuilding by individuals, who would have to enter into a field of competition with these Government ships, rented on a basis of 3 per cent profit on the cost of the ship? Does it seem to the Senator that any private individual would or could build ships to compete in the carrying trade with those Government-built and Government-equipped ships, rented on a basis of 3 per cent on the cost of building?

Mr. NEWLANDS. The Senator entirely misunderstood me if he thought that I proposed that the Government should build these ships. What I proposed was that the Government should let out contracts for the ships, and they would be constructed in private shipyards, just as all the other ships of the country are now.

Mr. HEYBURN. I understood the Senator to say distinctly, in reply to the question asked him by the Senator from New Hampshire, that the Government would build these ships and lease them on a basis of 3 per cent profit upon the original cost.

Mr. NEWLANDS. I may have stated that, but I used the word "build" in the sense that the Government would pay for the building of the ships, not that it would actually construct them itself. The Senator will recall that I insisted upon shipyards as a part of the naval establishment. Shipyards are absolutely essential, and the private shipyard is absolutely essential. I do not propose to usurp their functions.

Mr. GALLINGER. After the Senator gets these ships built, how is he going to get them operated when it costs 25 per cent more to operate American ships than foreign ships?

Mr. NEWLANDS. As to that, let me say to the Senator right here that I propose that these ships shall be manned by the men employed in the Naval Reserve, and I propose that the Government shall pay a much larger sum to those men than is provided for in this bill. The bill provides for an average, for officers and men, of $50 a man per annum, which, in my judgment, is not enough to equalize conditions. I should say from a hundred to a hundred and fifty dollars per annum, and thus relieve the shipowner of 25 or 30 per cent additional expense he is now under in administering his ship, as compared with a foreign ship.

Mr. GALLINGER. You would give a subsidy in a little different form than is proposed in this bill.

Mr. NEWLANDS. You may call it a subsidy, but it is the pay of men in the United States service and who are subject to be called at any time for military duty. It is simply an army on furlough engaged in the pursuits of peace in times of peace, subject at any time to the call of war.

Mr. ALLISON obtained the floor.

Mr. GALLINGER. If the Senator will permit me, I should like to submit an amendment to be read, printed, and lie on the table.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, in line 7, after the word "ninety-eight," add:

Nor shall these subventions be paid to any vessel of less than 200 tons gross register engaged in the foreign trade, or to any vessel of less than 20 tons gross register engaged in the deep-sea fisheries.

Mr. FRYE. That is safe.

The VICE-PRESIDENT. The proposed amendment will be printed.

Mr. ALLISON. The Senator from New Hampshire has relieved me very much by the limit of 20 tons in the deep-sea fisheries.

Mr. President, I do not expect to occupy any great length of time in the discussion of this bill. I agree with the Senator from Wisconsin [Mr. SPOONER] in one respect, and that is that it is the best bill I have seen presented to the Senate for some time at least, as respects its provisions. I do not know whether I now understand the general purpose of the bill. If I understand it, the first proposition is found in the naval-reserve plan, which proposes to give a subvention to all the sailors who now sail in American ships on the ocean, to all the people who are engaged in the Newfoundland or deep-sea fisheries, and to all the other people who are engaged in any fisheries, whether on the Atlantic or Pacific or on the Great Lakes. In other words, this subvention is open to all the people who are now engaged in navigation on the ocean or on the Lakes.

As I understand the bill, there is nothing in it which compels any man, who allows his name to be enrolled, to come under the provisions of the laws which appertain to the Navy. There is nothing in the first section of the bill at the present time—and here I differ in construction with the Senator from Wisconsin—that constitutes a binding obligation upon any person who becomes a member of the naval reserve, other than a civil contract. In order to make the naval reserve what its friends propose for it and what it ought to be if it is to be a reserve, there should be an enlistment in the Navy, subjecting those who enter the service to all the articles of the Navy service, both in time of war and in time of peace. Again, if we do not engage in war within four years, these men are not required, even by civil contract, to enter the service of the Government.

I did not understand the Senator from New Hampshire to claim in the discussion he had with the Senator from Wisconsin, that the people who enter the naval service are required to subject themselves to the laws which appertain to the Navy. Do I understand the Senator so to construe the bill?

Mr. GALLINGER. Mr. President, I think I ought to take a little time to think that out before giving a definite answer.

Mr. ALLISON. Very well.

Mr. GALLINGER. My own impression is that the word "enrollment" substantially covers the Senator's contention, and that it is practically an enlistment. If that be so, it answers the objection that the Senator makes.

I am fortified in that view by the fact that the Navy Department itself framed the provision, and it seems to me the wise men there would not have made a provision which would be inoperative or fail to accomplish the purpose they have so much at heart. The Navy Department is very anxious, and has been for years, to secure a naval reserve.

Mr. ALLISON. I should like to have that made clear in the pending bill, if it is not clear now. I propose to strike out the word "enroll" and insert "enlist, subject to the laws and regulations governing the Navy." Otherwise I do not think this will be of any great value.

So far as concerns the officers who are to receive a hundred and ten dollars a year, I have no doubt in case of war, particularly a war with a foreign country, if they could not get into the service otherwise, they would give several hundred dollars to become an officer.

I am sorry to see in the bill this general provision respecting the naval reserve. I think it ought to constitute a separate measure providing for a naval reserve; but I am conciliated by the observation a Senator made to me on the subject, that if we undertake to put it on a naval bill or make it a separate bill covering the naval reserve, we will find it will cost us a great many millions in the end. So I am somewhat reconciled to it, because I think it will not cost us very many millions annually, provided we adopt an amendment, suggested by the Senator from Maine, I believe, that it be limited to 10,000 men.

I should think it ought to be limited for the present to three or four thousand. Probably in the first four years we would not enroll under this bill 10,000 men unless we put them into the naval service, and if we did, very few sailors and officers would enlist, in my judgment.

There are two or three amendments I wish to propose to this provision. They relate to the payment of money. We have had a great deal of discussion—not public discussion, but a great deal of discussion among Senators—as to the gradual growth of these indefinite appropriations that run along without anybody knowing what they amount to unless you take the trouble to dig into the archives of the various Departments. So I hope the Senator from New Hampshire in charge of the bill will allow me to make some amendments that will provide for annual appropriations, so far as this bill is concerned, and especially this clause. I wish to offer two or three amendments.

On page 4, line 11, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Iowa proposes an amendment, which will be stated.

The SECRETARY. On page 4, line 11, strike out the words "in the Treasury not otherwise appropriated" and insert in lieu thereof the words "to be annually appropriated therefor, upon estimates to be annually submitted to Congress in the Book of Estimates;" so as to read:

The Secretary of the Treasury is hereby authorized and directed, upon proper audit, to pay out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates to each officer, etc.

The VICE-PRESIDENT. The amendment will be printed and lie over.

Mr. GALLINGER. I think it might very well be adopted now.

The VICE-PRESIDENT. The Chair is of the opinion that action upon amendments now would be in contravention of the unanimous-consent agreement.

Mr. GALLINGER. That is true. Let it be printed and lie over.

Mr. HALE. Let the amendment be stated again.

The Secretary again stated the amendment.

The VICE-PRESIDENT. The amendment will be printed and lie over.

Mr. ALLISON. I also wish to offer an amendment, on page 4, in line 10, after the word "audit," to insert "by the Auditor of the Navy Department."

The VICE-PRESIDENT. The Senator from Iowa proposes an amendment, which will be stated.

The SECRETARY. On page 4, line 10, after the words "proper audit," it is proposed to insert "by the Auditor of the Navy Department."

The VICE-PRESIDENT. The amendment will be printed and go over.

Mr. ALLISON. On page 5, line 7, I move to strike out "Commissioner of Navigation" and insert——

Mr. GALLINGER. It is proposed to insert the "Secretary of Commerce and Labor."

Mr. ALLISON. The Senator has another amendment in mind. On page 5, lines 4 and 5, I move to strike out "by an officer to be designated;" so as to read:

Such retainer shall be paid at the end of each year of service on certificate by the Secretary of the Navy.

The VICE-PRESIDENT. The amendment will be printed and lie over.

Mr. ALLISON. In line 7, page 5, I move to strike out the words "Commissioner of Navigation" and to insert "Secretary of the Navy."

Mr. SPOONER. If the Senator will permit me, the first clause refers to the manner in which a person has conducted himself as a member of the naval reserve, whether he has obeyed the regulations and been subject to discipline, and all that. But the second certificate goes only to the manner in which the man has discharged his duties on shipboard.

Mr. HALE. On a merchant vessel?

Mr. SPOONER. On a merchant vessel. The Secretary of the Navy would have no facilities, under existing law, which would enable him to make such certificate.

Mr. ALLISON. I only followed the error, if it be an error, of the committee, because they have inserted "by an officer to be designated by the Secretary of the Navy." If the Secretary can not ascertain it himself, he ought not to designate an officer to do it. Therefore I am not subject to criticism.

Mr. SPOONER. I do not think the Senator's amendment is open to criticism, so far as it relates to the first certificate.

Mr. GALLINGER. But the next certificate.

Mr. SPOONER. But when it comes to the next certificate, he moves to strike out "Commissioner of Navigation" and insert "Secretary of the Navy."

Mr. ALLISON. No; I do not. I move to insert "Secretary of Commerce and Labor."

Mr. GALLINGER. The "Secretary of Commerce and Labor." That is right. But the Senator did say inadvertently "Secretary of the Navy."

Mr. ALLISON. Very well.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will lie over and be considered to-morrow.

Mr. ALLISON. Undoubtedly. I want to have the amendment stated at the desk.

The VICE-PRESIDENT. Will the Senator please restate his last proposed amendment?

Mr. ALLISON. The last amendment I proposed is in line 7, page 5, to strike out the words "Commissioner of Navigation" and insert "Secretary of Commerce and Labor."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 7, strike out the words "Commissioner of Navigation" and insert in lieu thereof "Secretary of Commerce and Labor."

Mr. ALLISON. That is right. On page 5, lines 23 and 24, I move the amendment I send to the desk.

The SECRETARY. On page 5, line 23, it is proposed to strike out the words "not otherwise appropriated" and insert in lieu thereof the words "to be annually appropriated therefor, upon estimates to be annually submitted to Congress in the Book of Estimates."

Mr. ALLISON. I will offer another amendment, in order to get it before the Senate, in lieu of the amendment proposed by the Senator from New Hampshire. On page 5, line 24, before the word "hereafter," I move to insert "of over 500 gross registered tons."

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 5, line 24, after the word "vessel," it is proposed to insert the words "of over 500 gross registered tons."

Mr. GALLINGER. I will take this opportunity to say that the amendments the Senator has offered are doubtless in the direction of improving the bill, especially in the method of paying out the money. On the last amendment which the Senator has offered, however, I shall want to be heard, as I think by that amendment he will exclude a large class of ships that ought to be encouraged. But we can talk about that to-morrow.

Mr. ALLISON. I proposed my amendment in order that we might have two plans before us to talk about, rather than one.

Mr. GALLINGER. Very well.

Mr. ALLISON. While I have the floor I will say that I can not see what great advantage it will be to pay a subsidy to or provide for a steamship of less than 500 tons, either in the merchant marine service or in time of war. If there is any steamship of less than 500 tons which would be used in the merchant marine and would be valuable in time of war, I do not know what it is.

Mr. FRYE. Does the Senator propose to make any difference between a sailing ship and a steamship?

Mr. ALLISON. I might in the last analysis, if I can not do any better.

Mr. FRYE. There is a good deal of difference when you come to gross tons between a sailing ship and a steamship.

Mr. ALLISON. That is to say, the steamship has a larger average tonnage.

Mr. FRYE. The steamship has a very much——

Mr. ALLISON. Heavier gross tonnage.

Mr. FRYE. Yes.

Mr. ALLISON. That is what I supposed.

I wish in suggesting these amendments to show some defects in the bill that I think ought to be corrected, and I am making them in good faith. Whether I shall be able to vote for the measure later or not, I certainly have not done very much harm to it thus far.

Mr. President, there is another amendment I had prepared, but I do not find it on my desk. However, I will call attention to it here. There is no provision in the bill for any repealing clause. I do not know that it is necessary, but there are so many complicated provisions in it that I think there should be a repealing clause. Of course, that repealing clause would not interfere with any contracts already made under the provisions of the law; but I think we should put everybody upon notice that if we find any trouble about the bill we will have the right to amend it, except as it applies to specific contracts already made.

Mr. GALLINGER. If the Senator will permit me, I presume I am correct in the assumption that even without that provision Congress would have that power.

Mr. ALLISON. I think so, although there are so many direct and indirect provisions here I was a little afraid the statute of limitations might be applied as respects some of them.

Mr. SPOONER. If the Senator will allow me, the object of inserting that amendment is not because of the question of power, but it is to put everyone upon notice that Congress reserves the right to exercise the power without being subject fairly to the charge of bad faith.

Mr. GALLINGER. I certainly know of no objection to that proposed amendment. It is the usual form.

Mr. ALLISON. I think it ought to be put in.

Mr. GALLINGER. If put in, contracts already made ought to be protected.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. ALLISON. Certainly.

Mr. FRYE. I hope if the Senator offers the amendment as to gross tonnage, limiting it to 500 tons, he will make a distinction between steamships and sailing ships, and not have it apply to sailing ships.

Mr. ALLISON. I do not believe that this subsidy or subvention ought to be granted to a steamship of less than a thousand tons burden; but I made it 500 tons in order to include both steamships and sailing ships. If we expect by this means to enlarge either our foreign or domestic trade, it seems to me that we must encourage the building of ships of at least a thousand gross tons, whether they be sail or steam, but certainly steamships.

Mr. SPOONER. Are there any 500-ton steamships?

Mr. ALLISON. There are probably very few such ships, but I do not want to encourage the building of them.

Mr. President, more for the purpose of having the Senator from New Hampshire express his views upon the various provisions of the bill, I want to reserve a criticism as respects the second provision of the bill.

Mr. HALE. On what page?

Mr. ALLISON. On page 4 or 5.

Mr. GALLINGER. The second section.

Mr. ALLISON. There are three things in the bill. One is to help the fisheries and the people who are sailing about on our coasts from one little place to another with very small sailing vessels. Sub silentio the Senator from California [Mr. PERKINS] says we have nothing to do with the coasting people. I understand the first section of the bill deals with all the people who sail on our coasts whether by steam or by sailing vessels. They are all gathered into this naval reserve, as I understand it, and they are all to take the chances of war for four years, if they are officers, receiving $440 at the end of the four years if there is no war. If there should happen to be a war within those four years, I think very likely, unless we would largely increase the pay, they would prefer to remain on the merchant ship rather than to enlist in the Navy even as officers; and if we continue to enlarge the number of officers in our Navy as we are doing now we will find very little opportunity for the commander of a merchant ship to become the commander of any ship in the service during war, unless it be a transport or something of that sort. So it does apply in this indirect way to the reserve feature.

The second provision of the bill is the provision authorizing anyone to build an American ship and sail it. I do not think there is any limit as to tonnage as respects these ships, either.

Mr. GALLINGER. None, except the Senator's proposed amendment.

Mr. ALLISON. That would apply to both.

Mr. President, we had a very excellent bill in many ways some years ago before the Senate, and it passed the Senate, but it provided for a subsidy on an entirely different basis from the bill now before the Senate. That bill as it passed the Senate provided for ships of low speed to engage in our foreign trade and receive a certain sum for each hundred miles traveled; and it was supposed that the ships would make so many voyages to foreign ports and return in a year. There was some provision in it, I think, that required them to make a certain number of voyages if they had a certain rate of speed, and with a greater speed a larger number of voyages, and so forth.

I am making these criticisms to be corrected if I am mistaken. As I understand the pending bill, if I build a ship under it I can sail from the port of Norfolk to London or any other foreign port, from there to another foreign port, and from there to still another foreign port, and if I sail on the 14th day of February and can get back to Norfolk by the 13th of February of the next year and can get a proper certificate for this bounty or subvention of $5 a ton, or whatever it is, I can secure it from the Treasury.

In other words, I could make one voyage to Europe and another voyage back again, sailing to the Philippines in the meantime, or to China, and get this subsidy. If that is not the purpose of the bill, then if I am mistaken I shall be glad to have the Senator from New Hampshire correct me.

Mr. GALLINGER. I will say to the Senator that very likely technically that is so; but it is not expected that under the provisions of section 2 of the bill any ships will be put on the North Atlantic trade. There is no expectation that ships will sail to London or Liverpool. The purpose is to encourage cargo ships. There was very severe criticism against the Frye-Hanna bill that it did not take care of the cargo ships, where they will sail to a point nearer home, with which countries we are needing trade, and where we can materially increase our trade. But I think there was no idea that under that provision there would be any great trade established between this country and England or Germany.

Mr. ALLISON. The criticism I make is that no trade will be

established under it between this country and any country; that a tramp ship can go the world around under this bill and get as many cargoes as it can and whenever it can, and return here within ten days of the lapse of a year and get the subsidy.

Now, that does not encourage foreign trade with the United States, as it seems to me. If a ship goes out on the sea as a tramp ship to compete with all the other tramp ships on the ocean it will do as they do. It will go to the port which will enable it to secure the largest cargo at the best price. Therefore, it is no encouragement, it seems to me, to American shipping in the way of securing foreign trade between foreign ports and the United States. That is one objection which appears to me to be a serious one to this bill.

The third provision of the bill is a provision intended to establish new lines of steamers between certain Atlantic, Gulf, and Pacific ports in our country and South American and Asiatic ports. I am in favor of all the provisions in the bill so far as I have seen them, although I was somewhat shaken by the suggestions of the correspondent of the Senator from Texas [Mr. CULBERSON] when he said there would be no subsidy granted either from Mobile or Galveston. I think if we establish these lines as we propose to establish them with countries with which we have now very little trade we ought at least to give them the opportunity of establishing trade with these countries before we put in competition with them a lot of tramp ships. We are giving here a subsidy to people who roam around the world, and then we also subsidize specific lines.

I am in favor of that provision of the bill not on the general ground so often stated, that the cost of building a ship here is 25 per cent greater and the cost of running a ship 33 per cent greater, but on the ground that there is a large trade in the countries named in these last clauses which we ought to have, and which we are fairly entitled to have, but which we can not induce our shipping men to establish lines for without giving them a subvention of some kind. As I understand the general provision here, beginning with section 2, page 3, I object to it because I think it will have the effect of greatly interfering with the provisions we have made for special lines.

There is another thing that has struck me in examining the bill, which has given me some trouble. We subsidize all the steamships and all the sailing vessels between the ports of the United States and the ports of the Caribbean Sea and between the ports of the United States and the ports of the Dominion of Canada in the northeastern portion of our country as well as in the northwestern. When we had this question up before us two or three years ago, I remember very well we made an exemption, not upon an enlarged debate, but by general consent, by which these provisions should not apply to the Canadian provinces or to Cuba.

The trade of the United States with Cuba last year was $130,000,000, in round numbers, in the aggregate—exports and imports. Our trade with the islands of the Caribbean Sea is very great. All this trade is now constantly increasing. Nearly half of our trade, as I gather, of the $130,000,000 is now in American ships between here and Cuba. It may be that that is too large an estimate.

Mr. GALLINGER. If the Senator will permit me, while I have not the figures at hand at this moment, the Senator's estimate, I am sure, is very much too high.

Mr. ALLISON. Very well. I would like to have American ships do all the trade if we could do it; but not if we must do it at the expense of paying this double bounty, because that is what we are doing, Mr. President. For the ships that ply between near-by ports we are to pay the sailors and we are to pay the subvention to these tramp ships, and we are also to pay a subsidy to the mail ships under the last clause of the bill.

Mr. President, I commend very much the Senator from New Hampshire and the gentlemen who have prepared the pending bill and prepared it with great pains and made great sacrifices in the investigation of the questions leading up to it. I commend them for all that. They have given us very much valuable information. But I do think that if we are to increase our trade with foreign countries we must begin with those countries that we do not now have access to with American ships, and that in a trade such as our trade with Cuba and the local trade between the northeastern portion of our country and the Canadian provinces they are not pressed—I will use that word—as the other parts of the country are pressed, in order to reach foreign ports.

I have not seen the statements of the Commission. They may have taken testimony to show that, notwithstanding our trade with Canada is very great, it is not conducted in American ships. I do not know how that is, but surely there must be ships under our flag, either by sail or steam, or both, that ply between our ports and the Canadian provinces.

Mr. GALLINGER. I think, Mr. President, it would be safe to say that the small proportion of our trade with the Dominion of Canada by water is largely done with sailing vessels, and it is a very small proportion of the entire carrying trade to Canada.

Mr. ALLISON. I suppose the greater portion of our carrying trade with Canada is by rail.

Mr. GALLINGER. By rail; certainly.

Mr. HALE. I suppose the Senator from Iowa appreciates what I can say is the underlying proposition of this bill, not to increase trade and commerce. There is plenty of that.

Mr. ALLISON. Our trade?

Mr. HALE. Our trade. It will naturally increase. But the object is to increase the carrying trade in American ships.

Mr. ALLISON. Yes; I understand that. If I did not say so, I ought to have said it.

Mr. HALE. The Senator gave an illustration of the trade with the people of the Spanish Main. It is large; it is increasing; and that is a matter of gratification; but what the bill seeks to do is to so frame legislation that the carrying of that great trade, which is already going on, shall be not in foreign ships, but in American ships. That is the substance of the pending bill. There are $200,000,000 that to-day go to foreign shippers, to foreign vessels, for the freighting of this immense commerce of the United States, and without interfering with that, and in the end incidentally increasing it, the purpose of the bill is to so legislate as to divert some portion of that freight money—I would be glad to see a very large portion of it—into the hands of our own citizens. I believe it to be entirely practicable that under a suitable bill one-half of that immense amount of money instead of being paid to and received by and enjoyed by foreign ships can be received by our own ships, and thus add to the material prosperity of the country.

The trade, the commerce, is largely already established, but it is the freighting, it is the carrying, it is the money that is paid for it that goes into the hands of our rivals that we are trying to divert, so that we will get a portion of it.

Mr. ALLISON. I thoroughly agree with all the Senator has said as to what our effort is, not only to enlarge our trade, but to enlarge our trade in our own ships. When my friend interrupted me, I proposed to call attention to the fact that in the bill we passed three years ago we did not think it worth while to deal with the trade either with the provinces of Canada or with Cuba. I assume the situation was regarded as so important in other directions that it was thought best to develop this trade through our reciprocity provisions and the friendly relations we have with both Canada and Cuba.

Mr. President, it may be that the ships which are provided for in the second title of the bill will come into competition with the Canadian situation and with the ships of other countries in Cuba, but I very much fear that it will go very little in that direction, or, at least, very little farther than it would go without the subvention proposed in the the first two clauses.

I know that our trade is very large with Cuba now. I know that under provisions already in force there is being established a considerable trade with Cuba, and we are maintaining it at this time. But what I hope to see now is a bill which will not only enlarge our trade, but will enlarge it in our own ships. I believe in that, if possible. I wish also to enlarge our trade in directions where we are fairly entitled to it because of our imports and exports, and we know that we are not likely to secure any great portion of that trade until we give subventions to special lines of steamships on the Atlantic and on the Pacific coasts; and I am for both.

Mr. GALLINGER. If the Senator will permit me, in reference to Cuba, I will state that our imports last year amounted to $86,000,000 and our exports to $38,000,000 in round numbers. We imported more than twice as much as we exported to Cuba. I have ascertained since the Senator raised that question that we have been carrying in American ships about 35 per cent of that trade. It is decreasing very rapidly just now from some cause or other, just what I do not know. The maximum which we have carried was 35 per cent.

Mr. ALLISON. Our entire trade with Cuba amounted to about $130,000,000 last year, and if with that amount of exports and imports we could only secure 35 per cent of the trade between our country and Cuba in American ships, especially when some of those ships are subsidized in a small degree and when the transportation is so easy, what a commentary that is on our situation.

Take a large sailing ship or a small steamship and you can put alongside of it tows, as they are called, boats with sails, as I have seen them on the New England coast, carrying a great many thousand tons, a single fleet of ships, and under this bill, as I understand, every one of those ships or canal boats

would have a subsidy in the form of tonnage. I ask the Senator from New Hampshire if I am not correct that if I take a tow from Norfolk, which has one large sailing ship or a schooner or a steamer, and there run along, trailing after it, five other great ships, each with sails, the tonnage will not be reckoned on the basis of the contents of the gross tonnage of those ships?

Mr. GALLINGER. My answer would be that I should think not. I do not think that a scow would be called a ship.

Mr. ALLISON. I only gather that idea from the fact that in the bill passed three years ago it was found necessary to exclude them, and I supposed that they were excluded in that bill because its framers were afraid that otherwise they would be included.

Mr. GALLINGER. If they ever undertake to take a tow of that kind across to Habana, I hope they will have a pleasanter voyage than I had.

Mr. ALLISON. I hope so, too. It is not probable that they would take a tow of that kind to Habana, but I think it is quite possible they might take it across the water to New Brunswick or some other port.

I make these suggestions in order to present to the Senate the difficulty that I see in giving my support to this bill and to show the importance of making some changes in phraseology respecting these matters.

Mr. TELLER. Mr. President, I did not want to interrupt the Senator from Iowa [Mr. ALLISON] while he was speaking, but I now wish to ask him a question. In the first place, I suppose the main purpose of this bill is to increase our exports and perhaps our imports, but certainly to increase our exports. I want to know what objection there is to a ship sailing out of Norfolk, carrying scows, or whatever you call them, if the ship can do it? If the purpose is to carry American goods in American ships, does it make any difference whether they are in scows or tows or whether they are carried in any other way, so that they are carried?

Mr. ALLISON. I do not think there is any objection to that, and I should be glad to have them carried in that way; but in the case of a ship with tows going to a port, we will say, in Mexico or in Canada, I should hardly think it was wise for this country to pay $5 a ton for the contents or for the gross tonnage of that ship, including the scows. That is my opinion.

Mr. TELLER. I wish to ask the Senator who has the bill in charge whether there has been a reprint of the bill since January 30? I think there have been some changes since made in it.

Mr. GALLINGER. There has not been a reprint since that date.

Mr. TELLER. Then I have the last print of the bill?

Mr. GALLINGER. Yes; but there are certain amendments which have been made, which the Senator will find in italics, which have been adopted by the Senate.

Mr. TELLER. They are all in this bill?

Mr. GALLINGER. They are all in that bill.

Mr. TELLER. Have there been any amendments adopted since the bill was printed?

Mr. GALLINGER. I had one amendment adopted this morning. I will say to the Senator, not remembering, as the Chair afterwards ruled, that the amendment ought to lie over.

Mr. TELLER. I find on page 7, commencing in line 8, that sections 1 and 2 of an act approved April 15, 1904, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago," etc., seem to be suspended by this bill for a time. Will the Senator explain why that is done?

Mr. GALLINGER. We passed a law in April, 1904, confining shipping to the Philippines to American bottoms after July of the present year, as I remember it.

Mr. TELLER. I remember the law very well.

Mr. GALLINGER. It has been found impracticable to put that law in operation for various reasons, as I understand. Both the President and the Secretary of War have recommended that it should be postponed until 1909.

Mr. TELLER. Well, Mr. President, as I did not vote for that bill and thought it was very objectionable, I should like to know what objection the Secretary of War and others have now found against it?

Mr. GALLINGER. I have not consulted them personally about the matter. I simply know that they have thought it was not wise to engage in that trade under existing economic conditions in the Philippine Islands.

Mr. TELLER. Then why put it in this bill? Why not deal with that subject separately?

Mr. GALLINGER. It might have been dealt with separately, but it was thought this was a good place for it. We are dealing with transportation matters. We are dealing with shipping, and this related directly to that subject. So we put it in this bill. That is the only answer I can give the Senator on that point.

Mr. ALLISON. I should like to ask the Senator from New Hampshire [Mr. GALLINGER], with the permission of the Senator from Colorado [Mr. TELLER], why it is necessary to give 30 per cent additional to vessels sailing between the Pacific ports and the Philippine Islands?

Mr. GALLINGER. It is simply on the same hypothesis that we give subventions to other vessels. We want the trade of the Philippine Islands, and we want to encourage American shipping to go to the Philippine Islands. In our former legislation we practically made the Philippine Islands trade coastwise, although we did not use that term. I doubt whether we properly could do so; but we did restrict the trade absolutely to American ships. Now, in suspending this provision of law, it was thought wise to give American ships some little encouragement by way of increased subvention.

Mr. ALLISON. As I understand it, we give them 30 per cent in addition to what we give to other ships.

Mr. GALLINGER. Yes; we give them 30 per cent in addition.

Mr. TELLER. Mr. President——

Mr. ALLISON. I only wanted to know the reason why it was done. I should hope, if the Senator from Colorado will allow me just one word more——

Mr. TELLER. Certainly.

Mr. ALLISON. I should hope that 30 per cent would satisfy those people having ships under our flag. I would be in favor of extending that period beyond 1909 and giving them 30 per cent in the meantime, because I think that three years from now it will be a very great hardship upon the Philippine people to be compelled to transport whatever they may produce between our country and the Philippines in American ships.

Mr. BACON. Mr. President, recurring to the part of this bill relative to the naval reserve, I desire to ask the Senator from New Hampshire his construction, in order that we may test somewhat the practical operation of it. As I understand the first section—I am reading now from an amendment proposed by the committee—it is entirely a voluntary matter on the part of any of these officers, petty officers, or men, whether or not they will be enrolled as contemplated by this bill. If they are enrolled, the same section of the bill on page 4 provides that they shall—

> receive such instruction and be subject to such regulations as the Secretary of the Navy may prescribe.

Now, if I am correct in my construction of the bill as I have just read it, it may so happen that upon any given vessel there may be a part of the crew enrolled and a part of the crew not enrolled. I think that would be the natural consequence of it.

Mr. GALLINGER. Undoubtedly.

Mr. BACON. Of course under this provision there would be certain discipline prescribed for those officers and men who are thus enrolled, and certain regulations as to their conduct, drill, and other matters of detail, which would all in their exercise make up the efficiency of an officer or a man on shipboard. That would be limited to those men thus enrolled. Would it be practicable in the operation of a vessel that a part of the crew should be subject to one discipline—one series of regulations—whereas another part of the crew would be under altogether different regulations or under different discipline?

Mr. GALLINGER. Mr. President, the only answer I can give to that is that, as I understand it, Great Britain has found it practicable. She has 33,500 of these men in her service, and I have been informed that they are enrolled and trained in precisely the same way that is proposed here. The Navy Department recommends this. I presume the Department has no question as to the feasibility of the scheme.

Mr. BACON. I would ask the Senator if he is informed whether or not in the British service it is true that on these vessels where they have this naval reserve a part of them are enrolled and a part of them are not enrolled?

Mr. GALLINGER. I think so, for the reason that they have 200,000 seamen in the service and they have 33,500 naval-reserve men. I have no idea that those naval-reserve men man a ship exclusively.

Mr. BACON. It may be, though, that they have different requirements by which those who are enrolled are upon one ship and those who are not enrolled are upon another. I am asking for information. I do not know, and I should like to know whether the Senator is informed on that point. It seems to me that there would be much confusion necessarily arising.

Mr. GALLINGER. I can only give my opinion that the system is the same as is proposed in this bill.

Now, as to one other point raised more particularly by the Senator from Wisconsin [Mr. SPOONER]. He insisted that this enrollment did not amount to anything; that we ought to have enlistment if we are going to do anything with these men. I telegraphed the general board of the Navy Department, under whose supervision this provision was prepared, asking them what "enrollment" meant. I do not know that this will meet the objection which the Senator from Wisconsin raised, but I want to read the reply by telegram just received:

"Enrollment" is a pledge for future service. "Enlistment" is a pledge for present and continuous service to a fixed date.

Signed by the general board.

I have thought that this enrollment was practically equivalent to enlistment; that men pledged themselves to perform this service under the conditions and requirements of the Navy Department; that there would be no doubt of their being subject to call, and that they would have to respond; but if that is not so, the bill can be strengthened in that respect if it is thought desirable.

Mr. CLAY. Mr. President, will the Senator——

Mr. BACON. Will my colleague pardon me just a moment?

Mr. CLAY. Certainly.

Mr. BACON. To recur to the matter about which I spoke a moment ago, since I asked the information from the Senator from New Hampshire I am informed by a gentleman, who says that he is not mistaken and can not be as to the fact, that the system of Great Britain does not consist in that which was suggested of a mixture upon the same ship of men who are enrolled and men who are not enrolled and in a discipline and regulation as to one which is not required of the other. I am informed that the system is this—that the men who are thus enrolled are disciplined upon the men-of-war, the naval vessels of Great Britain, for a limited period of time, during which they have to observe the regulations which are prescribed for that discipline, but that after that they go into the merchant-marine service as any other sailors, officers, or men, without any special discipline on that ship and without any special regulations upon that ship. Mr. President, while of course I was yielding to the suggestion of the Senator that it had been found in practice in the British service that such system was not objectionable and was not confusing, upon this statement of fact made to me I am still of the opinion that the provision made in this bill, under which there is evidently a contemplation that there shall be on the same ship part of a crew under one discipline and another part of the crew of the same rank without that discipline and without those regulations, is utterly impracticable.

Mr. GALLINGER. Mr. President, while very likely I was mistaken in the broad statement I made about the British naval reserve, I will ask the Senator where he finds anything in this provision that prohibits our Navy Department from doing precisely what he says is done in Great Britain?

Mr. BACON. Well, I do not know that it does prohibit it——

Mr. GALLINGER. They are to be enrolled——

Mr. BACON. But it strikes me, if that is the contemplation, there ought to be some such provision. Of course, these men can not be put upon the men-of-war without some authority of law. They are not in the employment of the United States so long as they are enrolled in this way until they are called for in case of necessity by the President. That is a provision of the bill. So that, if it is designed or if it is thought that that system should be adopted, it seems to me it ought to be more specifically prescribed and authority given for these men, when they enroll, to be for a limited time upon the men-of-war, and afterwards allowed to go under that enrollment in the service of the merchant marine.

Mr. GALLINGER. The naval reserve is similar to the militia of the States. It is a naval militia, and I take it that under this provision the Secretary of the Navy can have them drilled in such way as he may see fit. I suppose that certain vessels could be given up to that purpose. I see no inhibition in the bill in that direction, and I think, while very likely it would be confusing for a portion of the crew to be subjected to drill, yet they might have certain instruction, even if it is a mixed crew.

Mr. BACON. The Senator will see, however, that there is no provision in this bill for these men to be paid anything during the time of such instruction and drill except this bounty, because, of course, those who would employ them in the merchant marine hereafter would not pay them wages during the time when they were being thus drilled and disciplined by the Government.

Mr. GALLINGER. All I can say in reply to the Senator is that I will look carefully into that. The debate will continue to-morrow, and if there is any weakness in the bill in that respect it ought to be cured. There is no question about that. But these men are to be under the Secretary of the Navy, subject to the requirements to be made by the Secretary. I apprehend that that was all taken into consideration by the Department when this provision was framed.

Mr. TELLER. Mr. President, if there is any justification whatever for this bill, it is that possibly we might increase the number of American ships that the Government might have the benefit of in case of emergency, in case of war. Nobody here, so far as I have heard the debate, has ever claimed that we would get any less rate on our goods exported or imported because they were carried in American bottoms. The shipper would get nothing less; the consumer would get nothing less. But I suppose it is hoped that we may get ships that can be called into the service if it becomes necessary.

The Senator from Nevada [Mr. NEWLANDS] a few moments ago touched upon that question. This bill is fatally defective as to that, as will be found on page 8, unless it has been amended, and I can not find that it has been. It provides:

That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon, etc.

Here is a provision that renders it utterly impossible for the Government to get possession of ships in the hour of extremity. I called the attention of the Senator from New Hampshire to this ten days ago. It seems to me that it is a section that needs revision. There ought to be a provision that if the parties do not agree, the Government can take possession of the ships at once, the payment to be determined afterwards.

Mr. GALLINGER. I will say to the Senator that I offered an amendment to-day covering that point.

Mr. TELLER. Very good. If that is so, I do not want to waste the time of the Senate discussing it.

Mr. GALLINGER. I think the Senator was entirely right. The Senator raised that question the other day and satisfied me that he was entirely right, or some other Senator did—I do not know but that it was the Senator from Georgia [Mr. BACON]—and I drafted an amendment which I think the Senator will see completely covers that objection.

Mr. TELLER. I would not say, Mr. President, that in time of great emergency the Government might not take a ship of a citizen, because we have done such things.

Mr. GALLINGER. The amendment covers that.

Mr. TELLER. But we can avoid that by simply amending it.

Now, I want to say just a word or two about the naval reserve provision. I think that principle is correct. It is a valuable feature of the bill. I do not believe, as I have said before, or as the Senator from Nevada expressed it to-day, that the pay is sufficient to induce this enrollment. I think it very desirable that we should train some American sailors, but I think, further, when you come to attempt to reorganize the American merchant marine and the naval reserve that there ought to be some method by which a man who has distinguished himself as captain of a merchant ship might be called into the service of the Government, and that he might have some opportunity to advance in the service. I do not see anything in this bill to enable the captain of a merchant ship or the mate of a merchant ship to have any preference or for the Government to have any claim upon him.

Mr. GALLINGER. He gets the rank of lieutenant in the naval reserve, I will say to the Senator, under the provisions of the bill.

Mr. TELLER. The captain may get that. Yes, Mr. President, possibly he does. I do not know whether he would be at the command of the Government, as he ought to be, in time of war; but the chances are a thousand to one if he was offered a good place he would take it.

It is notorious that the best-manned ships we ever had were not manned by those who had technical education at a military or a naval school, but by men who got their education on the high seas. I believe that will always be the fact. I believe the men who have gone out as commanders of merchant ships will be better equipped, on the whole, than any other class of men that you can get. Certainly there is one thing about it, that practically all our fighting that has been done on the ocean in the past—except, perhaps, in this last little bit of affair that we had with Spain, which did not amount to much—has been done by the men who were common sailors on the commercial ships, men having no military training whatever. That is the class of men that I want to see taken care of, and I should like very much to see the Senator, before he allows this bill to go to a vote, offer an amendment to raise the wages of these men who are supposed to be enrolled. I think we can better afford to pay them than we can to pay the ships.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. Certainly.

Mr. ALLISON. As I understand this bill, the whole matter of regulation is left to the Secretary of the Navy. He can make a captain out of a seaman and he can make as many captains as he chooses without limitation of any kind upon his discretion in respect to the details of this arrangement.

Mr. TELLER. If the Secretary of the Navy can not do so, the President can. It is certain that somebody can. But I was suggesting that we ought to offer an inducement to the right class of men to become captains and mates of ships. If a young man makes up his mind that he is going to be a sailor, and he knows that in a certain emergency he may be called to a distinguished position of rank in the service of his country, he is a little more apt to take up that business than he would if he knew he was to remain a common sailor all his life or even if he should succeed in becoming the captain of a merchant ship. That is what I was trying to suggest.

Above all, I should like to see the sailors paid a sum sufficient to induce them to go into the service. As suggested by the Senator from Nevada, $50 on an average is not enough, in my opinion. When the Senator from New Hampshire cites Great Britain there is no parallel, because Great Britain has a different class of population, that can not secure the wages which the men in this country whom we would like to bring into this reserve can secure. I think we had better pay a million and a half dollars to that class of men than pay it out in a great many ways that we are paying it out now. We might economize somewhere else if we feel too poor to establish a good, substantial American naval reserve.

Mr. GALLINGER. On that point, Mr. President, I think I would be quite as much disposed to treat these men overgenerously as any other Senator; and it may be that the amount named is not as high as it ought to be. It is much higher than Great Britain pays. The Navy Department sent——

Mr. NEWLANDS. Mr. President——

Mr. GALLINGER. Allow me to finish the sentence. The Navy Department sent the schedule to me, and I called some gentlemen in conference who had to do with the construction of this bill. The Senator from Florida [Mr. MALLORY] raised the objection that the amounts suggested by the Navy Department were too low, and under his guidance the amounts were increased and were made what they are in the bill at the present time. The Senator from Florida, I think, was satisfied—and he has a great deal of knowledge on this question; I am sorry he is detained from the Chamber by illness to-day—that these amounts would be sufficient, but if it is thought otherwise, I certainly will not resist any reasonable increase.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. CLAY. The first section of the bill as amended provides for a naval reserve, as I understand, and all the sailors and officers engaged in the coasting trade and the foreign trade are eligible to become members of the naval reserve, and they are to be paid a small amount, ranging from a hundred and ten dollars, I think, to $24 a year in addition to the amount they receive from the owners of the ships on which they are working.

I should like to ask the Senator whether we are creating the naval reserve because we need it for the purpose of national defense, or are simply paying the men this amount by the Government in order to increase the wages of American sailors? Is not that the real object and purpose of this feature of the bill?

Mr. GALLINGER. I will say to the Senator, it is not. We are creating this reserve substantially for the same purpose that we are maintaining, at an enormous expense to the Government, the militia in the several States.

Mr. CLAY. I will ask the Senator this question. I understand the object and purpose of this legislation is to have American products carried in American bottoms to foreign countries. That is the principal object and purpose of the bill. At this time there is no general complaint that we have not a large foreign trade, but as a matter of pride we are anxious to have our manufactured products and our farm products carried in American bottoms.

I will ask the Senator why it is necessary to pay a bounty to the sailor engaged in the coasting trade? If you are trying to have your American products carried in American bottoms, why is it necessary that those engaged in the coasting trade and in the trade on the Great Lakes shall be included?

Mr. GALLINGER. For the simple reason that the naval-reserve feature of the bill has nothing whatever to do with the proposition of carrying American goods in American bottoms or of extending American trade. It is an entirely separate and distinct proposition, and it was found that if we confined the naval-reserve feature to the foreign trade, we had so few American sailors that we would not have any naval reserve.

Mr. CLAY. Does the Senator intend to say that the naval reserve is to be created, not with a view of helping and of developing the shipping interest of the country, but purely for purposes of national defense?

Mr. GALLINGER. Oh, indirectly——

Mr. CLAY. Do I understand the Senator to say that?

Mr. GALLINGER. I think it accomplishes both purposes. I think it will give us a better class of seamen, and it will give us a force of seamen who in time of emergency will be of great value to the Government. It will serve that double purpose.

The purpose of this bill is not only to carry American products in American ships, but it is to extend American trade. We have not any too much foreign trade. It is a disgrace that we have not any more foreign trade in South America, for instance, and we hope by establishing lines there, run by Americans, which, in turn, will result in the establishment of American commercial houses in those countries, to extend very much our foreign trade.

We did find, in taking testimony, that some shippers complained very bitterly that they were sustaining great losses in shipping in foreign ships; that no attention was paid to their goods when they arrived at the foreign destination; that the foreigner was more interested in goods from his own country and in affairs that concerned his own people than he was in American products, and that if there were breakages, which frequently occurred to a very large extent, they could get no redress from the foreign shipowner.

We are of the opinion that when we get American ships we will not only carry American goods, exports and imports, in American bottoms, but that those ships, sailing to countries where our trade to-day is not as great as it ought to be, will result in a greatly increased trade for the American people; and in that way we believe, or at least some of us believe, that the expenditure provided for in this bill will be paid back many fold.

Mr. CLAY. As I understand, there was not any opposition to establishing new mail routes where needed. I believe the opposition to the bill simply insisted on striking out the second, third, and fourth sections. I never heard of any opposition to the feature which had reference to establishing new mail lines where they are needed.

Mr. BACON. Mr. President, I quite agree with the Senator from New Hampshire in the expression of regret that we have not direct trade with South America, as well as with other countries, but particularly South America. Some time, a week or so, ago there was a little colloquy between the Senator from New Hampshire and myself upon this subject, in which I endeavored to bring out the fact, under the statement of the Senator from New Hampshire himself, that so far as cargo ships were concerned they were not calculated to develop trade between the United States and any given port; that they were calculated for general trade and not for the development of any special line, and that the only hope, practically speaking, of the development of trade and the establishment of new lines between this country and certain given ports where we now have no lines of transportation was in the manner contemplated in the fifth and sixth sections of the bill, providing for liberal mail compensation to be given to ships which would run between this country and those given ports.

Now, I am very much in sympathy with that part of the bill, as stated by my colleague, and I would be willing to go a very considerable length in that direction. I believe it is a matter of extreme importance that this trade should be developed; that we should have the lines of communication which would enable us to develop that trade. I am, on the contrary, not favorable to the other part of the bill, and for the purpose of giving the opportunity for a test of that question and as an earnest of good faith in the matter, stating I am willing to support this bill so far as it relates to giving a liberal mail compensation for those routes, I offer the amendment which I now send to the desk, to strike out the first four sections of the bill. I ask that it may be printed and lie on the table for action at the time contemplated by the unanimous-consent order.

The VICE-PRESIDENT. The Senator from Georgia offers an amendment, which will be printed.

Mr. BACON. It may be stated.

Mr. KEAN. Let it be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out from the bill sections 1, 2, 3, and 4.

Mr. GALLINGER. Mr. President, before the discussion of the

day ends, simply as a matter of information—I do not expect thereby to change anybody's opinion concerning this bill or any feature of it—I want to read a dispatch which was sent out from Washington. It is taken from a Boston paper, and I have seen it in the New York papers, under date of February 10:

SWIFT LINE TO CHILE—CONGRESS OF THAT COUNTRY APPROPRIATES $250,000 ANNUALLY TO ESTABLISH STEAMSHIP COMPANY TO PANAMA.

WASHINGTON, *February 10, 1906.*

The Chilean legation has been informed that the Chilean Congress has just appropriated $250,000 annually for a steamship line to establish more direct communication between Valparaiso, Chile, and Panama. The trip now takes twenty-two to twenty-four days, because ships make frequent and long stops in towns on the coasts of Chile and Peru.

It is the intention of the Chilean Government that ships shall make the trip in a much shorter time, thereby establishing a much more rapid connection with New Orleans and New York and other American harbors.

This shows that poor little Chile is ready to spend a quarter of a million dollars a year to establish a line of steamships to extend her commerce. I have the profoundest hope and expectation that this great country of ours, which has wealth in excess of the combined wealth of England and France of $5,000,000,000, will not haggle a great while about giving some aid to our shipping, so that we may extend our commerce to foreign countries.

Mr. BACON. The Senator will note that the particular enterprise upon which Chile is about to enter is of the very class I have just alluded to as that which I would myself prefer.

Mr. GALLINGER. Precisely.

Mr. BACON. It is the establishment of lines of transportation between given points.

Mr. GALLINGER. Yes.

Mr. BACON. I am willing to assist properly in that direction.

Mr. GALLINGER. I did not read this item in criticism of anything the Senator said.

Mr. BACON. I understand.

Mr. GALLINGER. I understand the Senator's position.

Mr. BACON. But I desired, as the Senator gave such a fine opportunity, to make application of it in support of the suggestion I made.

Mr. GALLINGER. I am delighted to have the Senator's support for half the bill. I hope he will see additional light and vote for the bill in its entirety to-morrow at 5 o'clock.

Mr. ALLISON. Mr. President, there has been handed to me at my desk a letter from the president of the American Federation of Labor, having reference to something in the pending bill, and I ask unanimous consent that it be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The communication referred to is as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., February 13, 1906.

Hon. WILLIAM B. ALLISON,
United States Senate.

DEAR SIR: The Senate of the United States has before it and under consideration S. 529, commonly known as the "subsidy bill." Bills of a similar character before previous Congresses have been given considerable attention by the working people of our country and their views expressed thereon, and particularly is this so in reference to the principle involved as well as certain features of the bill in the third session of the last Congress, being H. R. 17098. Comparison and perusal of this bill with S. 529 shows a marked similarity in purpose, method, and principle, and it is both the presentation to you and through you to the Senate of the United States that I am impelled to address this letter to you.

October, 1905, Mr. Daniel J. Keefe, president of the International Longshoremen's Association and vice-president of the American Federation of Labor, requested an opinion from me upon the subsidy bill (H. R. 17098), and because a perusal of my reply to him and because I am convinced that in effect the reply applies equally to the present subsidy bill (S. 529) I quote that letter herein. It is as follows:

"Thus far I have been unable to write one word of my reports, the other work requiring so much of my attention. In spite of being overwhelmingly busy, I have tried to comply with the request contained in your favor of October 12 in regard to the Grosvenor bill, H. R. 17098, of the Fifty-eighth Congress, third session, being a bill on the merchant marine and fisheries, commonly known as the 'subsidy bill.'

"I have also read the report of the committee, Report No. 4136, Fifty-eighth Congress, third session, House of Representatives, and which accompanied H. R. 17098. Of course I do not pretend to say that I have thoroughly digested the provisions of the bill and report. To make any such claim would be futile, because it would require thorough study to entitle one to reach conclusions upon which one can so definitely assert.

"However, from a casual reading and a fair conception of their purport, as well as some experience with measures of this character, I submit to you the following tentative conclusions, which were forced upon my mind, or, rather, I submit the following for your consideration in connection with this subject:

"In connection therewith I need not, however, mention the fact that the American Federation of Labor has repeatedly and almost unanimously declared against the ship-subsidy bills that have been introduced in the various Federal Congresses. I only need briefly call your attention to the few points to which I shall refer.

"You will observe on page 5 of the bill, from line 13 to 16, inclusive, there is a provision that if one-sixth of the crew are American citizens of the United States, or men who have declared their intention to become citizens, that the vessel shall be entitled to subvention. In other words, five-sixths of the crew may not only be aliens, but could be Asiatics, and in view of the fact that the tendency of the ship companies, like other employers, is toward a desire to get the cheapest possible labor, it is not difficult to understand that the shipping companies receiving this subsidy would hire as many of the aliens as possible—that is, five-sixths of the crew—at a low wage, and through this means endeavor to force down the wages of the one-sixth of the crew necessary to be employed to entitle it to the subsidy.

"On page 6 of the bill you will find a provision that a vessel shall not be entitled to the subsidy unless the members of the crew shall be enrolled as naval volunteers, and on page 2 of the bill it provides that they shall be 'enrolled for a period of three years, during which they shall be subject to render service on call of the President in time of war.'

"One can readily see that the shipping masters will make the enrollment into the naval volunteer service a condition precedent to such employment, and that the failure or refusal of a seaman to enroll as a volunteer in the Navy, and subject to a call in time of war, will be sufficient cause for shipping masters to refuse to give these men employment at all.

"Of course every American must feel, and should feel, that in time of need Americans should readily respond to the call for troops on land or sea to defend the interests and honor of our country, but I believe you will agree with me that when a man's employment in times of peace depends upon his enlistment in either the Army or the Navy that such a provision is tantamount to compulsory enlistment, and practically constitutes conscription.

"Then, again, on pages 11 and 12 you will find that a tax or duty is imposed upon foreign vessels carrying products to the United States of from 8 cents to 16 cents tonnage per year. It is not difficult to discern that every cent of such taxation will be placed upon the products which the people of the United States will have to pay on every article they consume, at any rate during the period from the enactment of the bill until every article brought from a foreign country is brought in ships flying our flag. And surely between such period and the entire carrying of foreign trade by American vessels a considerable time will elapse.

"In the entire bill there is not one provision that makes one solitary gain for the men who make their living by going down to the sea in ships.

"In the report of the committee a pious wish is expressed that other committees of Congress should take this matter into consideration, but these perfunctory declarations mean little or nothing. If the committee had any idea for the improvement of the condition of the seamen, they certainly could have drafted it in the bill they had under consideration.

"I regret that I have not any more time to devote to the consideration of this matter, but the above is submitted to your careful consideration as the conclusions reached at the first flush after reading and noting the contents of the bill and the report of the committee. You will, of course, understand that I am not an expert in maritime affairs. I speak from the standpoint of the layman who has had some little experience in dealing with matters of this character, and in that spirit and understanding I ask you to accept it for what it is worth."

Omit from this quoted letter the word "volunteer" and substitute the words of the present bill, "naval reserve," and the applicability will thus be obvious.

It may not be amiss to call attention to the fact that on page 4, lines 6 to 9, in accordance with the provisions therein stated, the seamen coming under the operation of the bill, if it were enacted into law, would, while employed by private concerns, still be subject to such orders and regulations as the Government, through its Secretary of the Navy, may prescribe, again making conscription practically absolute as a condition for the employment of a seaman on a private vessel.

On page 5, lines 3 to 11, the following language occurs:

"Such retainer shall be paid at the end of each year of service on certificate, by an officer to be designated by the Secretary of the Navy, that the member of the Naval Reserve has satisfactorily complied with the regulations, and, on certificate by the Commissioner of Navigation, that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries."

In other words, this provision of the bill makes the seaman who has entered in the Naval Reserve dependent upon the whim and fancy, favoritism and displeasure of his private employer before even the seaman may receive the Government's largess.

Without discussing further the general principles of the bill, it appeals to me with irresistible force that the particular features of the bill to which I have addressed myself should commend themselves sufficiently strong to you, so that they may act as a protest against their enactment into law.

The workmen of America love our country, and there are no more loyal in all the masses of the people than are those who are enrolled in the membership of the trade unions of our country. It is in their name that I address you, and suggest further that wisdom and foresight and patriotism, as well as economy, should suggest a definite method by which men, American by birth, citizenship, or sympathy may be recruited from the merchant marine of America for the naval strength of our country in times of stress and war as well as in peace.

Very respectfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the House of Representatives House bill 297, to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, for the purpose of amendment.

DECORATION FOR PROF. SIMON NEWCOMB.

Mr. SPOONER. I desire to withdraw the motion made by me on the 8th instant to reconsider the votes by which Senate bill 4198, granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order

"Pour le Mérite, für Wissenschaften und Kunste," was ordered to a third reading, and passed.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the motion to reconsider the votes by which Senate bill 4198 was ordered to a third reading, and passed. The Chair hears no objection, and the bill stands passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 14, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1906.

CONSUL-GENERAL.

George E. Anderson, of Illinois, now consul at Amoy, to be consul-general of the United States at Rio de Janeiro, Brazil.

CONSUL.

Albert R. Morawetz, of Arizona, now consul at Nogales, to be consul of the United States at Bahai, Brazil.

TERRITORIAL ASSOCIATE JUSTICE.

Benjamin F. Burwell, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

SECRETARY OF NEW MEXICO.

James W. Raynolds, of New Mexico, to be secretary of New Mexico, to take effect January 13, 1906.

MARSHALS.

John R. Abernathy, of Oklahoma, to be United States marshal for the Territory of Oklahoma.

James M. Millikan, of North Carolina, to be United States marshal for the western district of North Carolina.

COLLECTORS OF CUSTOMS.

Elwell S. Crosby, of Maine, to be collector of customs for the district of Bath, in the State of Maine.

Myron H. McCord, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona.

POSTMASTERS.

ILLINOIS.

Harry B. Ward to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Augustus Gibson to be postmaster at McLeansboro, in the county of Hamilton and State of Illinois.

Harley R. Moberly to be postmaster at Windsor, in the county of Shelby and State of Illinois.

James W. Prouty to be postmaster at Roseville, in the county of Warren and State of Illinois.

INDIANA.

Luther D. Branden to be postmaster at Greensburg, in the county of Decatur and State of Indiana.

Robert L. Cox to be postmaster at Fowler, in the county of Benton and State of Indiana.

James H. Jones to be postmaster at Newcastle, in the county of Henry and State of Indiana.

Willis L. McCampbell to be postmaster at Middletown, in the county of Henry and State of Indiana.

Albert V. Randall to be postmaster at Shelbyville, in the county of Shelby and State of Indiana.

MISSOURI.

Clarence Conger to be postmaster at Unionville, in the county of Putnam and State of Missouri.

NEW YORK.

David W. Cornell to be postmaster at Chappaqua, in the county of Westchester and State of New York.

Frank A. McCoy to be postmaster at North Tonawanda, in the county of Niagara and State of New York.

SOUTH DAKOTA.

John E. Sullivan to be postmaster at Plankinton, in the county of Aurora and State of South Dakota.

TENNESSEE.

Joseph N. Ellis to be postmaster at Jefferson City, in the county of Jefferson and State of Tennessee.

Monroe C. Monday to be postmaster at Knoxville, in the county of Knox and State of Tennessee.

John M. Wooten to be postmaster at Morristown, in the county of Hamblen and State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 13, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE ST. FRANCIS RIVER, IN CLAY COUNTY, ARK.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13567) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river.

The bill was read at length.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Arkansas if this bill has been approved by the War Department?

Mr. MACON. Yes, sir; and is so indicated in the report.

The SPEAKER. Is there objection? [After at pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS PERDIDO RIVER AT WATERS FERRY, ALA.

Mr. WILEY of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk with amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13548) to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry.

The bill was read at length.

The amendments recommended by the committee were read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. WILEY of Alabama, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a joint resolution of the following title:

S. R. 32. Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution (S. R. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time—to the Committee on Interstate and Foreign Commerce.

BRIDGE ACROSS ARKANSAS RIVER, VAN BUREN, ARK.

Mr. REID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill. Without objection, the Clerk will read the substitute.

Mr. REID. Mr. Speaker, before the reading of the bill, I want to call attention to the fact there is a proviso left in the bill which was left in inadvertently. It will be found on page 7, lines 23 to 25, inclusive. The bill as reported was intended to be in accordance with one previously passed by the House, but that provision was left in there by inadvertence.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I understood the Chair asked whether there was objection to the consideration of the bill. The bill has not been read, or even the title.

Mr. REID. The bill conforms exactly to a bill which passed the House a few days ago, and that proviso is asked to be stricken out to make it conform in that respect to that bill.

Mr. PAYNE. I think we should have the bill read.

Mr. REID. That is the substitute.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

An act (S. 2106) to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.

The substitute was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. REID. Mr. Speaker, in order to make the bill conform exactly to the requirements, I would ask unanimous consent to strike out the provision on page 7, lines 23 to 25, inclusive. This proviso was inadvertently put in the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. REID. Also, on page 9, in line 13, strike out the word "two" and insert "one." Also, in line 14 strike out "five" and insert "three."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be read the third time; was read the third time, and passed.

On motion of Mr. REID, a motion to reconsider the last vote was laid on the table.

COINAGE, WEIGHTS, AND MEASURES.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD] asks unanimous consent for the present consideration of a resolution which the Clerk will read.

The Clerk read as follows:

Resolved, That the Committee on Coinage, Weights, and Measures be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

REPRINT OF BILL.

Mr. SOUTHARD. Mr. Speaker, I desire to ask for a reprint of the bill (H. R. 8988) to fix the standard of weights and measures by the adoption of the metric system of weights and measures.

The SPEAKER. The gentleman from Ohio asks unanimous consent for reprint of the bill H. R. 7980. Is there objection?

There was no objection.

NEW JUDICIAL DISTRICT.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8977) to create a new division of the western judicial district of Texas and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the counties of Uvalde, Zavalla, Maverick, Kinney, Edwards, Valverde, Terrell, Pecos, and Brewster shall constitute a division of the western judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said western district of Texas shall be held twice in each year at the city of Del Rio, in Valverde County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Del Rio, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Uvalde, Zavalla, Maverick, Kinney, Edwards, Valverde, Terrell, Pecos, and Brewster, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Del Rio, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Del Rio: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this bill shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Del Rio, which shall be kept open at all times for the transaction of the business of said division.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if there is any public building lurking around in this bill anywhere?

Mr. GARNER. I would say to the gentleman from New York that there is not just at this time.

Mr. PAYNE. But that is the final goal?

Mr. GARNER. No; I can not say that it is.

Mr. PAYNE. Is there any other reason for the bill except that?

Mr. GARNER. Oh, yes; there is no question about that.

Mr. PAYNE. I wish the gentleman would state it.

Mr. GARNER. The people in that section have to travel from 100 to 420 miles to get to court at the present time in the territory embraced in this bill.

Mr. PAYNE. How much would the distance be shortened by this bill?

Mr. GARNER. From 35 to 250 miles. There are nine counties embraced in the bill, and it will be of great advantage to the Government in the saving of fees of witnesses in attendance at the court.

Mr. PAYNE. Is there any place now where they can hold the court?

Mr. GARNER. Yes, sir.

Mr. PAYNE. Where is it?

Mr. GARNER. The county court-house.

Mr. PAYNE. Do they get free use of that?

Mr. GARNER. Yes.

Mr. PAYNE. I hope the House will confine them to that.

Mr. SMITH of Texas. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The gentleman from Texas [Mr. SMITH] offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the words "Edwards" and "Brewster" wherever they occur in the bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the passage of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE ST. FRANCIS RIVER.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13568) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26 in township 20 north, range 9 east, touches said river.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the bill in full.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSPORTATION OF THE MAILS.

Mr. GILLESPIE. Mr. Speaker, I desire to offer a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas [Mr. GILLESPIE] desires to offer a privileged resolution. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the Postmaster-General be, and he is hereby, requested to furnish the House, at his earliest convenience, a comparative statement showing the cost to the Government for the transportation of the mails per ton per mile by the railroads and the cost of transporting express matter per ton per mile by the railroads.

The SPEAKER. What is the gentleman's motion?

Mr. GILLESPIE. I move that the committee be discharged from the consideration of the resolution and that it be put upon its passage.

Mr. PAYNE. I make the point of order that is is not privileged. It calls for an investigation by the Post-Office Department.

The SPEAKER. The Chair notices that this resolution provides that the Postmaster-General be requested to furnish the House, at his earliest convenience, a comparative statement showing the cost to the Government for the transportation of mails per ton per mile by the railroads, and the cost of transporting express matter per ton per mile by the railroads. The doubt in the mind of the Chair is that this calls for information touching a matter that is not at all under the Postmaster-General, so far as express matter is concerned; and therefore, it would seem that if the resolution were to be adopted, that it would set on foot an investigation in the Post-Office Department. The Chair will hear the gentleman upon the proposition as to whether the latter clause, covering the cost of transporting express matter per ton per mile, does not destroy the privileged character of the resolution.

Mr. GILLESPIE. Mr. Speaker, it only calls for that information provided it is in possession of the Postmaster-Gen-

eral, and goes to the merit of the resolution rather than its privileged character. If he has not that information he will report that he has not got it and that will end the matter.

The SPEAKER. Ah; but it seems to the Chair, and the Chair suggests to the gentleman that the language goes further—that he furnish the House at his earliest convenience a comparative statement showing the cost for transporting mails and the cost of transporting express matter. Now, it might be assumed that if he does not have the information he will so report; but it will also be assumed that he will be required to enter into an inquiry that might detail much of expense or might not. It is not for the Chair to pass upon that matter. The only thing the Chair has to pass upon is, when the point of order is made, as to whether taking the two together destroys the privilege of the first. Much of inference here has to be indulged in before the point of order could be overruled.

Mr. PAYNE. May I suggest, Mr. Speaker, that the latter part of the resolution being nonprivileged matter, of course it destroys the privilege of the resolution, according to uniform rulings heretofore. The information as to express companies can not be assumed or presumed to be in the knowledge of the Postmaster-General, for that Department has nothing to do with that. On the contrary, the presumption is they know nothing about it and must make an investigation. Now, that calls for something besides information; it calls for an investigation by the Department; and that being nonprivileged destroys the privileged character of the resolution.

The SPEAKER. The Chair will hear the gentleman from Texas. The Chair must take notice, as each Member must take notice, somewhat of the various Departments of the Government charged with administration of law. Now, the Chair knows that by a general provision of law certain duties devolve upon the Post-Office Department and certain duties upon the Department of Commerce and Labor and certain other duties on the Treasury Department and certain other duties upon a commission that is not under any Department, as the Interstate Commerce Commission. So that any ruling the Chair might make necessarily involves something of knowledge of the organization of the Government. The Chair will hear the gentleman.

Mr. GILLESPIE. Mr. Speaker, upon the line suggested by the Chair: Is it not proper to state that when the Postmaster-General has to make these contracts with the railroads for carrying the mail he would investigate what kind of a contract he should make? And he certainly has data properly bearing upon this subject in his possession.

The SPEAKER. Just at that point—because the gentleman from Texas and the Chair are at one about this resolution—the Chair must take notice that contracts with the railways are regulated by law, and the service is performed without regard to a contract, when it is performed at all, by the railway, of course, and when the service is performed the compensation, whether under contract or without contract, is absolutely controlled by statute.

Mr. GILLESPIE. Mr. Speaker, on the proposition raised by the gentleman from New York I understand the rule to be that a resolution upon its face must call for an investigation in order to destroy the privileged character. Now, if you arrive at that by argument or inference, that does not destroy the privileged character of the resolution.

The SPEAKER. On the contrary, the Chair suggests to the gentleman that he must resort to argument to sustain the privileged character of the resolution.

Mr. GILLESPIE. I believe the rule just the other way, Mr. Speaker, with all due deference to the Speaker.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Mississippi?

Mr. GILLESPIE. I yield to the gentleman from Mississippi such time as he needs to discuss the point.

Mr. WILLIAMS. Mr. Speaker, this resolution requests the Postmaster-General to furnish a comparative statement showing the cost to the Government—that is, the actual cost now—from data necessarily in the possession of the Postmaster-General. It requires nothing, as I understand it, except the collocating of information now in the possession of the Post-Office Department—the cost to the Government for the transportation of the mails per ton per mile, and the cost of transporting express matter per ton per mile, by the railroads. The Postmaster-General has in his possession the information showing the number of tons and the cost both of the express matter and of the transportation of the mails in the ordinary way along the railroads. Undoubtedly if it required an investigation in order to arrive at the facts to be reported to the House the point made by the gentleman from New York would be well taken, but this does not necessarily require that. It not only does not necessarily require it, but it does not properly or incidentally require it. All that is asked of the Postmaster-General is such information as he has. There is no request that he make an investigation to get other information at all, as I understand this resolution. I have read it hastily, because this is the first time I have seen it. My attention was not called to it. Perhaps it might have been made a little bit plainer by saying "a comparative statement from data now in his possession," and if that point is made I have no doubt the gentleman from Texas [Mr. GILLESPIE] would be perfectly willing to put in those words; but it seems to me it is not necessary that they should be put in, because that is what the resolution naturally and without any forced or strained construction must mean.

Mr. GILLESPIE rose.

The SPEAKER. The gentleman from Texas.

Mr. GILLESPIE. Mr. Speaker, I can only say that if the House should entertain the resolution upon its merits I would agree to the amendment suggested by the gentleman from Mississippi.

The SPEAKER. It seems to the Chair that the resolution, requesting the Postmaster-General to report the cost to the Government of transporting the mails per ton per mile by the railroads, if it stopped there, would be a privileged resolution under the rule; but when it adds "and the cost of transporting express matter per ton per mile by the railroads," it does not cover a question of privilege under the rule, and it is only the question of privilege that is to be considered. The gentleman arises in his place and makes his motion to discharge the Committee on the Post-Office and Post-Roads from further consideration of this resolution, because, a week having elapsed since it was referred to that committee, it has not reported the same back. In other words, the rule enables the gentleman, if he has the proper case under the rule, to halt the consideration of all other resolutions that are not privileged and the ordinary business of the House, and to halt the House in the consideration of business upon the Calendars from the various committees, and dispose of this resolution by virtue of this rule. Now, if the motion does not prevail and it is not a question of privilege, the resolution remains with the Committee on the Post-Office and Post-Roads for disposition under the rules of the House, the same as other business.

Now, the uniform ruling of the Chair in former Congresses and in this Congress has been by construction not to enlarge the matter of privilege in these cases. It does seem, following the precedents for the orderly transaction of business in the House, that the construction holding the resolution privileged should be strict, and in the opinion of the Chair the latter clause of the resolution is not privileged and vitiates the resolution as a question of privilege. Therefore the Chair sustains the point of order.

UNITED STATES COURT, DUNCAN, IND. T.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 436) establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the town of Duncan, and all laws regulating the holding of the courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Duncan.

SEC. 2. That the territory described in this section shall be known as recording district No. 27, beginning at a point where township line between townships 2 and 3 north reaches the east boundary line of Oklahoma Territory; thence east on said township line 24 miles to where it intersects with range line 3 and 4 west; thence south on said range line 12 miles to where it intersects the base line between townships 1 north and 1 south; thence east along said base line 6 miles to the range line between ranges 2 and 3 west; thence south 12 miles along said range line to the township line between townships 2 and 3 south; thence west 30 miles along said township line to where it intersects with the east line of Oklahoma Territory; thence north along said line 24 miles to the place of beginning.

SEC. 3. That the present boundaries of recording district No. 18, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to a section line 3 miles south of the township line between townships 4 and 5 north; thence west on said line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

SEC. 4. That the present boundaries of recording district No. 17, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point 3 miles south of the township line between townships 4 and 5 north where said line intersects with the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to a section

line 3 miles south of the township line between townships 4 and 5 north; thence east on said section line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

SEC. 5. That it is further provided that all the provisions of the act of Congress approved February 19, 1903, shall apply to districts Nos. 17, 18, and 27 where applicable. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what committee reports this bill?

Mr. STEPHENS of Texas. It is unanimously reported from the Committee on the Judiciary. This was the only bill that was left over from yesterday on the call of that committee. The bill would have been the next one to come up.

Mr. PAYNE. The Judiciary Committee can call it up on the call of committees.

Mr. STEPHENS of Texas. Their call has been exhausted. I understand they have had their two days already, and it would be impossible now for them to call this bill up. It is the only one that was left on their calendar.

Mr. PAYNE. Is there any special haste for this legislation?

Mr. STEPHENS of Texas. No; except this bill has passed the House twice and failed, for want of time, to pass the Senate. There is no objection to it whatever.

Mr. PAYNE. It has never been considered at either time, has it?

Mr. STEPHENS of Texas. It was considered when it passed the House. It was considered by the committee both times, and by the House. There was some discussion about it. I will state to the gentleman that this lays off three districts 30 miles square on the Rock Island Railroad on the west side of the Indian Territory. Along the Santa Fe road there are four courts, while on the Rock Island there are only two. There is 100 miles scope of country there with only two courts, one near the Red River and another one near the northern boundary, lying about 80 miles apart. This will divide the distance and give Duncan a court, and leave the intervening space only 40 miles. Three-quarters of the business goes from Duncan to the other courts, and it is unfair to the people. It will be a saving to the United States Government with no expense to the Government. The same clerks will have charge. United States Judge Thompson has recommended the passage of the bill.

Mr. PAYNE. Does the bill create a new county and a new county seat?

Mr. STEPHENS of Texas. Only a recording district. We have no counties in the Indian Territory, and that is the reason why we have the boundaries laid off. In place of counties we have recording districts, and the recording district and the court district is the same.

Mr. PAYNE. That is a local court?

Mr. STEPHENS of Texas. A local court, and the United States judge requests Congress to pass the bill. There will be a saving to the United States Government in the way of witness fees. This town has three or four thousand people, and is the largest town on the line, except Chickasha, which now has a court.

Mr. PAYNE. Well, Mr. Speaker, I think bills of this character ought to come up in the regular way, but I will not interpose any objection to the bill this morning.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman from Texas a question.

Mr. STEPHENS of Texas. Certainly.

Mr. LACEY. Is this not the same bill that there was trouble about in the Fifty-seventh Congress, where, after the Speaker's signature was attached to it, it had to be canceled and withdrawn?

Mr. STEPHENS of Texas. I think it is.

Mr. LACEY. Ought not this bill to be considered by the Committee on Territories, as it makes practically a new county?

Mr. STEPHENS of Texas. I can not say whether the Committee on Territories ought to have it or not, but the Judiciary Committee has always passed on these bills for new places to hold courts.

Mr. LACEY. Which committee passed upon it in the Fifty-seventh Congress?

Mr. STEPHENS of Texas. I think the Judiciary Committee did. When a bill is introduced creating a court or changing the place for holding a court, it is always sent to the Judiciary Committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and pending that motion I ask unanimous consent that general debate be limited to three hours, one half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by myself.

Mr. FITZGERALD. Mr. Speaker, it has been suggested that for the present no agreement as to time be made, and that perhaps we can get through quicker.

Mr. SMITH of Iowa. Inasmuch as an agreement can not be made unless we make it now, I will ask the gentleman if he will not consent to a slightly longer time. We have no one on this side who wishes to speak except on the bill itself, and it is not our purpose to have general debate on other subjects.

Mr. FITZGERALD. One or two gentlemen have suggested that they might wish to speak on this bill, and perhaps they will not use any time at all.

Mr. SMITH of Iowa. Will not the gentleman consent to three and a half hours?

Mr. FITZGERALD. As far as I am concerned, unless some gentleman on this side wishes to occupy some time, I have no objection.

Mr. SMITH of Iowa. If the gentleman will agree to three hours or three and a half I will agree to grant some time from this side to gentlemen on that side if they require it.

Mr. FITZGERALD. That will be satisfactory to me.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate be limited to three and one-half hours, one half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by the gentleman from Iowa [Mr. SMITH]. Is there objection?

There was no objection.

The motion of Mr. SMITH of Iowa was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill, with Mr. CURRIER in the chair.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MCNARY. I object.

The CHAIRMAN. The gentleman from Massachusetts objects. The Clerk will read.

The Clerk proceeded with the reading of the bill.

During the reading of the bill,

Mr. MCNARY. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. The gentleman from Massachusetts withdraws his objection. Without objection, the Clerk will dispense with the further reading of the bill.

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, before addressing myself to the details of the bill now pending, I desire to call attention briefly to the methods by which money may be drawn from the Federal Treasury. There are three distinct kinds, or classes, of laws under which money may be paid out of the Treasury.

First. Laws making ordinary annual appropriations. These are only available for contracts made or expenses actually incurred during the fiscal year for which such appropriations are made, and under the so-called "covering-in act" of 1874 are not so available after two years from the end of the fiscal year.

Second. Laws providing for what are called continuing appropriations, which provide that the money appropriated shall be available until expended. Of this character are the appropriations for rivers and harbors, for public buildings under the Treasury and at Soldiers' Homes, for the pay of the Navy and Marine Corps for the fiscal year for which the appropriation is made, for fortifications, and all those laws which specially provide that the money appropriated shall be available until expended; laws with reference to life-saving stations always contain this provision. The provision of the Constitution that Congress shall not appropriate money for the support of an Army for more than two years is not held to be applicable to appropriations for fortifications.

Third. Laws providing for what are called "permanent appropriations." Permanent appropriations are of two classes, definite and indefinite. Definite permanent appropriations may

be illustrated by the standing appropriation of $5,500,000 a year for the collection of customs duties. The Secretary of the Treasury is annually entitled to take that sum and spend it in the collection of customs without any appropriating act by Congress. There are other definite permanent appropriations, but this is illustrative of the class. There are two types of indefinite permanent appropriations.

There are acts providing that all the receipts from a specific source may be utilized for a given purpose; these are indefinite, because it is uncertain what the receipts will be, as, for example, it is provided that the head tax of $2 apiece upon immigrants may be used so far as necessary for the payment of the expenses of the Immigration Service. This appropriation is indefinite for two reasons: It is indefinite because it is uncertain what the receipts will be from the head tax and uncertain how much the Department will deem it necessary to expend of those receipts. A second class of indefinite permanent appropriations is to be found in those laws which provide that certain expenses of the Government may be paid out of the Treasury, and it is uncertain as to what those expenses will amount to. This last type may be illustrated in this way: If an American diplomatic or consular officer starts to his station in a foreign land he is entitled to pay from the time he starts, and the man who is returning is entitled to pay until he arrives here. This overlap of pay of diplomatic and consular officers is allowed to be paid out of the Treasury without any act appropriating the money therefor. Among other of these indefinite permanent appropriations may be found the provision for the sinking fund and the payment of the interest upon the public debt. The expenditures from the Treasury under so-called "permanent appropriations" amount now to $140,000,000 a year and more. The various committees of this House with authority to bring in appropriation bills have nothing to do with past expenditures, save as information upon that subject throws light on future needs. Their primary duty is to ascertain what is needed for the future, not what has been done with past appropriations. Of course, information upon that subject is highly instructive as to what is actually needed for the future, but this Government is now expending about $800,000,000 a year, or about $660,000,000 aside from that expended on the permanent appropriations. Of this, about $640,000,000 are on reports from the four committees—on Military Affairs, on Naval Affairs, on the Post-Office and Post-Roads, and the Committee on Appropriations.

It is beyond the power of these committees unaided to fully examine in detail all the past expenditures of the various Departments, and in addition perform their primary duty of ascertaining the amount needed for the future. While the committees make a cursory examination of what has been done with the funds heretofore appropriated for the subjects under consideration by these committees, as we do not have to appropriate the money used in paying the more than $140,000,000 on what are called "permanent appropriations," no committee makes any investigation whatever of the expenditures under the permanent appropriation laws. We have a cursory examination of expenditures under the annual appropriation bills, a similar investigation of appropriations available until expended, and none at all of the expenditure of $140,000,000 a year under the permanent appropriation laws of Congress. Rule X of this House provides for the appointment of ten committees of seven members each, one on expenditures in each of the Executive Departments, and one on expenditures on public buildings. Rule XI provides that all proposed legislation—the subjects relating to the examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same, the economy, justness, and correctness of such expenditures, their conformity with appropriation laws, the proper application of public moneys, the security of the Government against unjust and extravagant demands, retrenchment, the enforcement of the payment of moneys due to the United States, the economy and accountability of public officers, the abolishment of useless offices, the reduction or increase of the pay of officers—shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several Departments.

The language of this rule leaves us gravely in doubt about whether it was contemplated that these committees should do more than consider proposed legislation on subjects within their jurisdiction. Whatever may have been the original purpose, these committees have long since ceased to be regarded as charged with the duty of conducting any investigation of the expenditures in the Departments. If under suitable amendment to the rules these committees should be specifically charged to annually investigate all expenditures of the Departments and report to the House, misappropriation and extravagance would be speedily discovered and done away with. The House was astonished a few days ago to find that the Attorney-General had authorized an expenditure of about $2,600 out of the contingent fund of his Department for the purchase of an oil painting of his predecessor; but if these committees on expenditures in the Departments were vitalized, as I have suggested, and performed their functions, this House would know that the Attorney-General was simply following a practice of his predecessors for years, and simply following the practice of the head of every Executive Department of this Government for years; that not only have paintings been purchased of Cabinet officers out of the contingent fund, but of important subordinate officers in the Departments, until to-day in the older Departments the oil paintings—alleged works of art, supposed to portray the features of long-forgotten statesmen—have so accumulated that they have to hang them in double and triple tiers upon the walls; and the question is now, not where to get expensive oil paintings to decorate the walls, but where to get walls on which to hang the oil paintings. [Applause.] The time has arrived when this Government, with its $800,000,000 of annual expenditures, should authorize somebody representing the Congress as the appropriating power to examine, investigate, and report the expenditures of the appropriations that we make. [Applause.]

If these committees on expenditures in Departments can not be vitalized, then some other system must be devised by which the Congress shall be advised as to how well and how faithfully these vast sums are expended by the officers in whose charge we place them. But not only would the vitalizing of these committees and making of each a standing inquisition of one of these Departments confer the benefits I have suggested, but their work, if well done, would be of incalculable benefit to the appropriating committees of this House in determining what amount should be given for future needs.

In the fortifications act of March 3, 1885, passed in the closing hours of the Forty-eighth Congress, it was provided that the President appoint a board consisting of the Secretary of War as president, two engineer officers, two ordnance officers, two naval officers, and two civilians (which subsequently became known as the "Endicott board," after Hon. William C. Endicott, Secretary of War), which board was to report where fortifications or other defenses were most urgently required and the kind and character of defense best adapted for each and the utilization of mines or other defensive appliances. This board reported to the Forty-ninth Congress January 26, 1886, but that Congress made no appropriation to carry out the plans of the board. The general plans of the Endicott board have been followed ever since, and Congress has every year since 1888 made more or less liberal appropriations to carry those plans into effect. In the twenty years since the report of the Endicott board vast changes have taken place in the approved styles of heavy guns and the ammunition used, which has revolutionized the methods of construction of batteries, and those and other changes led the President on January 31, 1905, to appoint a new board, with the Secretary of War at its head, to revise the plans of the Endicott board. This new board, known as the "Taft board," has not yet filed its report, but it is understood it will do so within a very few days.

This report will cover the insular possessions, as well as continental United States, and the estimates will probably for that reason exceed those of the Endicott board. It is estimated that the Endicott scheme, complete, would cost $99,392,222. Since it was adopted we have appropriated for fortifications $119,102,483.32, or nearly $20,000,000 more than the whole estimated cost; but only $64,094,042.24 has actually been expended under the scheme, and the difference of $55,008,441.08 has been expended for gun factories, sites for fortifications, torpedoes, ammunition for service, test and practice, field guns, insular fortifications, and sundry other items. Because of the fact the appropriations for fortifications are available until expended, your committee deemed it their duty to ascertain how much was still unexpended under every item carried in the fortifications bill, and the accumulation of appropriations for the past eighteen years.

And it was discovered that the Treasury balances under the various fortification bills heretofore passed amount to $8,356,245 more than any year's appropriation since the close of the Spanish war. This being, however, a line in which considerable time is required between appropriations and the final completion of the work, a balance is necessary, of some amount, to be always on hand. A gun such as is used on a modern fortification requires approximately two years to construct, and, of course, the work can not be commenced on it until appropriation is made. And so while we have diligently studied to find what

balances remain on hand under every item of this bill, we do not wish to be understood that because we found a balance equal to an annual appropriation that that shows no appropriation is at all necessary this year. The committee finding, however, this large balance of money already appropriated, the expenditure of which in the Government's gun shops will keep them busy for a considerable time, desirous of presenting a bill which should be as moderate as possible upon the one hand and still carry on the work of the fortification of our seaports upon the other, has presented for the consideration of the House a bill which appropriates $4,838,993, far the smallest fortification bill presented to the House in the ten years since 1896.

Mr. ESCH rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Wisconsin?

Mr. SMITH of Iowa. Certainly.

Mr. ESCH. Was the gentleman's committee persuaded in making these reductions by the fact that the present coast defenses were undermanned, and that to continue fortifications would simply lead to the increase of the Artillery Corps?

Mr. SMITH of Iowa. If the gentleman will ask me that question in a moment, I will be glad to answer it.

Mr. ESCH. Very well.

Mr. SMITH of Iowa. I say the appropriation recommended is the smallest in ten years, or since 1896—almost two millions below last year's bill, and more than four millions below the estimates of the War Department, and nearly $600,000 below the average appropriations for the past eighteen years. In this bill $3,751,993 are appropriated for continental United States and $1,087,000 for insular United States.

Turning now to the question propounded by the gentleman from Wisconsin [Mr. ESCH], I may say that the question of the fortification of the ports of the United States involves this difficulty: I have already stated that the Endicott scheme contemplated the expenditure of about $100,000,000, not a great sum to be expended in a period of twenty years. But unfortunately it appears that to man this Endicott scheme of fortifications, with each man theoretically serving twenty-four hours with no relief, would require about 38,000 men. Information as to the report of the Taft board is not yet official, but I am justified in saying that under the report of the Taft board the fortification of continental and insular United States would cost about $106,000,000; that the fortifications when completed would require about 46,000 or 47,000 men to man them, each man serving twenty-four hours. The average expense carried in the army bill per man is about $1,100, as I now recall it.

An artillery branch of the service sufficient to man continental and insular fortifications, as contemplated by the Taft board, would put an annual charge upon the people of $50,000,000. So that the mere question of appropriating four or five millions a year for the advancement of the work of construction becomes of comparative insignificance as compared with this incurring of the necessity for the annual expenditure of $50,000,000 for the skeleton artillery formation to hold the works. Not only that, but I think I am correct—and the gentleman who is upon the Committee on Military Affairs will set me right if I am wrong—the artillery branch now provided for is about 18,000 men, and that it is over 4,000 men short in the actual number of enlistments.

Mr. KAHN. Does the gentleman mean the artillery branch?

Mr. SMITH of Iowa. I mean the artillery branch.

Mr. KAHN. The entire Army is about 4,000 short.

Mr. SMITH of Iowa. And is not that all in the artillery, according to the returns?

Mr. KAHN. That I do not know; I do not think so.

Mr. FITZGERALD. I think the statement of the Chief of Artillery is exactly as the gentleman from Iowa [Mr. SMITH] has said.

Mr. SMITH of Iowa. For some reason the shortage in enlistments in all the branches of the Army is found to be, substantially all of it, in the artillery branch. We are not able to man the fortifications we have now. But that perhaps is not a sufficient reason for not finishing them and keeping them modernized and up to date.

In many of the places the War Department has practically no men—simply a handful to keep the guns and machinery from deterioration; and this practically means that the existing fortifications would be of no use in time of need unless furnished with men not now in the service. So this committee, anxious that the country shall be reasonably prepared, but unwilling to crowd this work on and impose, not the slight cost of construction, but this enormous cost of maintenance, anxious at this time, when there is little of surplus revenue, if any, to be modest in its demands, has presented this bill.

Mr. GRAFF. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. GRAFF. I would like to ask the gentleman from Iowa what the conditions of our fortifications are now with reference to efficiency as compared with the fortifications of any of the great European powers?

Mr. SMITH of Iowa. In some respects they are in a superior condition to those of any other power in the world. We have now completed about two-thirds of the Endicott scheme, and have fortified all the principal points in continental United States. We have equipped those fortifications with the most modern guns. We have made, last year and this, a considerable appropriation to keep them modern. We have equipped them with a modern system of fire control which does not exist in the fortifications of any other power, an improvement which it is claimed by artillery officers increases their efficiency from 100 to 400 per cent.

I have thus briefly outlined the general character of this bill, and I rejoice to state that as to the great body of it the bill meets with the unanimous approval of all the members of the Committee on Appropriations. There is one item of this bill upon which a minority report has been filed, and upon that I desire to speak but briefly at this time.

From the time that we commenced to fortify our coast we have invariably made an appropriation of a gross sum for sites, a gross sum for batteries, a gross sum for guns. We have in no instance specifically mentioned the site or place where the money was to be expended. It is regarded as extremely unwise to notify all the nations of the earth just how extensive and complete are your fortifications at each specific point upon your coast, and for that reason, and because the War Department knows better than Congress as to how extensive the fortifications should be at each given point, we have always appropriated a gross sum and trusted to the War Department to expend it wisely in the proper locality. That policy has been a successful policy. No portion of this country claims that it has been neglected by the War Department in the distribution of these funds. I have never heard of any complaints upon that subject, and the policy has been one in harmony with the policy of every people upon that subject.

When the insular possessions came to be considered, we at first did the same for them. We appropriated a gross sum for sites in the insular possessions, another for batteries in the insular possessions, and a third for guns in the insular possessions. This year the bill has been slightly modified, because the committee did not think it wise to further expend money at present at Guantanamo; and so in place of the bill reading that certain sums are appropriated for the insular possessions for batteries it reads: That $600,000 is appropriated for batteries for the Hawaiian and Philippine Islands.

Mr. DRISCOLL. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Most certainly.

Mr. DRISCOLL. Does the gentleman think it right, and will he state, if he does, how much of that $600,000 will go to the Philippine Islands? I thought it was the Hawaiian Islands.

Mr. SMITH of Iowa. It is $600,000 for the Hawaiian and Philippine Islands. I am not able to state, but I think about $200,000.

Mr. DRISCOLL. Only $200,000 goes to the Philippine Islands?

Mr. SMITH of Iowa. To the Hawaiian Islands.

Mr. DRISCOLL. And the other $400,000 goes to the Philippine Islands?

Mr. SMITH of Iowa. I think that will be the action of the War Department, but I do not know.

Mr. DRISCOLL. Is there anything in this appropriation which will commit this Government in any way to the selection of a permanent naval station in the Philippine Islands?

Mr. SMITH of Iowa. Not one thing. The War Department is charged with the responsibility of determining where the greatest emergency for fortifications is in the Philippine Islands, and if this House and the Senate should vote to put up a naval plant at Subig Bay, then the War Department would fortify Subig Bay.

It depends upon the action of Congress with reference to the proposed project at Subig Bay whether a dollar of this money would ever be expended there or not. I think the War Department ought to do in these islands just as it did in the continental United States—that is, determine where the emergency is and spend the money that we give it there. I think I am not more modest than most men, and I think the War and Navy Departments together will be able to determine the places which need fortifications in the Philippines better than the Members of this Congress, and I know they are more capable than myself.

Mr. FINLEY. Is the gentleman able to state about what amount of money will be necessary to fortify the Hawaiian Islands properly?

Mr. SMITH of Iowa. About $2,000,000, I think.

Mr. FINLEY. Does the gentleman think that will secure efficient and permanent fortifications?

Mr. SMITH of Iowa. It would for the protection of Honolulu and Pearl Harbor, which are the only places that it is contemplated to fortify.

Mr. FINLEY. I hope the gentleman realizes the importance of those islands being fortified, and I am concerned to know whether or not the amount carried in this bill is reasonable to satisfy the demand for the present.

Mr. SMITH of Iowa. Mr. Chairman, I will say to the gentleman that this bill carries for the Hawaiian Islands for sites every dollar that was asked by the War Department, and that it contains in other items, not specifying those islands, the complete estimates of the War Department for the fortification of the Hawaiian Islands. Every dollar asked for Hawaii was put in, as we understood it.

Mr. GAINES of Tennessee. Mr. Chairman, how much money does this bill carry for the Philippine Islands?

Mr. SMITH of Iowa. This bill does not carry any sum for the Philippine Islands. This bill carries $600,000 for seacoast batteries in the Hawaiian and Philippine Islands. It carries $200,000 for guns in the insular possessions. It carries $100,000 for ammunition for reserve in the insular possessions, and there is not one dollar appropriated in this bill specifically for the Philippine Islands.

Mr. GAINES of Tennessee. All told for the two colonies the amount is $600,000?

Mr. SMITH of Iowa. For seacoast batteries for the Hawaiian Islands and the Philippines.

Mr. GAINES of Tennessee. The point I am trying to get at is, the total amount appropriated to be used in the Philippine Islands is $600,000?

Mr. SMITH of Iowa. No, sir.

Mr. GAINES of Tennessee. How much is the total?

Mr. SMITH of Iowa. The total to be used for batteries in the two sets of islands is $600,000. Two hundred thousand dollars is appropriated for guns in the insular possessions. That may be used there, or may be used at Guam, or may be used at Guantanamo, or may be used in any of the insular possessions of the United States. One hundred thousand dollars is appropriated for ammunition in the same way, and that may be used in any of the insular possessions of the United States.

Mr. GAINES of Tennessee. I am obliged to the gentleman for that information. The gentleman stated a moment ago that every cent that the War Department had called for to be used in Hawaii had been appropriated in this bill. Has every cent that the War Department has called for in the Philippine Islands been appropriated in this bill?

Mr. SMITH of Iowa. I would say not, in this sense——

Mr. GAINES of Tennessee. What is the difference between the two?

Mr. SMITH of Iowa. Oh, very great.

Mr. GAINES of Tennessee. How much did the War Department call for?

Mr. SMITH of Iowa. Oh, the War Department's call was very great for the Philippines. It had various estimates, from $3,000,000 down to $700,000, for the fortifications in the insular possessions. For the batteries they got $600,000.

Mr. GAINES of Tennessee. What was the $3,000,000 to cover and what was it asked for?

Mr. SMITH of Iowa. Three million dollars was not specifically asked for, but in the showing of the distribution they would make of that much money, if they had it, it was stated that it would cover Manila, Subig Bay, Guantanamo——

Mr. GAINES of Tennessee. For what purpose were they to use the money at these places?

Mr. SMITH of Iowa. Fortifying.

Mr. GAINES of Tennessee. Then all the way from $3,000,000 they wanted, if they could get it for this purpose, and you have reduced it to $600,000 between those two islands?

Mr. SMITH of Iowa. For batteries.

Mr. GAINES of Tennessee. The $3,000,000 was not asked for the Philippine Islands, but for all the insular possessions?

Mr. SMITH of Iowa. Oh, it was not asked, but the statement was made as to how the $3,000,000 would be apportioned if they got it.

Mr. KAHN. In all the insular possessions.

Mr. GAINES of Tennessee. I asked the gentleman from Iowa how much the War Department requested for the Philippine Islands. That was my inquiry, and the gentleman said $3,000,000.

Mr. SMITH of Iowa. Oh, no; not at all. The War Department did not make a request for the Philippine Islands separate and distinct from the other insular possessions, except as to seacoast batteries, you understand. There has been no separation whatever in the estimate or in the appropriation for guns.

There has been no separation in the appropriation for ammunition. The only separation at all is in the appropriation for seacoast batteries. For that purpose this year the request of the Department was for $1,000,000.

Mr. GAINES of Tennessee. For what?

Mr. SMITH of Iowa. For seacoast batteries.

Mr. GAINES of Tennessee. Was there any more? The gentleman alluded to an item of $3,000,000 here. Why did they use that term "three million?"

Mr. SMITH of Iowa. Because the War Department in these items does not request that we give them all that is necessary to complete their work, but they ask of us such an allowance as they think can be utilized until another appropriation bill is passed.

Mr. GAINES of Tennessee. In other words, they contemplate that it will take $3,000,000 to equip the islands?

Mr. SMITH of Iowa. Oh, it will take more than that. The gentleman from Tennessee constantly confuses seacoast batteries with the completion of fortifications.

Mr. GAINES of Tennessee. I am trying to get at how much it will cost to complete the equipment.

Mr. SMITH of Iowa. I will state that the fortifications at Manila Bay will probably cost $2,000,000. The fortifications at Subig Bay would cost over $1,000,000. The fortifications at Guantanamo will probably cost $2,000,000 or $2,500,000 to complete them.

Mr. GAINES of Tennessee. I thank the gentleman; that is what I wanted.

Mr. PALMER. Mr. Chairman, may I interrupt the gentleman?

Mr. SMITH of Iowa. Certainly.

Mr. PALMER. I understood the gentleman to say that the Appropriation Committee did not have time to investigate what money has been spent for in the past, and all they can do is to confine themselves to ascertaining what is to be done with the money to be spent in the future.

Mr. SMITH of Iowa. Begging the gentleman's pardon, I did not say that.

Mr. PALMER. That was the inference I drew from the remarks that the gentleman made. I think he further stated that if the ten committees on expenditure in the different Departments did their duty they would furnish a great deal of useful information to the Committee on Appropriations.

Mr. SMITH of Iowa. If the gentleman will pardon me, I did not say that either.

Mr. PALMER. I understood him to say that those committees didn't do anything at all, and I wanted to ask him, if they were charged with certain business, why they didn't do it?

Mr. SMITH of Iowa. I did not say that, Mr. Chairman, and with those few errors the gentleman is correct. [Laughter.]

Mr. PALMER. Didn't the gentleman make some remarks on that subject?

Mr. SMITH of Iowa. I did.

Mr. PALMER. I would like to understand what the gentleman did say.

Mr. SMITH of Iowa. I said that the appropriating committees were primarily charged with the investigation of what was needed for the future; that investigation as to what had been done with the money previously received was, of course, an aid in determining what should be appropriated for the future, but that was not the primary duty of the appropriating committees, and that it was impracticable for the four committees of this House to discharge their primary duties as to what ought to be appropriated for the future and to examine in detail every expenditure of the $640,000,000.

Mr. PALMER. That is exactly what I understood the gentleman to say.

Mr. SMITH of Iowa. But that is not what the gentleman said that I said.

Mr. PALMER. And I wanted to know, if these committees did not perform their functions, why they existed, and who it is that has put them out of business.

Mr. SMITH of Iowa. I said that the rule did not require the committees to make an independent investigation of the expenditures and render a report to the House. It says "proposed legislation" on the subjects within their jurisdiction shall be referred to them. I think the rule ought to say that it shall be the duty of the committees to make an annual investigation of the expenditure of these Departments and report to this House. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, may I ask the gentleman a question?

Mr. SMITH of Iowa. Certainly.

Mr. HILL of Connecticut. I hold in my hand a report of the Secretary of the Treasury for 1905, and on page 9 and other pages it shows that there has been an expenditure by the United States Government of seven hundred and twenty millions, giving for each Department of the Government, and including all of the ten Departments to which the gentleman has referred, a statement of the expenditures made during the past year for various purposes.

I think the remarks which the gentleman has made about these ten committees seem to cast some aspersion upon them if it should go to the country that these Departments had made the expenditures and that there was no examination of the way in which they had been made. If that impression is to go abroad I think he has made an unjust criticism upon the faithful service of seventy Members of this House, upon these ten committees, of having neglected their duty.

Mr. SMITH of Iowa. The gentleman is mistaken. I stated that the rule did not require these committees to make independent investigations. Can that cast any aspersion upon them?

Mr. HILL of Connecticut. Will not the gentleman supplement that statement with the fact that every one of these expenditures have been properly audited in the various Departments, that each Department has reported to Congress in a separate document in detail showing the object for which every penny has been expended, and that it has all passed through a complete system of auditing, showing whether the expenditures have been in accordance with the law and in line with the appropriations made the preceding year by his own committee?

Mr. SMITH of Iowa. Will the gentleman claim that from the statement as made up he knew it was the invariable practice to buy portraits of all Cabinet officers and superior bureau officers?

Mr. HILL of Connecticut. I knew it was the practice without the statement at all.

Mr. SMITH of Iowa. Did the gentleman know it from the statements?

Mr. HILL of Connecticut. I did not.

Mr. SMITH of Iowa. Do the statements show it?

Mr. HILL of Connecticut. It has not been my duty to look into it.

Mr. SMITH of Iowa. Do the statements show it?

Mr. HILL of Connecticut. I don't know whether they do or not. I know this, Mr. Chairman, that that expenditure could not have been made without having been audited by the Auditor of the Treasury Department for the Attorney-General's Office.

Mr. McNARY and Mr. ALEXANDER rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. SMITH of Iowa. I will yield to the gentleman from Massachusetts [Mr. McNARY].

Mr. HILL of Connecticut. But, Mr. Chairman, I have not yet concluded. I am utterly unable to understand how any penny of the funds of this Government which will be appropriated by this committee—the chairman of the subcommittee of which is now addressing the House—can be expended by any Department of the Government and that Congress should not know by official reports that those expenditures have been properly made and approved by the Auditor of the respective Departments in the Treasury Department.

Mr. SMITH of Iowa. Before yielding to the gentleman from Massachusetts, Mr. Chairman, I desire to say that I did not mean to be understood as claiming that these accounts were not properly audited within the respective Departments. I did not mean to assert they were not reported to Congress. I did not say so, but I am not one of those who believe in allowing this to drift into a bureaucratic government. [Applause.] I want some examination of the expenditures of public money made by somebody besides the Auditor of that particular Department. [Applause.]

Mr. HILL of Connecticut. Why does not the gentleman come in with a recommendation instead of simply a criticism?

Mr. SMITH of Iowa. I have made a recommendation that these great committees of this House be vitalized by amendment to the rules of this House which will make them, in place of subordinate committees, among the very great committees of the House of Representatives of the United States. [Applause.]

Mr. McNARY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. I yield.

Mr. McNARY. To clear up this matter to my mind, I understood the gentleman to say—and if I am wrong I hope he will correct me—that his Committee on Appropriations did not make an examination into the expenditures of the Government, and I understood him further to say that the other committees on expenditures in the different Departments did not make an examination into the expenditures of those Departments.

Mr. SMITH of Iowa. I did not so state, Mr. Chairman.

Mr. McNARY. But, therefore, if I understood him correctly, as far as the gentleman has stated there is no committee of this House which makes an examination into the expenditures of the Departments, and the only information we have as to whether those expenditures are actually so or not is the report of some auditor in some one of the Departments; that, as a matter of fact, this House takes the statement of the auditor of the Department and does not make an independent investigation itself, and there is no knowledge on the part of the gentleman's committee or any other committees as to whether or not those expenditures were made. If that is the case, I would like to know it. If it is not, I would like to have it cleared up.

Mr. SMITH of Iowa. I have stated that I did not say so. I said it was impossible for these great appropriating committees, charged with the primary duty of ascertaining what was needed for the future, to adequately and sufficiently investigate past expenditures, and I said that no committee investigated the expenditures under so-called "permanent appropriations." That is what I said.

Mr. HILL of Connecticut. Mr. Chairman, allow me to ask one question. Is there any such investigation made outside of the permanent appropriations?

Mr. SMITH of Iowa. There is to the extent of the ability of these great appropriating committees.

Mr. HILL of Connecticut. Did the gentleman ever know of a report since his service in Congress from any one of these ten committees on expenditures?

Mr. SMITH of Iowa. I never did.

Mr. McNARY. And there is no report made, no investigation made, by a committee of this House. There can not be any other deduction.

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. ALEXANDER. Mr. Chairman, there seems to be some misunderstanding in regard to auditing the accounts of the Government. After a Department passes upon the accounts of its officials they go to the proper auditor of the Treasury Department, an independent quasi-judge, who is entirely independent of the Department first passing upon them, as independent, in fact, as if they were before the Supreme Court of the United States or the Court of Claims.

Mr. HILL of Connecticut. That is, they have two audits.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him a question?

Mr. ALEXANDER. Yes.

Mr. SMITH of Iowa. Do you say the Congress of the United States ought to appropriate some six, seven, or eight hundred million dollars a year and make no effort by itself to find out whether the money is properly expended, but trust it wholly to department officials?

Mr. ALEXANDER. No; decidedly no.

Mr. SMITH of Iowa. That is all I am contending for.

Mr. ALEXANDER. There seemed to be a misunderstanding on the part of some gentlemen that there was not an independent audit.

Mr. SMITH of Iowa. The Treasury Department must audit all Departments before paying them, in a sense.

Mr. ALEXANDER. But here is the trouble: The Department of Justice, if you please, is given half a million to expend for United States marshals——

Mr. SMITH of Iowa. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has seven minutes remaining of the hour.

Mr. ALEXANDER. It passes upon their accounts primarily to its satisfaction. If it thinks a charge is wrong, it sends it back to the marshal to be corrected. When it has thus put the accounts in such shape as it can approve, it sends them to an auditor of the Treasury Department for an independent audit. I do not know how such accounts can be audited more thoroughly than is done by the different auditing officers of the Treasury Department. It is the old Hamilton system, which is in life to-day as much as it was in 1789. The Treasury Department has grown as a tree grows. Hamilton gave it origin and life, and it has grown up and kept pace with the country. It is not a mosaic; it is one great whole; and I do not believe any government under the sun has a better system.

Mr. TAWNEY. I want to suggest, if the gentleman from Iowa will yield, notwithstanding this perfect system of audit-

ing he speaks of, we do ascertain upon investigation that many appropriations are diverted from the purpose for which Congress intended.

Mr. HILL of Connecticut. Is that the fault of the auditors?

Mr. TAWNEY. Not necessarily——

Mr. SMITH of Iowa. Mr. Chairman, I must decline to yield further.

Mr. ALEXANDER. Let me answer the chairman's question.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. SMITH of Iowa. I yield two minutes to the gentleman from New York.

Mr. ALEXANDER. I can not accept the chairman's statement that the auditors of the Treasury Department allow money to be diverted from channels along which the law intended it should go. I have never heard of an instance of it.

Mr. TAWNEY. If the gentleman will read the hearings before the Committee on Appropriations taken yesterday I think he will be convinced that my statement is correct.

Mr. ALEXANDER. I want to add, however, that I see no reason why the Congress should not make its own investigation. I favor the fullest investigation.

Mr. TAWNEY. We are now making the fullest investigation possible with the time at our command.

Mr. CLARK of Missouri rose.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] yield to the gentleman from Missouri?

Mr. SMITH of Iowa. Certainly.

Mr. CLARK of Missouri. I wish to ask two questions, solely for information. Have they ever fixed Pearl Harbor so they can get a battle ship into it?

Mr. SMITH of Iowa. I am not advised as to the condition of Pearl Harbor, but I will say to the gentleman that the fortifications of Honolulu and Pearl Harbor will be identical, the same fortifications protecting both, and the city of Honolulu ought to be fortified anyhow.

Mr. CLARK of Missouri. If they have not done it, why have they not done it?

Mr. SMITH of Iowa. Simply because the Navy Department has not reached that stage of progress in the construction of its navy-yards.

Mr. CLARK of Missouri. It was stated over and over again here in debate at the time of annexation of the Sandwich Islands, that if we did not get Pearl Harbor and have it fixed the whole Republic would likely be bombarded. I want to know if they are going to do it?

Mr. SMITH of Iowa. The fortifications are necessary, because the same fortifications cover Honolulu and Pearl Harbor.

Mr. CLARK of Missouri. I am interested in the harbor being fixed so that we can get a battle ship in it.

Mr. GAINES of Tennessee. Will the gentleman tell us how far he thinks his committee has the power to investigate these matters, and how far it has gone?

Mr. SMITH of Iowa. Our committee would be authorized, if it saw fit, to investigate everything that has been done under the last year's appropriation. We went into the most exhaustive hearings on this bill, the most exhaustive in many years, but we could not take time enough to ascertain what is needed for the future and investigate every item of expenditure under all the headings in the past.

Mr. RANDELL of Texas rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. SMITH of Iowa. Yes.

Mr. RANDELL of Texas. I would like to know from the gentleman if he does not think that these committees on expenditures in the various Departments should meet and investigate the expenditures in these various Departments?

Mr. SMITH of Iowa. I have been endeavoring, in my humble way, to present that proposition to this committee—that they ought to be required to investigate the respective Departments and annually report to this House as to all abuses in them.

Mr. RANDELL of Texas. I will be very glad if the gentleman will introduce a resolution of that kind. We will support him on this side of the Chamber, I know.

Mr. CASSEL. Coming back to the bill. Under "Fortifications in insular possessions" you say, "For construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000." Would the whole of this $600,000 be spent in the Philippine Islands?

Mr. SMITH of Iowa. It could be; yes, sir.

Mr. CASSEL. The law that was passed in 1895 said, "Hereafter all estimates for fortifications for insular possessions of the United States shall be made and submitted to Congress showing amounts proposed to be expended at each harbor and in each insular possession."

Mr. SMITH of Iowa. That has been done.

Mr. CASSEL. Now, what is the amount in that suggested appropriation?

Mr. SMITH of Iowa. The estimate for this work is not given separately on the copy I have before me.

Mr. CASSEL. May I tell the gentleman, then? The War Department asks for $740,000 for the Philippine Islands and $260,000 for the Hawaiian Islands.

Mr. SMITH of Iowa. That is correct.

Mr. CASSEL. Now, then, why has not a specific appropriation been made for each of these different works, according to the request of the War Department, instead of putting it in bulk?

Mr. SMITH of Iowa. The War Department did not so request. The War Department complied with the act of Congress which required them in the insular possessions to furnish detailed estimates.

Mr. CASSEL. Was it not the intention in that act that the appropriation should be made specifically, as well as the request for appropriations?

Mr. SMITH of Iowa. I think not. I helped to draw that provision, and I did not so understand it.

Mr. CASSEL. Would it not have been a better thing?

Mr. SMITH of Iowa. I think not.

Mr. CASSEL. And clear up this matter so Congress could make a direct appropriation for the different islands?

Mr. SMITH of Iowa. I think it would be a great mistake to advise all the people of the world just how much we are spending in Honolulu, just how much we are spending in Manila, and at Subig Bay. It is contrary to the practice of all the nations of the earth.

Mr. CASSEL. Then a general appropriation had better be made for the whole proposition.

Mr. SMITH of Iowa. That has been the practice from the beginning of our fortification system.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] has consumed one hour.

Mr. SMITH of Iowa. Mr. Chairman, I do not desire to use any portion of the time in my control now, and I yield to the gentleman from New York [Mr. FITZGERALD]. [Applause.]

Mr. FITZGERALD. This bill carries appropriations amounting to $4,838,993. At the last session of Congress there was appropriated for fortifications $6,747,893, or $1,908,900 more than the present bill carries. The scheme of seacoast fortifications, for which appropriations are made, is that adopted by the so-called "Endicott board." Since 1888 Congress has been providing the means to perfect the plans of defense then adopted. It has been estimated that the complete cost of fortifications planned by the Endicott board will be $99,392,222. The total appropriation for fortifications since 1888 has been $119,102,483.32, of which $62,094,042.24 have been expended upon the Endicott scheme.

The balance of the appropriations, about half of the entire amount appropriated during the past eighteen years, has been used in the erection and equipment of the gun factory at Watervliet, the gun-carriage factory at Watertown, for work of the Board of Ordnance and Fortifications, in the purchase of land for fortification sites, in acquiring torpedoes for harbor defense, for ammunition for service and test, in the manufacture of field guns, and to a limited extent in providing fortifications for the insular possessions.

The war with Spain accounts for the fact that during the Fifty-fifth Congress the total appropriations made for purposes of fortifications aggregated the sum of $35,828,134.60. With the exception of that Congress, when war made imperative lavish expenditures for the national defense, the policy has always been to proceed gradually with the work of completing the seacoast fortifications.

For the fiscal year 1905 the total estimates submitted to Congress for fortifications amounted to $21,573,197, while the appropriations were $7,518,192. For the fiscal year 1906 the estimates were $10,458,570.40; the appropriations, $6,747,893. For the coming fiscal year of 1907 the total estimates are $10,288,066.65, while the amount proposed to be allowed in the pending bill is $4,838,993. That it has been wise to proceed slowly with this work has been demonstrated beyond question. Improvements extremely important in character are continuously being made in guns, ammunition, projectiles, gun carriages, methods of firing and supplying guns, in the methods of directing and controlling gun fire, and in innumerable other matters that have resulted in some respects in a complete revolution in the methods in use when the Endicott board made its report.

So marked have been some of the changes brought about by the remarkable inventive genius of our people and the skill and scientific attainments of officers assigned to the work pertain-

ing to the development of what may be termed the "matériel" of our fortifications that it became imperative within the recent past to appoint a board to revise the plans of the Endicott board. So it happened that the present Secretary of War, Mr. Taft, appointed a board known as the "Taft board," consisting of Army and Navy officials, constituted along identical lines with that of the Endicott board, to revise the plans originally adopted for the country's defense. The result undoubtedly will be greater efficiency in the protection of the ports of the country, and the cost will be correspondingly increased.

So far as the provision is made in the pending bill for fortifications, ammunition, and other necessary works and apparatus for this country, there was practically unanimity among the members of the committee. There were, of course, differences of opinion, but those differences were easily reconcilable. While some of the members of the committee might have changed the amounts allotted in different items, if their own views could have been adopted, upon the whole the bill as finally agreed upon was satisfactory to the entire committee.

The same unanimity, however, Mr. Chairman, does not exist as to the provision for the fortifications of the insular possessions; and it is to this point particularly that I wish to direct what I have to say. From 1888 to 1906, eighteen fiscal years, with the exception of the extraordinary amount allotted during the Fifty-fifth Congress, the total appropriations for fortifications were $97,561,744.72, an average of $5,420,096.93 a year. The pending bill is about 10 per cent lower than the average of appropriation bills during the past eighteen years, and of the $4,858,993 carried in this bill $1,087,000, or about 25 per cent of the total, is allotted for fortifications in the insular possessions.

The items allowed for these possessions in the bill are as follows:

For seacoast batteries, $600,000; for procurement of sites in Hawaiian Islands, $150,000; for seacoast guns, carriages, etc., $200,000; ammunition for seacoast guns, etc., $100,000; alteration and maintenance of seacoast artillery in insular possessions, $5,000; inspecting instruments, range finders, etc., $32,000.

In addition to the amounts appropriated, an item in the bill permits the mounting of seven 12-inch guns in the insular possessions, out of the guns now on hand in the Department of War as a reserve for this country. So that, in addition to the amounts actually appropriated, the cost of these guns should be included in the total amount allotted for the insular possessions.

A different spirit seems to animate men whenever it is proposed to appropriate for the Philippine Islands. There has never been any doubt of the advisability of proceeding slowly and gradually in the work of completing the defenses for the United States; but there seems to be an extraordinary haste upon the part of everybody who has anything to do with the matter to obtain appropriations, asked or suggested, for the Philippine Islands. If there be any possibility within the near future of a war with a foreign country, then the total amount carried in this bill is ridiculously small and absurd. If there be no danger of a foreign war, then, in my judgment, the amount allotted in this bill for the insular possessions, about 25 per cent of the entire appropriation, is outrageously extravagant.

In the last Congress great dissatisfaction was manifested with the manner in which money was being appropriated and expended for defenses in the insular possessions. It must be remembered that while it has never been specifically stated in the fortification appropriation bills, during the past eighteen years, where the money appropriated should be expended, nevertheless a well-defined and positive scheme of fortifications had been adopted for the different harbors and ports of this country. While Congress appropriated money in gross sums, it was known that the War Department would utilize the money at the places where it was most imperatively needed, but under the well-defined plan that had been approved by Congress.

Mr. SMITH of Iowa. Will the gentleman permit me an inquiry? Is it not known to the gentleman, at least unofficially, that the Taft board has prepared the same kind of a plan of fortification covering the Philippines and Hawaii as the Endicott board prepared covering the continental United States?

Mr. FITZGERALD. I have not that information. I applied to the Office of Naval Intelligence in the Navy Department, which I assumed might have some information about the proposed scheme for the defense of the Philippine Islands, and I was informed Saturday that they had no information on the subject there. It was further stated that my request for information had been referred to the office of the Secretary of the Navy, and so far the only information sent has been a copy of the report of the Chief of the Bureau of Yards and Docks, to which I shall refer later. From other sources I obtained information which led me to conclude that the report of the Taft board was not ready to transmit to Congress, but would be shortly. I am not aware that the board has done anything other than revise the original Endicott board's plans. However that may be, no Member of Congress has ever critically examined the Taft board's plan for the fortifications of the Philippine Islands.

Congress did approve tacitly, if not specifically, the plan of defense for this country originally adopted by the Endicott board, so that while appropriations were made of lump sums for fortification purposes, it was with the knowledge on the part of Congress that the money would be expended to carry out a well-considered and approved plan.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHERLEY. In regard to the suggestion made by the chairman of the committee, does not the gentleman know that there has been and is now considerable conflict between different branches of the service as to whether Cavite or Subig Bay shall be made the specially fortified harbor of the Philippine Islands? And is it not true that there is not only not a definite plan, but that there is a very great divergence of opinion as to what plan shall be followed?

Mr. FITZGERALD. From several unofficial sources I have obtained information that inclines me to the belief that there is considerable divergence of opinion, but unfortunately I have been confronted with the fact that the General Board states in such positive terms that it has decided upon at least two projects for fortifications in the Philippine Islands, that until I know what is in the report of the Taft board I should be inclined to hesitate to say whether there is an official difference of opinion, whatever private difference of opinion there may be among the officers.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will pardon me a second interruption, is it not a fact that the War Department has two purposes in fortifications: One to fortify harbors and protect cities and avoid landings, and the other to protect naval stations; and that, so far as Manila is concerned, the War Department would act, largely, independently on its own judgment for the protection of the city and the harbor, and whereas at Subig Bay it would absolutely follow the Navy as to whether the Navy put a navy-yard there?

Mr. FITZGERALD. At this time I will make a statement that I intended to make later. This army and navy board has decided that one of the most effective defenses for the city of Manila would be a strongly fortified place at Subig Bay, with a powerful fleet inside of it.

The joint army and naval board has made this statement in a recommendation that with Subig Bay strongly fortified—and Subig Bay is only from 40 to 70 miles from Manila—and with a strong fleet within Subig Bay a hostile fleet would hesitate very much to enter Manila under those circumstances. But why it would not be more effective to put the fleet in Manila and have fortifications at the entrance of Manila Bay to prevent the hostile fleet entering is something I am unable to understand. I am only a layman; I have not the scientific knowledge necessary to pass upon such question; but why a fleet and fortifications 40 miles away would be more effective than if they were right at hand is beyond my comprehension.

Mr. DRISCOLL. Will the gentleman allow me a suggestion?

Mr. FITZGERALD. Certainly.

Mr. DRISCOLL. May not this be the reason that, since we are not permanently located in the Philippines and may withdraw some time and set up a republic there, if we spent fifty millions in Subig Bay, we might retain it as a permanent naval station? Now, I want to ask the gentleman a question. This bill provides $600,000 for seacoast protection in the Hawaiian and Philippine Islands. I want to ask if there is anything in this appropriation bill or in the disposition of it by the War Department or the Navy Department or any other Department by which a site may be purchased, or in any way commit the Government to one place in preference to another as a permanent station?

Mr. FITZGERALD. The difficulty about this appropriation is that if it be made in the way proposed in this bill some official in a bureau, or one of the Cabinet officials, by directing that the money be expended at a certain place, could to that extent commit the country to a policy without any decision of the question by Congress.

Mr. KEIFER. Mr. Chairman, may I ask the gentleman a question?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. KEIFER. Wasn't that the custom at all times, to leave to the Department the distribution of the fund and the selection of the place where the money would be expended?

Mr. FITZGERALD. I have explained that that was done in

this country, but it was because Congress had approved of the Endicott plan. Lump sums were appropriated, and it was left to the discretion of the Department to say where the money was most imperatively required. But Congress knew that it would be expended in accordance with the plan which it had approved. There has been, however, no plan adopted so far as the insular possessions are concerned. Last year the dissatisfaction became so great that this provision was enacted in the fortifications act:

Hereafter all estimates for fortifications of insular possessions of the United States shall be made and submitted to Congress, showing the amount proposed to be expended at each harbor in each insular possession.

The Department complied with that law, and in the original draft of the bill submitted to the committee for consideration there was contained the items for each particular harbor for which appropriations are desired at this time.

Mr. SHERLEY. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. Will the gentleman tell the committee what reason the Committee on Appropriations had for appropriating a lump sum instead of specifying where the money was to be expended?

Mr. FITZGERALD. I am about to discuss that. As I said, in the draft of the bill submitted to the Committee on Appropriations the harbors were specifically named and the amount for each place definitely stated. There seems to be a very prevalent belief that some particular advantage will be gained by some foreign power if, instead of saying $600,000 shall be appropriated for the Hawaiian Islands and the Philippine Islands, a definite amount should be fixed for the Hawaiian Islands and for each place in the Philippine Islands sought to be fortified. It is well known that there is only one fortification for the Hawaiian Islands—that is, one project that will effectively cover both Honolulu and Pearl Harbor..

It is immaterial how much is expended at those places; the thing that is of value to a foreign power is to know the exact location of the different guns that are mounted for defense. It is immaterial whether one million or ten millions of dollars are expended. That information is contained in the estimates submitted to Congress, and there is no doubt that the information is transmitted to every foreign capital in the world, perhaps more quickly than it reaches the Members of the House in their investigations. That information is not of much value. The thing to be kept secret, and which is important, is just at what particular place the particular guns are to be mounted. The whole system of modern defense is based upon concealed fire, so as to prevent hostile fleets concentrating their fire upon the places where the guns are mounted and so dismantling them.

Unable to apprehend any disadvantage from such a policy, I am in favor at this time of specifically restricting the appropriations for fortifications in the insular possessions to particular harbors. There has never been, to my knowledge, and I have endeavored to get the information, what might be said to be a definite plan for the complete defense, protection, and fortifications of the Philippine Islands. It is true that the general board has stated that it is necessary to defend Manila and also Subig Bay.

Mr. GROSVENOR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GROSVENOR. I would ask the gentleman what he would defend at Subig Bay?

Mr. FITZGERALD. Well, they say there is nothing there at present but vacant land, but the Navy Department intends to put there a very elaborate naval station, and when that is there the defenses will be needed.

Mr. GROSVENOR. What is there now?

Mr. FITZGERALD. The information conveyed to the committee is practically that the land is vacant.

Mr. GROSVENOR. Is there any land there at all? Is it not a fact that to-day there is not a place big enough that is available to put an ordinary warehouse on, and that the full plan—if there is a plan—is to hereafter redeem or capture from the sea by piling or some system of that kind a place large enough to put some buildings upon it, and digging the hill away in the rear?

Mr. FITZGERALD. There is a considerable plan, to which I am going to refer in a moment.

Mr. GROSVENOR. And when the gentleman gets to that, I wish him to state another thing. Where is the fortification that is to protect the naval station to be put? The gentleman speaks about getting the navy in behind the fortifications. Where are the fortifications to be?

Mr. FITZGERALD. Well, we always leave the exact location of fortifications to the men who have been educated to determine questions similar to that.

Mr. GROSVENOR. As a matter of fact, if the gentleman will allow me, there is an open harbor narrower at the mouth than in the rear, in the basin part of it, but whatever fortifications are made have to be put somewhere outside of Subig Bay, and if this House could only go, as some Members of it did, and look into Subig Bay, and much more fully than any naval officer ever did, the Members would understand how utterly absurd this whole proposition is.

Mr. FITZGERALD. Mr. Chairman, I hardly think it is necessary for any man of ordinary intelligence to go to Subig Bay to form an opinion on the subject.

Mr. GROSVENOR. I agree with the gentleman.

Mr. FITZGERALD. Although I know that to go there and see what anybody can infer from the information at hand is to make a man's convictions very positive.

Mr. GROSVENOR That is right.

Mr. FITZGERALD. But my statement will be based entirely on what I have been able to obtain from official reports.

Mr. CLARK of Missouri. Mr. Chairman, allow me to ask the gentleman a question right there in view of what the gentleman from Ohio [Mr. GROSVENOR] says. If it is as unreasonable to fix this harbor for defense at Subig Bay as the gentleman from Ohio thinks it is, is it not unwise still to leave it in the discretion of the Navy Department and the War Department to do that very thing?

Mr. FITZGERALD. Undoubtedly.

Mr. CLARK of Missouri. Why not fix it so that they can not do it?

Mr. FITZGERALD. I hope enough gentlemen in this committee will agree with me to put an amendment on the bill to make it absolutely impossible to expend a dollar of this money at Subig Bay.

Mr. GROSVENOR. I hope so, too, Mr. Chairman, if the gentleman will allow me. And for this very simple reason: If we ever get anything of value out of the Philippine acquisitions, and I believe we will of immense value, the center of it will be at Manila, and if we ever have a war grow out of our possessions over there——

Mr. CLARK of Missouri. Which we will have.

Mr. GROSVENOR. The center of that war will be at Manila. Now, then, I am not strategist enough to combat the opinion of the Admiral of the Navy, but left to my common sense I would say that with a narrow harbor and a narrow entrance 14 or 16 miles from Manila, capable of protection and defense and fortification that can make it strong as Gibraltar, that is where we should expend our money. I speak now of Corregidor, the island situated in the mouth of the harbor, with narrow channels on each side of it, with bluff shores on each side of it, in a position that could defy all the navies of the world at one time. That is the place to fortify against the entrance of a hostile navy into Manila Bay, and if you do not do that, while you are signaling your fleet to come down 55 or 60 miles from Subig Bay the enemy will have gone inside and destroyed the naval station at Cavite and destroyed the city if they saw fit to do so.

Mr. FITZGERALD. While the naval authorities say if Subig Bay was fortified and a fleet was in there it would make it unlikely a hostile fleet would go to Manila, yet I agree with the gentleman from Ohio that if the fortifications were at Manila and our fleet was behind them it would be much more unlikely that a hostile fleet could enter.

Mr. MADDEN. Is it not a fact that what it is contemplated to make in the way of improvement or fortification at Subig Bay has in view the abandonment at some time in the future of the Philippine Islands, and that if we should expend money for fortifications of Cavite or Manila Bay that when we abandon the Philippine Islands the money expended there would be of no service whatever to the people of this country; but, on the other hand, if we did fortify Subig Bay it would be with the intention of retaining it, when we abandon the Philippine Islands, as a permanent feature of this Government, such as a coaling station or whatever we may want to have there?

Mr. FITZGERALD. Well, I do not know that I can answer that. All that I know is that on December, 1903, the joint board in a communication marked "Confidential" and printed as a House document—so that there is no great secrecy about this information—makes this statement, which I will put in the RECORD and then it can be examined by all Members for themselves. I will read it all so as to make it complete:

CONFIDENTIAL.] JOINT BOARD,
Washington, December 19, 1903.

SIR: The joint board having been requested by the Secretary of the Navy to consider how far the available resources of the two serv-

ices, in advance of Congressional action, will suffice to protect certain naval advanced bases in our insular possessions, and having made its report on that subject, regards it a duty to submit more particularly to the Departments of War and of the Navy its opinion on the need of an immediate appropriation by Congress for the fortification of Subig Bay and Manila Bay.

The policy of Congress may be assumed to be to hold the Philippines in American possession as against any foreign enemy, but although the islands have been in our possession now more than five years, not a gun has been mounted nor an earthwork raised to protect any of their harbors. The defense of the Philippines in war depends upon the cooperation of the Army and the Navy. Both are united in demanding the fortification of Subig Bay as essential to any plan of defense. This joint board, representing the professional opinion of both services, has the honor to submit to the Government its judgment that the national policy as expressed in Congress can not be maintained in war unless provision is made for defense.

The Secretary of the Navy, in his annual report, has given the reasons in favor of establishing the principal naval station of the Philippines in Subig Bay. In his words, "It would seem as if this body of opinion ought to be deemed conclusive. I know of no other military question upon which such unanimity exists." The decision of the Government, then, needing only the appropriation by Congress to give it effect to establish a naval base in Subig Bay, may be regarded as fixed.

Mr. LONGWORTH. Will the gentleman yield one moment at that point to a question as to the unanimity of opinion?

Mr. FITZGERALD. If the gentleman will allow me to complete this statement, and then I shall yield to him.

The Navy Department has already in view the deposit of a large store of coal at Olongapo, the site chosen for the naval station in Subig Bay, and the floating dry dock authorized by Congress, at a cost, including transportation, of about a million and a quarter dollars, is destined for the same place. Obviously such resources, unprotected by fortifications, would be at the mercy of the enemy or—only less disastrous consequence—would enforce the presence of the fleet to defend them, thereby hindering instead of promoting its activity.

The joint board is unanimously of the opinion—

(1) That without a fortified naval base in the Philippines the Asiatic fleet can not keep open the lines of communication for supplies from the United States, or between the Army posts within the Philippines, without which supplies the military forces of the United States could not hold command of the islands.

(2) That Manila is not, but that Subig Bay is, suited for a naval base and station, and of all harbors in the archipelago it is the best for the purpose.

(3) That the fortification of Subig Bay is essential to the security of a naval station located there.

(4) That a fortified naval base at Subig Bay will contribute materially to the defense of Manila Bay.

These four are the opinions the board are unanimous upon. I will read the rest of this extract, because it is interesting:

The Secretary of War, in his annual report, calls attention to "the necessity of constructing defenses for our insular possessions," and names Subig Bay and Manila Bay among other places for which "projects for defense * * * have been made and approved, and estimates for the necessary construction have been transmitted to Congress," and adds:

"There ought to be no delay in putting all of these points in such a condition that at least they will not be defenseless against any sudden foray by a single lightly armed cruiser."

The purpose of the Joint Board is to point out that Subig, the American naval base in the Far East, and Manila, the capital and military headquarters of the Philippines, stand preeminent, and to urge that appropriation for the fortification of the two bays should be made by Congress without delay, in order that the development of the naval station and its defense may proceed together and that the commercial and military resources of the city may be guarded. The consequences of neglect or delay may be nothing less than national disaster.

That is signed by George Dewey, Admiral of the Navy, senior member. Now I yield to the gentleman from Ohio.

Mr. LONGWORTH. I understood the gentleman in reading that report to state that there was an absolute unanimity of sentiment between the military and naval authorities on the Subig Bay question. Is it not a fact General Wood is wholly and absolutely opposed to the creation of a naval station at Subig Bay?

Mr. FITZGERALD. I have heard from different Members of the House that there is a serious doubt in the minds of many very eminent Army and Navy officials as to the advisability of fortifying Subig Bay; and yet the official information communicated to Congress is to the effect that there is no military question affecting this country upon which there is so universal unanimity among officials as upon this question.

Mr. LONGWORTH. If the gentleman will permit another interruption; I believe it is a fact that General Corbin has also changed his mind absolutely as to the availability of Subig Bay, and he is now opposed to it.

Mr. FITZGERALD. Well, if those two officials have all of the influence with this Administration that it is intimated they have, this plan to fortify Subig Bay may be relegated to oblivion.

Mr. GROSVENOR. Will the gentleman allow a single further observation? Does the gentleman know anything of the country in the rear or back of Subig Bay?

Mr. FITZGERALD. I am going to read something——

Mr. GROSVENOR. And of the character of productions and supplies, or anything of that kind, or the travel necessary to get to Manila or anywhere else from the region where Subig Bay is located?

Mr. FITZGERALD. I will read from a statement made by the Secretary of the Navy in 1904 (Mr. Moody) as to the advisability and necessity of establishing a naval station at Subig Bay.

On the 25th of January, 1904, he said to the Naval Committee:

In regard to Guantanamo and Olongapo, I want to say in the beginning that no words of mine can overestimate the national importance of these two stations. I think I would rather see every appropriation for public works in the bill cut out than fail on these two stations. Let me take up Olongapo—

which is in Subig Bay—

first.

We have been five years in the Philippines. We have not any naval station there of any consequence. We have no dock, we have no repair shops or storehouses under the protection of fortifications, and if there should be a foreign war, as I am advised, and I do not see why the advice is not sound, we should be perfectly helpless in the East. If we continue to stay in the Philippines it is of vital importance we should establish a naval station there. Now, where? Every single bit of information is in favor of establishing it within Subig Bay, at the harbor of Olongapo. Nobody disagrees. The Army and Navy alike say it is the place to do it. There is plenty of water. The protection of the entrance may be made perfect.

At the same time the Secretary of the Navy submitted to the Naval Committee a detailed estimate of the cost of providing a naval station at Olongapo. He submitted the figures given by what was known as the "Olongapo board," and he gave the figures as revised by the Department.

The figures given by the Olongapo board stated that the cost of a complete naval station at Olongapo would be $12,907,500. The revised figures in the Department made it $9,784,500, and that excludes $1,125,000 previously estimated for the floating steel dry dock.

Mr. McNARY. How much would it be at Manila?

Mr. FITZGERALD. I will come to the naval station at Cavite when I finish this.

Mr. LONGWORTH rose.

The CHAIRMAN. Will the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Ohio [Mr. LONGWORTH]?

Mr. LONGWORTH. Will the gentleman pardon me?

Mr. FITZGERALD. Certainly.

Mr. LONGWORTH. Has it not also been stated that it will take not less than seven years before this station could be built under any circumstances, even supposing that labor could be gotten there?

Mr. FITZGERALD. I think that is true. This station has an acreage of 32 square miles of territory. I do not know whether it is under water or up in the mountain. The gentleman from Ohio [Mr. GROSVENOR] states that there is no room there now for a single warehouse.

Mr. McNARY. Is not one of the real reasons for preferring Subig Bay to Manila Bay or Cavite the fact that Subig Bay can be defended at the entrance, and that Manila Bay is about 30 miles wide, and there is not any possibility of defending that, as Dewey well showed when he went in there? And the question of labor can be settled, as it is in these matters, by bringing the labor to the point?

Mr. FITZGERALD. No; the defense of Manila is much simpler than that of Subig Bay. The entrance to Manila Bay is narrow, with an island in the center. The trouble with the Spaniards when Dewey went in was that they were asleep, or at least not keenly alert. They did not awaken in time. Our fleet was passing the fortifications before a shot was fired, and quickly slipped by them before the fire was effectively directed.

Mr. RIXEY. I understand that one of the serious objections to Cavite is that the dredging would be very expensive.

Mr. FITZGERALD. If the gentleman will pardon me, I want to take up the dredging at Olongapo first.

Mr. RIXEY. I want to call the gentleman's attention to another objection, and that is that there is not sufficient land at Cavite, and they can not get it.

Mr. FITZGERALD. In this estimate of the Olongapo board, afterwards revised by the Navy Department—I hope the gentleman will pay attention to this, because the Secretary of the Navy and everybody else has said there was ample water at Olongapo—there is an estimate for dredging of 6,260,000 cubic yards in the inner basin, to cost $1,900,000; the revised estimate cuts it to 3,000,000 cubic yards to be dredged, at a cost of $600,000. Then 1,934,000 cubic yards is to be dredged at Maritan Point—that was reduced in the revision to 1,100,000 cubic yards, and the difference in price was from $800,000 to $220,000; cutting down the Lalake Hill—and this is what the gentleman from Ohio [Mr. GROSVENOR] refers to—765,000 cubic yards of material, at a cost of $498,000.

Closing the branches of the Santa Rita and Binictigan rivers, $45,000. The station is said to contain 32,000 square miles and has 16 miles of water front. It is necessary to remove a mountain, to do about $3,300,000 worth of dredging, to

close, or turn off, at least two rivers in order to make the place available as a naval station. And yet a naval and army board have submitted a unanimous report to Congress that this is the most ideal place in the Philippine Islands for a naval station. So far as I am concerned, I shall refuse to accept as conclusive as to the desirability of this place as a naval station the opinion of a board that admits a mountain must be leveled, that 4,100,000 cubic yards of dredging must be done, and two rivers turned from their courses in order to make the reservation available. That can not possibly be, in my judgment, the most desirable place for a naval station in the Philippine Islands.

They tell us that the naval station at Cavite, in Manila Harbor, will be abandoned. Secretary Moody stated in the hearing in 1904 that it was not the intention of the Department to establish a great naval establishment in the Philippine Islands like that at New York or League Island; but a place was wanted where ordinary repair work could be done. I submit, Mr. Chairman, that such a station now exists. Considerable money has been expended to obtain it. It appears from the latest report of the Chief of Bureau of Construction and Repair that in his department alone during the last fiscal year at the Cavite Navy-Yard the maximum number of workmen employed was 1,217, the minimum 781, the average 1,076. Besides the Bureau of Construction and Repair, there is Steam Engineering, Equipment, and Yards and Docks.

The amount of work done at this particular station is somewhat surprising, in view of the repeated statements that it is unsuited for naval repairs. In a communication sent by the Navy Department, in January, 1906, to the chairman of the Committee on Naval Affairs, there is contained detailed information as to the amount of money expended for the repair of ships at every navy-yard of the United States, and the naval station at Cavite ranks fifth among the number. For instance, at the greatest naval establishment of the country, in Brooklyn, there was expended $1,545,718; at Norfolk, Va., $791,923; at Boston, $786,639.21; at Mare Island, Cal., $664,803.81; at Cavite, $556,861.15. Not by one Bureau alone was this money expended. Equipment spent $22,807.67; Ordnance, $12,704.17; Construction and Repair, $303,328.41; Steam Engineering, $218,020.90. With the exception of the amount of work done in the navy-yard at Brooklyn, the work done at Cavite is practically as great as that done at any other great naval station of the United States. So that I say there is to-day, with a very little additional expenditure, ample facilities for the ordinary repair work of the Navy in the Philippine Islands. And yet it is planned to abandon and dismantle this station and create another, entailing expenditures of from $12,000,000 to, perhaps, $25,000,000.

The estimates submitted for this year for a naval station at Olongapo, aggregate $1,000,000; and I shall read what the Chief of the Bureau of Yards and Docks says about these estimates:

> Naval station, Olongapo, Philippine Islands, estimates aggregating $1,000,000. Estimate submitted for improvement of this station are those recommended by the board of officers appointed to specifically consider the immediate requirements of this station on a working basis. The Bureau has had no opportunity to learn anything more about these items than is disclosed by the details of amounts estimated; but as the board has made the matter a special study, the Bureau has no doubt the improvements are those most calculated to meet the immediate efficiency of the station and to prepare it for navy operations. The estimates are accordingly formally submitted and commended to favorable consideration.

It is not stated whether it is the so-called Olongapo board's work, which was revised and considerably reduced by the Department, or whether another board has prepared these estimates. The gentleman from Ohio [Mr. GROSVENOR] and other gentlemen who were there know what is at Olongapo at present. Let me read what is estimated will be necessary to put this station in a position for immediate operations:

> Temporary installation of tools from Cavite, $80,000; special wharf for floating dry dock, $65,000; toward dredging, filling, grading, including cost of dredges, necessary tools and equipment to cost $1,200,000, $25,000; toward machines, tools, machinery, etc., other than from Cavite, to cost $500,000, $50,000.

Toward quay walls for permanent water front, to cost $840,000, $80,000; extension of drainage canal, $25,000; closing Santa Rita and other rivers, $60,000; toward roads, including bridges, to cost $156,000, $20,000; toward station, railroad, and equipment, to cost $92,000, $20,000; toward ship fitter's shop, to cost $100,000, $75,000; toward bending shop, to cost $110,000, $60,000; sawmills, $65,000; toward smithery, to cost $80,000, $65,000; toward waterworks, to cost $300,000, $60,000; steam floating derrick, $17,000; telephone system, $3,000.

That is the estimate of what is required to put this station where it can commence to do work. The Secretary of the Navy said it is not intended to have anything like the stations that they have in this country. If such a station is established as is evidently contemplated, I know that more work will be done and a more perfect and effective plant will be established in the Philippine Islands than in any place in the United States.

Mr. RIXEY. As the gentleman has stated, the general board of the Army and Navy were unanimous in recommending Olongapo over Manila. Now, in view of that fact, and in view of the further fact that almost without exception, so far as the Naval Committee knows, the naval officers who have visited that coast recommend Subig Bay over Manila Bay, I should like to ask the gentleman what we are to do if we are not to follow these recommendations? Now, I will let the gentleman answer my question first, and then ask him another.

Mr. FITZGERALD. I should like to have the gentleman finish, because his question will require more than a categorical answer.

Mr. RIXEY. There are two objections to Cavite. One of them, they say, is practically insurmountable, and that is that the dredging would be exceedingly costly.

Mr. FITZGERALD. I will state to the gentleman that they show they will have to do $3,000,000 worth of dredging at Olongapo. There is no estimate that it will cost more than that at Cavite.

Mr. BUTLER of Pennsylvania rose.

Mr. FITZGERALD. I see the gentleman from Pennsylvania shakes his head; but I have the statement submitted by the——

Mr. BUTLER of Pennsylvania. The gentleman may have a statement, but it does not follow because he has the statement that Congress proposes to appropriate for $3,000,000 worth of dredging there. If we have a station there, we will maintain it without costing this Government anything for dredging.

Mr. FITZGERALD. The gentleman from Pennsylvania may be able to do that, but considering that after a very careful examination by two boards they submit that it will require about 3,000,000 cubic yards of dredging, the gentleman may be able to explain satisfactorily how he will get rid of that material. For instance, it is absolutely essential that there should be some dredging done at Olongapo in order to make possible the use of the floating dry dock on its way to the Philippines. If no dredging is necessary, how is it that there is pending before the Naval Committee the estimate which I have already mentioned: "Toward dredging, filling, and grading, including cost of dredges and necessary tools and equipment (to cost $1,200,000), $250,000?"

Mr. BUTLER of Pennsylvania. Will the gentleman give me the time to make an explanation?

The CHAIRMAN. The gentleman from New York has already yielded to the gentleman from Virginia [Mr. RIXEY].

Mr. FITZGERALD. The gentleman from Iowa [Mr. SMITH] can yield time to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. RIXEY. The difference between the dredging at Olongapo and Cavite, as claimed by the naval officers, is that when you once dredge Subig Bay it will require very little expenditure to keep it in condition. Whereas at Cavite, Manila Bay, there will be continual dedging of the most costly kind, and it is further stated that it is almost impossible to get sufficient water at Manila Bay.

Another objection to the naval station at Manila Bay is that the Government only has 47 acres of land, both for the Army and the Navy, and the statement of naval officers is that that is not sufficient, and that no additional land can be gotten there.

Those are the objections. So far as I am concerned I feel friendly to the proposition to remain at Cavite, if we can remain there, but if it is an impossibility, then we may as well recognize that condition now as to go on with our expenditures there and recognize it later.

Mr. FITZGERALD. I do not assume that Cavite is the ideal place for a naval station. I believe that with very little additional expenditure all the imperative repair work required by the Navy in the Far East can be done there. That would obviate the necessity of establishing this costly naval station at Subig Bay, and then the necessity for the fortification of Subig Bay would be obviated.

What has been developed so far regarding the fortifications of Subig Bay? The War Department estimated at first that it would cost $700,000. This year it is stated to the committee that, in view of the plans of the Navy Department, it would cost either a million or a million and a half to fortify the place. There should be some definite plan before Congress is asked to make appropriations. We should not go ahead blindly nor in the dark. Until some policy is adopted by this country as to the future of the Philippine Islands, it does not seem wise to make any expenditure for fortifications at all. As I stated at the outset, Mr. Chairman, if there be danger now or in the near future of a foreign conflict, the $4,800,000 carried in this

bill is ridiculously small and absurd; if there be no danger of a conflict between this country and some foreign nation, then the 25 per cent of the amount of this bill to be allotted for insular possessions—$1,087,000—is, in my judgment, outrageously extravagant. Here is what Major Abbot said about the cost of fortifying Subig Bay:

Mr. SMITH. What is to be the total cost of Subig Bay?
Major ABBOT. Subig Bay would have cost about $750,000 under the original project.
Mr. BRUNDIDGE. You say it has cost that?
Major ABBOT. No; it would. That is what it was originally estimated to cost. But in view of the statement by naval authorities as to the importance of the place, it became apparent that the greater number of heavy guns would have to go in, so that the estimates would be probably a million dollars more than we figured on—say, a total of perhaps a million and a half.

As matter of fact there is no man living in this country to-day who is a position to state what the complete cost of fortifying Subig Bay will be. It depends upon too many uncertain and indefinite projects. I am unalterably opposed to spending $30,000,000 for fortifications and a naval station at Subig Bay, regardless of our policy toward the Philippine Islands. There may be some difference of opinion as to the propriety at this time of fortifying Manila. Members on this side of the House are practically unanimous that until a definite declaration of policy is made regarding the Philippine Islands by this Government nothing should be expended.

The CHAIRMAN. The gentleman has consumed one hour.

Mr. FITZGERALD. I will finish in five minutes. So far as Subig Bay is concerned, I hope the House will effectively put a stop to the contemplated expenditures there. So far nothing has been expended at Subig Bay for fortifications.

Mr. McNARY. Will the gentleman allow me to interrupt him?

Mr. FITZGERALD. Certainly.

Mr. McNARY. I would like to ask the gentleman to explain how much less it would cost to fortify Manila and complete the work of a naval station there than it will to do the work at Subig Bay.

Mr. FITZGERALD. I have not all the figures the gentleman requests. I understand it will cost about $3,000,000 to fortify Manila. At Cavite there is a naval station which is practically doing as much work as any naval station in the United States except the navy-yard at Brooklyn. With very little expenditure, in my judgment, that station would suffice for all ordinary repairs. It is different, of course, if it is desired to establish a great plant there, at which could be done anything from ordinary repair to constructing a battle ship.

Even if there be money already expended at Subig Bay, it would be a wise policy, in my judgment, for the country to discontinue expenditures at that place. Whatever expenditures are made let them be at Manila.

When the provision for fortifications in the insular possessions is reached there will be two amendments offered; one will be to strike out the language in the bill which provides for fortifications in the Philippine Islands. If that amendment be not adopted, there will be another amendment to prevent the use of any part of the money appropriated under that item for fortifications at Subig Bay. If that be adopted, the result will be to make $600,000 appropriated for Hawaii and the Philippine Islands available for Honolulu and Pearl Harbor and Manila. I should be pleased to have the House fix specifically the points at which the money shall be expended. Unless this be done, unless some definite policy is determined upon, there can be no estimate of what our expenditures in the Philippines will be. Let something, however trivial, be done at any place, and it will be used as a lever to pry out enough to complete the project irrespective of the total cost.

Mr. GAINES of Tennessee. Will the gentleman allow me?

Mr. FITZGERALD. Yes.

Mr. GAINES of Tennessee. Can the gentleman give us an estimate of how much money we have already spent in the Philippine Islands for building up the harbors or maintaining the Army or the Navy, or any one of the several expenditures?

Mr. FITZGERALD. I am not able to tell how much we have expended in connection with the Navy, but in this bill, in the bill passed at the last session of Congress, and in the bill for fortifications in the session that preceded the last, there has been appropriated in all $3,061,920 for objects connected with the fortifications of our insular possessions. Two hundred thousand dollars in addition has been appropriated for sites in Hawaii.

In addition to the money expended we have taken and are authorizing, roughly speaking, about twenty guns to be mounted in the insular possessions. There are transferred from the reserve guns for this country guns for the defense of the insular possessions, and it is impossible, without including the cost of the guns so transferred, accurately to state what it has cost so far to fortify these possessions.

I have purposely avoided saying anything that might be considered as giving a partisan cast to this discussion. That a considerable difference of opinion exists as to the best place to locate a naval base in the Philippine Islands is known to many Members of this House. It is imperative that a sharp watch be kept upon the expenditures by this Government for objects in the Philippines. If the requests that come from the Departments be not carefully scrutinized the appropriations will grow with such surprising rapidity that the country will protest most vehemently. Haste should be made slowly in these matters.

While there are irreconcilable differences between this side of the House and that side upon some questions of policy as affecting the Philippine Islands, there is no difference—indeed, there can be no difference—of opinion as to the necessity and propriety of keeping the appropriations for military purposes in the insular possessions to the lowest possible amount consistent with safety. Two years have passed since the officials of the military departments pronounced so emphatically for the establishment of a naval base at Subig Bay, and yet to-day the dissatisfaction in official circles with this project is growing and becoming more manifest. It is not unpatriotic to call attention to this discontent; it would be highly improper to attempt to conceal it. Let the fullest light be shed upon the entire plan, insist upon the most complete information, consider carefully the opinions of all competent to give judgment, and then our action will be wise and more likely beneficial. Meanwhile enthusiasm should not be used to smother facts, nor should false pride prevent the doing of the wisest thing, regardless of what has been heretofore. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 10.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the House of Representatives House bill 297, to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, for the purpose of amendment.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent that the concurrent resolution which has just come over from the Senate and is on the Speaker's table be concurred in.

The SPEAKER pro tempore (Mr. OLMSTED). The Clerk will read the resolution.

The Clerk read as follows:

Resolved, etc., That the President is requested to return to the House of Representatives the bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, for the purpose of amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. THOMAS of North Carolina. Mr. Chairman, while we are providing for the fortification of our country against a foreign foe I am in favor, also, of fortifying it against an influx of undesirable immigration. Among the most important questions for the consideration of Congress and the people of the United States is the subject of immigration and naturalization of aliens.

For some time past I have been making a study and examination of this important question, with a view, if possible, of arriving at a correct solution of it. In connection with this subject I have carefully examined the last report of the Secretary of Commerce and Labor, Hon. Victor H. Metcalf; the last annual report of the Commissioner-General of Immigration, Hon. Frank P. Sargent; the report of the Commission on Naturalization appointed by order of the President March 1, 1905, composed of the following commissioners: Milton D. Purdy, of the Department of Justice; Gaillard Hunt, of the Department of State; Richard K. Campbell, of the Department of Commerce and Labor; also the reports of Immigrant Inspector Marcus Braun, transmitted to the House of Representatives in compliance with a resolution.

All of these reports of these distinguished gentlemen, who have given this subject most full and careful consideration, agree that there should be and must be further restrictions upon the immigration of aliens into the United States and a thorough revision of the laws upon naturalization. In this conclusion,

both as to further restriction of immigration and revision of the naturalization laws, I agree.

The subject of immigration of aliens into the United States divides itself naturally under three heads:

First. The admission of aliens into the United States.

Second. The proper distribution of these aliens after they have been admitted in accordance with the law.

Third. The naturalization—making American citizens of such aliens after they have been admitted and distributed.

Upon the subject of admission of aliens into the United States numerous acts of Congress have been passed, and under these acts numerous regulations framed by the Commissioner-General of Immigration. The immigration laws have been, I believe, with possibly a few exceptions, revised and codified in the act of March 3, 1903. In a personal interview with the Secretary of the Department of Commerce and Labor, Mr. Metcalf, and with Mr. Campbell, of the law department of the Bureau of Immigration, I have been informed that practically all the laws upon this subject are contained in the said act of March 3, 1903, and such amendments and additions thereto as in the judgment of the Department of Commerce and Labor are wise and necessary are to be incorporated in a bill to be presented to Congress.

It appears from the report of the Secretary of Commerce and Labor that during the past year the number of aliens who applied for admission into the United States was 1,026,499. This is in excess by 237,507 of the number reported for 1882, and the arrivals for that year, 1882, were in excess of those during any year prior to 1903 and more than 200,000 in excess of the arrivals in 1904, so that the year 1905 marked the high tide of immigration into the United States. The following article shows immigration in 1905:

IMMIGRATION IN 1905—NUMBER OF FOREIGNERS ARRIVING ALMOST DOUBLE THE POPULATION OF BOSTON.

[From the New York Sun.]

For purposes of comparison calendar years are as good as fiscal years. The year 1905 breaks the record. The figures for recent years are as follows:

1902	739,289
1903	937,371
1904	808,257
1905	1,065,834

The immigration for this single year equals that of the entire fifty years following the inauguration of President Washington. In numbers it doubles the population of Baltimore and nearly doubles the population of such cities as Boston and St. Louis. It would replace the entire population of Connecticut, with 100,000 surplus to spare. It would repopulate Vermont and New Hampshire combined, with 250,000 to spare.

These people came, as usual, from all the corners of the earth, but particularly from the southeastern corner of Europe. The arrivals from Greece, Turkey, Roumania, Servia, and Bulgaria constitute an interesting total of between 25,000 and 30,000. The horde came from Russia, Italy, and Austria-Hungary. The following shows the flood from those countries during the last three years:

Country.	1903.	1904.	1905.
Russia	147,623	161,610	175,831
Austria-Hungary	234,636	165,703	284,967
Italy	233,417	156,764	268,441
Total	615,676	484,167	729,239

Thus it appears that seven-tenths of the arrivals of last year were from these three countries. It also appears that within three years more than 1,800,000 of these people have come to the United States.

The Secretary of Commerce and Labor in his report says:

The important feature is that more than 1,000,000 aliens have been added to our population in the course of twelve months, a fact that suggests the necessity of considering whether some adequate measure should not be adopted so to limit the number of arrivals as to lessen the obvious dangers from our alien population increasing more rapidly than it can be assimilated.

The Commissioner-General of Immigration in his most excellent report of July 1, 1905, containing full information on this important subject, says that—

The welfare of our own people is involved in the continuous influx of such a vast tide of peoples of the most widely varying aims and capacities.

The experience of another year—

He says—

while it has brought a gratifying confirmation of the confidence heretofore expressed in the efficiency of existing measures and agencies, has also served to establish a strong conviction of the magnitude and gravity of the problem presented by the growth of our alien population. These problems loom so largely in the prospect of our country that it may be said, without giving just cause for the charge of exaggeration, that all other questions of political economy relating to things rather than to human beings shrink into comparative insignificance.

This is an important question, a great problem worthy of the most careful thought and consideration of every patriotic American citizen. It involves, or may involve, not only the welfare of our people, but our free institutions. An immigration of more than 1,000,000 people in one year is an addition to the population of the United States of about one-eightieth of our present population.

The problem involves questions also from a labor standpoint. We want a desirable class of immigrants in the South and whole country for our farm labor, and we want these immigrants properly distributed; but we do not want the worst and undesirable class of immigrants who enter the country. They compete with American labor and can not be assimilated with our population.

Governor Swanson, of Virginia, in his inaugural address, on the subject of immigration says:

The department of agriculture has been instrumental in bringing to this State several thousand of immigrants from the Northwest, who have purchased homes and now constitute a part of our best citizens and most prosperous farmers. There is a great scarcity of farm labor in this State, which must be supplied. Not much more than half of our land is under cultivation. Progress and prosperity demand that this uncultivated half should be converted into fertile and yielding farms. The cheapness and fertility of our lands, the superbness of our climate, the nearness and accessibility of our markets, the great demand for labor, must necessarily soon bring a large immigration to Virginia. Wisdom requires that we should as early as possible endeavor to control and guide the character of this immigration, so that it may bring us an elevation, not a deterioration, of citizenship. Better have no immigration, better let much of our land remain waste and unoccupied, than have injected in our populations persons whose principles are a menace to civilization and presence a curse to society.

The correspondent adds:

These are sentiments which the South generally should heed. She has great quantities of rich lands standing idle for want of people to cultivate them; and if cultivated they would yield handsomely to the cultivators and contribute to the upbuilding of that whole section. But it is not a question of rushing numbers in and filling up with Tom, Dick, and Harry. Something more—a very great deal, indeed—is necessary than the mere tilling of the soil. The people who till it should be worthy of American citizenship and bent on acquiring and exercising it. They should not be, as Governor Swanson declares, "a menace to civilization and a curse to society."

While addressed to the people of Virginia, this deliverance of the new governor of the Old Dominion is in its larger features worthy of national attention and application, and marks its author as worthy of the confidence his people have reposed in him.

The problem is, under our immigration laws, how to get the best class of immigration and at the same time exclude the undesirable classes, which imperil our development and endanger our free institutions and lower the standard of American labor. Of the more than 1,000,000 immigrants who came into the country during the fiscal year ending June 30, 1905, an increase of 213,629 over the fiscal year 1904, it is safe to say that three-fourths, certainly the great majority, came from Austria-Hungary, Russia, Italy, the races of southern Europe, and from Syria.

The Commissioner-General of Immigration says in this connection:

The countries which may be regarded as the chief sources of future increase in immigration are those two in Europe which have the greatest resources in population to dispense with—Russia and Austria-Hungary.

He says that nearly 700,000 of these immigrants brought amounts of money with them less than $50. He declares that—

One of the most significant features of immigration is the large increase in the number of idiots, insane persons, and paupers during the past year, which, coupled with an increase of 25 per cent in the number of diseased aliens, justifies the Immigration Bureau in directing attention to the flagrant and willful disregard by ocean steamers of the laws for the regulation of their business in securing alien passengers destined for the United States.

He declares—

Of the various features of the immigration law, none has proved so difficult of enforcement as that which was passed for the protection of labor in this country over unfair competition by aliens.

Referring to the large number of aliens imported into the country in the interest of great corporations, already highly protected under the high protective tariff of the Republican party, he insists that—

Congress was influenced by the right principle when it forbade those classes which are the primary beneficiaries of our protective duty to import alien labor and thus absorb all of the benefits of that duty, deprive labor of its proper proportion of such benefit, and condemn to idleness or to comparatively inadequate compensation that large body of American citizens whose brawn, intelligence, and industry are such essential features of our national prosperity.

Concluding his most excellent report, the Commissioner-General of Immigration further declares:

It is no longer sufficient to close the door upon certain classes, manifestly undesirable additions to any community. The aliens who are forbidden admission to the United States by section 2 of the act of March 3, 1903, are as objectionable to the communities in which they are born, and of which they have always formed a part, as they are to us. It can not be denied that of such that are not expressly excluded by law there are many aliens entering the United States who, if not individually open to objection on the score of physical, mental, or moral defects, admitted by all men, are yet of such total alien, if not repugnant

character and genius, as to raise a doubt whether they will in the course of succeeding years become assimilated.

This view has found expression as yet in legislation affecting aliens of but one race, but that solitary instance, however, is a recognition of the principle that the welfare of the people at this stage of the world's development calls for the Government to prevent an unrestricted irruption of elements hostile to our free institutions, if not incapable of comprehending them.

He then recommends further restriction of immigration and certain amendments of the immigration laws. Adopting his recommendations in part, I have introduced into the House a bill of my own upon this subject. This bill adds to the excluded classes, so that, with the amendment to the immigration laws proposed by my bill, the ignorant, vicious, lawless, aged, imbecile, weak-minded, those of poor physique, and the paupers of the Old World, all of whom are a menace to our institutions, are refused admission into the country. The bill offered by myself also increases the head tax. It increases the penalties imposed upon transportation companies for violation of immigration laws, and it provides for thorough physical examination and more rigid inspection at the port of embarkation.

Now, it seems to me, Mr. Chairman, that, looking at this matter in the fairest and most impartial light, and with due regard to all sections of the country and our people, in accordance with the views of the eminent officials whom I have mentioned and my own views and a thorough investigation of the subject, some such legislation is necessary, not only in the interest of American labor but also for the best interests of our free institutions. It has been said that it is the theory of our Government that America is the "land of the free and the home of the brave," and that we must have immigration to keep pace with the growth and prosperity of the country. But it can not be denied by anyone that the class of immigration that has been coming into the country in recent years from the races of southern Europe, and from Turkey, in Asia, some of it the very scum and riff-raff of European and Asiatic countries, is not desirable, and that it is against the interest of American labor, and that it will, if allowed to continue, eventually affect and influence our American institutions.

The kind of immigrants we want are the thrifty, industrious citizens of northern Europe, who can be assimilated with our population and add real strength to the United States—those described in the following article from a North Carolina newspaper in my district:

TO EUROPE FOR IMMIGRANTS.

Mr. M. F. H. Gouverneur, vice-president of the Carolina Trucking and Development Company, of Wilmington, is soon to leave for Europe in the interest of his company. He will spend his time in northern Germany and Holland in an effort to induce immigration to eastern North Carolina, and place them on lands owned by the company. The company owns more than 300,000 acres in the counties of New Hanover, Pender, Duplin, Brunswick, Bladen, Columbus, and Robeson.

Farmers of the German and Holland class are usually successful, and of the order called "hustlers." For intense farming they are unexcelled, and are just the people required in a country that needs development. That some of them may be placed in Pender County, we hope.

In the First Congress, when a bill was offered to encourage immigration and provide for naturalization, James Madison, the leader of the House, said:

It is no doubt very desirable that we should hold out as many inducements as possible to the worthy part of mankind to come and settle among us and throw their fortunes into a common lot with ours, but it is not our desire to swell the catalogue of the people in numbers; but it is to increase the wealth and strength of the community, and those who acquire the rights of citizenship without adding to the wealth and strength of the community are not the people whom we are in need of. I would be extremely sorry if our rule of naturalization excluded a single person of good family who really meant to incorporate himself into our society. On the other hand, I do not wish that any man should acquire the privilege but such as would be a real addition to the wealth and strength of the United States.

Now, it can not be contended for one moment that the class of aliens who have been coming into the country in recent years either add to the wealth or strength of the country. On the contrary, they are a source of danger and menace and lower the standard of American labor. We can get enough of desirable immigration, whatever may be needed, without admitting undesirable classes. Many of the aliens in recent years who have been coming to this country have no intention of making a permanent residence here. Thomas Jefferson, in his first annual message as President, in 1801, declared that—

The general character and capabilities of a citizen should be communicated only to those manifesting a bona fide purpose to embark their life and fortune permanently with us.

Now, as shown very thoroughly and clearly by Inspector Marcus Braun in his report to the Secretary of Commerce and Labor, it is an undeniable truth that both Italy and Hungary regard emigration of their people simply as a temporary absence abroad for the purpose of earning money and bringing it back. He says that he is convinced beyond a doubt that some European countries, agencies, and private individuals are not only continuing to regard this country as the dumping ground of citizens of an undesirable class, but this is coupled with the arrogant and widespread assumption that this country is but an asset of a large number of European powers, subject only to their desires and orders. He says that these facts, if universally known in this country, would drive the blood of humiliation into the face of every true American and a description of it would defy the pen of a Macaulay. He declares that immigrants, inadmissible for reasons other than disease, are constantly brought into the country in large numbers by the concerted action of European governments, steamship agencies, bankers, and schemers of all sorts. The immigration agencies and steamship agencies reap large profits from this indiscriminate immigration, and the large sums of money sent annually to Europe from the United States (according to last year's reports $50,000,000 was thus sent to Austria-Hungary alone) have had a magnetic effect on some governments of Europe and has awakened in them the desire to multiply these shipments of immigrants to the greatest extent possible.

He shows that the Cunard Line, through the activity of its subagents and a contract with the Hungarian Government, cleared last year an income of over $2,000,000 from Hungarian emigration. He shows that many Armenian emigrants to the United States have obtained naturalization papers and as soon as they have earned sufficient money for their needs and comfort have returned supplied with American citizenship papers, which they obtained legally or illegally, as the case may be. He declares that our consul at Beirut said that the governor of Mount Lebanon told him recently, if this constant travel from Syria to and from the United States should not cease soon, the United States had better annex the province of Lebanon; that there were at present more American citizens there than Turkish subjects. The United States immigration laws are treated with contempt in Syria. Anybody and everybody is being shipped from there, and the only word known to these immigrants as to their destination is the word "America;" they know nothing else. Every steamer arriving in Syria brings heavy mail from the United States. Large sums of money are received annually from this country, and a constant desire and greediness for more is universally manifested. Ninety-nine per cent of alleged American citizens in Jerusalem do not speak a word of English. Most of them whom he interviewed did not know the name of the street in which they claimed to have resided while in the United States.

Italian emigration, he shows, is encouraged by that Government, which charges a fee for every Government passport issued to an emigrant. The Italians are justified in every respect in fearing a restriction on the part of the United States, as it is evident from the information received in interviews with Italian bankers and ship agents that the amount annually received in Italy from the United States averages $1 a day for every Italian who comes to this country for temporary labor.

Now, this kind of immigration from Austria-Hungary, Russia, Italy, Armenia, and Syria, constituting an undesirable class, most of whom come only for temporary purposes to accumulate money which they send home, eventually returning there themselves, is not the kind of immigration contemplated either by the fathers of the Republic or which is a benefit to the American people. And, as said by Mr. Braun, this stream of undesirable immigration continues and is on the increase. It consists of two classes; first, those who are objectionable by reason of physical, mental, or moral defects, or who are undesirable because they come to this country merely for a temporary stay which they use for the accumulation of money and then return to their native country; and, second, the large number who come here in violation of our alien contract labor laws. The emigration from the Turkish dominions, both European and Asiatic, Braun declares, "is nothing short of a menace to the country. From there we positively get the worst kind of people in the world." He concludes by declaring that—

While there are people of all lands who go to other countries for purposes of business and earning money in various capacities, which is legitimate and to which no exception can be taken, it is an entirely different matter with the great horde of immigrants who have flooded this country during the last decade. They come here, not because of our free institutions, or because they have a desire to advance themselves either materially or intellectually, but because the American dollar is of a much greater purchasing value in their native countries, to which they always remain loyal. They make no effort to learn our language, customs, and views; they do not think of ever becoming citizens or contributing in the least to the development of the country, and if they take the oath of citizenship it is only because it facilitates their purposes here and protects them abroad.

Geographically speaking, the immigrants coming from the north of Europe, if not affected by disease, are the best we get. Those from western and southern Europe are very rarely desirable, even if they can not be excluded by disease or moral defect.

Now, Mr. Chairman, it is very clear to my mind, in view of this report and of the information which I can obtain from the various reports and documents upon this subject, that there is

no question that the races of northern Europe are the most desirable for us. Those coming from southern Europe, as a general rule, are not a desirable class. It is said the South needs immigration to develop its agricultural and manufacturing resources, but the South does not need the class of undesirable immigration which has been pouring into the country in a constant stream in late years. A late article in the Washington Post, which I have before me and from which I will read, expresses very clearly what, it seems to me, should be our true position on that subject:

LET THE SOUTH SIT STRAIGHT.

Those of our southern friends who have imbibed the European immigrant idea with characteristic enthusiasm and are now mightily alarmed over the prospect of losing some of the projected influx through the cunning machinations of their northern rivals will do well to examine the current reports of Italian activity in certain parts of New York and Pennsylvania.

We note from time to time, in various esteemed contemporaries published beyond the Potomac, editorial injunctions of great solemnity and news accounts of meetings, addresses, and resolutions, all tending to educate the southern public in this connection. White immigration from Europe is necessary [sic] to the upbuilding of the section. With large floods of white laborers from the southern and southwestern districts of that continent, our prosperity will advance by leaps and bounds. Agriculture, commerce, mining, and manufacturing will increase upon a scale of geometrical progression. Everybody will be rich and happy next week, if not sooner. And there you are!

Meanwhile, however, the Post's suggestion stands knocking at the door of recognition. Why not take a good look at the fruits of Italian and Slav immigration in other parts of the country before trying it by wholesale for ourselves? We have had very little experience of this kind at the South, and that, in most instances, has been discouraging.

But why should the South open its doors to a new invasion of this kind? It is sufficiently notorious that Italy, Hungary, and the Danubian provinces are anything but anxious, or even willing, to send us their virtuous, wholesome, and desirable peasantry. They are all blessed with these industrious, worthy, and valuable elements of population, but our agents in that part of the world know that we receive very little infusion from those sources. European governments are only too anxious to deport their criminals and degenerates, and it is of record that we have been only too incautious in the matter of receiving them. It does not follow, however, that southern communities need give asylum and opportunity to these outlaws. The South is growing richer every day with the material already at its disposal. Why imperil the certainty of a splendid and a sound development by adventure in strange fields with sinister and abhorrent instruments?

It is no doubt true that the South will be benefited by an increase of population and of industrial material, but the South can well afford to move carefully in this regard. As things now stand, its prosperity is assured. Our southern friends need only hold aloof from perilous experiment in order to reap the promise now beckoning from sure ground.

Such immigration as comes into the South and into the country should be the best possible and the most desirable.

Now, Mr. Chairman, after the alien, if desirable, is admitted into the country under our laws there is another important question connected with this subject, namely, the proper distribution of immigrants. It is proposed in order to properly distribute desirable immigrants for farm labor in the South as well as in the West that an agent of the State, or two or more States, shall be stationed in New York for the purpose of furnishing information to immigrants and to aid them in determining where they should locate; information as to resources, products, climate, soil, etc., of the various States and Territories.

A constant stream of immigration has been going to the West in view of the inducements offered by that section of the country and representations made by its agents.

The third important division of this subject of immigration is the naturalization of aliens. From an examination of the report of the Commission of Naturalization and study of the subject, I am inclined to think that the naturalization laws should be so revised as to require uniformity of certificates, confining the jurisdiction of naturalization of aliens to United States courts or State courts of record, and that no alien should be naturalized or entitled to the privileges of an elector until he shall have resided in the United States for five years at least and is able to read intelligently and write.

I trust that the Committee on Immigration and Naturalization will at least so revise the immigration and naturalization laws as to put a stop to this ceaseless flow of undesirable immigration of aliens, competing with and lowering the standard of American labor in the shop and in the factory and upon the farm; people incapable of comprehending our form of government, incapable of assimilation, a menace to our free institutions, and dangerous to our American ideas and civilization.

Mr. SMITH of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman, if there is one subject that has been well disputed in the last five years, it is the proposition for the establishment of a naval station at Olongapo, in the Philippine Islands. Inasmuch as I have listened during five years to at least a hundred days of argument for and against that proposition, I feel myself quite well informed upon it. I suffer the disadvantage of not having been in the Philippine Islands. I enjoy the opportunity, however, of saying that I never will be in the Philippine Islands unless I am put into a condition of body and mind wherein I have no power to resist. Nevertheless, if I had my way about it, I would fortify Manila because the city belongs to the Philippine Islands and I would fortify Subig Bay because it belongs to the people of the United States. I am sorry I have not had the advantage of gentlemen who made the excursion last year. I was not expected and therefore I did not go, but I have listened to and have heard from men who have not been there one day, two days, or five days, but who have spent one year, two years, and three years in the islands, upon the proposition of establishing a naval station in the Philippine Islands. Furthermore than that I am benefited by the advice of the chairman of the Committee on Naval Affairs, a gentleman who has spent perhaps one day or two days on the spot, not 4 miles from the place where this station is to be located and being thus 4 miles away gives a bird's-eye view and then makes a guess at it, but who went upon the ground for the purpose of informing himself and his colleagues on the Committee on Naval Affairs—and I refer to the chairman of that committee, the gentleman from Illinois [Mr. Foss]. We are well satisfied not only with his observations, but with the report that he has already made to us. If the committee will bear with me for two or three minutes, I desire to say that there is no place in the United States, there is no place in any of the possessions of the United States, so well adapted for a naval station as at that found in Subig Bay. There is no place in the United States where a naval station is either projected or established that we do not have to dig mud in order to get a ship to it with perhaps the exception of Bremerton. Up to the spot where the steel dry dock that this Government has built within the last year there are found 60 feet of water, which a civilian who spent a year there told us the other day Providence itself had provided and which Providence had maintained. There has been no change whatever in that channel—not a tortuous, dangerous channel, but one that is a mile wide, one that flows between high mountains, not in a straight line where bullets may fly and projecting shells may go to strike our ships, but one that is protected in any point of its course by high mountains through which ships' guns can not send their missiles of death and destruction. This channel winds around for 7 miles, a mile in width, and for one-half that width there are 60 feet of water and there has been this depth for years and years. Sixty feet of water are found from the ocean up to the very place where we propose to establish a dry dock. Let me go back to the origin of this programme. If there was one subject the Administration had an interest in three years ago, it was the proposition to establish a station at Olongapo, in the Philippine Islands.

If there was any estimate that was suggested by Secretary Moody with all of the earnestness that that gentleman possessed, it was that we should establish this station, and his reasons were sensible to us and we adopted them and established the station there. Following upon that we made an appropriation of $1,250,000 for a dry dock, which is now on the road to the Philippines, where there is no other place to put it except in Subig Bay. Men who testified within the last week agreed all around that there is no water at Manila in which you can use this dry dock. It will either go to Subig Bay or you will tie it up in the ocean somewhere or bring it home. It was built especially for that point and it was not built for any other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BUTLER of Pennsylvania. I thank the gentleman from Iowa. Mr. Chairman, to repeat what I have already said, this has been a disturbing question with one branch of the Government. My friend the gentleman from Iowa [Mr. HULL] knows that to be so. The commission that was sent to the islands searched everywhere to find deep water, and I would like to assure the gentlemen who are listening to me—and if the others will listen for one minute I will assure them also—that never again, as I live upon this earth, will I vote one dollar for a naval station where you have not sufficient depth of water upon which to float ships to the stations of repair. The great depth of water at this point impressed us all favorably. The further assurance of the Government authorities that no dredging would be needed at this point for years to come impressed us also favorably, and was a strong inducement to favorable action.

If this dry dock continues on its course and does not upset before it reaches Manila it will go to Subig Bay, where we have tentatively provided for its reception. The Committee on Naval Affairs has agreed tentatively on appropriations for Alongapo. They will not reach $200,000. The committee has made an appropriation for a channel to drain the swamp near where this

dry dock will be located, costing perhaps fifteen or twenty thousand dollars. They have further tentatively agreed upon one item in the bill of perhaps sixty or eighty thousand dollars to build, not to dig, but to build from the shops that the Spaniards located there a pier to connect them with this dry dock, which of itself contains a machine shop.

Mr. FITZGERALD. Will the gentleman——

Mr. BUTLER of Pennsylvania. Not for a minute, please. Mr. Chairman, another proposition that satisfied us very well was that even the Spaniards had concluded to abandon Manila and had built some sort of shops at Subig Bay. The Spaniards concluded to leave Manila for the reason they could not keep sufficient depth of water there in which to float their ships. A naval officer and a civil engineer testified the other day that there is no place in the Philippine Islands in which a battle ship can be docked except at Subig Bay. They further testified that the water about Cavite was subject to obstruction from moving sand that continually fills in the dredging. They say that is their experience, and were positive in their advice to us that we should abandon Cavite not entirely, but to look forward toward establishing a station at Subig Bay. Acting largely, I suppose, upon their advice as well as upon the advice given us heretofore, we concluded that for the time being we will ask this House to permit us to stay in Subig Bay. Not that we will adopt, Mr. Chairman, the estimates handed us by the Navy Department for millions of dollars at Subig Bay, but we will recommend to this House, at the proper season, a modest item carrying a modest amount for improvements at this place. It is true that the Government has a programme which, if carried out, will involve the expenditure of twelve or fifteen million dollars. It is true that the Government has even recommended more than twelve or fifteen million dollars. I may say to my friend from New York it is true that heads of Departments and other officials have recommended $43,000,000 for navy-yards and for construction and maintenance, but it does not follow because gentlemen make such estimates that Congress will immediately and without inquiry approve them, but the provisions that have already been, as I have said, tentatively agreed upon will be all that the Government will need for the time being in the Philippines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. I would like to say just one thing more.

Mr. FITZGERALD. I will yield to the gentleman three minutes because I want to ask him a question.

Mr. BUTLER of Pennsylvania. I am very much obliged, and I will divide my time with the gentleman when he asks the question. Another strong inducement to this is this, and I speak knowingly upon this subject, because I am advised by people living at Subig Bay, and we have lived there for months, that the health of the place is almost perfect. Right on this landlocked harbor they have cool nights; nights in which they can enjoy their sleep. There are in that place from six to eight hundred, maybe a thousand, marines collected for some purpose in the East I know not of, but about which I have read, and the health of these men is good, very good. There is no sick; there is no real discomfort in these cool mountains, in this landlocked harbor, surrounded by high hills that nature itself has provided, which some day should stand as a protection to us against an enemy.

Mr. FITZGERALD. I want to inquire of the gentleman if he was not aware in the navy appropriation act signed on the 27th of April, 1904, there was an item for dredging the basin in front of the quay walls for the floating dry dock of $48,000?

Mr. BUTLER of Pennsylvania. At Subig Bay?

Mr. FITZGERALD. At Subig Bay.

Mr. BUTLER of Pennsylvania. I do not know anything about it.

Mr. FITZGERALD. I have it here.

Mr. BUTLER of Pennsylvania. My friend is asking a question, and I have no doubt it is true, but the money has not been all used; but the purpose of establishing that dry dock at that point——

Mr. FITZGERALD. It is not a dry dock that it is proposed to build, but it is in order to enable the Navy Department to use the floating dry dock that is now on the way there, and it took $48,000 so far to do this. How much more is required, in spite of the statement that they have unlimited water, nobody in this Government knows.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I am not able to do so. I am very sorry to confess my ignorance, but I am unable to answer. I can not remember all of these different propositions. It is possible for one to sit down, of course, and pick out an item here and there and ask a question concerning it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. BUTLER] has expired.

Mr. SMITH of Iowa. Mr. Chairman, I would ask that the gentleman from New York [Mr. FITZGERALD] use up some of his time now if possible.

Mr. FITZGERALD. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] has thirty-seven minutes and the gentleman from Iowa [Mr. SMITH] has thirty-five minutes remaining.

Mr. FITZGERALD. Mr. Chairman, I yield twenty minutes to the gentleman from Virginia [Mr. JONES].

[Mr. JONES of Virginia addressed the committee. See Appendix.]

Mr. SMITH of Iowa. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. FOSS].

Mr. FOSS. Mr. Chairman, I desire to say a word at this time upon the question of the location of our naval station in the Philippines. I presume it is a matter which will come also in the regular order upon our naval bill, and it was my intention at that time to go into the question quite extensively and not speak upon the fortification bill at this time; but inasmuch as the question has come up I would like to say a few words upon it now.

The question of the location of a naval station in the Philippines was, in my judgment, settled by Congress two years ago. At that time we had before us the Secretary of the Navy, Mr. Moody, and also the report of the board which had investigated this question as to the proper location of our naval base in the Philippines, and upon that testimony and the testimony of other officers the committee reported upon the wisdom of establishing a naval base at Olongapo. That matter was properly before this House. The importance of it was stated in the report which I had the honor to submit at that time. A naval reservation was set apart for the Navy at Olongapo. The reservation is 4 or 5 miles square. I might go into the reading of the testimony which was before the committee and some of which was read on the floor of this House as to the advantages of this particular site. Secretary Moody said that he had been—

all over the subject and every single bit of information is in favor of establishing it within Subig Bay at Olongapo. Nobody disagrees. The Army and the Navy alike say that it is the place to put it. There is plenty of water, and protection at the entrance may be made perfect.

Admiral Dewey was before the committee, and he said, having given the subject a great deal of study:

I am convinced that Subig Bay is the one place in the Philippines for a naval base.

Later on he says:

There is no necessity of spending much money on it at first. I suppose that in the course of time it will grow, but it is of the first importance that we should have a dry dock somewhere in the Philippines, and this dock should be protected by guns.

Now, I could go into the whole discussion of this subject and bring you the testimony of naval officers who have looked into this question. There has never been a commander in chief of our fleet in the East who has not come back here after a thorough investigation and study of this question and said to us, this is the proper place for the naval base in the Philippine Islands.

Mr. JONES of Virginia. Mr. Chairman, will the gentleman allow me to ask him a question? Was Admiral Dewey ever in Subig Bay in his life?

Mr. FOSS. Yes; he went in there to find the Spanish fleet before he went into Manila Bay.

Mr. JONES of Virginia. My information is the other way.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will the gentleman from Illinois permit me to ask the gentleman from Virginia a question? Was Admiral Dewey in as far as the gentleman from Virginia?

Mr. FOSS. I think he was in a great deal farther.

Mr. JONES of Virginia. I will say to my friend that my information is that he was not.

Mr. BUTLER of Pennsylvania. Well, the gentleman from Virginia knows how far he was in.

Mr. JONES of Virginia. And there is a Member of this House who was with him, from whom I have got my information—a gentleman on the Republican side of the Chamber.

Mr. FOSS. Now, Mr. Chairman, I desire to say that not only our naval authorities are firmly convinced of this, but upon their advice we made an appropriation in this House of over $800,000 toward its establishment, of which $500,000 was toward the establishment of a coaling station and $300,000 toward the establishment of a navy-yard. That was two years ago. Contracts have already been let for that coaling station, so we are expending this appropriation to-day.

Mr. GAINES of Tennessee. Will the gentleman state when he got that appropriation?

Mr. FOSS. Two years ago. And since that time we have added $100,000 more to it. Now, the naval officers were convinced at that time and are convinced now—and I have talked with Admiral Dewey and members of the naval board who have had this whole matter under consideration—and they are more convinced to-day than they were then that that is the place for our naval station. Well, what else? Why, the joint board of Army and Navy officers have also had this thing under consideration and this is from their report. The Lieutenant-General, if I remember, of the Army was a member of that board, as was also the Admiral of the Navy. What is it?

First. That without a fortified naval base in the Philippines the Asiatic Fleet can not keep open the lines of communication for supplies from the United States or between the Army posts within the Philippines, without which supplies the military forces of the United States could not hold command of the islands.

Second. That Manila is not but that Subig Bay is suited for a naval base and station, and of all harbors in the archipelago—and the harbor which has been spoken of by the gentleman from Virginia included—it is the best for the purpose.

Third. That the fortification of Subig Bay is essential to the security of a naval station located there.

That is the opinion of the joint board of the Army and Navy. It seems to me that it almost ought to be considered res adjudicata. And upon that report we have appropriated money for this naval station. Now, gentlemen come in here who perhaps have journeyed over to the Philippines as I went and have expressed their opinions as to whether this is a fitting place or not for a naval station. Now, I want to ask you seriously whether you think they are competent to judge. I tried to induce a large number of that company one day to go with me up to Olongapo from Manila, and there was only one gentleman whom I could induce and he was a member of the committee—Mr. LOUD. We went up and investigated and looked over this place and came back, but other gentlemen who have seen fit here to say something against this location of this station have never been there and did not go with us at that time. Now, gentlemen have also said Generals So-and-so do not believe that this place is the best place.

Mr. JONES of Virginia. But I did not; I said General Wood and General Corbin.

Mr. FOSS. Well, General Wood and General Corbin are able Army generals, but I do not know that they have ever acquired any great reputation in this country as naval experts, and I will follow them when it comes to Army matters. I will follow them when they tell me where we ought to put the barracks of our Army or where we ought to put the fortifications for the Army here or there; gladly will I follow them. Why? Because they are educated along that line. But when it comes to the Navy, I will follow the opinion of naval officers—the men whom we have sent to the Naval Academy and educated in naval affairs, who are familiar with that particular line of Government service. Their testimony and their opinion I will follow, but I will not follow the opinion of any Army officer on the question of a location of a naval station.

Now, Mr. Chairman, another thing. We have got a naval station down at Cavite. We have been using it for a number of years, or ever since we have been in the Philippines. It is a small Spanish station, and the committee has recommended appropriations to no large extent for it. We have gone along with this with its costing the Government but very little money in the shape of repairs now and then, and we have been doing very good work there, but looking to the future of the establishment of a permanent naval place, the Navy Department has come to the conclusion that it would not do to stay at Cavite. Why?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I will ask a few minutes more. I have been down at Cavite, and I know the condition there.

Mr. SMITH of Iowa. I will yield five minutes more time to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. FOSS. They have got 47 acres of land at Cavite. I went over it—drove around it. It is all covered with buildings, and you can not get any more buildings there. It is an old Spanish naval station. You can not get a battle ship, according to the testimony of Admiral Dewey—and it has been confirmed during the last few weeks by testimony of naval officers before our committee—within 2 miles of Cavite, within 2 miles of the naval station. It is going to cost millions of dollars to dredge around this naval station in order to get your ships up there. Then what next? Why, you have got to have more land for your naval station, and the naval officers say that they have got to make land out into the water, and that means the large proposition of dredging and filling in, and then after you have done that, what have have you got? A naval station of a hundred acres, perhaps, with an expenditure of $10,000,000 or so.

Mr. JONES of Virginia. Will the gentleman permit one question right there?

Mr. FOSS. Yes.

Mr. JONES of Virginia. Will the gentleman tell me how much level ground there is at Olongapo now available?

Mr. FOSS. Well, I did not go all over it.

Mr. JONES of Virginia. I thought you went and examined it.

Mr. FOSS. But I went over some of it. We have got over 500 marines there. We have got marine barracks; we have got the old Spanish buildings which were a part of the naval station which they had there years ago, and we propose to use those. Then, there is a town or village off a little ways, and this level tract of land, which is larger, I may say, than my friend's front yard——

Mr. JONES of Virginia. It might be that and not be very large.

Mr. FOSS. There is quite an expanse of level land there, and I will say to my friend, I would not want to walk over it all in a day, but there is a village there of 600 Filipinos. There is plenty of land there to build a naval station—plenty of land.

Mr. JONES of Virginia. Plenty of level land without digging down the mountain side?

Mr. FOSS. Yes; plenty of level land without digging down the mountain side.

Some gentleman has stated there are some rivers that run down through there and that some of the land is wet and marshy, but that can be drained off.

Mr. JONES of Virginia. It is only 2 feet above the level of the bay.

Mr. FOSS. I do not know how many feet, but it is down very near to the water's edge.

Mr. JONES of Virginia. With a river running through it.

Mr. FOSS. Very near to the water's edge, and it has been in that condition for hundreds of years, they tell me. And it has never been overflowed, so they tell me. The water in this perfectly landlocked harbor is very smooth, and it is considered the best place for our naval station by men who know—not only by men who know, but by men whose business it is to know.

Mr. BUTLER of Pennsylvania. Let me ask my friend if he remembers how long that civil engineer lived there?

Mr. FOSS. It seems to me he said a year or two years.

Mr. BUTLER of Pennsylvania. A Government engineer?

Mr. FOSS. Yes.

Mr. WILLIAMS rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] yield to the gentleman from Mississippi?

Mr. FOSS. Certainly.

Mr. WILLIAMS. Now, the gentleman has said something about the advice of men whose business it is to know. Upon whose advice did we establish this naval station at Cavite?

Mr. FOSS. That was the old Spanish station, established by the Spaniards.

Mr. WILLIAMS. Well, upon whose advice did we spend money there, and make appropriations, and continue a naval station there?

Mr. FOSS. We did it upon the Navy Department's advice.

Mr. WILLIAMS. Are they not people whose business it is to know? Now, the gentleman tells us Cavite is thoroughly unfitted for that purpose.

Mr. FOSS. Yes; we took the old Spanish station. We had a fleet there, and we had to repair our ships. That is the station the Spaniards had used for years, so we took that station temporarily for the purpose of repairing our ships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seventeen minutes remaining.

Mr. WILLIAMS. Just one minute, in order for the gentleman to answer this question. That is all.

Mr. SMITH of Iowa. I grant the time.

Mr. WILLIAMS. As I understand, we took a place 2 miles from where a ship could possibly land, continued it as a naval station upon the advice of people whose business it was to know, and spent how many millions of dollars? How much have we spent there?

Mr. FOSS. I should say not over two or three hundred thousand dollars in repairs to this old Spanish naval station; but I do not want to let that statement go which the gentleman has made, that no ship could get within 2 miles of there.

Mr. WILLIAMS. I so understood the gentleman a few moments ago.

Mr. FOSS. No battle ship.

Mr. WILLIAMS. Well, that is the kind of ship I am talking about. A naval station is used for battle ships.

Mr. FOSS. Surely.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. Mr. Chairman, I will grant the gentleman three minutes longer.

Mr. FOSS. Now, this is our present situation, Mr. Chairman. We have made these appropriations. Congress has established this naval station. We have built a dry dock, and that dry dock is on its way over there, and there is not any place where you can put it except in Subig Bay. Oh, you can put it in Manila Bay, but Manila Bay is a place where there are frequent storms. You can not put that dock over there and moor it safely unless you put it in still water somewhere; and our naval authorities have said that there is only one place there, in their judgment, in which to put it, and that is in Subig Bay—first, because the water is quiet and still, where they can put our ships into dock and work on them, and then, in the second place, where there is a sufficient depth of water, 60 feet, which we must have for that dock. Will these honorable experts, who know so much about the situation over there and talk against Olongapo, tell us of some spot in Manila Bay, anywhere, where you can safely moor this dock and where there is sufficient water near the shore in which to do so?

Mr. FITZGERALD. Does the gentleman say there is sufficient water at Olongapo?

Mr. FOSS. Yes.

Mr. FITZGERALD. Then why, in 1904, did you appropriate in your appropriation bill $48,000 with which to dredge for that dock?

Mr. FOSS. Why, my dear friend, there is not a harbor in all the world anywhere that you can use for commercial purposes, to say nothing about naval purposes, but what you have got to expend a little money for dredging.

Mr. FITZGERALD. Well, $50,000 is a pretty good sum where I live for dredging; it may not be at Manila or Olongapo.

Mr. FOSS. Why, you have had hundreds of thousands of dollars expended for that purpose in New York Harbor.

Mr. FITZGERALD. Four per cent of all the appropriations for rivers and harbors have been expended at New York, and it carries 65 per cent of all the exports of this country.

[Here the hammer fell.]

Mr. FOSS. Well, now, Mr. Chairman, I would just like one minute more simply to state the situation. [Laughter.]

Mr. SMITH of Iowa. I yield the gentleman one minute more.

Mr. FOSS. We have got that dock on the way, going over to the Philippine Islands. We have got to put it somewhere, and it is bound for Subig Bay, I want Congress to know. It is because that is the only place where we have sufficient depth of water, and it is regarded as the only suitable site for a naval station. Now, after that dock is over there, we have got to connect it with the land, and we are going to build out a little pier that will cost $65,000, and that appropriation will be carried in the naval appropriation bill. We are going to give them a few tools, that will amount to about $100,000, to repair our ships—not to make expensive repairs, but for them to do just small repairs. Whenever any expensive repairs are needed the ships will come home to our own people at our own yards under the appropriations that we are allowing in the naval appropriation bill.

Mr. SMITH of Iowa. Will the gentleman from New York use some of his time now?

Mr. FITZGERALD. I yield ten minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, I have been sitting here listening to the debate since the House resumed its work this morning, and I have heard nothing but dollars, thousands, millions; expenditures, expenditures, expenditures! Philippine burdens galore. When is it going to end?

I find, Mr. Chairman, that the gentleman who has just taken his seat states that less than two years ago we appropriated for the Philippine improvements—did you say $8,000,000 or $800,000.

Mr. FOSS. Over $800,000 at Olongapo.

Mr. GAINES of Tennessee. And $500,000 somewhere else?

Mr. FOSS. I do not know that I said anything about that.

Mr. GAINES of Tennessee. You said $500,000 for something——

Mr. FOSS. I say of this $800,000, $500,000 of it went toward the building of a coal plant.

Mr. GAINES of Tennessee. And then $300,000 for something else; and then, in addition to that, $100,000 more, you said.

Mr. Chairman, here we come to-day with a bill that appropriates $600,000 for guns for the Philippine Islands and Hawaii. Four hundred thousand of that for the Philippine Islands, I believe, and $200,000 for Hawaii. I will not read the details, but give the "totals" of the appropriations carried in this bill, as shown by this report we all have.

Total, fortifications and other works of defense, 1906, $2,414,400. Estimates for 1907, $2,860,900.

Now, then, "Total armament and fortifications, 1906, $2,988,550;" nearly $3,000,000. "Estimates for 1907, $2,913,009.90; recommended for 1907, $1,882,000." Then we go over a page or two, and under the head of "Insular possessions" we find the money appropriated for that amounted in 1906—I would like to get the attention of the gentleman from Iowa [Mr. SMITH] to the table on page 4 of the report, and have him explain these figures to me. Look where you say "total," at the bottom of the page, "appropriations for 1906, $6,747,893." "Estimates for 1907, $8,953,112.90; recommended, $4,838,993." Now, that is the "total" of what?

Mr. SMITH of Iowa. The total for this purpose.

Mr. GAINES of Tennessee. How much for Hawaii and all the islands?

Mr. SMITH of Iowa. One million eighty-seven thousand dollars.

Mr. GAINES of Tennessee. Mr. Chairman, we learn from the words of this report that we seem to be engaged in doing nothing but spending the American people's money in fortifying for war and making a great military port out of the Philippine Islands. We have to make, in order to hold these islands, a navy on a parity with "any navy in the world," a navy to successfully cope with all the world. We must keep a "standing army" as long as it can stand, outside of coffins, in the Philippine Islands; we must keep up an endless chain of sending our able-bodied sons to the Philippine Islands and retain them out there as long as we can keep them out of a coffin and able to shoulder a musket.

As the result of this colonialism, we must keep a standing army in peace three times larger than we had when the Spanish war began, and Uncle Sam foots the bill. All this, and more I won't recite, by way of parenthesis, gentlemen. Notice we have no deficiencies in our colonial appropriations. Plenty of money for those purposes.

Do you know that on Saturday last the Treasury Department stopped forty elevators in various custom-houses in the United States, because of a lack of money to run the elevators?

Mr. SMITH of Iowa. That was not because there was not money enough in the Treasury, but because it had not been appropriated for that purpose.

Mr. GAINES of Tennessee. But you cut down our home appropriations low enough to allow these colonial appropriations. I got notice of this from the postmaster at Nashville Monday, about the Nashville elevator. Protests from the officers in the magnificent Government building at Nashville were sent me. There are some ten or twelve different departments located in this half-million-dollar custom-house.

I got protests from Postmaster A. W. Wills, from the United States district attorney, the marshal, the collector of internal revenue and of customs, from the court clerk, Mr. Doak, from the Weather Bureau, from the superintendent of the southern free rural delivery, Mr. Conger, and a number of other officers. There are many heads of departments on second, third, and fourth floors of this building, who must walk up and down the stairways, as well as all the witnesses who go to attend sessions of the Federal courts there, held by Circuit Judge Lurton and District Judge Clark.

The business of this great country is embarrassed in this way simply because the last Congress did not appropriate enough money to run the Government along those lines. Yet we find no deficiencies in the Philippine appropriations, but we find them in appropriations for our home people.

I went to the Treasury Department yesterday morning, and I was pretty red hot about this, I want to say. Nashville has about 130,000 people, and has always been a great city. She has produced two Speakers of this House—John Bell and James K. Polk. Nashville was the home of Andrew Jackson and James K. Polk, Presidents of the United States. We have produced two judges of the United States Supreme Court—Judge Howell E. Jackson and Judge John Catron. Circuit Judge H. H. Lurton lives and holds court there. Judge Clark holds the district court there. In one suit, involving over a million and a half dollars, about 1,500 witnesses, I am told, have been examined in this building, and it is not concluded.

And yet, Mr. Chairman, we did not appropriate enough money in the last Congress to run the elevators in that great building in that magnificent city, and there are thirty-nine other Government

buildings in this country which are in the same sad plight to-day. You gentlemen will get letters about it if you have not already received them.

Why didn't you appropriate this money, gentlemen? Simply because you were, as now, taking the tax money paid by the people in this country and building up the Philippine Islands and Porto Rico and various other outside places, instead of looking after your own people at home. [Applause.] Our river and harbor works are suffering for the same reason.

Mr. SIMS. I should like to ask the gentleman a question.

Mr. GAINES of Tennessee. Yes.

Mr. SIMS. Perhaps we have not very many great men in our district, but we claim Howell E. Jackson as a citizen of my district. He was born there and lived there until he was 50 years old.

Mr. GAINES of Tennessee. You are not so hard up for great men in your district that you need to take any of ours away from us.

Mr. SIMS. We can not spare any of them.

Mr. GAINES of Tennessee. Judge Jackson formerly lived in Jackson and Memphis; but after his election to the Senate of the United States and while on the Supreme Bench—until his death—he lived near Nashville, at West Meade, where he died.

Mr. SIMS. You said your district produced him.

Mr. GAINES of Tennessee. I meant the State produced him. He lived at Nashville. We have other men as good as he was, and he was good enough. He killed himself in his efforts to uphold our income-tax law of 1894, and he knew it would.

Mr. SIMS. He lived at Jackson, Tenn., when he was made judge, and that is in my district.

Mr. GAINES of Tennessee. I think you are mistaken, but that is immaterial.

Mr. SIMS. He was living at Jackson, Tenn., when he was appointed.

Mr. GAINES of Tennessee. No; he was living at Nashville, West Meade, and I sent him a letter there about his trying for this supreme judgeship.

Mr. SIMS. We would like to have the gentleman himself in our district.

Mr. GAINES of Tennessee. I thank my colleague for the compliment of the suggestion.

Now, gentlemen, I ask you seriously, whither are you going? I am not taking politics now, I am talking about an outrage in common we have imposed on our people.

I went into the room of the Committee on Appropriations a few minutes ago to get the names of the cities where these custom-house elevators were stopped, and the clerk of the committee informed me that he had sent down to get the list.

The chief clerk of the Treasury Department told me yesterday there were forty elevators that had been recently stopped, and these judges at Nashville, some of them old men, have to climb up two or three flights of stairs, and so do all the other people who have any business with the Government, except with the post-office on the ground floor. Gentlemen, I think you are carrying your expenditures in the Philippines a little too far. I think you had better stay at home a little bit with your money. I think you had better look after your town people. I think we had better look after our own people instead of going across the ocean, twenty-eight days' travel from our own country, trying to find a hole in or under the water where we can spend millions and millions of money that ought to be spent here at home; at least our home people should first be fully cared for.

Mr. CANDLER. They stopped the elevators at Memphis and at Birmingham.

Mr. GAINES of Tennessee. Yes; I guess that is true. Now, gentlemen, I am not going to say, "I told you so."

The CHAIRMAN. The time of the gentleman from Tennessee has expired. [Laughter.]

Mr. SULLIVAN of Massachusetts. I will yield to the gentleman from Tennessee one minute more.

Mr. GAINES of Tennessee. Now, gentlemen, I am going to read from Thomas Jefferson's third annual message. He often warned us to stay on this side of the world. He said:

> Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them.
>
> We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force.

These burdens all come from not following the old Democratic doctrine of staying at home, where "nature" put us. [Applause.]

Mr. SULLIVAN of Massachusetts. I now yield one minute to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and as a part of my remarks to print a petition or statement of grievances from the bituminous coal league of Pennsylvania—the operators and shippers.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD, and to print the petition to which he has referred.

Mr. PAYNE. On what subject?

Mr. GILLESPIE. The grievance of the bituminous coal operators and shippers of Pennsylvania.

The CHAIRMAN. To have it appear in the RECORD as a part of his remarks, and to extend his remarks in the RECORD.

Mr. PAYNE. I object.

Mr. FITZGERALD. I hope the gentleman from New York will not object, because we agreed to a shortening of the time for general debate.

Mr. PAYNE. The House ought to hear it.

Mr. FITZGERALD. But the gentleman from New York wouldn't stay here and listen to it.

Mr. PAYNE. I would like to hear it now.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be granted time to read it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIAMS. I ask unanimous consent that the gentleman from Texas be granted time to read the memorial. I understand the gentleman from New York will agree to it.

The CHAIRMAN. The Chair will state that the time for general debate was fixed by the House, and can not be changed in the committee. The time is controlled by the gentleman from Iowa [Mr. SMITH] and the gentleman from New York [Mr. FITZGERALD], but the time of the gentleman from New York has expired.

Mr. WILLIAMS. I ask unanimous consent that the committee may rise in order that the proposal may be submitted to the House.

Mr. SMITH of Iowa. I object to that.

The CHAIRMAN. The gentleman from Iowa has twelve minutes remaining.

Mr. SMITH of Iowa. I now yield three minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, in order that the elevator men of the Nashville public building and my very distinguished friend from Tennessee may feel relieved, I send to the Clerk's desk an extract from the Cincinnati Inquirer of February 1, which I ask to have read in my time.

The Clerk read as follows:

DEFICIT—ALMOST ALL WIPED OUT—AND UNCLE SAM EXPECTS TO BE RID OF IT ENTIRELY WITHIN THIRTY DAYS.

WASHINGTON, *February 1, 1906.*

The monthly statement of the Government receipts and expenditures, issued to-day, shows a condition of the Treasury which is eminently satisfactory to the officials. One year ago to-day there was a deficit of over $28,500,000, which has now been reduced to less than $3,400,000, with the prospect that this amount will be entirely wiped out within the next thirty days. It is pointed out that to-day there is an available cash balance on hand, including deposits in national banks, of nearly $144,000,000, with the daily receipts more than equaling the expenditures. This improved condition is due almost entirely to large increases in customs and internal-revenue receipts. During January the customs receipts alone amounted to $26,889,912, which is an excess over January, 1905, of over $4,500,000, and since July 1 last the customs receipts have exceeded those for the corresponding period last year by over $22,500,000. During the same period internal-revenue receipts have increased over $9,000,000. The expenditures last month were about $2,250,000 less than for January, 1905, principally on account of reduced interest payments.

The monthly statement of the public debt department issued to-day shows that the debt, less cash in the Treasury, amounts to $991,524,646, which is a decrease for the month of $3,345,072. The debt is recapitulated as follows: Interest-bearing debt, $895,159,180; debt on which interest has ceased since maturity, $1,170,825; debt bearing no interest, $389,079,673; total, $1,285,409,678. This amount, however, does not include $1,615,264,869 in certificates and Treasury notes outstanding, which are offset by an equal amount of cash on hand held for their redemption.

The cash in the Treasury is classified as follows: Gold reserve, $150,000,000; trust funds, $1,615,264,869; general fund, $169,953,761; in national bank depositories, $61,343,643; in Philippine treasury, $5,148,603; total, $1,404,710,877, against which there are demand liabilities outstanding amounting to $1,110,825,795, leaving a balance on hand of $293,885,982. Deducting the $150,000,000 gold reserve leaves an available cash balance on hand of $143,885,082.

The monthly circulation statement issued by the Comptroller of the Currency shows that at the close of business January 31 the total circulation of national-bank notes was $543,230,080, which is an increase for the year of $76,807,227 and an increase for the month of $2,315,733. The total circulation based on United States bonds was $506,365,749, an increase for the year of $70,557,848 and an increase for the month of $1,523,436. The amount of circulation secured by lawful money was $36,864,331, an increase for the year of $5,249,379 and an increase for the month of $792,297. The amount of bonds on deposit to secure circulating notes was $509,901,690 and to secure public deposits, $64,822,800.

Mr. SMITH of Iowa. Mr. Chairman, criticism has been made on the floor as to the percentage which this bill appropriates or allots to the insular possessions. That percentage has been overstated. It has been stated that it was practically 25 per cent, when, in fact, it is a little over 20 per cent, and it must be borne in mind that while we have been engaged for eighteen years in appropriating money for the fortification of continental United States we have only been engaged for a brief period in the fortification of the insular possessions. Fortifications for continental United States are in a more advanced state than fortifications of the insular possessions. Not only this, but the insular possessions are chiefly exposed to a hostile attack. With the modern system of wireless telegraphy some one would indeed be at fault if any foreign fleet could reach any United States continental port without finding an American fleet to contend with.

It is impracticable for us to maintain any great fleet perpetually at the Philippine Islands, at the Hawaiian Islands, at the island of Guam, at the island of Porto Rico, and at the Island of Cuba. These island possessions are the most exposed of all our possessions, and they have had the least done for their fortification. Not a gun is yet mounted in the insular possessions, but several will be by the end of next June. We are far in advance at home of what we have done for these people, and I should be loath to see one dollar cut off the appropriations proposed for the insular possessions, signifying to those people that they are not the subjects of our constant and watchful solicitude and care.

Now, it is contended here that we must violate all the practice of the past by designating, upon the judgment of Congress, where the War Department shall and where it shall not expend this money. It is suggested there was a general scheme under the Endicott board. It was never approved by Congress and never investigated by Congress. There is a general scheme known as the "Taft board plan" for the fortification of continental and insular United States, which is similar to the Endicott scheme.

We propose to appropriate this money as it has always been appropriated, not setting up the judgment of civilians against the judgment of trained men upon this subject. It has been my pleasure to listen to these experts here in the House, and after listening to their conflicting testimony I am compelled to say that I am better satisfied than ever to refer the whole subject to the War Department as to where the fortifications shall be in the Philippines and other insular possessions.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Iowa. Well, I desire to yield for a moment or two to the gentleman from Indiana [Mr. CRUMPACKER].

The CHAIRMAN. The gentleman has but two minutes remaining.

Mr. SMITH of Iowa. Very well; what is the question?

Mr. FITZGERALD. Does the gentleman believe it is imperative to at once fortify Guantanamo on account of its exposed position; and if he does, why hasn't he made provision for that in this bill?

Mr. SMITH of Iowa. Because we simply have a right to establish a navy-yard there. Cuba is not ours, and then $180,000 has been set apart for the fortification of Guantanamo and not yet expended, and the Government has nothing there as yet to defend, while at Subig Bay we have more than $2,000,000 already voted for this dry dock, for a coaling station, a naval station, and for other purposes.

Mr. FITZGERALD. And we have already allotted $455,000 there for fortifications and have not expended a dollar.

Mr. SMITH of Iowa. That is true, and we have more than $2,000,000 appropriated there exposed to attack and loss at Subig Bay and nothing at Guantanamo, and that is why I would give the War Department a wider discretion at Subig Bay than at Guantanamo.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. GROSVENOR) having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14171) making appropriations for fortifications and had come to no resolution thereon.

Mr. SMITH of Iowa rose.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1098. An act granting an increase of pension to William J. Grau;

S. 851. An act granting an increase of pension to Fredrick Houser;

S. 837. An act granting an increase of pension to Elizabeth C. Dunton;

S. 850. An act granting an increase of pension to Arthur F. Devereux;

S. 845. An act granting an increase of pension to Sarah A. Page;

S. 3307. An act granting an increase of pension to Philip W. Cornman;

S. 787. An act granting an increase of pension to Stephen Ernst;

S. 785. An act granting an increase of pension to Franklin C. Pierce;

S. 3244. An act granting an increase of pension to Anna F. Keith;

S. 727. An act granting an increase of pension to Jasper H. Keys;

S. 3243. An act granting an increase of pension to Akey C. Johnson;

S. 715. An act granting a pension to George A. Rollins;

S. 3180. An act granting an increase of pension to Jacob A. Geiger;

S. 3286. An act granting an increase of pension to Mary J. McGehee;

S. 714. An act granting an increase of pension to Susie Place;

S. 2879. An act granting an increase of pension to Mary J. Hoge;

S. 707. An act granting a pension to Alice E. Gilley;

S. 706. An act granting an increase of pension to Martha E. Saltar;

S. 2825. An act granting an increase of pension to John M. Scott;

S. 2779. An act granting an increase of pension to James J. Egan;

S. 670. An act granting an increase of pension to Anthony Barrett;

S. 2730. An act granting an increase of pension to James P. Ford;

S. 669. An act granting an increase of pension to Laurence Mericle;

S. 2583. An act granting an increase of pension to Thomas Robey;

S. 666. An act granting an increase of pension to Andrew Patrick;

S. 2564. An act granting an increase of pension to Michael Matheney;

S. 647. An act granting an increase of pension to Leonard Harmony;

S. 2555. An act granting a pension to Sarah A. Barger;

S. 644. An act granting an increase of pension to Williard R. Hubbell;

S. 2415. An act granting an increase of pension to Fannie I. Edgerton;

S. 2481. An act granting an increase of pension to Elijah R. Wilkins;

S. 637. An act granting an increase of pension to John D. O'Brian;

S. 1525. An act granting an increase of pension to Zachariah Bradfield;

S. 2293. An act granting an increase of pension to William C. Hitchcock;

S. 2256. An act granting an increase of pension to Alexander F. McConnell;

S. 1524. An act granting an increase of pension to John M. Bukey;

S. 1517. An act granting an increase of pension to John C. Kennedy;

S. 1509. An act granting an increase of pension to Thomas T. Hodges;

S. 2255. An act granting an increase of pension to James Thompson;

S. 1474. An act granting an increase of pension to Joseph Davis;

S. 2229. An act granting an increase of pension to William I. Hilkey;

S. 1467. An act granting an increase of pension to Laura A. Blodgett;

S. 2144. An act granting an increase of pension to James A. M. Brown;

S. 1466. An act granting an increase of pension to Philena Davis;

S. 2113. An act granting an increase of pension to Agnes Zentz;

S. 1456. An act granting a pension to Joann Morris;

S. 2112. An act granting an increase of pension to John Heck;

S. 1432. An act granting an increase of pension to John W. Foreaker;

S. 142. An act granting an increase of pension to William Furlong;
S. 572. An act granting an increase of pension to Henry G. Salisbury;
S. 2071. An act granting an increase of pension to Henry T. Anshutz;
S. 2023. An act granting a pension to Amanda M. Richey;
S. 565. An act granting an increase of pension to Lumbard B. Alrich;
S. 1987. An act granting a pension to Ella T. Hapeman;
S. 564. An act granting an increase of pension to Wilson Hyatt;
S. 534. An act granting an increase of pension to Dennis A. Davis;
S. 1842. An act granting an increase of pension to Ransom O. Thayer;
S. 1841. An act granting a pension to Robert Catlin;
S. 531. An act granting an increase of pension to William H. Satterthwait;
S. 515. An act granting an increase of pension to Dennis Buckly McCready, alias Thomas Buckly;
S. 1828. An act granting an increase of pension to Alvin Abbott;
S. 1852. An act granting an increase of pension to Milton Marsh;
S. 1827. An act granting an increase of pension to George C. Chase;
S. 509. An act granting a pension to Annie L. Tredick;
S. 1735. An act granting an increase of pension to Washington Hogans;
S. 508. An act granting an increase of pension to William Kress;
S. 1709. An act granting a pension to Florence Greeley De Veaux;
S. 493. An act granting an increase of pension to Charles M. Whittig;
S. 1559. An act granting an increase of pension to Laura Clark;
S. 472. An act granting an increase of pension to David F. Magee;
S. 1529. An act granting an increase of pension to James L. Small;
S. 407. An act granting an increase of pension to George W. Purvis;
S. 625. An act granting an increase of pension to Phebe J. Bennett;
S. 393. An act granting an increase of pension to Lucinda Stamper;
S. 622. An act granting an increase of pensión to Hiram Swain;
S. 385. An act granting an increase of pension to George W. Gearey;
S. 606. An act granting an increase of pension to John H. Crowell;
S. 330. An act granting an increase of pension to Kemenskia A. N. L. Collins, alias Lewis Collins;
S. 603. An act granting an increase of pension to Lide S. Leonard;
S. 329. An act granting an increase of pension to William E. Blewett;
S. 596. An act granting an increase of pension to Eliza J. Harding;
S. 576. An act granting an increase of pension to Frederick J. Shelley;
S. 315. An act granting an increase of pension to George Pike;
S. 1368. An act granting an increase of pension to William H. Hicks;
S. 328. An act granting an increase of pension to John W. Warner;
S. 322. An act granting an increase of pension to Isabella Workman;
S. 575. An act granting an increase of pension to John Flynn;
S. 314. An act granting a pension to Aletha E. Reynolds;
S. 279. An act granting an increase of pension to Horace E. Barker;
S. 1367. An act granting an increase of pension to Almon Foster;
S. 1303. An act granting a pension to Harrison Brott;
S. 949. An act granting an increase of pension to Jacob H. Epler;
S. 244. An act granting an increase of pension to Thomas Bramel, alias Thomas Bramble;
S. 1271. An act granting an increase of pension to Edwin Irwin;
S. 238. An act granting an increase of pension to John Savage;
S. 212. An act granting an increase of pension to John T. Liddle;
S. 211. An act granting an increase of pension to Wilson J. Pool;
S. 1258. An act granting an increase of pension to Charles W. Paige, alias Jackson Morse;
S. 210. An act granting an increase of pension to Silas P. Hall;
S. 1212. An act granting an increase of pension to John S. Wilcox;
S. 209. An act granting an increase of pension to George F. Ross;
S. 1163. An act granting an increase of pension to Martha G. Cushing;
S. 206. An act granting an increase of pension to Gordon H. Sheppard;
S. 1042. An act granting an increase of pension to Francis Piccard;
S. 193. An act granting an increase of pension to John C. Eberly;
S. 1041. An act granting an increase of pension to Myron E. Billings;
S. 185. An act granting an increase of pension to Lewis H. Cate;
S. 1038. An act granting an increase of pension to James Frazier;
S. 183. An act granting an increase of pension to Henry F. Hunt;
S. 1035. An act granting an increase of pension to Andrew McClory;
S. 179. An act granting an increase of pension to Charles H. Mayhew;
S. 178. An act granting an increase of pension to Irene A. Cochrane;
S. 1015. An act granting an increase of pension to Joseph McSwain;
S. 164. An act granting a pension to Helen A. Fredrick;
S. 994. An act granting an increase of pension to Henry Weston;
S. 145. An act granting an increase of pension to Wellington Marlett;
S. 126. An act granting an increase of pension to William J. Street;
S. 140. An act granting an increase of pension to Maitland J. Freeman;
S. 138. An act granting an increase of pension to Michael Linehan;
S. 122. An act granting an increase of pension to Michael Stump;
S. 120. An act granting an increase of pension to John M. Buckley;
S. 96. An act granting an increase of pension to George A. Francis;
S. 991. An act granting an increase of pension to Jane McMahon;
S. 81. An act granting an increase of pension to David E. Everett;
S. 950. An act granting a pension to Emma M. Rea;
S. 80. An act granting an increase of pension to Julia A. Stangan;
S. 986. An act granting an increase of pension to Caroline M. Doan;
S. 74. An act granting an increase of pension to Aaron T. Currier;
S. 16. An act granting a pension to Susan H. Cutler;
S. 923. An act granting an increase of pension to Nathaniel L. Badger;
S. 11. An act granting an increase of pension to Ruth B. Gurney;
S. 9. An act granting an increase of pension to David P. Bolster;
S. 1270. An act granting an increase of pension to John C. Barr; and
S. 943. An act granting an increase of pension to Oscar R. Arnold.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. THOMAS of North Carolina, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 14581) to appropriate $25,000 to inclose and beautify the grounds and repair the monument on Moores Creek battlefield, North Carolina, and the same was referred to the Committee on the Library.

REPRINT OF BILL.

The SPEAKER pro tempore. The Chair lays before the House the following request of Mr. LORIMER for a reprint of the bill H. R. 12070——

Mr. GILLESPIE. Mr. Speaker, I ask unanimous consent of the House to have printed in the RECORD a communication to me in the form of a petition——

The SPEAKER pro tempore. The gentleman will suspend for a moment. The Chair lays before the House the request of Mr. LORIMER for a reprint of the bill (H. R. 12070) making an appropriation for the completion of a 14-foot waterway from Chicago to St. Louis. Without objection, it will be so ordered. [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the gentleman from Texas, who makes a personal request.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House do now adjourn.

Mr. JAMES. Mr. Speaker, I make the point of order that the gentleman from Texas [Mr. GILLESPIE] has the floor, and the Chair requested that he suspend for a moment.

The SPEAKER pro tempore. But the gentleman will recognize that a motion to adjourn is in order.

Mr. JAMES. But a motion to adjourn does not take the gentleman from Texas [Mr. GILLESPIE] off the floor. He had the floor.

Mr. SMITH of Iowa. But, Mr. Speaker, I rose to address the Chair, and was recognized before the gentleman from Texas rose at all.

Mr. JAMES. Mr. Speaker, the gentleman from Texas [Mr. GILLESPIE] had the floor, had been recognized by the Chair, and the Chair asked him to suspend a moment until the request made by the gentleman from Illinois [Mr. LORIMER] for a reprint of a certain bill could be put. When that was done, then the recognition came back to the gentleman from Texas, and in the meantime the gentleman from Iowa [Mr. SMITH] made the motion to adjourn. I insist that the point of order is well taken and that the gentleman from Texas has the floor.

Mr. SMITH of Iowa. Mr. Speaker, I withdraw the motion to adjourn for the present.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. GILLESPIE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a statement addressed to me in the form of a petition from the Bituminous Coal Trade League of Pennsylvania, operators and shippers, setting forth their grievances against certain combinations they complain of.

Mr. PAYNE. Now, Mr. Speaker, for the third time I object.

The SPEAKER pro tempore. The gentleman has not had the opportunity yet.

Mr. WILLIAMS. Now we know you object.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to print in the RECORD a memorial the title of which he has read. Is there objection?

Mr. PAYNE. I object.

The SPEAKER pro tempore. The gentleman from New York objects.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Please let the Chair make a statement. The temporary occupant of the chair desires to say he would not wish to be considered as doing anything unfair. The Chair did not recognize the gentleman from Texas, but asked the gentleman from Texas to suspend his request until the gentleman from Iowa should yield the floor, so the gentleman from Texas did not have the floor. The gentleman from Iowa now moves that the House do now adjourn.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, division!

The House divided; and there were—ayes 82, noes 49.

Mr. WILLIAMS. Mr. Speaker, upon this I ask for tellers.

Tellers were ordered.

The SPEAKER pro tempore. The gentleman from Mississippi and the gentleman from Iowa will take their places as tellers.

The House again divided; and the tellers reported there were—ayes 92, noes 53.

Mr. WILLIAMS. Mr. Speaker, upon this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 64, answered "present" 5, not voting 209, as follows:

YEAS—106.

Acheson	Davidson	Hedge	Otjen
Adams, Wis.	Dawes	Hill, Conn.	Palmer
Alexander	Denby	Howell, N. J.	Patterson, Pa.
Allen, N. J.	Dickson, Ill.	Howell, Utah	Payne
Bennet, N. Y.	Dovener	Hubbard	Reynolds
Birdsall	Draper	Hughes	Rives
Boutell	Edwards	Hull	Samuel
Brick	Ellis	Jenkins	Smith, Ill.
Brown	Esch	Jones, Wash.	Smith, Iowa
Brownlow	Flack	Kahn	Smith, Pa.
Burke, S. Dak.	Foss	Keifer	Smyser
Burleigh	Foster, Ind.	Kennedy, Nebr.	Snapp
Burton, Del.	French	Knapp	Southard
Burton, Ohio	Fulkerson	Knopf	Southwick
Butler, Pa.	Fuller	Lacey	Steenerson
Calderhead	Gaines, W. Va.	Lafean	Stevens, Minn.
Campbell, Ohio	Gardner, Mass.	Littauer	Tawney
Capron	Gardner, N. J.	Lorimer	Taylor, Ohio
Cassel	Gillett, Cal.	Loudenslager	Tirrell
Chaney	Goebel	McCarthy	Tyndall
Cole	Graff	Madden	Van Winkle
Cooper, Wis.	Graham	Mahon	Volstead
Crumpacker	Gronna	Marshall	Waldo
Curtis	Grosvenor	Morrell	Welborn
Cushman	Hamilton	Mouser	Woodyard
Dale	Haugen	Needham	
Dalzell	Hayes	Olcott	

NAYS—64.

Aiken	Fitzgerald	Kitchin, Wm. W.	Rodenberg
Bartlett	Floyd	Kline	Shackleford
Beall, Tex.	Gaines, Tenn.	Lamar	Sheppard
Bell, Ga.	Garner	Lee	Sims
Broocks, Tex.	Garrett	Livingston	Small
Burgess	Gillespie	Lloyd	Smith, Ky.
Burleson	Hardwick	McNary	Smith, Md.
Byrd	Heflin	Macon	Spight
Candler	Hill, Miss.	Moon, Tenn.	Stanley
Chapman	Houston	Page	Stephens, Tex.
Clark, Fla.	Howard	Patterson, N. C.	Sullivan, Mass.
Clark, Mo.	Humphreys, Miss.	Pou	Thomas, N. C.
Clayton	Hunt	Randell, Tex.	Wharton
Davis, W. Va.	James	Ransdell, La.	Wiley, Ala.
Dixon, Ind.	Jones, Va.	Richardson, Ala.	Williams
Ellerbe	Kelliher	Rixey	Wilson

ANSWERED "PRESENT"—5.

Currier	Lever	Sherman	Wanger
Johnson			

NOT VOTING—209.

Adams, Pa.	Fletcher	Lindsay	Robinson, Ark.
Adamson	Flood	Little	Rucker
Allen, Me.	Fordney	Littlefield	Ruppert
Ames	Foster, Vt.	Longworth	Russell
Andrus	Fowler	Loud	Ryan
Babcock	Garber	Lovering	Schneebeli
Bankhead	Gardner, Mich.	McCall	Scott
Bannon	Gilbert, Ind.	McCleary, Minn.	Scroggy
Barchfeld	Gilbert, Ky.	McCreary, Pa.	Shartel
Bartholdt	Gill	McDermott	Sherley
Bates	Gillett, Mass.	McGavin	Sibley
Bede	Glass	McKinlay, Cal.	Slayden
Beidler	Goldfogle	McKinley, Ill.	Slemp
Bennett, Ky.	Goulden	McKinney	Smith, Cal.
Bingham	Granger	McLachlan	Smith, Samuel W.
Bishop	Greene	McLain	Smith, Wm. Alden
Blackburn	Gregg	McMorran	Smith, Tex.
Bonynge	Griggs	Mann	Southall
Bowers	Gudger	Martin	Sparkman
Bowersock	Hale	Maynard	Sperry
Bowie	Haskins	Meyer	Stafford
Bradley	Hay	Michalek	Sterling
Brantley	Hearst	Miller	Sullivan, N. Y.
Brooks, Colo.	Henry, Conn.	Minor	Sulloway
Broussard	Henry, Tex.	Mondell	Sulzer
Brundidge	Hepburn	Moon, Pa.	Talbott
Buckman	Hermann	Moore	Taylor, Ala.
Burke, Pa.	Higgins	Mudd	Thomas, Ohio
Burnett	Hinshaw	Murdock	Towne
Butler, Tenn.	Hitt	Murphy	Townsend
Calder	Hoar	Nevin	Trimble
Campbell, Kans.	Hogg	Norris	Underwood
Castor	Holliday	Olmsted	Van Duzer
Cockran	Hopkins	Overstreet	Vreeland
Cocks	Huff	Padgett	Wachter
Conner	Humphrey, Wash.	Parker	Wadsworth
Cooper, Pa.	Kennedy, Ohio	Parsons	Wallace
Cousins	Ketcham	Patterson, S. C.	Watkins
Cromer	Kinkaid	Patterson, Tenn.	Watson
Darragh	Kitchin, Claude	Pearre	Webb
Davey, La.	Klepper	Perkins	Webber
Davis, Minn.	Knowland	Pollard	Weeks
Dawson	Lamb	Powers	Weems
De Armond	Landis, Chas. B.	Prince	Weisse
Deemer	Landis, Frederick	Pujo	Wiley, N. J.
Dixon, Mont.	Law	Rainey	Williamson
Dresser	Lawrence	Reeder	Wood, Mo.
Driscoll	Le Fevre	Reid	Wood, N. J.
Dunwell	Legare	Rhinock	Young
Dwight	Lester	Rhodes	Zenor
Fassett	Lewis	Richardson, Ky.	
Field	Lilley, Conn.	Roberts	
Finley	Lilley, Pa.	Robertson, La.	

So the motion to adjourn was agreed to.

The following pairs were announced:

Until further notice:

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. DAWSON with Mr. PADGETT.
Mr. DWIGHT with Mr. SOUTHALL.
Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.
Mr. BARCHFELD with Mr. LITTLE.
Mr. WATSON with Mr. SHERLEY.
Mr. CALDER with Mr. VAN DUZER.
Mr. MCKINNEY with Mr. PUJO.
Mr. CROMER with Mr. ZENOR.
Mr. RHODES with Mr. GRANGER.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. HASKINS with Mr. LEVER.
Mr. MCKINLEY of Illinois with Mr. MCDERMOTT.
Mr. CAMPBELL of Kansas with Mr. RHINOCK.
Mr. DARRAGH with Mr. GARBER.
Mr. THOMAS of Ohio with Mr. SULLIVAN of New York.
For the day:
Mr. LOVERING with Mr. RAINEY.
Mr. LAWRENCE with Mr. PATTERSON of South Carolina.
Mr. CHARLES B. LANDIS with Mr. SLAYDEN.
Mr. KNOWLAND with Mr. MAYNARD.
Mr. KETCHAM with Mr. LAMB.
Mr. HUFF with Mr. CLAUDE KITCHIN.
Mr. HOAR with Mr. HOPKINS.
Mr. HEPBURN with Mr. HAY.
Mr. HENRY of Connecticut with Mr. GUDGER.
Mr. GREENE with Mr. GREGG.
Mr. GILLETT of Massachusetts with Mr. MEYER.
Mr. MUDD with Mr. TALBOTT.
Mr. GILBERT of Indiana with Mr. GLASS.
Mr. DRESSER with Mr. GILL.
Mr. DIXON of Montana with Mr. FLOOD.
Mr. COUSINS with Mr. FIELD.
Mr. ANDRUS with Mr. SULZER.
Mr. BONYNGE with Mr. BUTLER of Tennessee.
Mr. BINGHAM with Mr. TAYLOR of Alabama.
Mr. BEDE with Mr. BURNETT.
Mr. BANNON with Mr. BOWERS.
Mr. ADAMS of Pennsylvania with Mr. DAVEY of Louisiana.
Mr. BABCOCK with Mr. BANKHEAD.
Mr. WM. ALDEN SMITH with Mr. SPARKMAN.
Mr. BOWERSOCK with Mr. MCLAIN.
Mr. BARTHOLDT with Mr. UNDERWOOD.
Mr. HITT with Mr. DE ARMOND.
Mr. PARKER with Mr. LESTER.
Mr. LAW with Mr. LINDSAY.
Mr. BEIDLER with Mr. BROUSSARD.
Mr. BISHOP with Mr. GOLDFOGLE.
Mr. FASSETT with Mr. HEARST.
Mr. MCCREARY of Pennsylvania with Mr. COCKRAN.
Mr. GARDNER of Michigan with Mr. HENRY of Texas.
Mr. MCCLEARY of Minnesota with Mr. TOWNE.
Mr. COOPER of Pennsylvania with Mr. LEGARE.
Mr. MARTIN with Mr. GRIGGS.
Mr. WACHTER with Mr. TRIMBLE.
Mr. MANN with Mr. BOWIE.
Mr. DUNWELL with Mr. LEWIS.
Mr. OVERSTREET with Mr. BRANTLEY.
Mr. LE FEVRE with Mr. WATKINS.
Mr. HALE with Mr. SMITH of Texas.
Mr. WOOD of New Jersey with Mr. RUCKER.
Mr. WILEY of New Jersey with Mr. WALLACE.
Mr. VREELAND with Mr. WOOD of Missouri.
Mr. SAMUEL W. SMITH with Mr. WEBB.
Mr. SCOTT with Mr. RYAN.
Mr. ROBERTS with Mr. ROBINSON of Arkansas.
Mr. PRINCE with Mr. RICHARDSON of Kentucky.
Mr. OLMSTED with Mr. RUSSELL.
Mr. NORRIS with Mr. REID.
Mr. MCGAVIN with Mr. MOORE.
On fortification bill:
Mr. BROOKS of Colorado with Mr. JOHNSON.
For the session:
Mr. SHERMAN with Mr. RUPPERT.
Mr. KNOPF with Mr. WEISSE.
Mr. BRADLEY with Mr. GOULDEN.
Mr. WANGER with Mr. ADAMSON.
Mr. CURRIER with Mr. FINLEY.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting, in response to the inquiry of the House, reports as to delay of materials for the ships *Connecticut* and *Louisiana*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the relief of George W. Evans—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, recommending legislation for the admission of the insane of civilian employees of the Medical Department of the Army to the Government Hospital for the Insane—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manistee Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 13783) to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association, reported the same without amendment, accompanied by a report (No. 1183); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 14611) to create and establish a Bureau of Geology and Mining as a part of the Department of Commerce and Labor, reported the same without amendment, accompanied by a report (No. 1184); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the House resolution (H. Res. 266) requesting information from the Secretary of the Treasury relative to custom-house property in New York City, reported the same with amendment, accompanied by a report (No. 1185); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 443) to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, reported the same without amendment, accompanied by a report (No. 1186); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 8444) providing for the recoinage of abraded and uncurrent silver dollars into subsidiary coin, reported the same without amendment, accompanied by a report (No. 1187); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 229) providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins, reported the same without amendment, accompanied by a report (No. 1188); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PATTERSON of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7144) for the relief of Aaron Everly, reported the same with amendment, accompanied by a report (No. 1189); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13735) for the relief of John Purkafile, reported the same with amendment, accompanied by a report (No. 1190); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 14803) to provide for the correction of mistakes made in locating the mineral leases in the Indian Territory—to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 14804) making an appropriation for the construction and completion of Locks and Dams Nos. 12 and 13 in the Kentucky River, and authorizing the Secretary of War to have a review or renewal of the survey made of the North Fork, Middle Fork, and South Fork of the Kentucky River—to the Committee on Rivers and Harbors.

By Mr. FLACK: A bill (H. R. 14805) to provide for the purchase of Ticonderoga, in the State of New York, and to establish a national park thereat, and so forth—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 14806) to amend the Code of Law for the District of Columbia, relating to interest and usury—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 14807) to encourage and to temporarily assist the construction, equipment, operation, and maintenance of railroads in the district of Alaska, and for other purposes—to the Committee on the Territories.

By Mr. CLAYTON: A bill (H. R. 14808) authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 14809) to remove the criminal insane from the Government Hospital for the Insane, in the District of Columbia, and for other purposes—to the Committee on the Judiciary.

By Mr. MAYNARD (by request): A bill (H. R. 14810) to erect a public building at Hampton, Va.—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS: A bill (H. R. 14811) to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 14812) to authorize the purchase or construction of a steam or naphtha launch for use in the customs collection district of Norfolk, Va.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 14813) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"—to the Committee on the District of Columbia.

By Mr. LEE: A bill (H. R. 14814) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SHERLEY: A bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia—to the Committee on the District of Columbia.

By Mr. GRONNA: A bill (H. R. 14891) providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. LAMAR: A bill (H. R. 14892) making an appropriation for completing the construction of the road to the Barrancas military post by way of the national cemetery and the navy-yard on the naval reservation near Pensacola, Fla.—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 14893) to change the name of Cristobal to Aspinwall—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A resolution (H. Res. 270) instructing the Committee on Ways and Means to report favorably on the Bowie bill—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 14816) for the relief of Pinkney Persons—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 14817) granting an increase of pension to Joseph H. Weaver—to the Committee on Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 14818) to refund legacy taxes illegally collected from the estate of Laura L. Otis, late of Cleveland, Cuyahoga County, Ohio—to the Committee on Claims.

Also, a bill (H. R. 14819) to refund legacy taxes illegally collected from the estate of John C. Wiedeman, late of Cleveland, Cuyahoga County, Ohio—to the Committee on Claims.

By Mr. COCKS: A bill (H. R. 14820) granting an increase of pension to Anna G. Valk—to the Committee on Invalid Pensions.

By Mr. CURRIER (by request): A bill (H. R. 14821) to refer to the Court of Claims the claim of holders of Kaw or Kansas Indian scrip to be paid interest according to the face of said scrip—to the Committee on Indian Affairs.

By Mr. FINLEY: A bill (H. R. 14822) granting an increase of pension to Amos McManus—to the Committee on Pensions.

Also, a bill (H. R. 14823) granting an increase of pension to William Woods—to the Committee on Pensions.

Also, a bill (H. R. 14824) granting an increase of pension to Samuel P. Newman—to the Committee on Pensions.

By Mr. FULKERSON: A bill (H. R. 14825) granting an increase of pension to Henry C. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14826) granting a pension to J. W. Messick—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14827) granting an increase of pension to William K. Stewart—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 14828) for the relief of the heirs of and legal representatives of George S. Simon—to the Committee on War Claims.

Also, a bill (H. R. 14829) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

By Mr. GILBERT of Kentucky: A bill (H. R. 14830) for the relief of Van Foreman—to the Committee on Military Affairs.

Also, a bill (H. R. 14831) for the relief of A. Portwood—to the Committee on Military Affairs.

Also, a bill (H. R. 14832) for the relief of the estate of Mrs. M. F. Sims, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 14833) for the relief of the estate of Alexander Williams, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 14834) granting an increase of pension to Ruth J. McCann—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 14835) granting an increase of pension to Jacob Wiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14836) granting an increase of pension to George Akers—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14837) granting an increase of pension to Arthur G. McNeil—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 14838) granting an increase of pension to Charles L. Noggle—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 14839) granting an increase of pension to James McManus—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 14840) granting a pension to Nathaniel H. Rone—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 14841) for the relief of J. C. Shelby—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 14842) for the relief of John Brodie, Frank Klein, and Charles Anderson—to the Committee on Claims.

Also, a bill (H. R. 14843) for the relief of Alexander D. McDonald, of San Francisco, Cal.—to the Committee on Claims.

By Mr. KETCHAM: A bill (H. R. 14844) to refund taxes illegally collected from the estate of Sarah Jane Bain, deceased—to the Committee on Claims.

By Mr. KENNEDY of Ohio: A bill (H. R. 14845) granting a pension to Anna Magdalena Jacoby—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 14846) for the relief of Louis H. Legler—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER (by request): A bill (H. R. 14847) for the relief of George F. Ormsby—to the Committee on Naval Affairs.

By Mr. McLAIN: A bill (H. R. 14848) granting an increase of pension to Samantha E. Herald—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 14849) for the relief of the heirs of Alfred Mullins, deceased—to the Committee on War Claims.

By Mr. MOUSER: A bill (H. R. 14850) to remove the charge of desertion and grant an honorable discharge to Allen C. Newland—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 14851) granting an increase of pension to James E. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) to correct the military record of Showers E. Nelson—to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 14853) granting an increase of pension to Helen C. Sanderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14854) granting an increase of pension to Harriet Howard—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 14855) granting an increase of pension to Henry C. Carr—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 14856) granting a pension to Burdine Blake—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 14857) for the relief of J. W. Allen, administrator de bonis non of B. N. C. Allen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14858) for the relief of H. Z. Taylor, administrator of the estate of H. R. M. Taylor, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 14859) for the relief of the heirs of William M. West—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 14860) granting an increase of pension to William D. Campbell—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 14861) granting an increase of pension to Dennis W. Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting an increase of pension to Ann E. White—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 14863) for the relief of the estate of R. W. Hawkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14864) for the relief of the estate of John H. Seebold, deceased—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 14865) for the relief of Maj. J. Y. Dashiell, late a paymaster in the United States Navy—to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 14866) to grant an honorable discharge to George W. Elliott—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 14867) granting an increase of pension to Thomas Jackson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14868) to remove the restrictions off of the allotments of William N. Talliaferro and Mary Estella Talliaferro and permitting them to sell their real estate—to the Committee on Indian Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 14869) granting an increase of pension to E. H. Waters—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 14870) for the relief of Mildred Douthitt—to the Committee on War Claims.

Also, a bill (H. R. 14871) for the relief of William McCracken—to the Committee on War Claims.

Also, a bill (H. R. 14872) for the relief of the estate of R. M. McClelland, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14873) granting a pension to George H. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14874) granting an increase of pension to William C. Hearne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Mary A. Witt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14876) to remove the charge of desertion from the military record of George Vandergriff—to the Committee on Military Affairs.

By Mr. TYNDALL: A bill (H. R. 14877) authorizing the Secretary of the Treasury to pay George R. Martin $100 additional bounty—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 14878) granting an increase of pension to Charles Rattray—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 14879) granting a pension to Louisa J. Nelson—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14880) granting an increase of pension to Robert B. Virmilya—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 14881) for the relief of heirs of William Douthit—to the Committee on War Claims.

Also, a bill (H. R. 14882) granting an increase of pension to Samuel Haws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14883) granting an increase of pension to Fannie E. Pennypacker—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 14884) granting an increase of pension to Henry Stauffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14885) granting an increase of pension to Patrick McGhee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14886) granting an increase of pension to Thomas Todd—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 14887) granting an increase of pension to Mathew D. Raker—to the Committee on Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14888) granting an increase of pension to Eliza A. Bunker—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14889) for the relief of David B. Dowdell—to the Committee on War Claims.

By Mr. WILEY of Alabama: A bill (H. R. 14890) granting an increase of pension to James H. Posey—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9287) granting a pension to Eliza Byron—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1911) granting a pension to Harriet E. Grogan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of W. D. Hubler, of Oakdale, Nebr., relative to the "fraud order"—to the Committee on the Post-Office and Post-Roads.

Also, petition of the legislative assembly of Porto Rico, for legislation for citizenship for the people of Porto Rico—to the Committee on Insular Affairs.

By Mr. ACHESON: Petition of citizens of Wampum, Lawrence County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS of Pennsylvania: Petition of Sons of Veterans, Pennsylvania Division, Anna M. Ross Camp, No. 1, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. ALLEN of New Jersey: Petition of the Passaic City Teachers' Association, approving and urging passage of bills S. 2327 and H. R. 5065—to the Committee on Agriculture.

By Mr. ANDREWS: Petition of Otero County Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the University of Missouri, for removal of the tariff from books, maps, and lithographic prints—to the Committee on Ways and Means.

Also, petition of St. Louis Electrotype Foundry Company, favoring bill (H. R. 9022) granting postal privileges to certain charitable publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Religious Liberty Bureau, against bill (H. R. 10510) relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BATES: Petition of Sons of Veterans, Camp No. 37, of Wattsburg, Pa., for passage of bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of G. E. Boynton Lodge, No. 138, Brotherhood of Railway Trainmen, of Eagle Grove, Iowa, favoring the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of the Graduate Magazine, of Lawrence, and the Kansas Prohibitionist, of Kansas City, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROOKS of Colorado: Petitions of the Citizen and the Teller County Banner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petition of the Ward County Reporter, of Grand Rapids, Wis., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Good Will Grange, Amherst, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Kennebec Lodge, No. 343, Brotherhood of Railway Trainmen, for the Bates-Penrose bill and in support of the Gilbert bill—to the Committee on the Judiciary.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Amos Vaughan—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petitions of Newland Watkins, G. D. Harris, Rev. W. L. Matheny, A. C. Bush, J. D. Greer, Mitchell P. Fox, the Graf Printing Company, R. M. White, T. W.

Hunter, and John Beal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CLAYTON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COCKS: Petition of the New York State Agricultural Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Lynbrook Council, No. 12; Puritan Council; Freeport Council, No. 57; Shelter Council, No. 32; Our Council; Atlantic Council; Empire Council; Woodmen Council, No. 83; A. A. Haines Council, No. 66, and Linbrook Council, No. 121, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Woman's Christian Temperance Union of Port Jefferson, N. Y., against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of the Wisconsin Dairymen's Association, against the Grosvenor bill, reducing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, indorsing the President's position on the railway-rate question—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for elevation of the dairy division to a distinct bureau of the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Wisconsin State Board of Agriculture, for revision of the tariff schedules along certain lines, favoring a reciprocity treaty, and for railway rates by the Interstate Commerce Commission—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of the Republican, of Grundy Center, Iowa, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of C. S. & G. H. Lewis, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of Charlestown (N. H.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CURTIS: Petitions of the Tribune and Monitor, Fort Scott, Kans., and Arthur Capper, of Topeka, Kans., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Atchison Council, No. 99, United Commercial Travelers of the United States, for an amendment to bankruptcy law—to the Committee on the Judiciary.

By Mr. DOVENER: Paper to accompany bill for relief of Eliza Peel—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Central Federated Union, favoring the bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. DUNWELL: Petition of the California Fruit Growers' Exchange, relative to Federal control of railway rates and private cars—to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: Paper to accompany bill for relief of William Woods—to the Committee on Pensions.

Also, paper to accompany bill for relief of Amos McManus, of Lancaster, S. C.—to the Committee on Pensions.

Also, paper to accompany bill for relief of Samuel P. Newman—to the Committee on Pensions.

By Mr. FLETCHER: Petition of the Humane Society, relative to extending the time for transit of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: Petition of the Bath County Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Thompson Garland—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert Simmons—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Isam Dennis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John A. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Herman G. Weller—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of G. W. Glenn—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of J. M. C. Wood—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of William K. Stewart—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: Petition of citizens of Texas, favoring investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GREEN: Papers to accompany bill H. R. 10056, for placing Capt. Charles I. Gibbs on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. GRONNA: Petition of the Adams Budget, of Adams, N. Dak., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Hans Anderson, relative to drainage of Red River lands—to the Committee on Irrigation of Arid Lands.

By Mr. GROSVENOR: Petition of the Frankford (Ohio) Farmers' Institute, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rehoboth Central Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of a mass meeting of citizens of Detroit, Mich., held in the Detroit Opera House on Sunday, December 10, 1905, relative to outrages upon the Russian Jews and for appropriate action by Congress—to the Committee on Foreign Affairs.

By Mr. HAUGEN: Petition of the Colmon Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of S. A. Dubling—to the Committee on Pensions.

By Mr. HAYES: Petition of the Sailors' Union of the Pacific, against passage of bill S. 529, relative to creating a force of naval volunteers—to the Committee on Naval Affairs.

Also, petition of the San Francisco Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of the Waco Echo, of Waco, Tex., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of Quinnatisset Grange, of Thompson, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the Bristol Press, of Bristol, Conn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of the Nebraska Signal, of Geneva, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Mayflower Council, No. 159, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of the Kingdom, of San Francisco, Cal., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Board of Trade of San Francisco, Cal., against repeal of the present bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Oakland Society for the Prevention of Cruelty to Animals, relative to carrying live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: Petition of the Reading Telegram, of Reading, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Coopersburg Sentinel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAMB: Petition of the Dames of 1846, for increase of pensions to soldiers of the Mexican war—to the Committee on Pensions.

By Mr. LOUDENSLAGER: Petition of Camden Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McLAIN: Petitions of the Fayette Chronicle and the Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Colonel T. B. Kennedy Subdivision, No. 685, Brotherhood of Locomotive Engineers, favoring bill H. R. 239 (the employers' liability bill)—to the Committee on the Judiciary.

By Mr. MANN: Petition of the National Board of Trade of Philadelphia, Pa., for improvement of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Humane Society, against extending the

twenty-eight-hour law relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philip H. Sheridan Garrison, No. 31, relative to desecration of the flag of the United States—to the Committee on Military Affairs.

Also, petition of the California Fruit Growers' Exchange, relative to Government control of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petition of prominent citizens and business firms of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Hans Anderson, relative to land drainage in the Red River Valley—to the Committee on Irrigation of Arid Lands.

Also, petition of the Glenburn Advance, of Glenburn; the Goose River Farmer, of Mayville, and the Press, of Dickinson, N. Dak., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MINOR: Petition of the Wisconsin Dairymen's Association, for a distinct bureau for the dairymen's department in the Department of Agriculture, against reduction of the tax on oleomargarine, and in approval of bill H. R. 345—to the Committee on Agriculture.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Joshua Holcomb—to the Committee on Invalid Pensions.

By Mr. MORRELL: Petition of the National Board of Trade of Philadelphia, for Federal control of interstate insurance—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Intelligencer, of Philadelphia, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of Local Union No. 1081, of Marion, Ohio, and R. J. Aigler, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of the Nebraska State Swine Breeders' Association, favoring bill H. R. 345 (the experiment stations bill)—to the Committee on Agriculture.

Also, petition of the Brotherhood of Locomotive Firemen, Overland Lodge, No. 123, of Omaha, Nebr., favoring the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of D. Lewis, of Carlisle, Ark., relative to the "fraud order"—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nathan B. Williams, relative to the "fraud order"—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of Aaron P. Seeley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John L. Clifton—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Petition of Grange No. 1128, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Harriet Kyler—to the Committee on War Claims.

Also, petitions of the Journal, of Johnstown, Pa.; the Mirror, of Altoona, Pa., and the Cambria Tribune, of Ebensburg, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIVES: Petition of the News, of Owaneco, Ill., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SCROGGY: Petition of E. H. Colvin et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Stebbins & Burney, of Little Falls, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERLEY: Petition of the Pentecostal Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of Local Union No. 305, of Duquoin, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Caroline Neilson—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: Petition of citizens of Washington, D. C., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHWICK: Petition of Clarksville Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of the professors of the Wesleyan University, Middletown, Conn., favoring the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENS of Texas: Petition of the Business Men's Club of San Antonio, Tex., for extending the benefit of irrigation to Texas—to the Committee on Irrigation of Arid Lands.

By Mr. STERLING: Paper to accompany bill for relief of John F. Aslup—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of the New Hampshire Audubon Society, for bill S. 2966, relating to forest reservations and the protection of game—to the Committee on Agriculture.

By Mr. SULLIVAN of Massachuestts: Petition of the Massachusetts Medical Journal, against the tariff on linotype machines—to the Committee and Ways and Means.

By Mr. TAYLOR of Alabama: Petition of W. S. Gilmer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the Ledger, of Olean, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Maddox & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of the Granite, Marble, and Bronze, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Advocate, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 14, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

ADMISSION TO GOVERNMENT HOSPITAL FOR THE INSANE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, requesting that the second clause of section 4843 of the Revised Statutes of the United States be further amended so as to authorize the admission to the Government Hospital for the Insane of civilian employees in the Medical Department of the Army who may be or become insane while in that employment; which was referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF PUBLIC DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to the act of January 12, 1895, providing for the public printing and distribution of public documents, a letter from the Commissioner of Patents and a copy of the decisions of the Commissioner of Patents and of the United States courts in patent cases for the year 1905; which was referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2106) to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark., with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 436. An act establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith;

H. R. 8977. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes;

H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26 in township 20 north, range 9 east, touches said river.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 9. An act granting an increase of pension to David P. Bolster;
S. 11. An act granting an increase of pension to Ruth B. Gurney;
S. 16. An act granting a pension to Susan H. Cutler;
S. 74. An act granting an increase of pension to Aaron T. Currier;
S. 80. An act granting an increase of pension to Julia A. Stangan;
S. 81. An act granting an increase of pension to David E. Everett;
S. 96. An act granting an increase of pension to George A. Francis;
S. 120. An act granting an increase of pension to John M. Buckley;
S. 122. An act granting an increase of pension to Michael Stump;
S. 126. An act granting an increase of pension to William J. Street;
S. 138. An act granting an increase of pension to Michael Linehan;
S. 140. An act granting an increase of pension to Maitland J. Freeman;
S. 142. An act granting an increase of pension to William Furlong;
S. 145. An act granting an increase of pension to Wellington Marlett;
S. 164. An act granting a pension to Helen A. Fredrick;
S. 178. An act granting an increase of pension to Irene A. Cochrane;
S. 179. An act granting an increase of pension to Charles H. Mayhew;
S. 183. An act granting an increase of pension to Henry F. Hunt;
S. 185. An act granting an increase of pension to Lewis H. Cate;
S. 193. An act granting an increase of pension to John C. Eberly;
S. 206. An act granting an increase of pension to Gordon H. Sheppard;
S. 209. An act granting an increase of pension to George F. Ross;
S. 210. An act granting an increase of pension to Silas P. Hall;
S. 211. An act granting an increase of pension to Wilson J. Pool;
S. 212. An act granting an increase of pension to John T. Liddle;
S. 238. An act granting an increase of pension to John Savage;
S. 244. An act granting an increase of pension to Thomas Bramel, alias Thomas Bramble;
S. 279. An act granting an increase of pension to Horace E. Barker;
S. 314. An act granting a pension to Aletha E. Reynolds;
S. 315. An act granting an increase of pension to George Pike;
S. 322. An act granting an increase of pension to Isabella Workman;
S. 328. An act granting an increase of pension to John W. Warner;
S. 329. An act granting an increase of pension to William E. Blewett;
S. 330. An act granting an increase of pension to Kemenskia A. N. L. Collins, alias Lewis Collins;
S. 385. An act granting an increase of pension to George W. Gearey;
S. 393. An act granting an increase of pension to Lucinda Stamper;
S. 407. An act granting an increase of pension to George W. Purvis;
S. 472. An act granting an increase of pension to David F. Magee;
S. 493. An act granting an increase of pension to Charles M. Whittig;
S. 508. An act granting an increase of pension to William Kress;
S. 509. An act granting a pension to Annie L. Tredick;
S. 515. An act granting an increase of pension to Dennis Buckly McCready, alias Thomas Buckly;
S. 531. An act granting an increase of pension to William H. Satterthwait;
S. 534. An act granting an increase of pension to Dennis A. Davis;
S. 564. An act granting an increase of pension to Wilson Hyatt;
S. 565. An act granting an increase of pension to Lumbard B. Alrich;
S. 572. An act granting an increase of pension to Henry G. Salisbury;
S. 575. An act granting an increase of pension to John Flynn;
S. 576. An act granting an increase of pension to Frederick J. Shelley;
S. 596. An act granting an increase of pension to Eliza J. Harding;
S. 603. An act granting an increase of pension to Lide S. Leonard;
S. 606. An act granting an increase of pension to John H. Crowell;
S. 622. An act granting an increase of pension to Hiram Swain;
S. 625. An act granting an increase of pension to Phebe J. Bennett;
S. 637. An act granting an increase of pension to John D. O'Brian;
S. 644. An act granting an increase of pension to William R. Hubbell;
S. 647. An act granting an increase of pension to Leonard Harmony;
S. 666. An act granting an increase of pension to Andrew Patrick;
S. 669. An act granting an increase of pension to Laurence Mericle;
S. 670. An act granting an increase of pension to Anthony Barrett;
S. 706. An act granting an increase of pension to Martha E. Saltar;
S. 707. An act granting a pension Alice E. Gilley;
S. 714. An act granting an increase of pension to Susie Place;
S. 715. An act granting a pension to George A. Rollins;
S. 727. An act granting an increase of pension to Jasper H. Keys;
S. 785. An act granting an increase of pension to Franklin C. Pierce;
S. 787. An act granting an increase of pension to Stephen Ernst;
S. 837. An act granting an increase of pension to Elizabeth C. Dunton;
S. 845. An act granting an increase of pension to Sarah A. Page;
S. 850. An act granting an increase of pension to Arthur F. Devereux;
S. 851. An act granting an increase of pension to Frederick Houser;
S. 923. An act granting an increase of pension to Nathaniel L. Badger;
S. 943. An act granting an increase of pension to Oscar R. Arnold;
S. 949. An act granting an increase of pension to Jacob H. Epler;
S. 950. An act granting a pension to Emma M. Rea;
S. 986. An act granting an increase of pension to Caroline M. Doan;
S. 991. An act granting an increase of pension to Jane McMahon;
S. 994. An act granting an increase of pension to Henry Weston;
S. 1015. An act granting an increase of pension to Joseph McSwain;
S. 1035. An act granting an increase of pension to Andrew McClory;
S. 1038. An act granting an increase of pension to James Frazier;
S. 1041. An act granting an increase of pension to Myron E. Billings;
S. 1042. An act granting an increase of pension to Francis Piccard;
S. 1098. An act granting an increase of pension to William J. Grau;
S. 1163. An act granting an increase of pension to Martha G. Cushing;
S. 1212. An act granting an increase of pension to John S. Wilcox;
S. 1258. An act granting an increase of pension to Charles W. Paige, alias Jackson Morse;
S. 1270. An act granting an increase of pension to John C. Barr;
S. 1271. An act granting an increase of pension to Edwin Irwin;
S. 1303. An act granting a pension to Harrison Brott;
S. 1367. An act granting an increase of pension to Almon Foster;

S. 1368. An act granting an increase of pension to William H. Hicks;
S. 1432. An act granting an increase of pension to John W. Foreaker;
S. 1456. An act granting a pension to Joann Morris;
S. 1466. An act granting an increase of pension to Philena Davis;
S. 1467. A act granting an increase of pension to Laura A. Blodgett;
S. 1474. An act granting an increase of pension to Joseph Davis;
S. 1509. An act granting an increase of pension to Thomas T. Hodges;
S. 1517. An act granting an increase of pension to John C. Kennedy;
S. 1524. An act granting an increase of pension to John M. Bukey;
S. 1525. An act granting an increase of pension to Zachariah Bradfield;
S. 1529. An act granting an increase of pension to James L. Small;
S. 1559. An act granting an increase of pension to Laura Clark;
S. 1709. An act granting a pension to Florence Greeley De Veaux;
S. 1735. An act granting an increase of pension to Washington Hogans;
S. 1827. An act granting an increase of pension to George C. Chase;
S. 1828. An act granting an increase of pension to Alvin Abbott;
S. 1841. An act granting a pension to Robert Catlin;
S. 1842. An act granting an increase of pension to Ransom O. Thayer;
S. 1852. An act granting an increase of pension to Milton Marsh;
S. 1987. An act granting a pension to Ella T. Hapeman;
S. 2023. An act granting a pension to Amanda M. Richey;
S. 2071. An act granting an increase of pension to Henry T. Anshutz;
S. 2112. An act granting an increase of pension to John Heck;
S. 2113. An act granting an increase of pension to Agnes Zentz;
S. 2144. An act granting an increase of pension to James A. M. Brown;
S. 2229. An act granting an increase of pension to William I. Hilsey;
S. 2255. An act granting an increase of pension to James Thompson;
S. 2256. An act granting an increase of pension to Alexander F. McConnell;
S. 2293. An act granting an increase of pension to William C. Hitchcock;
S. 2415. An act granting an increase of pension to Fannie I. Edgerton;
S. 2481. An act granting an increase of pension to Elijah R. Wilkins;
S. 2555. An act granting a pension to Sarah A. Barger;
S. 2564. An act granting an increase of pension to Michael Matheney;
S. 2583. An act granting an increase of pension to Thomas Robey;
S. 2730. An act granting an increase of pension to James P. Ford;
S. 2779. An act granting an increase of pension to James J. Egan;
S. 2825. An act granting an increase of pension to John M. Scott;
S. 2879. An act granting an increase of pension to Mary J. Hoge;
S. 3180. An act granting an increase of pension to Jacob A. Geiger;
S. 3243. An act granting an increase of pension to Akey C. Johnson;
S. 3244. An act granting an increase of pension to Anna F. Keith;
S. 3286. An act granting an increase of pension to Mary J. McGehee; and
S. 3307. An act granting an increase of pension to Philip W. Cornman.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Lime Manufacturers' Association, of Huntington, Ind., praying for the enactment of legislation to increase the duty on lime to $1.50 per ton; which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of Local Union No. 282, Cigar Makers' International Union of America, of Bridgeport, Conn., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Saturday Morning Club, of New Haven, Conn., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. DILLINGHAM presented a petition of the National Council, Daughters of America, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. PERKINS presented a memorial of the Sailors' Union of the Pacific, of California, remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

He also presented a memorial of the Soft Pine Lumber Manufacturers' Association of the Pacific coast, remonstrating against the enactment of legislation giving to a Federal Commission the power to fix rates of freight on railroads; which was referred to the Committee on Interstate Commerce.

He also presented a memorial from the Board of Trade of San Francisco, Cal., remonstrating against the repeal of the present national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a memorial of the City Front Federation of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented the petition of W. S. Rodgers, editor of the Mountain Echo, of Boulder Creek, Cal., praying for the removal of the tariff on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

Mr. BURROWS presented a petition of sundry employees in the Naval Gun Factory, in the Washingfon Navy-Yard, D. C., praying for the enactment of legislation for the relief of the skilled mechanics of the gun factory of the Washington Navy-Yard, D. C.; which was referred to the Committee on Naval Affairs.

Mr. ANKENY presented a petition of the Tacoma branch of the Sailors' Union of the Pacific, of Tacoma, Wash., praying for the enactment of legislation relating to the complement of the crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Everett, Wash., praying that an appropriation of $60,000 be made for the support of the Farm Management Bureau in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented the petition of A. L. Jones, of Ipswich, S. Dak., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which was referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 4110) granting an increase of pension to Absalom Wilcox; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a memorial of the North Capitol and Eckington Citizens' Association, of the District of Columbia, remonstrating against any change in the present school system and praying for an increase of the pay of teachers in the public schools in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOPKINS presented memorials of sundry citizens of Illinois, remonstrating against the enactment of legislation to establish a postal-savings bank system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of 450 journeymen cigar makers of Chicago, Ill., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

Mr. PENROSE presented a memorial of Local Union No. 355, Cigar Makers' International Union of America, of Honesdale, Pa., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. STONE presented a petition of Custer Post, No. 7, Department of Missouri, Grand Army of the Republic, of St. Joseph, Mo., praying for the enactment of legislation to establish a national military park on the battlefield of Wilson Creek, in that State; which was referred to the Committee on Military Affairs.

He also presented a memorial of the board of control of the Public Library of Jefferson City, Mo., remonstrating against the adoption of an amendment to the copyright laws prohibiting the importation of foreign publications by libraries; which was referred to the Committee on Patents.

He also presented a petition of New Franklin Division, No. 230, Order of Railway Conductors, of New Franklin, Mo., and a petition of William O. Herin Division, No. 517, Brotherhood of Locomotive Engineers, of Sedalia, Mo., praying for the passage of the so-called "employer's liability bill," and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Fruit Growers' Association, of Marionville, Mo., and a petition of the Fruit Growers' Association of Seligman, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 189) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 6962) granting an increase of pension to Richard Phillips, jr., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4129) to regulate enlistments and punishments in the United States Revenue-Cutter Service, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 13542) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8107) extending the public-land laws to certain lands in Wyoming, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11096) granting an increase of pension to Sion B. Glazner;

A bill (H. R. 10552) granting an increase of pension to James Wilkinson;

A bill (H. R. 10551) granting an increase of pension to Ezekial Polk;

A bill (H. R. 9579) granting an increase of pension to John G. Harris;

A bill (H. R. 10521) granting an increase of pension to John F. Cluley;

A bill (H. R. 9253) granting a pension to Vollie A. McMillen;

A bill (H. R. 7636) granting a pension to John J. Meeler;

A bill (H. R. 7599) granting an increase of pension to William Holland;

A bill (H. R. 7600) granting an increase of pension to John Welch; and

A bill (H. R. 6993) granting an increase of pension to John Sarvis.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902," reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 11630) granting a pension to Harriet E. St. John, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 12054) granting an increase of pension to Martha E. Hallowell, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DILLINGHAM (for Mr. PROCTOR) introduced a bill (S. 4401) granting an increase of pension to George W. Tomlinson; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. PROCTOR) introduced a bill (S. 4402) for the relief of Hosmer, Crampton & Hammond and others, and providing for the adjudication of certain claims by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

Mr. SMOOT introduced a bill (S. 4404) granting an increase of pension to Elizabeth B. Boyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4405) granting a pension to Julius Stark;

A bill (S. 4406) granting an increase of pension to Susan N. Fowler;

A bill (S. 4407) granting an increase of pension to Louis C. Emmett;

A bill (S. 4408) granting an increase of pension to Orson Willard; and

A bill (S. 4409) granting an increase of pension to James W. Linnahan.

Mr. GEARIN introduced a bill (S. 4410) to correct the muster rolls of Captain Kelsey's company in the Rogue River Indian war of 1855 and 1856; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 4411) for the relief of Mrs. Hermina Martel; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 4412) to enable the Government to take official part in the International Exposition to be held at Milan, Italy, during the year 1906; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

He also introduced a bill (S. 4413) for the relief of John F. Tyler; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4414) for the relief of John S. Logan; and

A bill (S. 4415) for the relief of Ellis W. Joy.

Mr. FRAZIER introduced a bill (S. 4416) to provide for the purchase of a site and the erection of a public building thereon at Tullahoma, in the State of Tennessee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4417) for the relief of the Boiling Fork Baptist Church, of Cowan, Tenn.;

A bill (S. 4418) for the relief of T. T. Ricketts and L. C. Ricketts (with an accompanying paper); and

A bill (S. 4419) for the relief of the estate of B. F. Larkin, deceased (with an accompanying paper).

Mr. HEMENWAY introduced a bill (S. 4420) granting an increase of pension to Nancy C. Tennant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4421) for the relief of S. W. Langhorne and H. S. Howell; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 4422) granting an increase of pension to Lindsay Kirby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 4423) providing for the donation of condemned cannon to the University of Idaho; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4424) granting an increase of pension to Nettie E. Tolles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4425) granting an increase of pension to Malek A. Southworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4426) to amend sec-

tion 927 of the Code of Law for the District of Columbia, relating to insane criminals; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. NIXON introduced a bill (S. 4427) to increase the limit of cost of the public building at Reno, Nev.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4428) granting an increase of pension to James F. Dean; and

A bill (S. 4429) granting an increase of pension to Luticia Turner.

Mr. TELLER introduced a bill (S. 4430) granting a pension to Thomas H. Collins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4431) for the relief of Maj. George E. Pickett, paymaster, United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4432) granting an increase of pension to James Drewry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;" which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4434) ceding a parcel or strip of land to the city of Hot Springs, Ark., for use as a public street; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 4435) to incorporate the National German-American Alliance; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4436) to correct the military record of Jonathan Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4437) granting an increase of pension to Sarah Jane Scott (with accompanying papers);

A bill (S. 4438) granting an increase of pension to David T. Field;

A bill (S. 4439) granting an increase of pension to Elias Horton, jr.;

A bill (S. 4440) granting an increase of pension to Joseph Kauffman;

A bill (S. 4441) granting an increase of pension to W. C. Henderson; and

A bill (S. 4442) granting a pension to Bernard Closkey.

Mr. PENROSE introduced a bill (S. 4443) for the relief of W. J. Kountz; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4444) for the relief of J. B. Orbison; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 4445) to acquire certain ground for a Government reservation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McLAURIN introduced a bill (S. 4446) for the relief of certain citizens of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4447) for the relief of the estate of John B. Ege, deceased;

A bill (by request) (S. 4448) for the relief of the estate of Sina Hughlett, deceased.

A bill (by request) (S. 4449) for the relief of Napoleon B. Watkins; and

A bill (S. 4450) for the relief of Richard K. Hughlett.

Mr. DANIEL introduced a bill (S. 4451) for the relief of Maj. George E. Pickett, paymaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 4452) authorizing the Secretary of Agriculture to make investigations to determine the best methods of utilizing small water supplies in irrigation in sections where the irrigation of large areas is not possible, and to demonstrate the relation of this kind to the settlement of the semiarid region, and making appropriation therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GAMBLE submitted an amendment authorizing the Secretary of the Interior to issue to any Sioux allottee entitled to benefits under section 17 of the act approved March 2, 1889, an equal value in good stock cattle in lieu of the milch cows, etc., to be issued under the provisions of that act, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PATENTS FOR ALLOTTED LAND IN OKLAHOMA.

Mr PENROSE. I submit a resolution and ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to report to the Senate of the United States the reason, if any, he has why he has not issued, as provided by an act of Congress approved March 3, 1905, patents in fee simple to Okemah and his wife, Thithequa, Wahnahkethehah, Notem, Tahpahthea, Shuckequah, and Neconopit, members of the Kickapoo tribe heretofore allotted in the Territory of Oklahoma for land so allotted to them in said Territory. That the said Secretary be directed to further report why he has withheld payment to the Kickapoo Indians residing in the Republic of Mexico of the funds received by him for said Indians as the proceeds of the leases upon their individual lands in the Territory of Oklahoma.

He is further directed to transmit to the Senate all correspondence between his office or the bureaus thereof and his agents pertaining to investigations of the removal of the said Kickapoo Indians to the Republic of Mexico and their present condition in said Republic, together with all reports of inspectors or other officers of the Interior Department pertaining to said subjects, and the testimony taken by such officers or agents.

He is further directed to transmit to the Senate all reports of investigations made by inspectors of his Department into the conduct and business transactions of ex-special United States Agent Martin J. Bentley, detailed in charge of the Kicking-Mexican Kickapoo Indians in Oklahoma during his entire term of service.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BACON. I should like to inquire as to the nature of the resolution.

Mr. PENROSE. It is a resolution simply calling on the Secretary of the Interior for certain information in reference to the Kickapoo Indians.

Mr. BACON. I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 436. An act establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith; and

H. R. 8977. An act to create a new division of the western judicial district of Texas and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26 in township 20 north, range 9 east, touches said river.

BRIDGE AT VAN BUREN, ARK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2106) to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.

Mr. CLARKE of Arkansas. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. Let the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 529.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I offer sundry amendments, which I ask shall be read and lie on the table.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 5, line 15, after the word "above," insert:

the total number of officers, petty officers, and men enrolled in the naval reserve shall not at any time exceed 10,000.

On page 8, line 21, after the word "the," insert "navigating force on;" and after the word "deck" strike out the word "force;" so as to read, "and of the navigating force on deck."

The VICE-PRESIDENT. The proposed amendments will lie on the table.

The SECRETARY. On page 4, line 13, strike out the word "deep-sea" before "fisheries;" and after the word "fisheries" insert "including the coastwise trade of the Atlantic and Pacific and the Great Lakes."

The VICE-PRESIDENT. The proposed amendments will lie on the table.

The SECRETARY. On page 3, line 22, after the word "States," insert "including the coastwise trade of the Atlantic and Pacific and the Great Lakes."

The VICE-PRESIDENT. The proposed amendment will lie on the table.

The SECRETARY. On page 8, line 24, strike out the words "at sea;" and add after the word "deck" the words "at sea or on the Great Lakes."

The VICE-PRESIDENT. The proposed amendments will lie on the table.

The SECRETARY. On page 3, line 21, strike out the word "deep-sea" before the word "fisheries."

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. BACON. I would like to inquire of the Senator from New Hampshire if he considers it practicable to have those amendments incorporated in a reprint of the bill before we are called upon to vote on them?

Mr. GALLINGER. I think it might be done. I am going to offer two or three more amendments, and then I will ask that a rush order may be made to have the bill reprinted. I offer the following proposed amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out all from line 25, page 6, to line 7, page 7, and insert:

The subventions provided for in this section shall not be paid to—

(*a*) A vessel for the voyage on which the principal part in bulk of her cargo shall have been transported from one port of the United States to another port of the United States, as provided in section 4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

(*b*) A vessel while exclusively employed in carrying between foreign ports.

(*c*) A vessel for a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States, or from a foreign port less than 150 nautical miles from her first port of arrival in the United States.

(*d*) A steam vessel of less than 500 tons gross register or sail vessel of less than 200 tons gross register engaged in the foreign trade, or a vessel of less than 20 tons gross register engaged in the deep-sea fisheries.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. GALLINGER. I offered an amendment formerly touching the matter included in the last schedule, which I wish to withdraw. I offered it yesterday.

The VICE-PRESIDENT. Without objection, the amendment will be withdrawn.

Mr. GALLINGER. I offer the following proposed amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill a new section as follows:

SEC. —. That Congress reserves the right to alter, amend, or repeal this act, in whole or in part, whenever, in its judgment, the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of sections 2, 3, 5, and 6 of this act.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. GALLINGER. Now, I ask that a reprint of the bill be made showing the amendments adopted in italics and the proposed amendments in small capitals in brackets.

The VICE-PRESIDENT. The Senator from New Hampshire asks for a reprint of the bill with the amendments agreed to printed in italics and the amendments pending printed in small capitals——

Mr. GALLINGER. I will not say "small capitals," but in brackets.

The VICE-PRESIDENT. Printed in brackets.

Mr. MORGAN. I am preparing, and will have ready in a few seconds, an amendment that I want to go in with the order for a reprint.

Mr. GALLINGER. Very well. The clerks will not be ready to send the bill away at once. I hope the clerks will rush this matter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. SPOONER. If it is convenient to the Senator from New Hampshire, I should like to have him explain one of his amendments which I did not understand fully. I ask him what change he has made in the bill so far as it relates to the navigating force of a ship as contradistinguished from the crew?

Mr. GALLINGER. The amendment I have offered confines it to the navigating force, one-sixth.

Mr. SPOONER. And defines the navigating force as contradistinguished from the cabin force?

Mr. GALLINGER. It does not; but I took it for granted that that was a term which carried its own definition. I think there can be no doubt on that point.

Mr. SPOONER. In what connection is that language used in the amendment? In what part of the bill?

Mr. GALLINGER. In answer to the interrogatory of the Senator from Wisconsin, I will say that my amendment reads as follows:

On page 8, in line 21, after the word "the," insert the words "navigating force on," and after the word "deck" strike out the word "force," so as to read "and of the navigating force on deck."

Mr. SPOONER. If the amendment were adopted, how would the text read?

Mr. GALLINGER. It would read:

Third. That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States—

By birth or adoption, I believe. I have an old print.

Mr. SPOONER. I have an old print, too, now.

Mr. ALLISON. That is proposed to be stricken out.

Mr. GALLINGER. There is an amendment pending to strike that out, so that they shall be American citizens—

and of the navigating force on deck, excluding licensed officers, at least one-half shall be able seamen—

That is the way it will read.

Mr. SPOONER. Does it leave out "who are hereby defined?'

Mr. GALLINGER. Oh, no—

who are hereby defined to be men who have had two years or more experience at sea on deck.

Mr. SPOONER. Then the Senator wants to leave it so that a lake navigator, no matter how competent he may be, will not be eligible?

Mr. GALLINGER. Of course, the provision is subject to further amendment, and if the Senator offers an amendment covering that we will consider it.

Mr. SPOONER. I will offer an amendment.

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. I yield, of course.

Mr. MORGAN. I will offer the amendments, and I wish to make a brief explanation of them. They are the result of the investigation that has been made by the Interoceanic Canal Committee, and I think they are very important to be considered.

The first amendment is on page 15, line 4, by inserting after the word "and" the words "port La Boca on;" so as to read:

From a port on the Pacific coast of the United States to Mexico, Central America, and port La Boca on the Isthmus of Panama.

The next amendment is, on page 13, line 8, to strike out the words "a port," after the word "from," and insert "each of two ports;" so as to read: "From each of two ports of the United States on the Gulf of Mexico;" then after the word "Mexico" to insert "and from New Orleans;" and after the word "and," in line 9, to insert "to the port of Cristobal on."

The VICE-PRESIDENT. The Senator from Alabama proposes amendments, which will be read.

The SECRETARY. On page 13, line 8, after the word "From," strike out the words "a port" and insert the words "each of two ports;" after the word "Mexico," in line 9, insert "and from New Orleans," and after the word "and," in the same line, insert the words "to the port of Cristobal on."

Mr. BACON. Let it be read in full now, Mr. President.

The VICE-PRESIDENT. The clause will be read as proposed to be amended.

The SECRETARY. As proposed to be amended it will read:

Sixth. From each of two ports of the United States on the Gulf of Mexico, and from New Orleans to Central America, and to the port of Cristobal on the Isthmus of Panama.

On page 15——

Mr. GALLINGER. Just one moment, Mr. President. I will ask the Senator from Alabama to explain briefly what he purposes to accomplish by that amendment. I understand that it establishes two lines under this subdivision instead of one, to begin with.

Mr. MORGAN. It establishes three lines of ships and defines New Orleans, it being not on the Gulf of Mexico, but 150 miles away.

Mr. GALLINGER. It establishes three lines on the Gulf of Mexico instead of one line in the bill.

Mr. MORGAN. Yes; sailing to the Isthmus of Panama.

Mr. GALLINGER. Does not the Senator think that the Gulf of Mexico is pretty well taken care of in the bill as it stands?

Mr. MORGAN. It is not the Gulf of Mexico we are taking care of. It is 5,500 square miles of territory of the United States that is drained by the waters of the Mississippi and its tributaries. In that 5,500 square miles there are 13,500 miles of navigable waters already under improvement by the Government of the United States. There is also the great port of Galveston, which represents practically the great empire State of the Union. There is also either Mobile or Pensacola to the east of it, representing together, I may say, the waters that reach the Chattahoochee River, the dividing line between Georgia and Alabama; and the waters of the Alabama River, which reach both Georgia and Mississippi.

There are two ports provided, not one for Pensacola and one for Mobile, but one for either of the places that the Postmaster-General may consider to be for the best interests of commerce. At New Orleans, of course, there is a port established from which a vessel would sail, and also from Galveston.

So, in providing in the bill, as was announced by the Senator from New Hampshire, liberally for the Gulf of Mexico the provision is for the great West and the great Central States of the American Union, bounded on the east by the Allegheny Mountains and on the west by the Rocky Mountains.

That trade, Mr. President, that commercial power of production, ought to be represented on this bill more liberally by far than it is in the establishment of lines of intercommunication with the isthmian country of America.

When we get down to Panama a difficulty arises at both ends of the canal. The difficulty is that in the treaty called the "Hay-Varilla treaty," as I understand it (perhaps I am in error about it), there is an outside Panama port in each of the harbors of Colon, or Bay of Limon, and Panama, through which vessels entering the canal are bound to pass, and they are Panama ports under that reaty.

There is a provision, however, in the treaty by which a delimitation of ports may take place, and it has been effected to a degree. Governor Davis, while in charge at Panama, made an arrangement with the Government of Panama for the delimitation of two ports lying side by side in each of these bays, one a Panama port and the other a port of the United States.

Secretary Taft, answering certain very urgent objections that were made by the Panama Government that that delimitation had occasioned an opportunity for passing ships into the Zone without their passing through the Panama port, and thereby making certain arrangements of tariff dues, port dues, light dues, and so forth, necessary, entered into what is called a "modus vivendi," that fashionable and modern invention for getting around difficulties in the United States. That modus vivendi makes a provision which, as I read it, in effect is a concession on the part of the Panama Government in favor of the United States, that for all commerce entering into the canal for canal purposes and for the feeding and clothing of canal operatives and hands the Government of the United States shall be considered as the government owning the port of entry, so that it shall have the advantages of an American port, and tariff dues could not be charged against those people in American ports.

So on the other side there was a delimitation of ports, and our port there is called "La Boca," and the other port is called the "Port of Panama;" on the bay of Limon the Panama port is Colon, and the port of the United States is Cristobal, and of course the like conditions would exist in all these four ports under the modus vivendi whenever it becomes operative as a law.

On our part, the Government of the United States, through the powers conferred upon the President in the Spooner Act and in the subsequent amendatory law, has not made a ratification of this agreement entered into by Secretary Taft. On the part of the Panama Government, the arrangement is hanging suspended, subject to ratification by the Congress of that Government, and that Congress is not now in esse; it is not now elected. It will be elected in July; and under that situation we have to skirmish for our privileges in the nature of permission from the Panama Government to the United States Government to permit us to send to the Isthmus to the extent of admitting free of Panama duties whatever we may need down there for the construction of the canal and the supply of the hands.

I propose to put an express declaration in this measure that ships are authorized to leave a Pacific port and go to the port of La Boca on the one side and are authorized to leave a port of the Atlantic and go to the port of Cristobal on the other side, so that this Congress will declare that these two ports are American ports. It makes no difference to us what anybody else may hereafter attempt to declare or refuse to concede, I want to put that proposition in this bill. It is the first time I have had an opportunity to do it, and it is absolutely essential to the construction of the canal and the safeguard of the peace between the two Governments.

Mr. GALLINGER. Mr. President, I know how important it is to have the amendments printed, so I will not stop to discuss the matter the Senator from Alabama has brought to the attention of the Senate further than to say that in the construction of this bill it was felt it was very liberal, indeed, to the Gulf of Mexico, four out of the seven new lines to be established having their departure from the Gulf of Mexico. The Senator from Florida [Mr. MALLORY] has offered an amendment proposing to establish one more line in one of these provisions, making two lines instead of one, which it has been thought would be accepted. The Senator from Alabama proposes two additional new lines. It is a matter we ought to consider very carefully.

Mr. BACON. Mr. President, I should like to ask the Senator from New Hampshire a question. As the Senator knows, I am in favor of this part of the bill. As he is adverting to the fact that the Gulf of Mexico has been quite liberally provided for in the bill, I wish to ask the Senator if he thinks that the Atlantic coast has been properly provided for? If I read the bill correctly, there is provision for only one line of steamers on the Atlantic coast.

Mr. GALLINGER. The Senator is wrong about that.

Mr. BACON. Am I incorrect?

Mr. GALLINGER. The Senator is incorrect. The first provision is from a port of the Atlantic coast to Brazil, the second from a port of the Atlantic coast to Uruguay and Argentina, and a third from a port of the Atlantic coast to South Africa. There are three provisions for Atlantic coast ports.

Mr. BACON. I see. I was thinking of South America when I said there was only one, but there are two to South America.

Mr. GALLINGER. Yes; one to Brazil and one to Uruguay and Argentina.

Mr. BACON. I had overlooked that fact. I knew, of course, there was one to South Africa, but I was under the impression that there was only one to South America. I see now that I was incorrect.

The VICE-PRESIDENT. The Secretary will read the second amendment that was proposed by the Senator from Alabama.

The SECRETARY. On page 15, line 4, after the word "and" and before "the," insert "Port La Boca, on;" so as to read, "and Port La Boca, on the Isthmus of Panama."

Mr. GALLINGER. There is no objection to that, I presume.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. ALLISON. I desire to ask the Senator from New Hampshire a question.

Mr. MORGAN. Was my amendment accepted?

The VICE-PRESIDENT. Under the unanimous consent agreement the amendment can not be acted upon now. The amendment will be printed in the reprint which has been ordered.

Mr. MORGAN. I merely understood the Senator from New Hampshire to say he had no objection to it. I understood that to be an acceptance of the amendment.

The VICE-PRESIDENT. The Chair understands that there is no objection to the amendment on the part of the Senator from New Hampshire. The Senator from Iowa has the floor.

Mr. ALLISON. I desire the attention of the Senator from New Hampshire. In this arrangement for Gulf ports as now provided in the bill is it expected that New Orleans will be excluded?

Mr. GALLINGER. Not at all.

Mr. ALLISON. Does the Senator regard New Orleans as a Gulf port? I understand that the Senator from Alabama proposes as an additional port New Orleans, on the idea that New Orleans would not be included in these designated ports unless mentioned by name.

Mr. MORGAN. That is my idea.

Mr. ALLISON. I desire to ask the Senator from New Hampshire if that is his view of the language of the bill as it now stands? I think that is a very important question.

Mr. MORGAN. Yes; I want to remove all difficulty in respect to New Orleans, so that it shall not be excluded on the ground that it is not a Gulf port.

Mr. GALLINGER. I had supposed that New Orleans would be considered a Gulf port.

Mr. ALLISON. I think it ought to be mentioned specifically, if there is any question about it.

Mr. GALLINGER. It is on the Mississippi River, which directly enters the Gulf. However, I will look that matter over very carefully before the amendments are voted on. I quite agree that New Orleans ought to be taken care of. There is no question about that.

Mr. ALLISON. I suppose the Senator from Alabama intended to add only one additional port instead of two if the phraseology now in the bill would include New Orleans.

Mr. MORGAN. Yes.

Mr. GALLINGER. If the Senator intends to make but two lines——

Mr. MORGAN. Three lines from Gulf ports.

Mr. GALLINGER. I understood it was two additional lines.

Mr. MORGAN. The port of Cristobal, which is on the Caribbean side of the canal.

Mr. BACON. I understand from the amendment of the Senator from Alabama that it is the intention to provide not simply that there shall be a certain number of lines from ports on the Gulf coast, but that there shall be different ports—New Orleans and some other port. I want to call the attention of the Senator from New Hampshire to the fact that under the provisions of the bill the two lines which are provided from the Atlantic coast for the South American trade might both be starting from the same point on the Atlantic coast. If the principle is to be adopted in regard to the Gulf coast, it seems to me it ought also to be extended to the Atlantic coast; that where there are more lines than one, there ought to be more ports than one from which the lines should start. The first provision is for a line from a port on the Atlantic coast to Brazil, and the second is for a line from a port on the Atlantic coast to Argentina, but there is nothing in the bill which will prevent both those lines from going from one port.

In regard to the question as to whether New Orleans is a Gulf port, of course the same question would arise as to ports on the Atlantic. I suppose, of course, that New Orleans would be regarded as a Gulf port in the same way that Savannah is regarded as an Atlantic port, although it is 16 miles up the river from the ocean. In the same way Philadelphia would be regarded as an Atlantic port, although it is some distance from that city to the Atlantic Ocean. I do not suppose there would be any objection, if it is so desired, that there should be a similar definite specification as to the Atlantic ports. I do not think, however, that it is necessary. New Orleans would undoubtedly be regarded as a Gulf port, and all the cities on the Atlantic coast would be regarded as Atlantic ports.

But my object in rising was to call attention to the fact that in the case of the Gulf ports it is proposed to be specific, to say that one shall be at New Orleans and that the other shall be elsewhere, whereas, as to the Atlantic ports, where there are several lines provided for, the phraseology is such that each line might be started at the same port, and that doubtless would be at the port of New York. There is no doubt about that.

Mr. ALLISON. Mr. President, I did not care to raise that question, and should not have done so but for the fact that the Senator from Alabama introduced an amendment here under the impression that New Orleans was not included in the bill. I had supposed up to that time that it was included.

Mr. BACON. I think the Senator was quite correct—and I call attention to it—in his construction of it. I would suggest to the Senator from New Hampshire that possibly the difficulty which occurs to my mind as to the concentration of the benefits of this bill at one port might be met if the phraseology should be so changed as to provide for the touching of these lines of steamers at the different ports along the Atlantic coast—the lines of steamers I now refer to are those that go to the South American ports—because if they started from New York they would necessarily pass near to all the Atlantic ports between New York and South America.

I do not offer any amendment upon that line, but I would suggest to the Senator from New Hampshire, in charge of the bill, that possibly the bill might be amended in that particular to some advantage. There are several important products which are shipped from southern ports to South America, and it would be a very great hardship if they had to be sent first to New York and then shipped from there south to South America. If we are to enter upon this business of the development of this trade, we ought to have regard to the fact of the convenience of shippers—those who are to be engaged in the trade that is to be developed—and if it is not practicable to provide specifically for separate lines to different ports, it seems to me to be entirely practicable and desirable that there should be a provision in this bill that these lines of steamers—there will be probably several lines of steamers which will doubtless start from New York—should stop or touch at the various ports, in order that they might all have the advantage of the lines of communication which would be thus opened and developed.

Mr. GALLINGER. Mr. President, it occurred to the framers of this bill that there was not only a difficulty, but a danger in attempting to name specific ports. That would at once arouse antagonism; and it was a grave question whether or not this was a feasible thing to do. However, we can look that over later on.

Mr. President, I want to occupy a little of the time of the Senate this morning in further discussion of the bill. First, I want to put in the RECORD, without reading, a resolution adopted by the New York senate and assembly a couple of days ago, which indorses not only the purpose of this bill, but the bill in terms. It passed the senate of the State of New York unanimously and passed the assembly by a vote of 95 to 16. It is gratifying to me to observe that more Democrats voted for the bill than voted against it in the assembly of New York.

The VICE-PRESIDENT. Without objection, the resolution referred to by the Senator from New Hampshire will be inserted in the RECORD without reading.

The resolution referred to is as follows:

[State of New York. No. 14. In assembly. Calendar of bills. Introduced by Mr. Hill.]

Monday, February 12, 1906.

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in the Congress of the United States from the State of New York, in relation to American shipping in the foreign trade by sea.

Whereas our merchant marine engaged in the foreign trade, which in 1810 carried 90 per cent of our foreign commerce and to-day carries but 10 per cent thereof, is now only one-third as large as it was in the zenith of its development in 1860; and

Whereas an American merchant marine, with trained and experienced shipmasters, officers, and seamen, sailing under the flag of the United States is essential to our national defense as an auxiliary to the Navy in time of need; and

Whereas upon the recommendation of President Roosevelt a Commission, consisting of five Senators and five Representatives in Congress, was appointed to investigate this subject, and public hearings were held in most of the leading Atlantic, Gulf, Lake, and Pacific ports of the United States, resulting in a report, accompanied by a bill to carry into effect the recommendation of the Commission, which measure is now pending in the Congress of the United States and is designed to upbuild and rehabilitate our shipping in the foreign trade: Therefore, be it

Resolved (if the assembly concur), That the legislature of the State of New York commends the work, the report, and the bill of the Congressional Merchant Marine Commission as worthy of the support of the Senators and Representatives in the Congress of the United States from the State of New York; be it further

Resolved (if the assembly concur), That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from the State of New York.

[Assembly, No. 14. Introduced by Mr. Hill.]

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in Congress of the United States from the State of New York, in relation to pilots and coastwise sailing vessels engaged in domestic commerce.

Whereas the State of New York is deeply concerned in all matters affecting its commerce and in the welfare and prosperity of its citizens engaged in transportation, as is shown in its maintenance of a magnificent system of canals, now under enlargement, and in the appointment of commissions to inquire into the cause of the decline and the means for the revival of its commerce; and

Whereas sailing vessels in our coast trade (many of which are owned in this State) are at present subject to an unjust and onerous burden in being compelled to employ State pilots in the ports of the States south of the Capes of Virginia, whether the services of such pilots be required or not, a compulsion from which steam vessels have been exempt by an act of Congress approved on February 28, 1871, nearly thirty-five years ago; and

Whereas bills are now pending in each branch of Congress, to wit, Senate bill No. 30 and House bill No. 5281, providing for the exemption of sailing vessels in the coasting trade from the compulsory employment of State pilots when such vessels are commanded by licensed United States pilots or when they are in tow of tugboats that are commanded by licensed United States pilots: Therefore, be it

Resolved (if the assembly concur), That is is the sense of the legislature of the State of New York that American sailing vessels in the coasting trade should be exempt from the compulsory employment of State pilots as American steam vessels have been: And, therefore, be it further

Resolved (if the assembly concur), That the Senators and Representatives from the State of New York be, and they hereby are, respect-

fully requested to support and advocate the enactment of such measures in Congress providing for such exemption as being conducive to the increase of our commerce and the greater prosperity of our citizens.

Mr. GALLINGER. Now, Mr. President, I want to very briefly call attention to the letter which the senior Senator from Texas [Mr. CULBERSON] had placed in the RECORD yesterday from a shipper in the city of Galveston. The Senate will remember that letter. Its author, a Mr. Mosle, was before the Merchant Marine Commission, the Commission having held a session in the city of Galveston. He was asked some questions by the Senator from Florida [Mr. MALLORY]. I was not present at that hearing.

Senator MALLORY. What is your occupation?

Mr. MOSLE. I am in the shipping business. As far as I know there is only one vessel from Galveston under the American flag that is going offshore, and that is the *John Francis*.

Just think of it! That great port of Galveston, on which we have spent millions and millions of dollars in making it suitable for navigation, has just one American ship going out of the port engaged in the foreign trade, and that is a schooner—the *John Francis*. Mr. Mosle made this further observation:

I, contrary to Colonel Gresham, have a distinct view on this subject. I have followed this matter for a couple of years. I followed Senator FRYE'S bill, and I have read it carefully. I am at it as a means of earning a living and not as a pastime, and I am fully convinced that any subsidy will be a failure, and absolutely convinced that we will not have any merchant marine unless we have free trade, free ships, and, what is more than free ships—free crews. I should like to see that condition.

Senator MALLORY. What do you mean by "free crews?"

Mr. MOSLE. By "free crews" I mean the privilege of employing the best men we can get hold of, regardless of nationality.

Then he admits that that can not be done under our present law. He further says:

The supply of men to man ships consists of foreigners to a very large extent, and the difference in the wages, although this may seem a matter of surprise to you, but I have noticed it repeatedly, does not seem a sufficient inducement to get men on the American ships; and I take it, crew for crew, the foreign crew is better than the American crew, although getting lower wages in a competitive port.

That, of course, is ridiculous.

Mr. President, this gentleman who, as I understand, represents a foreign steamship company at Galveston, advocates free ships, free crews, and free trade, and yet he has the audacity to write a letter to the Senate of the United States, when it is considering a bill for the rehabilitation of the American merchant marine, protesting against the passage of the bill. I feel sure that he does not represent the opinion of the people in his part of the country.

For instance, I have here resolutions adopted by the Brunswick, Ga., Board of Trade on January 4, 1906, which I will read:

Whereas, upon the recommendation of the President, a Commission was appointed by the last Congress, which thoroughly investigated the condition of American shipping, said Commission presenting a report, together with a bill to carry into effect its recommendations; and

Whereas the Commission found that 9 per cent of our ocean carrying is done by American vessels, 91 per cent being carried by the subsidized and bountied shipping of other countries, that annually about $200,000,000 are being paid to foreign ships, and this condition the Commission's bill would so remedy as to give to American ships a much larger and fairer share of our deep-sea carrying; and

Whereas said Commission has framed a bill now pending before Congress, after full hearings in all parts of the country, the entire Commission agreeing, it is understood, that some legislation is not only desirable but necessary for the revival of our merchant marine, differing only as to methods; and

Whereas the commerce of the United States with the West Indies, Central and South America is steadily increasing, is nearest the southern ports, increasing with Cuba in the past seven years from $28,000,000 to $134,000,000, with Porto Rico from less than $4,000,000 to over $28,000,000—destined, with reasonable aid to our merchant marine, to increase with South and Central America in equally wonderful proportions and equally important to this port and other ports on the South Atlantic coast with Gulf ports:

Resolved, That this board earnestly appeals to Congress to amend Senate bill 529, or any like measure which may be passed, in the sixth section thereof in the first to eighth paragraphs, inclusive, so as to open the ocean mail service therein provided for to all Atlantic and all Gulf ports.

Resolved, That this board earnestly appreciates and commands the patriotic work of the Commission, deems this a question above party, and appeals to the Congress to pass some wise measure for the revival of our merchant marine in American ships, built in American shipyards of American materials, thus paving the way for supremacy in this only field of effort in which the United States is exceeded by other nations, and earnestly hopes our Senators and Representatives in Congress will see their way to support such a measure already appealed for by the legislature of Georgia, and of vital importance, as this board believes, to every citizen of the State, and wiping out the humiliation of the leading nation in commerce carrying 91 per cent of its trade in foreign ships under foreign flags.

Resolved, That a properly certified copy of this resolution be transmitted to the President of the Senate, Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

By order of the board.

J. STOVALL SMITH, *President*.

Attest:

C. D. OGG, *Secretary*.

Adopted unanimously.

I will also read resolutions adopted by the New Orleans Board of Trade, as follows:

Resolutions of the New Orleans Board of Trade, December 13, 1905.

Whereas upon the recommendation of President Roosevelt a Commission was appointed by the last Congress which thoroughly investigated the condition of American shipping, said Commission presenting a report, together with a bill, to carry into effect its recommendations; and

Whereas the Commission found that 9 per cent of our ocean carrying is done by American vessels, 91 per cent being carried by the subsidized and bountied shipping of other countries; that annually $200,000,000 are being paid to foreign ships, and this condition the Commission's bill would so remedy as to give to American ships a much larger and fairer share of our deep-sea carrying; and

Whereas the Commission's bill conforms in its provisions to the practices of other nations in dealing with their merchant shipping, and is so designed not only to give our shipowners a greater share of our foreign carrying, but to create a demand for American materials and American labor in shipbuilding as well as afford employment afloat for American shipmasters, officers, and seamen, the ships and men being essential to the national defense for auxiliary naval purposes in time of trouble: Therefore, be it

Resolved, That the New Orleans Board of Trade, recognizing the pressing importance of an American mercantile marine, warmly commends the work of the Congressional Merchant Marine Commission, and expresses the earnest hope that its bill will receive the support of Louisiana's Senators and Representatives in Congress, to the end that we shall have an effective and enduring mercantile marine commensurate with our position as a great world power; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the Senate and the Speaker of the House of Representatives and to the members of the Louisiana delegation in Congress.

I have similar resolutions from the Commercial Club of Mobile, the Chamber of Commerce of Pensacola, and the Board of Trade of Brunswick, Ga., showing that the gentleman who wrote that very remarkable letter which was read yesterday does not represent the business interests of the section of country from which he writes.

Mr. President, if the suggestions made by that gentleman should be carried into effect, what condition would we be in? He is in favor of free trade, free ships, and free crews. We would have a ship built in Great Britain, Germany, France, or Norway, manned by officers and seamen of foreign nationality, the only thing American about it being the flag; and probably this gentleman would have that flag manufactured in Great Britain or Germany, because they can make flags much cheaper than we can in the United States. That is the condition in which we should be in that great port of the United States, upon which Congress has spent a great many millions of dollars and which is without American shipping; and that would be his cure for the condition of things that exists to-day, where in that great southern port there is just one ship carrying the American flag in the foreign trade, and that a schooner.

I wish to say a few words in reference to the naval-reserve feature of the bill, which was discussed yesterday at considerable length. I think that I stated definitely enough yesterday the origin of the present provision. The Merchant Marine Commission had agreed upon a provision that they thought was wise, but upon reconsideration they were led to think that the provision of the naval board, which was amended by increasing the retainer to the officers and the men to a considerable extent, was perhaps a more workable scheme than the one the Commission had recommended.

In advising the appointment of a commission to study this question the President of the United States, among other recommendations, specifically suggested that the question of a naval reserve ought to be taken into consideration. The Commission was appointed upon that recommendation of the President after the passage of the law, and they could not well, even if they had been disposed to do so, overlook that part of the Presidential message, and they accordingly took that into consideration in connection with other matters.

The Senator from Georgia [Mr. BACON] yesterday had a little colloquy with me, and perhaps with other Senators, as to the possibility of having this naval reserve mixed on ships, and while I said that my information led me to believe that the British Government had exactly that plan in operation, the Senator from Georgia stated that he had received information to the contrary; that they were separated entirely. I have made some further inquiries about it from a source I think entitled to the greatest possible credence, and I find, at least my information leads me to believe, that the British Government has mixed crews of naval-reserve men and others in many of her ships. In some instances they require one-fourth to be naval-reserve men, and in the Cunard contract they require one-half to be naval reserves. So it does seem to me that what I suggested in regard to this matter, so far as the British plan was concerned, is probably correct.

Mr. BACON. I will state to the Senator that while, of course, it would not be proper for me to give the name of the gentleman who gave me that information, he is a Member of the House

of Representatives. He stated to me that he had made a very careful study of the matter, and that that was a fact, as stated by him to me, about which he could not be mistaken. That is the source of my information and the extent of it. I will state further to the Senator that the Member of the House who gave me that information is one who belongs to the same political party as does the Senator himself——

Mr. GALLINGER. He must be a good man, then.

Mr. BACON. And not an opponent of the bill.

Mr. GALLINGER. I think he is wrong about it. That is my impression, but I do not know that that is a matter that ought to take up much of our time in this discussion. I have reason to believe that the Navy Department would not have recommended a scheme that is not workable, and that they have examined into it very carefully and are of opinion that, if it is incorporated into law, there will be no difficulty in enforcing it.

Now, Mr. President, in reference to some protests that have been presented here in opposition to this naval-reserve feature, I noticed in the RECORD that the Senator from Iowa [Mr. ALLISON] presented a letter from Mr. Samuel Gompers, who, after admitting that he did not know much about it, stated that he was of the opinion that it would not be to the advantage of the seamen if this provision should be incorporated into law. I have here the action of the Association of Masters and Pilots of Steam Vessels of the United States. Every one of those men is an American, and every one of those men has won merited promotion from the forecastle up to the position he now occupies. They have gone through the different grades of the service to that point. I will ask the Secretary to read the resolutions adopted by that organization, which ought to have a good deal of weight with the Congress.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

AMERICAN ASSOCIATION OF MASTERS AND PILOTS OF STEAM VESSELS.

January, 1905.

Whereas American ships now convey only 10 per cent of the imports and exports of the United States, while 90 per cent are conveyed in foreign ships, thus building up at the expense of the American people the naval reserve of foreign nations; and

Whereas this condition of affairs deprives American officers and seamen of employment in ocean trade, and thus prevents the development of an adequate naval reserve in our own country: Therefore,

Resolved, That the American Association of Masters and Pilots of Steam Vessels, realizing the need of American deep-sea shipping and the value of a strong merchant fleet to the nation in peace or war, heartily commends the work of the Merchant Marine Commission, authorized by Congress on the recommendation of the President, and urges the prompt enactment of Senate bill 6291, reported by the Commission, "to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage."

Mr. PENROSE. Mr. President, with the consent of the Senator from New Hampshire, I should like to have inserted in the RECORD an extract from the New York Journal of Commerce of February 7, which I will ask the Secretary to read, bearing upon the present bill, and showing the activity of the Japanese in the particular line of effort we are now contemplating.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NEW JAPANESE LINE—FIRST VESSEL FROM SOUTH AMERICAN PORTS REACHES IQUIQUE.

SANTIAGO, CHILE, *February 6, 1906.*

There arrived at Iquique to-day the first vessel of the new steamship line between Japan and South American ports. The steamer will sail thence to Valparaiso. Great expectations are entertained of profit to Chile in the export of nitrates to Japan by this line.

Mr. GALLINGER. I have only one further observation to make in reference to the naval-reserve feature of the bill, and that is in reply to the contention of the Senator from Wisconsin [Mr. SPOONER] that the payment of these retainers would result in the lowering of seamen's wages. That, Mr. President, it seems to me, is utterly without warrant. It would be quite impossible for the men who operate ships to take advantage of any retainer that the Government of the United States gave to these men, under conditions that they should serve the Government in time of need, to reduce their wages. It seems to me that it will, if it does anything in that line, tend to increase their wages. It establishes a higher standard and will certainly do in this country what it has done in Great Britain; that is, to improve the seafaring class, increasing the respect that they will have for themselves and the respect felt for them by their fellow-countrymen. This class in Great Britain are looked upon, not necessarily as a favored class, but as a class of seafaring men who may be called a "picked class," and instead of lowering their wages or their standing or their respect, it has tended to increase both their standing and their respect, and I think, to some extent, their wages.

The Senator from Iowa [Mr. ALLISON] yesterday——

Mr. SPOONER. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. Certainly.

Mr. SPOONER. What does the Senator mean by "increasing their standing and respect?"

Mr. GALLINGER. Simply as I said——

Mr. SPOONER. Does it mean greater dignity?

Mr. GALLINGER. I think they are looked upon as a class of men who have had instruction that puts them a little above the ordinary seamen.

Mr. SPOONER. And they will stand on the ship, a relatively small number of them, both in the same grade, as receiving more pay and being entitled to greater consideration. Is that the theory?

Mr. GALLINGER. I see no reason why that should be so.

Mr. SPOONER. Would not that naturally be so?

Mr. GALLINGER. I think not.

Mr. SPOONER. That had not occurred to me.

Mr. GALLINGER. They will stand on the ship under the direction of the officers of the ship, and, of course, they would observe the rules and regulations of the ship, and be compelled to do so. They might have in their inner consciousness a feeling that perhaps they were a little superior to somebody else, but in the performance of their duties I see no danger in that direction at all, and I do not think the Senator can.

Mr. SPOONER. A fellow who has that in his inner consciousness generally makes it manifest by his outward manner.

Mr. GALLINGER. It is a pretty good idea for men to have that inner consciousness, especially if they have earned it.

Mr. President, the Senator from Iowa [Mr. ALLISON] suggested yesterday that he was in doubt as to whether or not there was any need of subventions to ships sailing on the Caribbean Sea. As I understood the Senator, he did not commit himself fully to that view, but he made that suggestion. I want to call the attention of the Senator to the figures of our carrying trade with Cuba and the West India islands. Take our carrying trade with Cuba, and it is very illuminating. For some reason or other—I do not know what—there has been a tremendous decline in the percentage of the trade that we carry in American ships. I have here a table of our carrying trade with Cuba from 1895 to 1904. It shows the imports and exports carried in American and in foreign vessels. It is as follows:

OUR CARRYING TRADE WITH CUBA.

Imports into and exports from the United States in its trade with Cuba during the years ending June 30, 1895 to 1904.

Year ending June 30—	Imports, vessels brought in.		Exports, vessels carried in.		Total vessels carried in.		Per cent American.
	American.	Foreign.	American.	Foreign.	American.	Foreign.	
1895	$24,506,998	$28,363,344	$8,323,439	$4,484,222	$32,830,437	$32,847,566	49.99
1896	23,684,172	16,333,558	5,357,728	2,173,152	29,041,900	18,506,710	61.08
1897	10,332,460	8,074,355	6,449,875	1,809,901	16,782,335	9,884,256	62.93
1898	7,864,973	7,367,504	6,738,813	2,822,843	14,603,786	10,190,347	58.90
1899	10,886,849	14,521,979	10,784,387	7,831,990	21,671,236	22,353,969	49.22
1900	15,534,012	15,836,413	14,197,351	12,314,949	29,731,363	28,151,362	51.36
1901	20,269,954	23,152,348	14,829,696	11,135,105	35,099,650	34,287,453	50.58
1902	16,453,981	18,239,636	13,608,200	13,015,300	30,062,131	31,254,966	49.03
1903	22,490,644	40,322,718	11,792,402	9,968,440	34,283,046	50,291,158	40.47
1904	22,968,224	54,014,586	14,281,517	13,091,608	37,249,741	67,106,194	35.69

Imports brought in cars, etc., are as follows: 1895, $917; 1900, $1,279; 1901, $786; 1902, $1,087; 1903, $129,428; 1904, $608.

Exports carried in cars, etc., are as follows: 1900, $1,100; 1903, $796; 1904, $4,340.

J. N. WHITNEY,
Acting Chief of Bureau.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS, *May 9, 1905.*

So that while ten years ago we carried in American ships almost as much of the imports from Cuba to the United States as was carried in foreign ships, in 1904 we carried considerably less than one-half—only 35 per cent. While the proportion of our exports to Cuba carried in American ships averages annually higher than the proportion of our imports, it will be seen that the proportion of our imports from Cuba carried in American ships in 1904 amounted to only 35 per cent.

Mr. ALLISON. I wish the Senator would give the totals of each of those years.

Mr. GALLINGER. It will be found in the table that I will insert in the RECORD.

Mr. ALLISON. It appears to me, from the reading of the statement by the Senator, that that can not include all the commerce between Cuba and the United States.

Mr. GALLINGER. It does absolutely include it all. Last year there were $22,000,000 of imports from Cuba carried in

American vessels and $54,000,000 in foreign vessels; of the exports $14,000,000 were carried in American vessels and $13,000,000 in foreign vessels.

Mr. President, the trade with the West Indies, exclusive of Cuba, is likewise illuminating. For the year ended June 30, 1904, there were carried in American vessels $6,284,000 worth and in foreign vessels $23,686,000. So to the West Indies, exclusive of Cuba, we carried only 20 per cent in American vessels.

The Senator from Iowa [Mr. ALLISON], in his very careful analysis of the bill—and I am glad that he studied it and gave to us who are trying to represent the necessity for this legislation the aid of his important counsel—made an observation that if we gave a subvention to the cargo steamers they would necessarily compete with the mail steamers, and in that way it would do more harm than good.

Mr. ALLISON. If the Senator will permit me, I did not say "necessarily." I would not venture a statement of so strong a character.

Mr. GALLINGER. Perhaps I ought to have used the word "possibly" instead of "necessarily."

Mr. ALLISON. It occurred to me that we were subsidizing two classes of ships, and that they would naturally compete with each other.

Mr. GALLINGER. I very likely did not use the proper phrase. I got the impression that the Senator took that position. I have looked that matter up a little since last evening, and I find this to be true.

It is the almost unvarying practice of regular steamship lines all over the world to run a certain number of cargo ships in connection with their regular mail liners.

These cargo ships are essential to the completeness of a line of ocean transportation. On the land the railroad has its express cars and its fast freight trains, corresponding to the regular mail liners on the sea; and besides, the railroad has its slow freight trains for coal, bricks, ore, etc., corresponding to the cargo steamers.

The mail liner first makes trade and then as its volume grows the bulkier and cheaper commodities are turned over to the cargo steamers.

Thus the Ward Line, the best developed American example in ocean trade, has four or five fast steamers carrying mails, passengers, and freight from New York to Cuba and Mexico. But this line also employs several vessels with small passenger capacity, or none at all, but great cargo capacity of relatively slow speed, running in connection with the mail liners, for the bulkier commodities and for service to minor ports.

The Red "D" line to Venezuela, receiving mail subsidy under the law of 1891, has three or four mail liners and one cargo steamer employed chiefly in Caribbean waters.

The British Canadian Pacific line to China has three mail subsidized steamers and two slower cargo vessels.

The American mail lines to South America and the Orient would have none but mail ships at first, but as their trade developed would do as the Ward line and foreign companies have done, and utilize slower cargo vessels for a large part of their traffic.

If cargo subventions are given by the United States, these mail lines will build American cargo steamers; otherwise they will utilize foreign steamers, and the building and operation of these cargo ships will be lost to this country.

There are now almost no American cargo vessels in our foreign trade, except the sail vessels, and until the mail lines become well established it is not likely that many cargo steamers will be constructed here.

These cargo vessels do not compete sharply or disastrously with, but rather supplement, the mail liners of the same service—any more than the slow freight trains of the railroad system necessarily injure the faster freight trains or express-car service.

Both mail liners and cargo vessels are essential to the most satisfactory expansion of a country's commerce.

The cargo subventions of the present bill, moderate in amount and leaving something to American economy and enterprise, are not large enough to induce the overbuilding of these vessels.

It is my judgment, after some study of this question, that the pending bill would be very incomplete if the motion which the Senator from Georgia has given notice he will make should prevail, to strike out the provision for a subvention to cargo steamers. I do not think there is any danger of our trade being overburdened with that class of ships, but I do believe that they are essential to a complete system designed to expand American trade and to build up the American merchant marine.

Mr. President, that is all I care to say this morning. I simply wanted to answer with as much brevity as possible some of the objections made to the bill yesterday; and the matter is now open to other Senators.

Mr. FULTON. I offer an amendment to the pending bill.

Mr. GALLINGER. Let it be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 10, page 14, after the word "from," strike out the words "a port" and insert the words "each of two ports, namely, Puget Sound and the Columbia River;" and in line 10, page 14, after the word "the," to insert the word "North."

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. CULBERSON. Mr. President, I do not rise for the purpose of discussing this bill, but to make a suggestion in response to a suggestion made by the Senator from New Hampshire [Mr. GALLINGER], who has it in charge.

On Monday I received from a citizen of Galveston, Mr. H. Mosle, an argument, in the form of a letter, against certain provisions of the bill under consideration. On yesterday, there being a lull in the debate and desiring to that extent to inform the Senate as well as to continue the proceeding without unseemly interruption, I suggested that the letter be printed in the RECORD, so that Senators this morning might read and have the benefit of the suggestions which it contains. At the suggestion of the Senator from Iowa [Mr. ALLISON] it was read, and of course appears in the RECORD. The Senator from New Hampshire, it seems to me, has referred to this small incident rather fretfully, characterizing the act on the part of Mr. Mosle as one of audacity, that being the word employed.

Mr. President, my acquaintance with this gentleman it is true is slight, but he is a very intelligent man and a good citizen. His letter is couched in respectful language, and he states a number of facts which are entitled to consideration. So far as the publication of the letter is concerned, the gentleman had no concern with it at all, and whatever there may be to blame respecting that feature of it I take upon myself.

I simply rose, Mr. President, to bear testimony to the character and intelligence of this gentleman and to suggest to the Senator from New Hampshire that it would probably be better to answer his statements and his arguments than to characterize the writing of a letter to a Senator, which was published in the RECORD, as an act of audacity on the part of a resident of a State.

Mr. GALLINGER. Mr. President, I certainly have no disposition to get into an unpleasant controversy with my friend the Senator from Texas [Mr. CULBERSON]. He is one of the last Senators in this body with whom I would seek a controversy on any subject, because of my cordial relations with him. Perhaps I ought not to have used the word "audacity," but it seemed to me not a very strong word in view of the fact that this man of foreign birth, representing a foreign steamship company, had given to the Commission at a time when we are trying to build up this languishing industry his views in favor of free ships, free trade, and free crews, and then wrote a letter to us on the subject. I thought he had expressed his views very plainly and bluntly and without qualification in the testimony which he gave before the Commission.

He had a right to send the letter here. The Senator from Texas had the undoubted right to have it read and printed, and it will go for whatever it is worth. I have no disposition to be offensive either to the Senator or his constituents, and if the word "audacity" ought not to have been used, some other word can be substituted in the minds of Senators.

Mr. CULBERSON. Mr. President, it is hardly necessary for me to say that in the few remarks I made a few moments ago I had no desire to provoke a personal controversy, or a controversy of any kind, with the Senator from New Hampshire. I simply wanted to bear testimony to the character of the writer of the letter as a good citizen and a man of intelligence.

I desire to add, while I am on the floor, that there is a great deal in the letter besides the suggestion of free ships and free crews. There is, as I remember, a suggestion which, so far as I have been able to ascertain, has not yet been met in the debate—that there is an absolutely useless waste of public money with reference to some of the features of the bill, to characterize it by no severer language. To that feature of the bill particularly this letter is directed, and so far as I have heard there has been nothing said here to meet the suggestions made by the writer of the letter.

Mr. McLAURIN. If it is in order to submit amendments, I desire to offer an amendment to the pending bill.

The VICE-PRESIDENT. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That no part of the subsidy by this act provided for shall be paid to any Senator or Representative in Congress or member of the executive or judiciary department; or to any member of the family of any such Senator, Representative, member of the executive or judiciary department; or to any corporation of which such Senator, Representative, member of the executive or judiciary department, or member of the family of such Senator, Representative, member of the executive or judiciary department shall own or shall have owned, in his or her or any other name, any of the stock.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. SPOONER. In section 1, beginning in line 11, page 5, I move to strike out all after the word "fisheries."

The VICE-PRESIDENT. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. On page 5, line 11, after the word "fisheries," it is proposed to strike out the remainder of the section, as follows:

Each officer, petty officer, or man of the naval reserve thus enrolled who has not served for six months of the preceding year on vessels of the United States in the merchant marine or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the naval reserve, shall receive one-half the annual retainer as enumerated above.

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. SPOONER. Mr. President, I do that for this reason: The language employed in this section before the clause which I move to eliminate from the bill grades the officers in the naval service and the men, and provides for pay of each grade—a hundred and ten dollars, ninety, eighty dollars, seventy dollars, sixty dollars, forty-eight dollars, forty dollars, thirty-six dollars, thirty dollars, twenty-four dollars a year—when they shall have during the year *served six months in the merchant marine or the deep-sea fisheries.*

I have not the slightest desire to disturb that portion of the section. The provision which my amendment would eliminate is one which proposes to pay out of the Treasury one-half each year of that annual "retainer," graded as I have indicated, to men *without requiring them to have served during the year one hour* on the sea, either in the merchant marine or in the deep-sea fisheries.

The Senator from New Hampshire [Mr. GALLINGER] agreed yesterday—and of course it is indisputable—that that is the effect of the language employed, and added that that was the intention of the proposition, which comes not from the Commission that investigated the subject and is responsible for this bill, but from the Navy Department, and is intended to apply—that is the only possible justification I have heard for it—to those men who have served in the Navy and have left the Navy. It is an offer of reward, not for going to sea, not for serving on a ship, but for an agreement to hold one's self liable, on the command of the President, at any time during four years, to serve in defense of the Government, if called upon. It is an unnecessary appeal, through the dollar in the Treasury, to the patriotism of men who have once served under the flag and who, it is assumed, would not, if occasion called for it, return to its defense and give the Government the benefit of their skill and experience unless in the meantime they have had from the Treasury this donation of money which they have not earned.

With that stricken from the bill all sailors who join the naval reserve, and who have served during the year six months at sea, will receive this money. That is all that should be in the bill on that subject, and I hope the Senator from New Hampshire, who said yesterday he was not at all insistent upon the provision to which my motion is addressed, will see his way clear to eliminate it.

There is another provision in the bill to which I desire to offer an amendment. That is the third subdivision on page 8. This undoubtedly will be controverted, although I hope not.

Third. That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the deck force, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck.

So far as I know there is no definition or provision in the statutes as to the number of able seamen required to constitute the complement of seamen on a ship. If I am mistaken the Senator from New Hampshire [Mr. GALLINGER], certainly the Senator from Maine [Mr. FRYE] who sits before me, will so advise me. Perhaps from the silence of the Senator from Maine I may assume that I am right. There is a provision, section 4463, which declares that—

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

That, as a statutory regulation concerning the manning of a vessel, it seems to me, unless there is some technical learning about it with which I am not familiar, is utterly inconsequential.

There shall be, the statute says, a full complement of licensed officers and a full crew. What constitutes a full crew? Who determines that? Is it determined by the Commissioner of Navigation or are there rules to determine it?

Mr. FRYE. It is determined by the inspectors. No ship sails without the inspector having given a certificate that there has been a compliance with the law.

Mr. SPOONER. The inspector determines how many men are necessary to constitute a complement?

Mr. FRYE. Yes, sir; and their qualifications and character.

Mr. SPOONER. They determine whether the men are capable?

Mr. FRYE. Yes.

Mr. SPOONER. The Senator was quite correct yesterday, as I look at the statute, in his statement that the word "crew" is used in generic sense. In chapter 7, Revised Statutes, relating to the offenses and punishments committed by and inflicted upon sailors, section 4612:

In the construction of this title—

"Title"—it is not simply the chapter, but the title covering the whole subject—

In the construction of this title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake, or river to which the provisions of this title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

So if only the word "crew" is used as applied to a steamship it includes, as the Senator, I think on further reflection, stated yesterday, the waiters, the department of the stewards, the stokers, and all of the men engaged in any capacity perhaps below the master on the ship.

So far as I am able to discover, in this bill is to be found for the first time an attempt by Congress to draw the line between the waiters, the steward's department, those who in time of danger need help more than they are able to afford it, and the real sailors or navigating force on the ship, who in the event of accident, the destruction of the ship, the necessity to leave it and use the boats, are the men upon whom reliance must be placed, and almost solely upon whom, with the officers, reliance must be placed for lowering the boats, helping the passengers into the boats, and managing the boats so as to preserve, as far as possible, the lives of those who have committed their fate to that ship upon the sea.

Mr. FRYE. Will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. FRYE. The inspector is obliged to pass upon all that. He is obliged to find a sufficient number of seamen on board the ship before she sails to steer, to navigate, to handle the boat, to take care of the sails, and all that sort of thing. That is a part of his duty, and he has to do it before any vessel sails.

Mr. SPOONER. Yes; but there are some horrible evidences of the fact that that provision of the statute has sometimes not availed to the protection of human life. There may be cases of which we shall never know.

Mr. FRYE. Only one.

Mr. SPOONER. More than one. In England there were some, and in this country there have been more than one; and it ought not to be left entirely to inspectors. For its effect upon owners, upon the question of ultimate liability, for the safety of crew and passengers, there ought to be by this time some statutory rule, first, as to the manning of ships, and, second, as to the definition of what constitutes an able seaman or what should constitute the navigating force, using the words which were used in an amendment offered by the Senator from New Hampshire this morning. It says here:

At least one-sixth of the crew shall be citizens of the United States or men who have declared their intention to become citizens.

That means one-sixth of all employed in any capacity on the ship. It is quite immaterial as to those who wait upon you at the table, a very large force on the ship, except for furnishing employment to citizens of the United States; the important thing is as to the navigating force on deck.

Mr. GALLINGER rose.

Mr. SPOONER. I will listen to the Senator.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. SPOONER. Yes. I have no objection to that requirement.

Mr. GALLINGER. I rose simply to say that, as I recollect, the phraseology in that clause was copied after a similar phraseology used in other shipping bills, except that this bill gives a definition requiring two years' service. The definition may be imperfect, but I think it greatly strengthens the bill in respect to the quality of the men.

Mr. FRYE. The Senator did not ask Furuseth?

Mr. GALLINGER. No.

Mr. SPOONER. The Senator from Maine says he did not ask Furuseth. I know Mr. Furuseth. So does the Senator. I have found Mr. Furuseth to be a man of very large intelligence, a man who understands the sea, a man who has spent his whole life nearly upon it.

Mr. FRYE. He has been twenty years in Washington, I guess.

Mr. SPOONER. He has spent practically a large part of his life upon the sea. He became early, before he had reached the years of manhood, a sailor. He is a Scandinavian, who has served in almost every position, except perhaps that of an officer on the ship, and who has sailed upon every known sea except the Mediterranean. He has been in Washington. What for? To represent the interest of the sailors, his class, in the industry of the world. Is that a reproach to him? There is not an industry or a craft in this country or any other which is not organized for the protection and for advancing the interests of its members.

It is not enough, or it ought not to be enough, to condemn a proposition in the Senate of the United States to say that it emanates from one who is here as the delegate of a class of men to be affected by it.

Every great interest in the United States has at times its agents here in Washington, more or less listened to, permitted to present properly in one way and another the interests which they are here to represent.

Whether this proposition or a proposition should be embodied in law, Mr. President, depends not upon the source whence it comes, but upon the merit of the proposition itself. In building up a merchant marine by bounties out of the Treasury raised through taxation throughout the whole country, to encourage the construction of ships, the investment of money in shipyards, why not give some attention to the interest of the men who are to man the ships?

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Certainly.

Mr. FRYE. I, without intending to do it, provoked this oratory of the Senator from Wisconsin.

Mr. SPOONER. Not oratory.

Mr. FRYE. I desire to say to the Senator from Wisconsin that Mr. Furuseth has been known to me a good many more years than he has to the Senator, and that he has always had a hearing before the Committee on Commerce, and a full and fair hearing, on every proposition that he has made. Many of his propositions have been accepted and made into law. I have nothing against Mr. Furuseth at all, except that now certainly he is no sailor and has not been for quite a number of years. He represents the Sailors' Union on the Pacific coast. That union now controls very largely the sailors on the Pacific coast.

Mr. SPOONER. I presented yesterday a series of resolutions from the sailors of the Great Lakes, from Chicago, in which they took the same view precisely of this compulsory provision as to the employment of naval-reserve men on ships that Mr. Furuseth takes, representing the Sailors' Union on the Pacific coast. If it was proper to hear Mr. Furuseth as the representative of the sailors before the Committee on Commerce, if any of his propositions be found to be reasonable, of course I am not subject to criticism or censure that I have permitted him to talk with me. I reserve to myself the right to obtain information upon matters concerning which I am to legislate from any source, and whatever I urge upon the Senate I urge upon the Senate not because some man has told me this or that, but because upon reflection I think the proposition is a reasonable one.

Why should not the Senate of the United States and the Congress of the United States take peculiar care that there shall be on every steamship which sails under our flag out of a port of the United States a complement of sailors competent by experience on the sea to meet the exigencies which so often confront a ship and which so often destroy the ship and its cargo, human and freight?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. SPOONER. I will yield, but I have not presented what I wanted to say.

Mr. GALLINGER. I do not wish to interrupt the Senator.

Mr. SPOONER. No; if the Senator wants to ask me a question, I yield.

Mr. GALLINGER. I do not want to ask a question. I simply wanted to repeat what I think the Senator did not catch when he became interested in the Furuseth incident, that those of us who constructed this bill had an impression that the requirement of two years at sea, making that service the definition of an able seaman, improved the bill, and would give the ships a better quality of men.

Mr. SPOONER. Of course, Mr. President, but it is not a careful definition.

Mr. GALLINGER. No.

Mr. SPOONER. It is not such a definition as the British commission which dealt with this great subject of manning ships saw fit to prescribe. They thought there ought to be some limit as to age; they thought that a boy of 18 or under who had served at sea on deck—under this proposed statute a service on deck at sea makes a seaman; he might have served in the cabin of a steamship—should not be regarded as an able seaman.

Mr. GALLINGER. Well, Mr. President, on that point, if the Senator can present a better definition I think we would be glad to have it.

Mr. SPOONER. That is just what I am trying to do.

Mr. GALLINGER. I am glad the Senator is making that effort.

Mr. SPOONER. I am giving the reason why I think this is inadequate.

Mr. GALLINGER. If the Senator will permit me, I want to say a single word concerning Mr. Furuseth.

Mr. SPOONER. Certainly.

Mr. GALLINGER. The Commission listened to Mr. Furuseth in San Francisco very attentively. In the hearings he occupies from page 1212 to page 1277, 65 pages, and scattered through the testimony there are a great many places where Mr. Furuseth appears.

Not only that, but the Commission treated Mr. Furuseth with so much consideration that a portion of the Commission visited a ship in his company and inspected it. But the Senator will agree with me, I feel sure, that this is not the bill to correct all the evils which may exist in reference to seamen on ships.

Mr. SPOONER. No.

Mr. GALLINGER. The Committee on Commerce is charged with that duty, and, as I said, I think the Senator will agree with me that this is not the proper bill for legislation of that kind.

Mr. SPOONER. Undoubtedly there are grievances, perhaps defects, in the law which need not be corrected in this legislation, but here is one matter concerning which the sailors of the United States were heard by the Commission, and which the Commission has attempted to deal with, a provision as to which is found in this bill. Two years ago——

Mr. GALLINGER. I want to say to the Senator that in using the words "deck force" I confess I was misled.

Mr. SPOONER. I know it.

Mr. GALLINGER. I was misled by the use of that term. I did not think it included the waiters and that class of people.

Mr. SPOONER. Of course. I did not know that until my friend from Maine [Mr. FRYE] informed me yesterday. There is more or less—rather more than less—technicality, of course, in the calling. The Senator has drawn his bill and conducted the bill up to this moment in the Senate with superb ability and in a manner to challenge the admiration and respect of every member of this body and everyone who takes cognizance of it outside of this body. We all want to do what is right about it. If any proposition I make is, because of lack of knowledge, improper to be adopted, it is only needful to show me wherein I am wrong. In the last Congress I offered this amendment to the bill, which was in charge of the Senator from Maine [Mr. FRYE], as I recollect it, and it was adopted by the Senate:

Provided, That except in the case of steamers navigating rivers exclusively at least 75 per cent of the navigating crew—

That does not mean this great mass of men on the ocean liner, who are not obliged to know anything about navigation, who are not obliged to have ever served at sea on a sailing ship or to be familiar, except in a very limited way, with the sea—

at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands.

That is the navigating force. On the *St. Paul*, which is a

great ship, there is a crew of 377 men all told; 36 constitute the navigating crew or are supposed to be able seamen. I am told that on the *Morro Castle* there is a crew of about 120 men all told. Sixteen of these are rated as able seamen.

I am not dealing with the mass of stokers and the men who are employed in the cabins, but I am dealing with the men in whose hands in danger lies the safety of the ship and the men, women, and children on the ship. As to those people, Congress can not manifest too careful solicitude. This proportion may be too large, but it is a large proportion of a small force on a ship, and it is important to the owner as to the safety of his property; it is important to those interested in the cargo; it is important to those who sail on the ship, passengers and crew, that in this chosen number of men—the last reliance in time of peril and the best reliance—care shall be taken that they are fit—fit as to age, fit as to experience.

Now, an individually effective hand was in the amendment which passed the Senate, defined as follows:

That is, of a rating not less than able seaman, and no one shall be signed as an able seaman—

That is an injunction laid on the owner of the ship and the master of the ship. It carries with it a liability for disregard of law. When you find that the temptation to rake in dollars, as in the *Slocum* case, at the peril of the lives of thousands, is too strong to be resisted, it ought not to need much argument to convince Congress that this is a point for needed care—

no one shall be signed as an able seaman unless he shall be 19 or more years of age and shall have served at least three years on deck at sea or on the Great Lakes.

Mr. President, the British commission fixed the standard at three years. That is a country of sailors. Some members of the commission thought three years too short a time. Apprenticeship, I understand, in the British merchant marine is four years. I do not know how it is in our own.

Mr. GALLINGER. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. SPOONER. Certainly.

Mr. GALLINGER. This matter was somewhat discussed by the Commission. I will say to the Senator I feel sure there will be no opposition to a suggestion to increase the term to three years. It may be a proper thing. It certainly will not do any special harm; it may do a great deal of good.

Mr. SPOONER. If it is an error, it is an error on the side of life and safety.

Mr. GALLINGER. I agree with the Senator about that. I think, however, the Senator's proportion that he has in that amendment, which he says was incorporated in a bill which, I think, came from the Committee on Commerce, would be absolutely impossible of fulfillment under existing conditions.

Mr. SPOONER. I have thought, Mr. President, that striking out from the naval-reserve provision that clause of it to which my motion was addressed, which enables a great mass of men to draw this sum each year without earning it at all, without sailing the sea a single day, would probably increase the number of real sailors, who, glad to take this additional pay, could be found to take the places necessary for the force upon which so much depends.

Mr. GALLINGER. It might somewhat increase it, but I think the Senator would find it a difficult task to discover the great mass of sailors that he speaks of, as they do not exist.

Mr. SPOONER. Well, take it on the *St. Paul*. There are 377 men, all told. Thirty-six of those men are supposed to be able seamen, perhaps, are able seamen within this definition, men who have served on deck at sea three years, or, as you have it here, two years. It would not be very difficult, I would think, with this increased pay which a man may earn if he only enlists, at the same time, to get 75 per cent of 36 men. But if that proportion is so high as to make it utterly impracticable, that is a matter for consideration.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. SPOONER. Certainly.

Mr. PERKINS. If my friend will permit me, I wish to call his attention to a point which he has not considered, or at least he has not mentioned it.

Mr. SPOONER. Undoubtedly there are many.

Mr. PERKINS. The Senator is a distinguished lawyer, and has, perhaps, certainly as much influence as anyone in the Senate and outside of it in framing public opinion. I believe he, as a lawyer in admiralty cases, in representing the owners of vessels, will agree that if the owner is not actuated by a higher motive he desires to protect his own property, his crew, and those who may take passage on his ship.

In referring to the statute of able seamen, the Senator from Wisconsin forgets that in the engineering department of every ship there is the great motor power for propelling the ship, while heretofore, when we were boys following the sea, it was the sails of our ships, the winds of heaven, and all the men on the deck were sailor men who might trim those sails to the breezes that propelled them through the ocean.

Now, the greatest danger on every steamship, as the Senator well knows, is that of fire and accident to the machinery of the ship. The engineer's crew are all trained and should have fire drill at least every week. That is the regulation of every well-organized steamship company. In the engineer's department the chief engineer takes charge of one of the boats, one on the starboard quarter or the port quarter. The first assistant engineer takes charge of another boat, and it is manned by the engineer's crew, who are well disciplined in the engineer's department. While perhaps the coal stokers and the firemen are not classified as able men, they are sailor men. Only a few weeks since there was a fire on one of the steamships on the Pacific coast, and, in a great measure, for the safety of that ship and the lives of the passengers they were indebted to the coal stokers down beneath the decks in the hold of the ship, who came to the deck and there manned the whole fire hose and extinguished the fire.

So in the steward's department, while they are not sailor men, seamen in the words of the statute, the chief steward is assigned to one of the boats, and when the gong rings the alarm for fire each one is at his station and mans the halyards and swings the davits, if he does not become rattled and disabled to do his duty.

Therefore, I want to say to the Senator from Wisconsin, we all have the same object in view, to see that the ships are properly equipped and manned, but the necessity does not exist that there shall be so many able seamen on a steamship as on a sailing ship, because each department of the ship, as I have said before, the engineers, the steward's department, the coal passers, the firemen, are all disciplined and drilled, and when the fire alarm is struck, if they know their duty and have been properly disciplined, they are at their stations to save life and property.

I am in full accord with the Senator's views; and if the bill is defective, we ought all of us to unite together and perfect it. If two years' experience is not sufficient, let us give them three or four years' experience. But there are many who learn more in six months or a year at sea than others who have followed it all their lives. I have been shipmate on ship with sailors where there were thirty-six able seamen and only four boys or four ordinary seamen, and it was only one of us four boys who was permitted to steer that ship, to remain at the helm. It was because those boys had an interest in what they were doing. They were looking forward, and hoped to rise by faithfulness and by an intelligent understanding of their duties as sailor men on that ship.

I have been connected for many years with the transportation business on the Pacific coast. We had 3,000 sailors at one time in our employ, and there was not an engineer on a ship who did not come up there from a water tender or a fireman. There was not a captain or a mate or a boatswain on that ship who did not come in through the forecastle and work himself up to the position he held as an officer. That is the right kind of spirit to have in the sailor men, and I join the Senator from Wisconsin and the Senator from Maine and other Senators in giving a dignity, if I might use the expression, to the profession of a seaman, for it requires great personal courage, skill, and application if he would rise and excel in his profession.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Certainly.

Mr. FRYE. I simply wanted to inform the Senator from Wisconsin that there is a bill now under consideration by the Committee on Commerce and that letters have been received from all over the country asking to be heard on that very bill, and the bill deals with the very subject the Senator is now talking about. There will be hearings in the committee for at least two or three weeks on the very question which the Senator is arguing, and I hope the Senator will attend the hearings and hear the other side, if there is any other side.

Mr. SPOONER. Mr. President, I am very glad to have yielded to the distinguished Senator from California [Mr. PERKINS]. He referred to me and my knowledge as a distinguished admiralty lawyer. I never tried an admiralty case in my life.

Mr. PERKINS. The Senator has the ability to try one, at any rate.

Mr. SPOONER. I have lived in a region where the only vessel was a prairie schooner or a Milwaukee schooner [laughter], and I do not, in what I present to the Senate on this subject, speak from experience or technical knowledge. But there is one Senator here who out of large experience could give the Senate much information, and that is the distinguished Senator from California, who is not only a distinguished Senator, but, I was about to say, an Ancient Mariner. I will not say that, however, because that would be a charge of age which the Senator's appearance successfully refutes. But I did not learn from the Senator's observations whether he is in favor of or opposed to the amendment which I read in the presence of the Senate.

Mr. PERKINS. I am in favor of the amendment.

Mr. SPOONER. I am profoundly grateful, Mr. President, that I have been able to bring the distinguished Senator from California, and the only member of the Senate, so far as I know, who has ever served as a sailor, to the support of this proposition. I shall offer it now with sublime faith that it will be adopted. I move to strike out all of subdivision 3, on page 8, after the word "citizen," in the twenty-first line, and to insert the following:

Provided, That except in the case of steamers navigating rivers exclusively at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands—that is, of a rating not less than able seamen; and no one shall be signed as an able seaman unless he shall be 19 years or more of age and shall have served at least three years on deck at sea or on the Great Lakes.

The Senator from New Hampshire will observe that I have, by this amendment, attempted to open the door, which his bill closes and locks, to the sailors of the Great Lakes, to make it possible for them to enter that part of the merchant marine of the United States which is to draw this bounty during the years which the Government shall pay it. There is no stormier sea, no more dangerous navigation, to be found anywhere than on the Great Lakes. There are men—and they made their skill and their presence known in the late war with Spain—in great numbers on the Great Lakes—men from Wisconsin, from Minnesota, from Michigan, from Ohio, and from other States—as competent to handle ships on the great sea as they are on the Great Lakes.

There is no reason why any bill should be drawn upon this subject which with studious care excludes them, and it surprised me a little that they should be excluded when we remember not only their fitness and the splendid character of the school of seamanship in which they are educated, but the fact that only last session Congress passed this proposition with that element of eligibility service on the Great Lakes in it and this bill leaves it out. I can not suppose it was intended to narrow the operation of this bill to the Atlantic or the Pacific coast, but certainly a broad spirit of the legislation ought to seek to bring to the service of the Government in time of peace and in time of war sailors from everywhere in the United States. So I hope that proposition will be adopted.

I wish to offer two more amendments to the bill, each of which involves the same proposition, and I shall have finished. I move to strike out subdivision 6, on page 9, and at the top of page 10; I also move to strike out section 7, beginning in line 19, on page 15, and extending to line 7, on page 16.

Those are sections which require as a condition precedent to the payment of the bounty or subvention, that the master of the ship shall employ and have on the ship one-eighth, one-sixth, and ultimately one-fourth of the naval reserve. It says "one-fourth of the crew." I believe that would be a very large number under the statutory definition of "crew" and under the definition of "crew," as given by Judge Story in 3 Sumner, as comprising "every one employed in any capacity on a ship."

The master ought to be left free to employ members of the naval reserve if he can get them and they satisfy him. He ought to be left free to employ good American sailors wherever they come from, whether they have entered into this naval enlistment or not.

The provision of the bill which proposes to pay these men a bounty simply for having served six months at sea, or, not having served a day at sea during the year, in consideration of their contract to serve in war if called upon, and to make their employment compulsory, is to put the Government in the attitude of giving to a class not simply the open door to an employment, but a governmental pressure for employment to the exclusion of men just as capable and just as patriotic.

There is a principle in it that is un-American; there is a principle in it that may well force men to abandon a career at sea in some measure, unless they shall have enlisted in the naval reserve; and the more successful this proposition for a naval reserve becomes, the more men who enter into it, the more pronounced and intensified will be the injustice worked by it or through it to Americans capable of splendid service at sea in time of peace and in time of war, but who nevertheless do not care to enter the naval reserve and to collect from the Government this retainer, as it is called, which they will not earn, and which they have not asked for, and which they do not want. It ought to be omitted.

Mr. PATTERSON. Mr. President, in line with the suggestion of the Senator from Wisconsin [Mr. SPOONER], to secure a better class of seamen, and to make it an easier matter to secure American seamen or those who may become American citizens, I offer what I send to the desk as an additional section to the bill.

The VICE-PRESIDENT. The Senator from Colorado submits an amendment intended to be proposed by him, which will be read.

The SECRETARY. It is proposed to insert as an additional section the following:

No subvention, compensation, or subsidy provided for in this act shall be paid for any steamship or other ship that carries any Mongolian as part of its deck force or crew.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. PATTERSON. Mr. President, I simply want to say a few words in support of the amendment——

Mr. NEWLANDS. Will the Senator allow me to interrupt him for one moment in order that I may submit a motion?

Mr. PATTERSON. Certainly.

The VICE-PRESIDENT. The motion submitted by the Senator from Nevada will be stated.

The SECRETARY. It is moved by Mr. NEWLANDS:

That S. 529 be recommitted to the Committee on Commerce, with instructions to report in connection therewith an estimate of the cost of the vessels required for service in the ocean mail lines provided for in section 6, and as to whether it is practicable for the United States Government to construct such ships as a part of the Navy, supplementary to the war ships, to be used as colliers, transports, scouts, etc., in the emergency of war, and as to whether it is practicable to lease such ships to private corporations in times of peace for the service of the mail lines contemplated in section 6, and as to whether it is practicable to organize a naval reserve to be enlisted in the United States in the service of such ships whose wages shall be paid three-fourths by the private corporations leasing such ships, and one-fourth by the United States Government; such naval reserves to be composed of citizens of the United States, or of those who have declared their intention to become such—and to be subject to the training of naval officers in order to fit them to respond to the call of the Government in case of war, and the rentals received from such ships to form a fund for the gradual enlargement of the number of supplementary ships required by the Navy in case of war, as colliers, transports, scouts, etc., and generally to report the comparative cost of such method of enlarging our merchant marine as compared with the method of subvention provided by section 6.

The VICE-PRESIDENT. The motion intended to be proposed by the Senator from Nevada will lie upon the table.

Mr. PATTERSON. Mr. President, one of the best features, I think, and the only good feature of the bill so well urged by the Senator from New Hampshire [Mr. GALLINGER], is the naval-reserve feature, although connected with it there are a number of objectionable things. But the avowed purpose of that is to secure more effective seamen, to secure a greater number of American seamen on the vessels that may fly the American flag; and all Senators concur in the view that the more successful that effort may be, the better will be the sea service of American ships and American shipowners, and the more effective will be the American Navy manned by men who have had the training that this system most likely will give to them.

The amendment which I have introduced, Mr. President, only relates to the ship deck or the deck force or crew.

There are not very many American lines that use Mongolian deck crews or sailors, but those lines not only use Mongolians for crews but they use them for waiters and for what may be called the minor duties—duties that require less judgment and discipline and courage than are required from those who constitute the deck crew or force.

The amendment will not interfere in anywise with the steamers that carry Mongolians for waiters or for taking care of the cabins, or for any of the work that is necessary to be done on board ship that is not done by what are called the "deck crew" or "force."

But little reflection, it seems to me, must convince any Senator that the effort to secure a naval reserve must be a failure as to any lines of ships that carry Chinese for their deck crew or force. The American sailor or the foreigner who has declared his intention to become an American citizen will be very reluctant to ship in any vessel upon an equality with a Mongolian sailor, whether it be as stoker or whether it be for the management of the vessel in other departments.

Such men are unwilling to place themselves upon a perfect equality in labor or in any other lines with the Mongolian. Therefore, I take it, Mr. President, that even with this law for the naval reserve in force, with these ship companies re-

quired to employ a certain percentage of those who are members of the naval-reserve force, there will not only be difficulty to secure them for those vessels, but in many cases there is likely to be absolute rebellion.

Then, again, if we are making an honest effort to secure a large force of American sailors, or a force of those who have declared their intention to become American citizens, and are liable to become full citizens, in so far as a Chinaman is permitted to constituted one of the deck force the effort must be positively unavailing, for he can neither become a citizen nor declare his intention to become a citizen.

Under those circumstances, Mr. President, having in mind the avowed object of this bill, no subsidy or subvention or compensation, such as is provided for in this bill, should go to a vessel that uses as a part of its crew force a class of men that will nullify every effort that is put forth by the Government in that direction and to secure that end.

We know by the very solemn decision of the Supreme Court of the United States in the case of the wreck of the *Rio de Janeiro* in San Francisco Harbor, that by reason of the fact, as I understand that decision, that the working crew of that vessel was composed of Chinese, the owners of the vessel were declared judicially to be guilty of such negligence as made them responsible for damages for every life that was lost and for every dollar's worth of property that was lost. The fact that that vessel was manned by a Chinese crew, instead of by a white crew, seemed to have been accepted by the court as negligence per se.

The testimony was overwhelming that, when bravery and courage and presence of mind were needed in the case of that awful calamity in San Francisco Harbor, they might as well have had a body of wild animals in a stampede upon the decks of the vessel as the Chinese crew with which the vessel was manned. I take it that there have been many other disasters——

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. I suppose the term "Mongolian," used in the Senator's amendment, would include Japanese, would it not?

Mr. PATTERSON. I do not know whether that is necessarily so or not. I do not believe it is necessarily so. That is my judgment about it——

Mr. GALLINGER. I think it is so, and my attention was directed to the Senator's suggestion——

Mr. PATTERSON. But I am entirely willing to change the term "Mongolian" to "Chinese," so as to make the class of sailors upon American vessels whom I have in mind entirely clear and distinct.

Mr. GALLINGER. The observation I was going to make in relation to the Senator's statement that Chinamen lacked courage was that a portion of those he would exclude—the Japanese—have demonstrated that they have remarkable courage.

Mr. PATTERSON. I do not think there can be much doubt of the class I had in mind. I had in mind the Chinese, with which a number of American vessels that ply from harbors on the Pacific coast to the Asiatic coasts are manned.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. PATTERSON. Certainly.

Mr. FRYE. I call the attention of the Senator to his use of words which technically have a great meaning. The Senator talks about "crew force" and about "sailors." Under a statute of the United States "a crew" or "the sailors" means everybody employed on a ship below the master, and surely the Senator does not mean that Chinese shall be excluded as stokers. He knows perfectly well that no American can be hired on a steamship as a stoker.

Mr. PATTERSON. Oh, Mr. President, the Senator from Maine is very greatly mistaken, because the ships of one of the companies that is to be a beneficiary under this bill plying between our northern ports and Australian ports are manned without Chinese.

Mr. FRYE. I understand that.

Mr. PATTERSON. They are prohibited from entering those harbors if they have Chinese above or below.

Mr. FRYE. But that is not the point to which I was calling the Senator's attention. It will not do to say in an amendment, unless the Senator really means it, that the "crew" must be so and so or the "sailors" must be so and so, because the terms "crew" and "sailors" include everybody on a ship except the captain—stokers, waiters, and everybody else.

Mr. PATTERSON. I will suggest to the Senator from Maine that the term I used is "deck force or crew."

Mr. FRYE. But the Senator two or three times has used the term "crew force."

Mr. PATTERSON. Oh, well——

Mr. FRYE. I did not notice what the amendment was, but I noticed the Senator's language.

Mr. PATTERSON. I used the term "deck force or crew." I have it from what the Senator from California [Mr. PERKINS] calls "good sailor men" that that designates really the working force of the ship as distinguished from waiters, cabin boys, and those who perform labor of that kind.

With that explanation, Mr. President, changing the word "Mongolian" to "Chinese," I think that I may urge the adoption of this amendment with a great deal of logic. I can not see how the advocates of this measure can avoid the inevitable conclusion, from the feeling that exists between the American, or the ordinary white man, and the Chinese, that the presence of Chinese occupying positions of equality will almost necessarily result in keeping from off any such vessels the average white sailor, and particularly the American sailor, or the person filling the vocation of a sailor who has had the United States sufficiently in mind to have made his application to become a citizen of this country.

Mr. President, if we want the deck force of these vessels such a force that can be relied upon in hours of peril and danger, a force that alone prevents such disaster as that of the *Rio de Janerio* and the *Slocum*, such a force as has given glory and honor to the merchant service of the English and German speaking people by reason of their intrepidity, their courage, their presence of mind, and their self-denial in hours of danger, we must not, it seems to me, encourage the use as seamen upon American vessels of those who will only prevent men with the qualifications I have suggested from becoming the force of the vessel and giving to the vessels and those who entrust themselves to them in the crossing of great oceans the confidence that all should have when they start out upon a voyage.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. BACON. I should like to make an inquiry of the Senator from Colorado, if he can furnish the information. What is the proportion of the deck force in number to the entire number of the crew on a Pacific mail steamer, for instance?

Mr. PATTERSON. On the steamers that ply between San Francisco——

Mr. BACON. And Hongkong.

Mr. PATTERSON. And Hongkong and the Philippines and Japan stopping at Yokohama, Kobe, Nagasaki, Hongkong——

Mr. BACON. And Shanghai.

Mr. PATTERSON. Shanghai and those ports, the working force, outside of the officers and the boatswains, is solidly Chinese.

Mr. BACON. The Senator did not understand my inquiry. I want to know what is the proportion between the deck force. The Senator's amendment applies only to the deck force, and I wanted to know, for my information, what is the relative number of the deck force as compared with the entire crew, as defined by the Senator from Maine [Mr. FRYE], constituting the entire ship's company.

Mr. PATTERSON. I am not able to give the proportion, but I would say it was probably a third or a half. I have very vague information about it by reason of my observations in going from port to port in one of those vessels.

Mr. BACON. I will state the object of the inquiry. The deck force, it is true, has the responsibility for the management of the ship in ordinary times, but in times of danger, to which the Senator alludes, the entire ship's crew, except possibly those who are kept below with the engine, are brought on deck. They all have their duties; they are in squads and under officers, each assigned to his place and to his particular duty.

It seems to me the reasoning of the Senator would require more than the exclusion of the Mongolian or the Chinese from the deck crew, if the Senator's idea is to be carried out, because in times of peril the entire ship's crew, except those who may be necessary at certain particular points, like the engine room, are required to be on deck. They are assigned to certain posts, and each party has its duty to perform. At least that is my observation. I have not had the experience the Senator from California [Mr. PERKINS] has had in the matter, but, like the Senator from Colorado, I have had the opportunity to see it in a superficial way. It occurs to me that in a time of peril those who are relied upon are not limited to the deck force,

but all of them are called upon to do certain duties at that time, and it is very important that they should perform those duties well for the safety of the ship's passengers.

Mr. PATTERSON. From my observation, not very extensive, the Senator from Georgia is right. All the force—the waiters, those who attend the cabin, and every man on board ship—when peril comes is expected to perform certain preordained duty. I recollect very well we had at stated intervals what are called "fire drills." Upon the clanging of the bell, a signal which they all recognized, waiters, sailors, everybody upon deck apparently rushed to the position they were expected to occupy in the event of a fire; manned ropes that controlled the boats that hung by the davits ready to be dropped into the sea, and took other positions.

The Senator from Georgia is also right when he suggests that the full force expected to do work of that kind should be of a class whose courage would meet any required emergency.

But it does not follow that because you can not have a hundred or two hundred of the right kind of sailors, therefore you can abandon the vessel to the extent of having none. The greater the number of cool, courageous, self-denying men on board a vessel in time of such danger, the less likelihood there is of panic, which usually results so fatally. One brave man, perhaps, may entirely control a half dozen or a dozen who, left to themselves, would prove wholly inadequate for an emergency. If in a crew of 200 men you have 50 men or 75 men upon whom you can rely with a reasonable degree of certainty to perform their duty as becomes men, as becomes brave men and brave sailors, just to that extent the less is the liability of a panic, which is always the cause of the greatest and most serious of disasters.

I realize that it would be useless to insist that the entire working force of a vessel shall be other than Chinese. I would not hope to meet with any encouragement or with much encouragement in this body for a proposition of that kind. But when the object of the amendment is simply to exclude Chinese from that force, with which the American sailors and those who have declared their intention to become American citizens must work upon an equality, must mingle in the same quarters in the vessel, must eat at the same table, and form parts and parcels of the same squad in the different work that the deck hands are required to perform, there should be reasonable hope, in view of the avowed object of this bill, of securing an amendment that will prevent a condition which will stand as an obstacle to having good and reliable sailors on vessels that carry Chinese crews and Chinese help, all except the officers, from the highest to the lowest.

Mr. GALLINGER. Mr. President, I understood the Senator from Colorado to say there were very few steamship lines carrying Mongolians in the crews. Am I correct in that?

Mr. PATTERSON. With the permission of the Senator from New Hampshire, I will say that I understood that none of the lines which touch at Australasian ports, as they are called—Australia and New Zealand—have Chinese on board, because such vessels are prohibited the use and benefits of the port.

Mr. GALLINGER. That is undoubtedly true.

Mr. PATTERSON. Yes.

Mr. GALLINGER. But is it not a fact that foreign steamship lines running in competition with our lines on the Pacific do employ Chinese and Lascars in their crews?

Mr. PATTERSON. I am not sufficiently well acquainted with the facts to say yes or no.

Mr. GALLINGER. I will say to the Senator that every foreign steamship line on the Pacific does.

Mr. PATTERSON. But I would not be a bit astonished if steamship lines that do not touch at ports which prohibit the entrance of vessels with Chinese crews did employ Chinese to a greater or less extent on all their vessels.

Mr. GALLINGER. They also use Lascars, the lowest possible form of seamen.

Mr. PATTERSON. And the Chinese, I suppose, are the cheapest sailors that can be hired upon the sea.

Mr. GALLINGER. Except the Lascars.

Mr. President, this is a pretty important matter. The Chinese question is somewhat acute in this country just now. It is to be investigated, I believe, by a committee of this body. I have very pronounced opinions, which I will not express to-day, as to the treatment the Chinese have received from the Government of the United States in the past. I think we are to reap our reward in due time, as I have always believed we would, but that is not connected with this question. This is a practical business proposition which the Senator projects into the debate.

Mr. PERKINS. With the permission of the Senator from New Hampshire, I should like to call attention to the fact that there is running in competition with the Oceanic Line a Japanese line that receives an annual subsidy of $263,000.

Mr. GALLINGER. That is true.

Mr. PERKINS. The question is, Have they Japanese or Mongolian crews, or have they a Caucasian crew?

Mr. GALLINGER. I do not imagine they have many Caucasians.

As I was about to say, this is a cold business proposition. I have thought from this debate that some Senators would like to blot out the little remnant that we have of an American merchant marine, and it strikes me that this proposition lends color to that impression.

Mr. R. P. Schwerin, the accomplished manager of the Pacific Mail Steamship Company, was before the Merchant Marine Commission in San Francisco. He is a man in whose integrity some of us have implicit confidence, and he was interrogated on this particular point. Mr. Schwerin gave the Commission an illustration of what this would mean. He took the *China*, the *Korea*, and the *Mongolia*, three ships operated by his line, and gave a comparison as to what would be the additional cost to operate those ships with American crews in competition with Japanese ships and with European steamship lines which have mixed crews—Europeans, Asiatics, and Lascars. He said:

> First, the *China*, a trans-Pacific passenger boat of 5,060 gross tonnage. I will designate the crew composed of European officers and Asiatics as a mixed crew against a crew composed entirely of Europeans as a European crew. The *China's* monthly pay roll with a mixed crew is $3,175.52, with a European crew is $6,715, so that the loss per annum operating with a European crew only would be $42,743.76.
>
> Secondly, the *Korea* and her sister ship, the *Siberia*, of 11,284 gross tonnage. The total wages per month with a mixed crew amount to $5,086.03, with a European crew to $11,050.25. The loss per annum operating with a European crew only would be $71,570.64.
>
> Third, the *Mongolia* and her sister ship, the *Manchuria*, of 13,300 gross tonnage. The monthly pay roll with a mixed crew is $4,863.62, with a European crew, $10,075.25. Her loss per annum operating with a European crew would be $62,538.36.

I thought there were three ships, but there are five. It would make a total addition of $176,852.76 per year to the present cost of running those ships, if the Senator's amendment should prevail, and this, be it said, is an American line of steamships that is not receiving any subvention from the Government.

Mr. Schwerin went on to say that he could not get any more freight if he had a European crew, could not earn any more money, and it is a well-known fact that his line is not making much profit, if any, at the present time. And yet by the adoption of this amendment we would compel him either to stop running his ships as American ships or else submit to an enormous loss in operating expenses.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. Does the line of ships that Mr. Schwerin represents receive any benefit under this bill?

Mr. GALLINGER. Not now; but there is a provision in the bill that would give that line a subvention, but Mr. Schwerin has said to the Commission frankly that he doubts very much whether they will accept it because of other conditions in the bill. He has not accepted the subvention under the law of 1891.

Mr. PATTERSON. So it would not disturb his line in the least, because my amendment refers only to those who receive benefits under this bill.

Mr. GALLINGER. Then the Senator enlightens me on that point. If Mr. Schwerin or his line should accept the subvention in this bill, then, of course, it would affect his line. I thought the Senator's amendment was more comprehensive than it seems to be. But I think, even if the proposition applies only to subsidized vessels, that it should still be considered carefully.

Mr. PATTERSON. It simply provides in effect that no compensation or subsidy or subvention provided for in this bill shall be given to vessels that carry Chinese as a part of their deck force or crew.

Mr. GALLINGER. I did not quite catch the wording of the amendment when it was read; but, Mr. President, I am of opinion that in a broad way it will prove a great detriment to the efforts that are being made to get more American ships, and I hope that the Senator's amendment may not be incorporated in the bill.

Mr. FRYE. Mr. President, the amendment offered by the Senator from Wisconsin is much more far-reaching than has been suggested. There is a bill pending before the Committee on Commerce now in relation to the very amendment which he offered, and there are to be hearings, and extended hearings, before the committee in that regard, and I hope that Senators

who have not heard both sides of the case will be very careful when they give consideration to this matter.

Mr. President, now that I am up, I desire to say a few words in relation to the bill and the general subject. I have talked so many times and at such great length on these shipping questions that I do not propose to afflict the Senate with another speech. But I do wish to say a few words.

When I had the floor the other day the Senator from Texas asked me a question, which I see by referring to the RECORD I did not answer. I forgot it entirely, because a colloquy sprung up in relation to the tariff; and I desire now to answer the question asked by the Senator from Texas. He wished to know whether I did not think it was better for the people of this country to pay from a hundred and fifty to two hundred million dollars a year to foreigners for carrying our exports and imports, provided they were carried more cheaply than we could afford to carry them. I emphatically say, no; and I as emphatically say that I believe that four-fifths of the intelligent people in the United States of America would agree with me when I say no.

Mr. President, I believe it would be infinitely better for our country in all of its interests—and this one which we are discussing is, from a national standpoint, the most important of all of them—to take that $200,000,000 paid annually to foreigners for carrying our exports and imports, and with that money start our shipbuilding industry all over the United States, revive it from practical bankruptcy to prosperity, and build ships out of our own materials lying now in the earth, in the shape of iron and coal, and in the forests; employ our own skilled workmen, employ our own material men, instead of employing those of foreign countries, even though it cost us a little more.

And furthermore, Mr. President, I do not agree that they are carrying it any cheaper than we could carry it. Who knows, when there is no competition on our part with them, whether or not they are charging higher prices than we could afford to carry for. The Senator from Massachusetts [Mr. LODGE] a day or two ago, speaking on this very subject, said that there had been a union between all the sailing ships of Great Britain and Germany and France engaged in the carrying trade of our exports and our imports—a union for the purpose of fixing rates and for the purpose of driving out all competition. Is it possible that in fixing their rates they will not fix them at as high a point as the traffic will bear? Whence comes the competition with them? We have no ships engaged in the foreign trade. There is no competition on our part.

Then, again, I am an American, and I confess that it is awfully humiliating to me to travel round the world and never see the American flag except on the homes of the United States consuls or diplomatic officers—no American flag in any port abroad. Here is one of the most powerful and one of the wealthiest countries in the world, a maritime country, with an enormous coast line, over 10,000 miles in extent, with great harbors and great rivers, with a commerce last year, exports and imports, amounting to two billion six hundred-odd million dollars, with iron and coal enough to supply the whole world, with forests without limit, with skilled mechanics and plenty of them, and yet this great nation has permitted its commercial rivals on the oceans to seize upon the great pathways of the seas and exclude us almost entirely from them. I say to me, an American citizen, it is humiliating beyond expression.

Look at it for a single moment and see where we were last year. Last year no American vessel entered or cleared in the foreign trade in the following countries: Austria-Hungary, Denmark, Italy, Netherlands, Russia, Spain, Norway, Sweden, Portugal, Greece, Turkey, Scotland, and Ireland; 1 steamer, France; 2, Germany; 57 clearances for and entries from England, 47 of them the American Line alone. The other 10 steamers were built in expectation of the passage of the shipping bill of 1901. For the entire continent of Europe there were 88 American entries out of a total of 4,154. There were 90 American clearances out of a total of 4,490. Forty-seven of these were of the American Line alone.

It seems to me the people of the United States participate with me in the humiliation. I remember calling the attention of the Senate in a former speech to a singular case. The bark *Hamilton Fish* entered Bergen, the principal port of Norway. The consul at that port imposed upon the ship certain taxes which had been repealed years before. He was notified of the fact. He repaid the money, and as an excuse said: "I have been in Bergen as consul for fifteen years, and this is the only American vessel that has entered that port;" and it is the principal port of Norway. Now, ought not something to be done?

I took occasion to say the other day, with regard to the cost of building ships, that, in my judgment, it made but a small handicap; that it really was the operating of ships which excluded us from the ocean. I took occasion in 1901 to take four or five ships, well known to everybody, and to make exact comparisons, using the pay rolls of the ships themselves, so that there could be at that time no mistake whatever in relation to it, and there have been no changes from then to now in the matter of wages on those ships.

Take three ships—the *St. Louis*, ours, the *Oceanic*, and the *Kaiser Wilhelm der Grosse*. The monthly wages on the *St. Louis*—leaving out the master, for the master is not included in any of these comparisons, and there is more difference in the pay of the masters of American ships than there is in the pay of any other officers—the monthly wages on the *St. Louis* amount to $11,305; on the *Oceanic*, $9,890; on the *Kaiser Wilhelm der Grosse*, $7,715; but the *Oceanic* is a larger and faster ship than the *St. Louis*, and carries 47 more men; the *Kaiser Wilhelm der Grosse* is still larger, and carries 120 more men. Now, if you reduce the *Kaiser Wilhelm der Grosse* to the same size and speed as the *St. Louis*, and reduce the *Oceanic* to the same size and speed and the same number of men with the *St. Louis*, you will find that the German ship is running monthly, on wages and food alone, for one-half what it costs the *St. Louis*, and that the British ship has the advantage over the American ship of one-third.

Now, take the Pacific Mail Steamship Line. On the *City of Sydney* the monthly pay roll amounts to $3,675, while on a corresponding ship under the Chilean flag it is $1,480—more than twice greater on the American ship. Take the Pacific Mail steamship *Peru*, with monthly wages of $3,835, and the corresponding ship under the Chilean flag, with monthly wages of $1,726. Take the American ship *Cherokee*, which was wrecked only the other day, sailing from New York to Santo Domingo, and the year's wages are $16,620, while on the British ship *Cricket*, of the same size, they are $10,219. Take the German ship *Sonnigsberg*, about the same size, and they amount to $7,500, less than one-half of the *Cherokee*. Take the Dutch ship *Teutonic*, and they amount to $6,643, in place of $16,620 on the *Cherokee*. Take the Norwegian ship *Fortuna*, and they amount to $6,128 instead of $16,620 on the *Cherokee*.

Now, I appeal to any intelligent man to show me how you are going to run an American ship against a British or a Norwegian or a Chilean or any other foreign ship. It can be done in only one way, and that is for the Treasury of the United States to equalize the conditions between the ships. Why should it not equalize the conditions when the Government protects every other industry in the entire country? Why should it neglect utterly and entirely and leave to the mercy of these foreigners that interest which from a national point of view is of much more value to the Republic than any of the other industries?

When the bill in 1901 was pending, it passed the Senate. The friends of the bill had the assurance that it would pass the House. I had no doubt about it at all. Shipbuilders wrote to me and asked my opinion. I gave it to them frankly, and they believed that it would become a law, and immediately on the strength of that belief they commenced working in their shipyards and building great ships and ships of great speed, to be engaged in the foreign trade. I know from every one of them that the ships were built alone in that expectancy. I will name the ships. The first one, the *Korea*, was commenced before that time.

Date of completion.	Vessel.	Gross tons.	Speed according to Lloyds'.
			Knots.
1902	Korea	11,276	13
1902	Shawmut	9,606	
1902	Kroonland	12,760	16
1902	Tremont	9,606	
1902	Siberia	11,284	18
1902	Finland	12,760	16
1902	Massachusetts	7,913	12
1903	Mississippi	7,914	12
1903	Maine	7,914	12
1903	Mongolia	13,638	16
1903	Missouri	7,914	12
1904	Manchuria	13,638	17

Every one of those ships was built and ready for sea in 1902 and 1903, entirely in expectation that that bill would become a law. If it had become a law, instead of carrying, as we did last year, only 12 per cent of our enormous commerce, amounting to two billion six hundred and odd million dollars, we would have been carrying at least one quarter of it by this time.

What effect did that have upon our carrying trade? In 1900

we carried but 8.2 per cent of all of our exports and imports, only 6 per cent of our exports; and immediately we began to increase in our carrying. In 1903 we carried 9.1 per cent; in 1904, 10.3 per cent, and in 1905, 12.1 per cent, entirely due to the fact that these ships had been built in the expectation that that bill would become a law and put them into commission on the ocean.

Mr. SPOONER. Were they laid up?

Mr. FRYE. Not at all. Four or five of them have been sold already, because it is difficult, I will say to the Senator from Wisconsin, to lay up a nice ship of thirteen of fourteen thousand tons. It is almost impossible to lay her up; it is better to run her at a loss than to lay her up, because she deteriorates very rapidly, like an untenanted house.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. FRYE. With pleasure.

Mr. SPOONER. Does the Senator expect from the operation of the bill, if it becomes a law, any diminution in the difference between the cost of operating American ships and the cost of operating the competitor ships?

Mr. FRYE. No; the Senator does not; but the Senator expects the Treasury of the United States to pay the difference.

Mr. SPOONER. Forever?

Mr. FRYE. I should hope, forever; at any rate, until we had recovered our place on the ocean. If we once recovered our place on the ocean we would hold it, I have no doubt.

Mr. SPOONER. Then, out of the Treasury is to be contributed enough money to make up the difference until we have recovered our place on the ocean?

Mr. FRYE. A republic that is building a canal that will cost anywhere from $200,000,000 to $300,000,000 for the accommodation of foreigners almost entirely can afford to pay a reasonable sum for taking care of its ships on the ocean.

Mr. SPOONER. I was only trying to get the Senator's opinion. I want to say to him that in large part we are building the canal in order to be able to run our *Oregon* between the west and the east coast when the safety of the country demands it without going around the Horn.

Mr. FRYE. I understand that it is to be coastwise so far as we are concerned—at any rate, coastwise so far as coastwise vessels are concerned—but the foreign ships, the large ships, will be the ships that will use it. I could not help thinking of the Galveston Harbor improvement when the Senator from Texas [Mr. CULBERSON] was on the floor speaking about the gentleman who wrote him in relation to the matter of these subsidies. I think I had a good deal to do with it, too. I have been chairman of the Committee on Commerce for a good many years, and I have yet to find any Senator from the South complain that I have not been liberal in that regard. It was at my instigation that an amendment, prepared by me for the first time, that that wonderful improvement in Galveston Harbor was made possible. We had been expending year after year two or three hundred thousand dollars, and then the winds and the waves every other year would sweep away the expenditure of money that we had made. Finally I put into the river and harbor bill a continuing-contract clause by which the entire contract could be made at once and then be paid for from time to time. We have spent in the neighborhood of $5,000,000 on that harbor and just one American ship uses it.

Mr. GALLINGER. And that a schooner.

Mr. FRYE. And that is a schooner. I think that is a commentary.

Mr. President, I did not intend so much as I have been saying, but I wish to add a word or two more. I appointed this Commission, so far as the Senate was concerned. I selected the best men, I thought, for the business. And yet I did not have much confidence that they would accomplish much of anything. I regarded the proposition of the President of the United States for a commission as simply a tub to be thrown to the whale. I have been most agreeably disappointed. I do not believe there was ever a commission appointed by the United States Senate that has done more intelligent, faithful, honest, and wise work than this Commission which I had the honor of appointing and I congratulate them that they disappointed me so greatly in this regard.

This bill, after all of the evidence they have taken, is the result of their opinions and judgments from that evidence. To say that it is satisfactory to me I can not, because it does not go nearly so far as I would wish a bill to go. It leaves the North Atlantic without any ships whatever. It provides for no swift, high-powered ships fit for scouts in case of war. But I do not wonder that the Commission came to those conclusions, because, when the bill which I had the honor to report from the Committee on Commerce and undertake to get through the Senate was pending, the complaint was vigorously made in the Senate by a few on our side, by the many on the other, that we were building great and fast ships and were not paying attention enough to ordinary freighters. This Commission has attended more to ordinary freighters than it has to large and fast ships, but so far as the bill goes it is, in my judgment, an admirable one, and I am heartily in favor of its being enacted into law.

Mr. PATTERSON. Mr. President, I want to say a few words in reply to the Senator from New Hampshire [Mr. GALLINGER] with reference to the amendment that I offered.

While the Chinese question is acute, and I have no idea of precipitating any discussion upon the Chinese question, it is not too acute when the object of the Government in a shipping bill is to lay the foundation for a large force of American sailors available for the defense of the country, if that shall be needed, and that is calculated to give safety and confidence to American men and women when they take a voyage across the ocean.

I wish to correct some figures I gave somewhat tentatively, or rather doubtingly, a moment ago, and I think when I correct them the Senator from New Hampshire will have even less objection than he had when he understood the limited scope of the amendment I offered.

The number of men embraced in the term or phrase "deck force or crew" is about 10 per cent of the force. For instance, on the *Manchuria*, with a full working force of somewhere in the neighborhood of 400—between 350 and 400—the deck force or crew numbers about forty, and on the smaller vessels about twenty-five.

So the Senator from New Hampshire will see that this amendment, if adopted, and it seems to me the Senator should be willing that it should be adopted, will remove an obstacle to the efficient class of sailors that I have no doubt in the world he is anxious to secure upon every American vessel. A little reflection must tell him that upon any American vessel that ships Chinese as a part of its deck crew or force it is practically impossible to unite with them American sailors or Europeans who have declared their intention to become American citizens.

Under those circumstances it seems to me that there ought to be little or no objection to the amendment. It will tend very materially to forward what the Senator from New Hampshire says is the main purpose of this bill, or one of the two main purposes; first, to build up a splendid force of American sailors both on the Atlantic and on the Pacific coasts, as well as to encourage the construction and the sailing of American vessels. I ask the Senator from New Hampshire to consider whether he will not permit the amendment to be adopted, and thus remove some obstacles in the way.

I offer, Mr. President, an additional amendment, and, as it might be considered somewhat radical, I ask the Senator from New Hampshire to pay attention to its reading, lest he might allow it to go unchallenged.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be read.

The SECRETARY. Strike out sections 2, 3, 4, 5, 6, 7, and 8 of the bill and insert in lieu thereof the following:

That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States the rates of duty provided for under the revenue laws of the United States: *Provided*, That upon all articles dutiable under said laws brought into the United States in any vessel hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States, including as such citizens any corporation created under the laws of the United States or of any of the States thereof, the rates of duties to be levied, collected, and paid shall be reduced 10 per cent of the rates leviable under said laws.

Mr. GALLINGER. Mr. President, when the Merchant Marine Commission was created a majority of that Commission was in favor of discriminating duties. The distinguished Senator from Maine [Mr. FRYE], in appointing that Commission, distinctly stated, standing just where he does at the present moment, that he placed the Senator from Massachusetts [Mr. LODGE] on the Commission because he was in favor of discriminating duties. The Commission performed the duty assigned them to the best of their ability, and I thank the Senator from Maine for publicly recognizing it. We did the best we could; and when we got through our investigation a very large majority of the Commission was of opinion that discriminating duties under existing conditions were utterly impossible. The Senator from Florida [Mr. MALLORY] since that time has made a suggestion that we might return to them, but I am sure the Senator from Florida is not very insistent upon that.

Mr. FRYE. Will the Senator from New Hampshire allow me right there?

Mr. GALLINGER. Certainly.

Mr. FRYE. It will be remembered by some Senators that I selected a committee of twenty-five expert men on shipping questions; that we worked some four or five months, that when we started into the work a majority of them were for trying the

discriminating duties, and when we closed there was not one in favor of discriminating duties.

Just one word more. The proposition, coming from where it does, undoubtedly reduces the duty 10 per cent. The fathers started by reducing the duty 10 per cent. It did not last a great while. They then changed it to an increase of the duty 10 per cent.

Mr. GALLINGER. I was simply going to add, Mr. President, that I have always been puzzled when a Senator opposes a subvention or subsidy which takes money directly out of the Treasury for a purpose such as is contemplated in the pending bill, frequently upon the ground that it is unconstitutional, and at the same time claims that it is all right and constitutional to halt money before it gets into the Treasury and apply it to the same purpose. I confess I have never been able to work out to my intellectual satisfaction what the difference really is. If there was not any reduction of duty on the articles imported in American ships, the added money would go into the Treasury and be paid out, as this bill contemplates; while in the other instance the money is halted outside of the Treasury and is applied to substantially the same purpose. I have never been able, I say, to intellectually satisfy myself as to the line of reasoning which leads Senators to the conclusion that there is any substantial difference between those two methods.

But, Mr. President, the Commission with which I was humbly associated deliberately reached the conclusion that under existing conditions it would be idle to return to discriminating duties, inasmuch as from 65 to 75 per cent of our imports from countries where we want to establish trade are to-day on the free list and also from the fact we have thirty-odd commercial treaties with other countries that would have to be abrogated in whole or in part before we could do this thing. I am somewhat astonished that the Senator from Colorado revives that plan. I feel sure that whatever else we do we can not safely adopt that system, which did work well in the days of the fathers, when almost all our imports were on the dutiable list and when we had not any commercial treaties to trouble us. I think the Senator will himself conclude that the conditions have changed so materially that it is not possible for us to adopt that old system.

Mr. PATTERSON. Mr. President, I am afraid there were too many stand-patters around that Commission. Perhaps there was a goodly number upon the Commission. But we know that the present tariff law is regarded as a sort of fetich upon which if you make a scratch or distort a member, or in anywise change it, you have committed the unpardonable, the unforgiven sin. I can well understand how when those who started in with a proposition that the way to build up the American Navy was by discriminating duties they were taken aside and one by one convinced that it would be a crime, that it would be unpardonable, to attempt to make a single inroad upon the present tariff system. For once you make a break, once you reduce a single schedule, then came the flood, and with the flood, I imagine, the reform, of which so many of our friends who are interested in maintaining this high protective tariff stand in awe.

Mr. President, so far as the treaties are concerned, I had occasion to examine into that question, I think it was last year, and I found that there was not one treaty which could not be gotten rid of within a year. All the President or the proper Department has to do is to announce that the treaty, either in whole or in part, is abrogated, and soon treaties would be entered into that would be void of the impediment which now stands in the way of any discrimination in the matter of duties. So far as that is concerned, then, it is no serious obstacle.

The only question is, will we enter upon this plan for the upbuilding of American shipping? Do we really want to give pleasure to the Senator from Maine when he visits foreign ports, that pleasure which is above everything else to him when absent from his own country—the American flag flying at the mast of an American ship? If that is the real desire of the Congress, there is no more certain and definite way of securing the change than by this system for the upbuilding of the American marine.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. PATTERSON. With pleasure.

Mr. ALDRICH. As I understand the opinion and purpose of the Senator from Colorado, he is in favor of having the American flag fly upon a foreign-built ship?

Mr. PATTERSON. No, Mr. President; the Senator from Rhode Island did not understand my amendment as it was read.

Mr. ALDRICH. I was thinking about the Senator's discussion of it and not about his amendment.

Mr. PATTERSON. We have American-built vessels now and those that are at this time duly registered.

Mr. ALDRICH. I thought the Senator was in favor of free ships?

Mr. PATTERSON. Mr. President, I am not going to say that I am or that I am not, but surely this amendment that I have offered has no reference whatever to free ships. It provides for the American-built ship. Now, what would the result of this be, Mr. President? Ten per cent of the duties collected annually would be how much? I am not familiar now with the amount of duties that are collected.

Mr. ALLISON. About $250,000,000; from that amount to $300,000,000.

Mr. PATTERSON. Well, 10 per cent of $250,000,000 would amount to $25,000,000. With that prize before the American merchant, with $25,000,000 as the incentive to the importer of foreign goods into this country, he would always give preference to an American vessel. The difference is so great and the demand for American vessels would be so pronounced, that with this amendment upon the statute books, before three years, in my opinion, we would find the percentage doubled and trebled; and just as quickly as vessels could be built in the United States they would take their place in our foreign shipping trade and supplant the foreign vessel.

There is a very considerable difference, it seems to me, at least to the people of the country, as to whether all the tariff duties shall be collected and paid into the Treasury and then cashed out upon warrants in the nature of subsidies and the like, or whether the Dingley tariff shall be reduced 10 per cent to the extent that American vessels will bring foreign-made goods into the United States. There is a very vast difference. The result would be, counting the charge for freights and counting the reduction of the tariff, that there would be a percentage upon the right side of the balance for the people of the country; and to that extent every man, woman, and child in the United States would receive some benefit from it. At the same time the process of weeding out foreign vessels would commence, and would progress with accelerated speed from month to month and from year to year until, if this incentive should be continued for a number of years, the old-time percentage of American commerce would be found carried in American bottoms. No good reason can be offered why this amendment should not be adopted, except that it is in opposition to the creed of the "stand-patters."

Mr. ALDRICH. Does the Senator seriously think that an amendment of this kind could be adopted by the Senate?

Mr. PATTERSON. I am afraid there are too many stand-patters in the Senate for that.

Mr. ALDRICH. I do not mean that.

Mr. PATTERSON. There are too many worshipers of the fetich.

Mr. ALDRICH. Constitutionally, I mean.

Mr. PATTERSON. I can see no trouble from the Constitution in a provision of that kind, and if there is I trust that my constitutional friend from the State of Rhode Island will point out wherein this would in anywise impinge upon the Constitution.

Mr. ALDRICH. I understood the House of Representatives claimed the right under the Constitution to originate such legislation.

Mr. PATTERSON. The prime object of this, Mr. President, is to increase American shipping interests. The matter of revenue is a secondary consideration. The main object of this bill and of this amendment to the bill is to offer an inducement, a great inducement, one that will be effective, to American merchants and importers to see to it that their goods are carried in American ships—vessels registered under the American law and flying the American flag. I have no doubt in my mind about the Constitution in any wise interfering with the amendment. If the Senator from Rhode Island would lead off—and he comes at the head of the list—in voting "yea" for this amendment, it will be adopted and all trouble will disappear.

Mr. CLAY. Mr. President, when the ship-subsidy bill known as the "Hanna-Frye bill" was before Congress in 1902, I discussed it at length and gave the views I entertained in regard to the measure. The bill came before the Senate at the next session and we passed it. That bill never passed the House. It is my purpose to-day to occupy but a very few minutes of the time of the Senate in discussing the pending bill.

I recognize the fact that the Senator from New Hampshire [Mr. GALLINGER] has devoted much time to this measure; he has worked diligently, as he does upon all matters pertaining to legislation; but, Mr. President, I have examined the bill with care, and I can not give my consent to its passage.

I want to call the Senator's attention to the first section of the bill. The first section of the bill provides that every employee, both sailors and officers, in the service of the owners of ships engaged in the coasting trade or in our foreign trade shall be entitled to become a part of the naval reserve. I want to call the Senator's attention to the fact that more than 70,000 persons are employed by the private shipowners of the United States in our coasting trade, in our foreign trade, and on the Great Lakes, and every single one of those employees will be entitled to become a member of the naval reserve and draw a salary out of the Treasury of the United States.

The Senator is fully aware of the fact that this naval reserve will not be of any special benefit or perform any special service for the Government of the United States. It is true that it is provided in the bill that in the event we should have war and the President should desire to have the services of this naval reserve he may call on them; but we know, Mr. President, that that is not the object and purpose of a naval reserve. The object and purpose of this naval reserve is to make the Government of the United States pay to the private employees of the owners of ships an additional salary to that which they draw from their employers in order to make their pay equal to the pay of those employed in foreign ships. This is called a naval reserve simply for the purpose of trying to show that the Government is to receive some service for this expenditure.

I want to call the attention of the Senator from New Hampshire to this fact, as I remember the speech that was made by the Senator from Ohio, Mr. Hanna, when this subject was pending here before. It was contended that the officers and the petty officers on foreign ships and American ships received practically the same salary, for I have now a speech that was made by the distinguished Senator, and I want to call attention to the fact that the officers on foreign ships to-day receive practically the same salary that officers and petty officers receive on American ships. The difference in wages is not as to officers, but the difference in wages to a large extent is as to the common sailor, and the money paid in this instance—the difference—is practically paid to the officers and not to the common sailors.

Again, you will find, Mr. President, between thirty and forty thousand men employed on our ships in the coasting trade. The coasting trade belongs to American ships. Foreigners can not come in here and engage in our coasting trade. I am at a loss to know why we should pay a part of the wages to the owners of ships engaged in the coasting trade for the purpose of building up our foreign commerce. I apprehend that in all probability there will be a membership equal to fifteen or twenty thousand in this naval reserve from the coasting trade, and why we should pay them a salary out of the Treasury of the United States to increase the pay that the owners of the ships are paying them to-day I am utterly unable to understand. I understand that most of the naval reserve will be made up from the employees engaged in the coastwise service.

Now, I want to call the Senator's attention to another fact. You take the Hanna-Frye bill. That bill was to continue in operation for a period of twenty years, and at the end of twenty years the subsidy proposed to be given by it was to stop; but you take the bill we now have before us and there is no limit to the subsidy. The subsidy, it is true, is not paid to a particular ship after ten years. That is presumed to be the life of a ship. But then there is a new ship, and this subsidy is immediately given to the new ship, and it goes on indefinitely.

The Senator from New Hampshire says that Congress may ultimately repeal this law. But my observation has taught me that when you show special favoritism, when you make donations to a private interest for that interest to carry on its business, it is a difficult task to secure its repeal by Congress. Suppose the subsidy goes on for a period of ten years and until $40,000,000 every year shall be paid out of the public Treasury for the purpose of aiding our shipowners. When Congress attempts to repeal it, you will find a lobby here in this Capitol protesting against it and declaring that American interests will be destroyed by virtue of the repeal of this law.

Mr. President, if you are going to have a subsidy, it ought to be for a certain period of time, and at the end of that time it ought to stop.

The Senator from Iowa [Mr. ALLISON] raised a point that nobody has answered. I have examined the bill critically, and if that Senator is not correct in his interpretation of it, I can not understand the English language. The Senator says that this bill is intended to build up our foreign commerce; that it is intended to have American products carried in American ships—our exports and our imports—but if you will take this bill and read it, as was stated by the Senator from Iowa, you will find that the American ship, under this bill, can sail away from an American port and go across the ocean to a foreign country and can spend almost an entire year going from port to port in foreign countries and then come back to America and draw this subsidy.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly.

Mr. GALLINGER. Mr. President, while I am not profoundly impressed with that objection to the bill, yet I will say to the Senator from Georgia that I have offered an amendment this morning which I think will remove that objection.

Mr. CLAY. I did not know it. I presume the amendment, then, must have been offered to-day in the Senate.

Mr. GALLINGER. Yes.

Mr. CLAY. The Senator from Maine [Mr. FRYE]——

Mr. GALLINGER. Did I understand the Senator correctly to say that this bill was going to cost $20,000,000 a year?

Mr. CLAY. No; I did not. I said the time might come when it will cost $40,000,000 a year. There is no telling how much it will cost twenty-five or thirty years from now.

The Senator from Maine [Mr. FRYE] made a very happy speech. The Senator from Maine always makes happy speeches, and I do not know of any man that I would rather have on my side of a cause than the Senator from Maine. That Senator said that we were paying $200,000,000 a year to the owners of foreign ships to carry our commerce abroad, and that we do not pay it to the owners of American ships because the owners of American ships could not carry our exports as cheaply as the owners of foreign ships could carry them.

Mr. GALLINGER. Oh, no; the Senator is mistaken. The Senator from Maine said we did not do it because we had not the ships.

Mr. CLAY. Well, it amounts to the same thing.

Mr. GALLINGER. Oh, no.

Mr. CLAY. It amounts to the same thing, because the Senator from Maine intended to say that the Germans, the French, the Norwegians, and the English can build and operate ships more cheaply than we can, and consequently they can carry freights much cheaper than we can, and therefore Americans did not invest their money in the shipping business.

Mr. GALLINGER. If the Senator from Georgia will permit me, I am sure the Senator from Maine and no other Senator in this body has ever made that suggestion.

Mr. CLAY. I think the Senator from New Hampshire is mistaken. The Senator is usually correct, but I think he is mistaken in this instance.

Mr. GALLINGER. If the Senator will permit me, I will call his attention to the fact that on the Great Lakes, where we have nothing but American ships, we have the cheapest transportation in all the world.

Mr. CLAY. The Senator does not contend that, if all of the products of our farms and factories were carried in American ships, our freights would be carried any more cheaply than they are now carried in foreign ships?

Mr. GALLINGER. I do not contend that; but I have no doubt they could be carried as cheaply.

Mr. CLAY. They might be carried as cheaply if we paid them enough to make up the difference; but I have never been able to make up my mind to tax the farmer, the merchant, the shoemaker, and the banker and take money out of their pockets to enable any private interest to be carried on unless the public is to be served by such taxation. Now, if the Government is to receive a service by reason of a subsidy, if the Government is to be benefited—that is, if the American people as a whole are to be benefited—then there might not be any objection to it.

Mr. GALLINGER. Well, Mr. President, that is exactly what we contend, that the entire American people will be benefited.

Mr. CLAY. The Senator from Maine said that the $200,000,000 we pay foreigners for the purpose of carrying our exports and imports would be utilized by Americans in building ships in this country. The farmers and the manufacturers undoubtedly would have to pay the same amount in freight that they pay at this time.

A great deal has been said, Mr. President, about wages. I only intended to occupy a limited time of the Senate. The Senator from Maine read some interesting figures. I have some figures here which were furnished me, that came from the Commissioner of Navigation, which I used heretofore in the argument of this question. I then said:

> A critical examination of the wages paid American and foreign crews will show that many of the employees receive practically the same wages. Examine the wages paid the entire crew of the fast American liner *St. Paul* and the fast Liverpool passenger liner *Campania*, and you will see that more than one-fourth of these crews on the foreign and American lines draw practically the same wages.

Let us take the English ship. The chief engineer on an

English ship receives $150 per month; the American engineer on the same class of ship receives $150 per month; the first engineer on an English ship receives $100 per month, and on an American ship he receives $100 per month. Now, take the junior first assistant engineer. On an American ship he receives $85 per month, and on an English ship he receives $82.50 per month. Take the second senior engineer. On an American ship he receives $70 per month and on the English ship $72.50. Go on down the list, and you will find that the fourth engineer on the English ship receives $67.50 and on the American ship $67.50.

If you will take the common sailors, you will find that the common sailor in England receives $23.75 and in the United States $25 per month.

Mr. President, I will ask that the entire table from which I have read may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The table referred to is as follows:

The crew wages on the American line are as follows:

Chief officer	$120.00
Second officer	70.00
Third officer	60.00
Fourth officer	40.00
Chief engineer	150.00
First assistant engineer	100.00
Junior first assistant engineer	85.00
Extra first assistant engineer	85.00
Second senior engineer	70.00
Junior second engineer	65.00
Senior third engineer	60.00
Junior third engineer	55.00
Fourth engineer	50.00
Carpenter	50.00
Carpenter's mate	35.00
Boatswain	37.50
Boatswain's mate	27.50
Master at arms	25.00
Sailors	25.00

Making the total thus far of the American line, $1,210. Now, take the English line for the same class of employees:

Chief mate	$100.00
First officer	75.00
Second officer	62.50
Extra second officer	55.00
Third officer	50.00
Fourth officer	45.00
Chief engineer	150.00
Senior second engineer	100.00
Second engineer	82.50
Senior third engineer	75.00
Third engineer	72.50
Senior fourth engineer	67.50
Fifth engineer	60.00
Carpenter	40.00
Joiner	37.50
Boatswain	37.50
Boatswain's mate	27.50
Master at arms	22.50
Sailors	23.75

Making the total of $1,211.

Mr. CLAY. I want to call the Senator's attention to the fact that the donations proposed in this bill for those who are to constitute the naval reserve range from $110 per year, I believe, to $24 per year. Officers are to be paid from $110 to $75 per year and the common sailor $24 per year.

I do not desire to go through this bill. I do not desire to discuss the different features of it; but I believe the time will come when American shipping will take care of itself. To say the least, Mr. President, you are beginning a system to-day that is to last indefinitely, so far as this legislation is concerned.

I understood the Senator from Maine—and he is always accurate—to say, in substance, that in ten or twelve years, in all probability, we could build ships as cheaply as any other country in the world. Then, if you are going to grant subsidies, if you are going to help American ships engaged in foreign commerce, why not provide in your bill that it shall last for a period of ten, twelve, or fifteen years?

If I remember correctly, even the Senator from Maine, who drafted the bill which passed the Senate some years ago, placed in that bill a provision that it should last for a period of twenty years; and I think the bill which was discussed at a previous session also provided that it should last for a period of twenty years.

Mr. President, to-day you are beginning a scheme that will eventually take an enormous amount of money out of the Treasury of the United States. I do not believe, where capital can not be invested in any enterprise or business that will prove successful, that the other business interests of the country ought to be taxed to assist that business in being carried on in a profitable way. I know railroads that have failed in business and have gone into the hands of receivers. I know banks that have failed and gone into the hands of receivers. I know farmers that have failed and gone into the hands of receivers. I know merchants who have failed and gone into the hands of receivers; but what right have these private business interests to come to the American Congress to ask assistance in carrying on their respective businesses in a successful way? Take every calling. Lawyers are often wrecked in their business, and so are merchants, and so is every business in this country. A few years ago the farmer of Kansas was not making a living, and was burning his corn for fuel; but, Mr. President, who would say that these men who have made a failure in the race for wealth ought to come to Congress and ask assistance in their business because they have made a failure? I say we are beginning a system to-day which, if ingrafted into law, will cost this country millions upon millions of dollars in the end.

Mr. GALLINGER and Mr. NEWLANDS addressed the Chair.

Mr. GALLINGER. I always like to yield to my friend, and will in a moment.

Mr. NEWLANDS. Very well.

Mr. GALLINGER. The Senator from Georgia has opened up a pretty wide avenue for discussion if we only had time for it, but we have only an hour left. The Senator called attention to the fact that somebody at some time—and I believe he quoted the Senator from Maine [Mr. FRYE] and the Senator from California [Mr. PERKINS]—said that we will be building ships after awhile as cheaply as foreign governments are building them.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. Certainly.

Mr. FRYE. That was not what I said. I said that if we gave the necessary assistance——

Mr. GALLINGER. Exactly.

Mr. FRYE. And the American merchant marine could be revived, I had no doubt but that, building ships by wholesale, we would in time build them as cheaply as they build them in England.

Mr. GALLINGER. I will repeat what I said on a former occasion, that I entered a shipyard in Philadelphia and I found on the stocks a battle ship, a cruiser, a coastwise vessel, a ferry boat, and a yacht—those five ships. Those of us who know something about mechanics are aware of the fact that there can not be any economy practised in building ships under those conditions. The Senator from Georgia, if he should go into the hat business would find it a pretty expensive matter to make one hat, but after he had made his one hat and gotten his machinery and his patterns he could make a thousand hats for a fraction of what the first hat cost. There is the difficulty in our shipbuilding.

Aside from the great advance in wages that we pay over foreign countries is the fact that we can not standardize shipbuilding. We are not building five or ten or twenty ships of the same type, where mechanics can make economies in labor and in material, but we are building ships in a desultory way in our shipyards, one of one type and another of another type. If, under those conditions, anybody has been wild enough to suggest that we are ever going to be able to build ships as cheaply as they are built on the Clyde or in Germany or France, I am certainly surprised. I do not think that anyone entertains that notion. It can not be done.

The Senator from Georgia quoted some figures—I did not understand him to say where he got them—to show that wages on American ships are not more expensive than wages on foreign ships. That refutes every——

Mr. CLAY. I said the wages of officers. I did not say wages of sailors. I think the sailors of foreign countries are not paid as highly as our sailors are.

Mr. GALLINGER. Well, Mr. President, what the Senator says refutes every bit of testimony taken by the Merchant Marine Commission, and we have here almost a page in the index devoted to the question of wages. If the Senator would examine that testimony, he would find that every man who was qualified to give an opinion showed us conclusively that the wages of officers on American ships were from 50 to 75 and in some cases 100 per cent greater than the wages of officers on foreign ships. So that I think the contention on that point really is not worth very serious discussion.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. Certainly.

Mr. FRYE. The Senator from Georgia quoted the wages paid to common sailors on American ships at $25 per month and on foreign ships at $23. On the Pacific coast they are paying now $45 for common sailors, and then they are using them as steve-

dores at the port of entry and the port of clearance, and some of them make as high as $100 a month.

Mr. GALLINGER. Certainly. The Senator from Georgia is disturbed because this subvention or subsidy is to be taken out of the taxpayers of the country and paid to a favored class. Mr. President, that does not disturb me at all. It is precisely in the line of what we are doing in our legislation every day, and we are certainly entitled to do it if it is designed to build up American commerce, and, incidentally, to benefit the people of this country. I will show a little later that that is the inevitable result of our policy. Why, Mr. President, we have spent tens of millions of dollars in ports of the Southern States to dredge channels for foreign ships, not for American ships; we have spent tens of millions of dollars in the harbors of Baltimore, Philadelphia, Boston, and New York, in deepening them——

Mr. CLAY. Will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. I yield to the Senator. I should have liked to have finished my sentence, but I yield.

Mr. CLAY. Does the Senator think that the harbor of Baltimore or the harbor of New York is local in its nature? Does it not belong to the entire country?

Mr. GALLINGER. Not any more than the commerce of the entire country—not a bit more, not so much so. I say we have spent millions of dollars in deepening our harbors. What for? To allow foreign ships to come to our docks, not for American ships. We have spent millions and millions for that purpose. Last year we spent almost $4,000,000 to light our coasts, and we got back something less than a million dollars in tonnage taxes, and that expenditure was almost entirely for foreign shipping, not for American shipping. We have spent millions of dollars—I will not undertake to say how many—to build dikes along the Mississippi River for no other reason in the world than to protect private property—and I speak advisedly when I say that—yet the Senator from Georgia and his associates did not rise up here and denounce it as an outrage that the people of the country should be taxed to build those dikes to protect private property. I will not elaborate on that point. It is only when a ship is mentioned that this contention is raised, and every time a ship is mentioned then it is denounced as an outrage and a robbery of the American people to benefit a favored class. I have not a bit of sympathy with that view, and I do not believe the Senate of the United States has very much sympathy with it.

I think, Mr. President, I will ask the privilege of the Senate—it is not my right—to occupy about ten minutes in closing the debate with some observations that I should like to make. It will not take more than ten minutes, and, after speaking a moment in regard to the value of sailing ships, I will then yield to other Senators.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. HALE. Does the Senator wish to go on now? There are one or two things that I should like to say, if the Senator does not wish to go on.

Mr. GALLINGER. I only desire to make a suggestion about sailing ships. It has been said that the sailing ship is not of much account and that we ought not to give any subventions to sailing ships. I shall be very brief on this point.

Mr. HALE. I will follow the Senator.

Mr. GALLINGER. The value of the sailing ship in training young seamen is such that some foreign governments subsidize vessels for this express work, and those governments also encourage the large steamship companies to maintain sailing vessels for this purpose.

Many of the best steamship companies require that their officers shall have served for a certain time on sailing vessels.

Most of the present school ships of the United States Navy, both for the cadets at Annapolis and the apprentices and other young seamen, are either steam vessels with large sail power or sailing vessels exclusively.

The three latest school ships for the United States Navy, built with steel hulls—the *Severn*, the *Cumberland*, and the *Intrepid*—are square-rigged sail vessels.

It is expected that the effect of this subvention will be to keep afloat just about enough sail vessels to train our seamen.

I was interested the other day in reading a dispatch from Bremerhaven, as follows:

> At Rickmer's shipyard here to-day there was launched the biggest sailing ship in the world. The length of the craft is 438 feet, her breadth is 54 feet, and she is of 8,000 tons burden.

Showing that in Germany they have not yet abandoned the idea of building even large sailing ships.

Mr. PENROSE. I should like to say, if the Senator will permit me——

Mr. GALLINGER. I yield to the Senator.

Mr. PENROSE. I should like to state on this point that the States of Pennsylvania and New York and for all I know many of the other Atlantic seaboard States maintain sailing ships for the purpose of training seamen. Young boys are put out at an apprenticeship and educated.

Mr. GALLINGER. And it is the best school in the world for them.

Mr. President, the Senator from Iowa [Mr. ALLISON] suggested that we ought not to subsidize sailing ships of a tonnage as low as my first amendment proposed, and I think he was right. I offered first an amendment providing that sailing vessels of 100 tons should receive the subvention. I think the amendment I offered to-day making it 200 tons is much better, and I trust it will be acceptable to the Senator.

I have looked up the number of sailing vessels on the Atlantic and Pacific oceans and will present the facts briefly.

ATLANTIC OCEAN.

Number of sail vessels engaged for 100 days or more in foreign trade during calendar year 1904	138
Number of less than 500 gross registered tons	91
Number of less than 200 gross registered tons	16
Number of less than 150 gross registered tons	4

PACIFIC OCEAN.

Number of sail vessels engaged for one hundred days or more in foreign trade during calendar year 1904	52
Number of less than 500 gross registered tons	10
Number of less than 200 gross registered tons	2
Number of less than 150 gross registered tons	0

ATLANTIC OCEAN.

Number of sail vessels engaged for one hundred and eighty days or more in foreign trade during calendar year 1904	64
Number of less than 500 gross registered tons	48
Number of less than 200 gross registered tons	8
Number of less than 150 gross registered tons	2

That exhibit shows that if we put the tonnage up to, say, 500 it will exclude almost the entire number of our sailing ships so far as the proposed subvention is concerned, and we surely do not want to do that. Putting the tonnage at 200 will save a considerable portion of our sailing ships and give them the benefit of the provisions of this bill. Now I yield.

Mr. NEWLANDS. Mr. President, yesterday I submitted some views regarding section 6, which provides for twelve mail lines, at an annual subsidy of $2,600,000. I have since prepared a motion on that subject, which lies on the table and will come up for a vote at 5 o'clock. I wish briefly to explain the purpose of the motion.

Section 6 provides, as I have stated, for twelve mail lines, to South America, Central America, Cuba, the Philippine Islands, Australia, and other countries. The total annual subsidy provided for by this section is $2,600,000. That means for ten years a total expenditure of $26,000,000, and it means for a period of twenty years—and doubtless at the end of the period of ten years a further period of ten years will be asked—an expenditure of $52,000,000.

Now, as I understand, one of the purposes of this proposed act is to encourage the building of ships supplementary to the war ships. I understand that the average tonnage of such ships as are recommended by the General Staff of the Army is 6,500 tons, and I understand, further, that the cost of each ship with a tonnage of 6,500 is about $1,000,000. I inquired of the Senator from New Hampshire as to what number of ships would cover this entire service. His estimate was that about thirty ships would be required—less than thirty. The entire cost then of the ships to render this service would be $30,000,000, and yet we will pay in subsidy for a period of ten years $26,000,000 and in a period of twenty years $52,000,000.

I ask, when we are called upon to spend that large sum of money, whether it would not be advisable to consider the propriety of the Government ordering ships at private shipyards at a cost of $1,000,000 each, $30,000,000 in all, and of leasing those ships in time of peace to private corporations in consideration of their carrying the mail and for such further compensation as the ship companies would be willing to give, the company receiving the ship without cost, so far as capitalization is concerned, and simply obliging itself to carry the mail, and to pay such further compensation as may be agreed upon.

In this way the private companies will avoid the payment of $30,000,000 immediately in the way of capital, and all they will have to pay will be the operating expenses of the ship. These ships, according to the plan of this bill, would be operated by

men employed in the naval reserve. Three thousand men would man the ships. Their pay would be three-fourths paid by the ships' lessees and one-fourth paid by the United States Government. Assuming that one-fourth would amount, on the average, to a hundred dollars per annum per man, it would mean $300,000 per annum to be paid by the United States, or if it were $150 per annum per man, it would be $450,000. The Government would thus have a force of 3,000 men whom it could call upon at any time in case of war. They could be under the discipline of naval officers, and could be trained in such a way as to suit them for service upon men-of-war, and the ships would also stand ready for the emergency of war. We have the statement of naval authorities and the statement of military authorities that it is utterly impossible to conduct the operation of the Navy without these ships and without a very large number of them; and as the merchant marine has not got them, it means, if we were attacked by any great military power, we would not have the ships supplementary to the war ships with which to conduct our naval operations.

It is a mere question of comparative cost, then, and it seems to me this bill ought to be recommitted to the Committee on Commerce with a view of its reporting to the Senate the comparative advantages of the two systems—whether the United States should obligate itself to pay these subventions, amounting to $52,000,000 in a period of twenty years, and at the end of that time own not a single stick of ship property, or whether it should expend $30,000,000 upon these ships and own them for all time.

I do not intend to go into all the economics of this question, but I do insist upon it that it is a matter for grave consideration. Inasmuch as we have not the report of the Committee on Commerce on this matter, it seems to me the bill should be recommitted to them for the purpose, in connection with this bill later on, of submitting a report upon this important question. This is not a question of Government ownership. It is not a question of the ownership of public utilities. It is simply a question of the Government constructing the ships which are absolutely essential for the service of the nation in case of war and turning them over in time of peace, with the men upon them, for the peaceful vocations of commerce.

Mr. HALE obtained the floor.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. I do.

Mr. SCOTT. Mr. President, I do not pretend to offer any suggestions with respect to the pending bill, as I am not sufficiently informed in matters marine to enlighten the Senate. But a few years ago there were gentlemen on the floor of this Chamber who said that tin could not be made in this country; that it was impossible to build up the tin industry here. The American people know what has been the history of the tin industry in this country and how many millions of dollars have been saved to the American people, to the American workmen, and to the American manufacturers by its establishment here.

Mr. President, for a few million dollars we can make the experiment under the pending bill. If we find that it is unwise, we can repeal the law, but my opinion is that in a very short time we will find the same result coming from the passage of this bill, in the building up of the shipbuilding and shipping industry of this country, that we found in the building up of the tin industry.

Mr. HALE. Mr. President, the Senator from West Virginia [Mr. SCOTT] is quite right, and he has furnished a very apt illustration of what can be done by the Government in the way of helping and stimulating industries. The little I have to say is suggested by the earnest appeal of the Senator from Georgia [Mr. CLAY] against the subsidy. That is a very general word. It is much broader than its application to any one industry. It is the life and reviving force which the Government gives to a languishing, perhaps decayed, but hopeful, industry in order to build it up.

Forty-odd years ago the American merchant marine covered the seas of the globe—American-built ships, American-manned ships, American-sailed ships—and wherever the commerce and trade went, there the flag went on an American ship built, owned, manned, and run as an American ship. The profits of the business of the ships filled our coffers and made us prosperous.

And then mighty events, great catastrophes intervened. The country found itself engaged in a gigantic task in suppressing a rebellion, restoring and maintaining the Union, and our foreign rivals, whom we had surpassed, whom we had beaten upon the sea, most naturally seized the moment and the opportunity in every possible way to take advantage of that situation, and our shipping disappeared. The insurance companies could not afford to guarantee the freights and the voyages of American ships, and gradually our marine disappeared from the sea and our rivals—the English, later the Germans, the Norwegians—took possession of all this trade and seized upon the revenues that came from the commerce of the world and kept it away from us. And now here is an attempt to revive this languishing industry, and the Senator from Georgia is troubled, is distressed because it is, as he says, a subsidy to a particular industry, to be taken out of the Treasury of the United States, and beyond that, from the taxpayers, who pay the money and fill the Treasury.

Does not the Senator know that every contribution which the Government makes to any industry to revive it is a subsidy? The old-fashioned Democratic doctrine that there should be no intervention on the part of the Government to aid any form of industry, but that it should be left to competition and private effort, has disappeared in the ages and is no more now considered than the wildest dream of imagination of generations a thousand years ago.

We are subsidizing constantly. We are paying money from the Treasury to aid and uphold and stimulate different industries. There is not one of the appropriations of the Government, aside from the running expenses of the different Departments, that is not inherently and underlyingly a subsidy. We do it in the largest and broadest way. We do it in a munificent way for irrigation; and I am glad as an eastern man to join in the munificent gifts that we take from the Treasury for the great and beneficent scheme of irrigation in the West.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. I wish the Senator would not interrupt me.

Mr. WARREN. Very well. I beg the Senator's pardon.

Mr. HALE. I yield to the Senator.

Mr. WARREN. I merely wished to say that I agree with what the Senator is saying as to the advisability of aiding our shipping, but I want the Senator from Maine to note the fact as he goes along that the munificent sum which he mentions as being applied to irrigation is merely a loan which is to be paid back to the Treasury of the United States in cash and in full.

Mr. HALE. Provided it be profitable; provided it pays. But life is infused into it by the benefaction of the Government. We do not anywhere appropriate from the revenues of the Government, except for its running expenses, except in the form of what is underlyingly a subsidy. We do not pay money out of the Treasury for an exposition in the State of the Senator from Georgia that is not a subsidy. It gives life to it. It never would exist, never would appear, never be above the surface but for the life that the Government infuses into it by its payment to it out of the Treasury. We do not make an appropriation, as we have done and are likely to do every year for the southern mail routes for the benefit of our southern people, that it is not a subsidy. Nobody claims that it pays, but it is the appropriation from the Government that infuses life into the enterprise and makes it a part of the operation of the Government.

There is not a river and harbor appropriation that in the old days of what I may call the "hidebound" Democracy was opposed because it was beyond the function of Government that was not a subsidy. The Senator from Maine, my colleague, in his most able and characteristic and eloquent speech showed how we had subsidized the great Gulf ports in order to enable them to obtain the commerce of the world and do business. But it was a subsidy. The Senator from New Hampshire has afforded an even more striking instance in the money we pay without grudge and most willingly for the levees upon the Mississippi to protect and maintain property there. It is a subsidy. It comes from the Treasury. It is paid by the taxpayers, and the benefit is received by a local industry. But we do it most willingly.

However, when we come to a great national industry, when we are asking to do what other nations do freely and generously, and seek to build up a great merchant marine, which is not local, but which is pervasive and a part and parcel of the Government and of the industries of the country and of the whole people, the Senator from Georgia has every indignant fiber in his body aroused because here is a subsidy from the Treasury that comes from the taxpayers to a local industry.

Mr. President, in this day, when we are considering large subjects and trying to consider them in a large way, I should like to see a rift among our Southern brethren, who are prospering and whom we are glad to help prosper because we help their industries upon a question of this kind. I should be glad

to see a division, and that our friends from the South, instead of voting solidly against this bill—I hope they will not; I had almost said I believe they will not; and I hope they will not—instead of voting solidly against the attempt to revive a great national industry and an industry that will pay for itself, as the Senator from Wyoming says irrigation pays for itself, as Galveston pays for itself, as the great flood of the Mississippi that rolls majestically to the Gulf is kept in bounds by Government appropriations, and life and property are maintained in safety on its banks—as that industry is profitable, and as we contribute to it, I should like to see a division in the ranks of our friends on the other side, and that the fear which seems to haunt so many Senators that this is the one case where a wrong is being committed shall depart from their minds, and that we will go on disregarding the old hidebound theory that the Government can not infuse life and breath into the nostrils of decaying industries from the revenues in the public Treasury. We passed all that years ago and generations ago.

Mr. FULTON. Mr. President, I feel that I should offer some explanation of the amendment which I proposed a short time ago.

I propose, on page 14, line 10, after the word "From," to strike out the words "a port" and to insert the words "each of two ports, namely, Puget Sound and the Columbia River;" and after the word "the," in the same line, to insert the word "north;" so that it will read "north Pacific coast."

My purpose, Mr. President, in offering this amendment is to insure the establishment on the north Pacific coast of two of these four lines. Really it provides for another line. Let me say it provides for one additional line. It seems to me that that is very important, in view of the fact that competing ports should be placed on an equal footing. If a port shall be supplied by a line or there should be a line running out of one port on the Pacific coast or from two ports, which lines are under a subsidy from the Government, it gives a very great advantage to that port over the others that are not thus favored.

I take it that this character of legislation has a double purpose; first, of course, to build up the shipping, to increase the number of American ships, the number of ships which carry the American flag, and as well to increase the commerce of the country. We are seeking to develop the commerce of the Orient. In order to do that, we must establish lines between this country and the oriental countries; and surely it is not unreasonable for any port or any of the principal ports on the Pacific coast to expect that if one shall be provided with a subsidized line the other may have extended to it equal facilities.

To refuse to grant this provision, it seems to me, would be in the nature of a discrimination by this Government against a port in one State in favor of a port in another State. This can be done without any disadvantage or injury to any other place.

There are provided for in the bill four lines—one from a port in the United States on the Pacific coast via Hawaii to Japan, China, and the Philippines; another from a port on the Pacific coast to Japan and China and the Philippines, omitting the requirement that they shall go via Hawaii. Then there is a line to go from a Pacific coast port via Hawaii and the Samoan Islands to Australasia, and from a port on the Pacific coast to Mexico, Central America, and the Isthmus.

If all of these subsidies shall be taken and all these lines shall be established, the provision I have offered would increase the number of lines on the Pacific coast, but that would be no disparity, it would produce no inequality, because there are seven or eight—seven I am sure, and I am not positive but that there are eight lines provided for on the Atlantic coast, including the Gulf. It would seem that it is not unreasonable to ask that five lines shall be provided for on the Pacific coast and that they shall have the benefit of all the provisions of this bill. Probably all the other lines will go out of San Francisco. The routes designated would seem to indicate that it is contemplated that the other lines shall go out of San Francisco. Therefore, I think it is nothing but justice to the two great ports in the northern Pacific to require specifically that they shall each have one line under the provisions of this bill.

Mr. BACON. Mr. President, I shall occupy only two or three minutes. I simply rise for the purpose of calling the attention of the Senate to the way in which these demands grow. I wish to call the attention of the Senate to the difference between the provisions of this bill and corresponding provisions in what was known as the "Hanna-Frye bill," which passed the Senate.

The Hanna-Frye bill, as to the subsidy of cargo ships, provided for 1 cent a mile for every hundred miles traversed by a ship of over a thousand tons. In other words, it kept the provision which gives a subsidy according to the work done. This bill proposes to give $5 a ton to a ship regardless of the number of miles traveled or the speed with which it travels or the amount of work which it has done.

But a more marked contrast, Mr. President, is found in the first section of the bill, and to that I should like to ask the attention of the Senator from New Hampshire, if he has time in his concluding remarks, so that he may tell us why there is such a great difference between the view now taken in regard to that matter and the view taken heretofore by the framers of the Hanna-Frye bill.

In the Hanna-Frye bill the only provision for bounty to seamen was a bounty to seamen engaged in the deep-sea fisheries, which are comparatively few in number, and the bounty given to them was $1 a month for the time actually employed in the voyages of the vessels in the deep-sea fisheries. There are comparatively few seamen engaged in the deep-sea fisheries.

The provision of the present bill applies not simply to the sailors engaged in the the deep-sea fisheries, but to all the sailors engaged in marine navigation, whether foreign or domestic, and, as stated by my colleague [Mr. CLAY], there are some 70,000 of them who are eligible for enrollment, and who are to receive this bonus, the amount of which I will give in a moment, at a time when they are not in the employment of the Government but altogether in the employment of private parties.

As I said, the Hanna-Frye bill gave only $1 a month to the few sailors who were engaged in the deep-sea fisheries. The present bill gives the bounty, which I shall read, to all officers, petty officers, and seamen engaged in the entire marine navigation, foreign and domestic, there being of those eligible for such bounty some 70,000 men. Now, instead of $1 a month to the few, this is what is given to the many. I will just read the provision that states the amount which is to be paid to this vast army of men, not all of them of course, but there are 70,000 of them eligible to receive the amounts of bounty, which I now read, found on page 4, beginning at line 14:

For each officer of the line or Engineer Corps, having the rank of lieutenant of the naval reserve, $110—

That is over $9 a month—

for each officer of the line of Engineer Corps, having the rank of lieutenant (junior grade) in the naval reserve, $90; for each officer of the line or Engineer Corps, having the rank of ensign in the naval reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24.

Mr. President, I will not occupy the time of the Senate, as doubtless other Senators will desire to say a word, but I thought it was proper that that consideration should be presented to the Senate.

I will simply say, in response to the suggestion of the Senator from Maine, while there is a great deal I should like to say in response, that so far as the latter part of the bill is concerned, which proposes by liberal mail compensation, or mail subsidy, if that term is preferred, to open new lines of communication between ports of the United States and foreign ports where we now have no lines of communication, that much of the bill I would with pleasure support, and I believe there are many others on this side of the Chamber who would also support a bill of that kind if so limited; and I have, for the purpose of endeavoring, if possible, to have a bill to which I can give my support, offered an amendment which strikes out the first four sections of the pending bill and which would leave that much of the bill which I have just indicated.

Mr. GALLINGER obtained the floor.

Mr. PATTERSON. Will the Senator from New Hampshire permit me a moment?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. I ask unanimous consent to have printed in the RECORD a copy of resolutions adopted by the Sailors' Union of the Pacific coast on this measure that were sent to me from San Francisco.

Mr. GALLINGER. There is no objection.

The VICE-PRESIDENT. Without objection, the resolutions will be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

SAILORS' UNION OF THE PACIFIC,
San Francisco, Cal., February 6, 1906.

Hon. T. M. PATTERSON,
Senate Chamber, Washington, D. C.

DEAR SIR: By instructions of the Sailors' Union of the Pacific, I inclose herewith copy of resolutions adopted by that organization on February 5 relative to Senate bill No. 529, otherwise known as the "ship subsidy bill," and request your consideration of the same.

Respectfully, yours,

E. ELLISON, *Secretary pro tempora.*

Whereas there is now pending in the Senate of the United States Congress a bill designated S. 529, the purposes of which are "to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage;" and

Whereas said bill (S. 529) would, if enacted into law, affect the interests of American seamen to their serious injury by virtue of the provisions contained in sections 1, 6, and 7 of said bill (S. 529), inasmuch as these sections, while purporting to create a force of naval volunteers upon a basis of voluntary enrollment on the part of the seamen, would in practice make such enrollment compulsory, thus creating a system of conscription, since in order to secure employment on vessels deriving benefit under the terms of the said bill (S. 529) the seamen would be compelled to voluntarily (?) enroll themselves in the naval volunteers; and

Whereas the general features of the said bill (S. 529) affords no assurance of accomplishing the objects sought, namely, improvement in the material and personnel of the American merchant marine, but, on the contrary, are destined to impose upon the public additional burdens for the exclusive benefit of certain classes: Therefore, be it

Resolved by the Sailors' Union of the Pacific, That we are opposed to the passage of the said bill (S. 529); further

Resolved, That we hereby urge upon the Congress of the United States the enactment of such legislative measures, now pending in that body, as are calculated to remedy the defects in the navigation laws, particularly such as bear upon the personnel of the American merchant marine, to the end that the objects sought by Senate bill 529 may be achieved by legitimate and direct means which shall appeal to and meet with the approval of the American people, reviving in them a personal interest and pride in maritime affairs, without which the profession of the sea and all that appertains thereto must continue in the present state of public indifference and contempt; further

Resolved, That copies of these resolutions be forwarded to the proper quarters, with an urgent request for consideration thereof.

Adopted by the Sailors' Union of the Pacific, February 5, 1906.

E. ELLISON, *Secretary*.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I will yield for two minutes.

Mr. PERKINS. I desire to say only a word in regard to the amendment proposed by my friend from Oregon [Mr. FULTON]. I observe that the provision of the bill which provides for the establishment of new steamship lines mentions ports on the Atlantic coast, ports on the Gulf of Mexico, and ports on the Pacific coast. I think it would be ill advised for us to designate any particular port on the Pacific coast, for certainly the enterprise of the people of Oregon and Portland——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I can not yield for a colloquy.

Mr. FULTON. I ask the Senator from California if he is afraid that San Francisco will not secure one of these lines?

Mr. PERKINS. It would only be a just tribute to their enterprise——

Mr. FULTON. Or does he want San Francisco to secure all of them?

Mr. PERKINS. It is only a just tribute to the enterprise of the merchants of San Francisco should they do so. But the same privilege is accorded to Oregon, to Washington, to the ports of Puget Sound.

One word more. I wish to say, for the Senator from New Hampshire yielded only two minutes, in reply to what the Senator from Colorado [Mr. PATTERSON] said in offering the amendment proposing discriminating duties, he has overlooked the thought that the main object of this bill is to build up trade with other countries where we now have no commercial trade, especially in South America, and that 90 per cent of the goods coming from South America are on the free list—coffee, logwood, and such articles of trade as come from that country. Therefore the 10 per cent discriminating duty would give us no benefit, no relief whatever.

Mr. GALLINGER. Mr. President, I wish to say that the Merchant Marine Commission and the Committee on Commerce planned these new lines as they thought upon an equitable basis, and if each Senator who has a port in his State or city that he wants to take care of is going to get a new line, I think we will have a bill that will be rather top-heavy.

In reply to the Senator from Georgia [Mr. BACON], who says that the Frye shipping bill only included the deep-sea fisheries, I would suggest that that bill did not propose to create a naval reserve, and that is the reason why we have broadened that provision. There is no danger of getting too many naval-reserve men. England has nearly four times as many sailors as we have; she has been a good many years in getting 33,500 men; and if we ever get 10,000 we will be fortunate.

Now, Mr. President, a word in closing this debate. In Rhodes's History of the United States, volume 3, page 7, the following will be found as an utterance by Alexander H. Stephens, of Georgia, in November, 1860, on the eve of secession, delivered before the Georgia legislature. Mr. Stephens said:

We have now an amount of shipping, not only coastwise, but to foreign countries, which puts us in the front rank of the nations of the world. England can no longer by styled the mistress of the seas. What American is not proud of the result?

Twenty-one years after that Mr. Blaine, in the last speech he made in this body, called attention to the fact that during twenty years from the close of the war we had not done a single, identical thing for the shipping interests of the country. He said:

During these years in which Congress has not stepped forward to do one thing for the foreign commerce of this country, for all that vast external transportation whose importance the Senator from Kentucky has not exaggerated, but has strongly depicted, the same Congress has passed ninety-two acts in aid of internal transportation by rail; has given 200,000,000 acres of the public lands, worth to-day a thousand million dollars in money, and has added $70,000,000 in cash, and yet, I repeat, it has extended the aid of scarcely a single dollar to build up our foreign commerce.

Mr. President, there are the two pictures—the picture that Alexander H. Stephens painted in 1860; the picture that Mr. Blaine painted in this body in 1881—which, in view of the present condition of the American merchant marine, is only emphasized.

There are two or three points I want to call attention to. One is a letter from Mr. A. A. Eberson, of St. Louis, who recently established a manufacturing plant in London. Mr. Eberson was asked why he did that, and he made this reply:

Under existing conditions as to shipping possibilities in the United States, I believe there is more money for us to manufacture for export in England than here. You can go to any wharf in London and see English ships bringing freight from all ports of the world, and you can send your goods out from English ports in those same ships. You manufacture in the United States and look for American ships to take your goods and you do not find them. If you want to freight by ships, you must turn to foreigners. That's something for the opponents of the American ship-subsidy bill to think about. It is a fact that has determined more than one American manufacturer to establish plants in England, for we are not the only ones who are going over there.

My attention was called the other day to a translation from a French paper, the Revue des deux Mondes, of Paris. The translation is as follows, and it relates to this bill:

Once capital becomes engaged in the new enterprise, once American daring has been applied to solve this new problem, it will not be long before the United States will have results. Half a century ago the United States had the second merchant marine of the world. That great country has not degenerated since, the resources of its territory have multiplied in a prodigious fashion, and its firm determination to return to a competitive navigation shows this clearly.

Here is cause for thought for European shipowners. A new competitor, particularly redoubtable, will soon rise before them; a powerful merchant marine is on the eve of being created for the service of an immense country, provided with a magnificent seacoast, bathed by both oceans, already rich, but richer still in energy, vigor, and resources still unbounded, even greater than its acquired riches.

That is the opinion of a distinguished Frenchman regarding the possibilities of this bill.

I received a letter the other day from a gentleman in New York. He is a manufacturer and not an exporter, and he has taken great interest in this matter. I want to read just one paragraph from his letter. He called my attention to the fact, and stated that I had not sufficiently emphasized it, that the resultant effects of this legislation would benefit every American citizen in every State of the American Union, and that the reward which would come in the general welfare in building up the interests of the American people everywhere would be tenfold or a hundredfold greater than the expense to the Government. He said:

In building our own ships we are consuming our own raw materials and utilizing our own labor; we are adding new business to transportation interests on land and water; we are creating new industries for marine manufactures amounting to millions of dollars per annum, and, finally, we are producing five new distinct labor wage interests from raw materials, transportation, shipbuilding, marine service, and the secondary stage of the resultant effects of expending labor wages for the products of other industries. These interests together return not less than one hundredfold the cost of the net subventions, and, in my opinion, it will probably, by close calculation, approximate nearer one hundred and twenty-five times the cost of subventions when we finally possess an adequate merchant marine for our exports and imports. All these facts are exceedingly plain to scientific economists, and in my conversation with masters of these subjects, there has not been a dissenting voice.

Mr. President, I was very much gratified in looking up some facts on this subject to find an extract from a speech that the distinguished Senator from Iowa [Mr. ALLISON] made in Clinton, Iowa, October 10, 1903, showing that the Senator, however he may feel about this bill, is in profound sympathy with the purpose for which some of us have been laboring. I think I will quote the Senator correctly when I say that he said:

Our efforts should be turned to these countries lying near us, as well as to South America and Asia. The latter field is likely to be of inestimable value in the near future, stimulated as it has been by the presence of our flag in those distant seas, where three-fifths of the population of the globe is to be supplied in the future with the products of the more civilized nations.

In this struggle we will have the active and close competition of Europe. We have advantage in distance, and will soon have, if we have not now, the advantage in facilities. American ships must float there, and the American flag must be seen there and dwell there, and our Government can well afford to provide special aid to our merchant marine to extend our trade there, and in South Africa and South America as well.

A magnificent speech!

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. Certainly.

Mr. ALLISON. I am much obliged to the Senator for that valuable contribution to the remarks he is now making.

Mr. GALLINGER. I thought it was valuable.

Now, Mr. President, I want to close by reading an editorial from the New York Sun, which I think sums up this entire question better than it has been summed up by all the speeches made on this subject except that made by my distinguished friend the Senator from Maine [Mr. FRYE]. The New York Sun says:

Why should Senators waste time over the question whether the Gallinger bill for the restoration of the American ship to its old place on the ocean is a subsidy or a bounty, or a measure analogous to the land reclamation act, or what not?

Open the way for the American flag to its proper place at the front of the world's carrying trade, and call it a subsidy or by any other name.

Redeem our one great national failure, and call the redemption fee a bounty or by any other name.

Rehabilitate the American merchant marine and compare the process to the land reclamation legislation or to anything else in sight.

The people are not afraid of the word "subsidy," or of any other word that may be used to describe the method of assuring that restoration and revival which President Roosevelt had in view when he said to Congress:

"To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line."

Let us have them. Let the lack of them no longer disgrace this nation.

Mr. President, the hour for voting has arrived, and only a single further word. I want to return thanks to my associates in this body for the kind consideration they have accorded me in my advocacy of this bill. I know how inadequate it has been, but it was a great question projected upon some of us who perhaps were not well equipped for its consideration. However, we have given conscientious, earnest, faithful effort to the subject, and we have offered a bill which we feel sure if enacted into law will do something for the benefit not of one section of this great country of ours, but the entire country.

The VICE-PRESIDENT. There are but fifty copies of the reprint of the bill here. More copies are expected soon. The Secretary will report the first amendment proposed.

The SECRETARY. On page 3 of the reprint, amendment by Mr. GALLINGER——

Mr. GALLINGER and Mr. LODGE. On page 1.

Mr. FRYE. We must vote to perfect the text before voting to strike out.

Mr. GALLINGER. That is right.

The SECRETARY. On page 3 of the bill, line 23, strike out the words "deep sea."

The amendment was agreed to.

The SECRETARY. Next amendment, by Mr. GALLINGER, on page 3, line 24, after the words "United States," insert the following words:

Including the coastwise trade of the Atlantic and Pacific and the Great Lakes.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the Secretary will report the amendments in the order in which they appear in the bill.

The SECRETARY. By Mr. ALLISON, on page 4, line 15, after the words "proper audit," insert the words "by the Auditor for the Navy Department."

The amendment was agreed to.

The SECRETARY. Also by Mr. ALLISON, on page 4, line 17, after the word "money," strike out the words "in the Treasury not otherwise appropriated" and insert:

To be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates.

The amendment was agreed to.

The SECRETARY. By Mr. GALLINGER, on page 4, line 22, before the word "fisheries," strike out the words "deep sea."

The amendment was agreed to.

The SECRETARY. Also by Mr. GALLINGER, on page 4, line 23, after the word "fisheries" insert:

Including the coastwise trade of the Atlantic and Pacific and the Great Lakes.

The amendment was agreed to.

The SECRETARY. By Mr. ALLISON, on page 5, line 15, after the word "certificate" strike out the words "by an officer to be designated."

The amendment was agreed to.

The SECRETARY. Also, by Mr. ALLISON, on page 5, line 20, before the word "that," strike out the words "Commissioner of Navigation" and insert "Secretary of Commerce and Labor."

The amendment was agreed to.

The SECRETARY. By Mr. GALLINGER, on page 6, line 5, after the word "above," at the end of the paragraph, insert the words:

The total number of officers, petty officers, and men enrolled in the naval reserve shall not at any time exceed 10,000.

The amendment was agreed to.

The SECRETARY. By Mr. ALLISON, on page 6, line 14, after the word "Treasury," strike out the words "not otherwise appropriated" and insert "to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates."

The amendment was agreed to.

The SECRETARY. On page 6, line 18, after the word "vessel," it is proposed by Mr. ALLISON to insert the words "of over 500 gross registered tons."

Mr. GALLINGER. Instead of that amendment I have offered an amendment as a substitute relating to the tonnage of vessels.

The VICE-PRESIDENT. That is an amendment in lines 19 and 20?

Mr. GALLINGER. Yes; I offered it this morning.

Mr. FRYE. As a substitute for the Allison amendment?

Mr. GALLINGER. Yes.

Mr. ALLISON. I will offer a substitute for the amendment in print, before the word "vessel," in line 18, page 6, and after the word "any," to insert "steam vessel of over 1,000 gross tons and of any sail vessel of over 200 gross tons." I offer that as a substitute for the amendment which I offered yesterday, which has just been read by the Secretary.

The VICE-PRESIDENT. The Senator from Iowa offers in place of the amendment heretofore offered by him, on page 6, an amendment which will be stated.

The SECRETARY. On page 6, line 18, after the word "any," it is proposed to insert "steam vessel of over 1,000 gross tons and of any sail vessel of over 200 gross tons."

Mr. GALLINGER. I offered an amendment this morning, which seems to have gotten lost. I move to add to the amendment just stated "and fishing vessel not exceeding 20 gross tons."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the amendment of Mr. ALLISON the words "and fishing vessel not exceeding 20 gross tons."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. The next amendment was one offered by Mr. GALLINGER, on page 7, to strike out from line 22 to the end of line 4, on page 8, inclusive, as follows:

The subventions provided for in this section shall not be paid to a vessel for a voyage on which the principal part in bulk of her cargo shall have been transported from one port of the United States to another port of the United States, as provided in section 4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

And in lieu thereof insert:

The subventions provided for in this section shall not be paid to—

(a) A vessel for a voyage on which the principal part in bulk of her cargo shall have been transported from one port of the United States to another port of the United States, as provided in section 4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

(b) A vessel while exclusively employed in carrying between foreign ports.

(c) A vessel for a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States, or from a foreign port less than 150 nautical miles from her first port of arrival in the United States.

The amendment was agreed to.

The SECRETARY. The next amendment submitted by Mr. GALLINGER was, at the top of page 9, to insert:

(d) A steam vessel of less than 500 tons gross register or sail vessel of less than 200 tons gross register engaged in the foreign trade, or a vessel of less than 20 tons gross register engaged in the deep-sea fisheries.

Mr. FRYE. That is to be disagreed to.

Mr. GALLINGER. I will withdraw that part of the amendment.

The VICE-PRESIDENT. Then the amendment will be considered as rejected.

The SECRETARY. The next amendment is, in section 3, on page 10, line 10, by Mr. GALLINGER, after the word "vessel," to strike out "then the same shall be determined," and insert:

The United States is hereby authorized and empowered to take the vessel at once, leaving the fair actual value or fair rate of hire to be determined thereafter.

The amendment was agreed to.

The SECRETARY. The next amendment proposed by Mr. GALLINGER is, in the same section, on page 10, line 17, after the word "agree," to insert:

And the provisions of this subdivision shall be embodied in every contract between the vessel owner or owners and the United States.

The amendment was agreed to.

The SECRETARY. The next amendment, proposed by Mr. GALLINGER, is on page 11, line 3, after the words "of the," to insert the words "navigating force on;" in line 4, after the word "deck," to strike out "force;" in line 7, after the word "experience," to strike out "at sea;" and in line 8, after the word "deck," to insert "at sea or on the Great Lakes;" so as to read:

Third. That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the navigating force on deck, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years' or more experience on deck at sea or on the Great Lakes.

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. ALLISON, in section 4, on page 12, line 14, after the word "time," to strike out "but no vessel shall receive a subvention under the provisions of section 2 of this act for a longer period than ten years."

Mr. GALLINGER. That was heretofore agreed to. There are certain other amendments agreed to that I think ought not to be again read.

Mr. SPOONER. Then the words which have been read are stricken out?

Mr. GALLINGER. Yes.

The SECRETARY. The next amendment is one proposed by Mr. MALLORY, in section 6, on page 15, to strike out from line 13 to line 17, inclusive, as follows:

Fifth. From a port of the United States on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed, for a semiweekly service at a maximum compensation not exceeding $75,000 a year.

And in lieu thereof to insert:

Fifth. From a port of the United States on the Atlantic coast, south of Cape Hatteras, and from a port on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed, for a weekly service, at a maximum compensation not exceeding $75,000 a year, or for a semiweekly service at a maximum compensation not exceeding $125,000 a year.

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. MORGAN, in section 6, page 16, after the word "From," to strike out "a port" and insert "each of two ports;" after the word "Mexico," in line 4, to insert "and from New Orleans;" and in line 6, after the words "Central America and," to insert "to the port of Cristobal on;" so as to read:

Sixth. From each of two ports of the United States on the Gulf of Mexico and from New Orleans to Central America and to the port of Cristobal on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding $75,000 a year.

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. FULTON, on page 17, line 8, after the word "From," to strike out "a port" and insert "each of two ports, namely, Puget Sound and the Columbia River;" and in line 10, before the word "Pacific," to insert the word "North;" so as to read:

Tenth. From each of two ports, namely, Puget Sound and the Columbia River, of the North Pacific coast of the United States to Japan, China, and the Philippines, on steamships of the United States of not less than 13 knots speed, for a monthly service at a maximum compensation not exceeding $210,000 a year; or for a fortnightly service, at a maximum compensation not exceeding $420,000 a year.

The amendment was agreed to.

Mr. FULTON. To perfect the amendment, I move, in line 13, after the word "compensation," to insert the words "to each."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, after the words "maximum compensation," it is proposed to insert the words "to each."

Mr. GALLINGER. Let that be submitted to the Senate, Mr. President.

Mr. FULTON. And I offer the same amendment to come in in line 15.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Oregon.

The SECRETARY. On page 17, line 13, after the words "maximum compensation," it is proposed to insert "to each;" and in line 15, after the words "maximum compensation," to insert "to each."

The amendment was rejected.

The SECRETARY. The next amendment is one proposed by Mr. MORGAN, on page 18, line 5, before the words "the Isthmus of Panama," to insert "Port la Boca on;" so as to read:

Twelfth. From a port of the Pacific coast of the United States to Mexico, Central America, and Port la Boca on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a fortnightly service at a maximum compensation not exceeding $120,000 a year.

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. GALLINGER, on page 21, after line 6, to insert as an additional section the following:

SEC. 12. That Congress reserves the right to alter, amend, or repeal this act, in whole or in part, whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of sections 2, 3, 5, and 6 of this act.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment, on page 10, line 25, after the first word "That," to insert "until July 1, 1912;" so as to read:

Third. That until July 1, 1912, upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, etc.

The amendment was agreed to.

Mr. GALLINGER. I offer another amendment in the same section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the same paragraph, on page 11, line 1, after the word "one-sixth," it is proposed to insert "and after July 1, 1912, one-fourth."

Mr. SPOONER. Where is that in the new print of the bill?

The VICE-PRESIDENT. In the new print it will be found at the top of page 11. The amendment will be again stated.

The SECRETARY. On page 11, line 1, after the word "one-sixth," it is proposed to insert "and after July 1, 1912, one-fourth;" so that if amended it will read:

Upon each departure of said vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth, of the crew shall be citizens of the United States, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment heretofore submitted by the Senator from Georgia [Mr. BACON], to strike out all of sections 1, 2, 3, and 4 of the bill.

Mr. BACON. At the request of some Senators, I will ask that the vote upon that amendment be divided, so that it shall be taken upon the first section alone and then upon the second, third, and fourth sections, the second, third, and fourth sections all relating to one matter and the first section relating to a separate matter.

The VICE-PRESIDENT. The question on the amendment of the Senator from Georgia will be divided. The first question is on the amendment to strike out section 1.

Mr. BACON. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. HOPKINS. Some of us have not the bill under consideration as it is now printed, and I should like to have the section proposed to be striken out read, so that we may know upon what we are voting.

The VICE-PRESIDENT. The Secretary will read the section proposed to be stricken out.

Mr. BACON. I understand that the amendment offered by the committee to the first section has been adopted, so that the section to be read is really the amendment offered by the committee.

Mr. LODGE. All that it is necessary to read is the amendment.

Mr. BACON. The amendment has been accepted and stands in lieu of the original section.

The VICE-PRESIDENT. The section will be read as it stands amended.

The Secretary read the section proposed to be stricken out, as follows:

That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States either by birth or naturalization. These members of the naval reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor for the Navy Department, to pay, out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to each officer, petty officer, or man

thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific and the Great Lakes as hereinafter provided, an annual retainer as follows:

For each officer of the line or Engineer Corps, having the rank of lieutenant of the naval reserve, $110; for each officer of the line or Engineer Corps, having the rank of lieutenant (junior grade) in the naval reserve, $90; for each officer of the line or Engineer Corps, having the rank of ensign in the naval reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the naval reserve has satisfactorily complied with the regulations, and on certificate by the Secretary of Commerce and Labor that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries. Each officer, petty officer, or man of the naval reserve thus enrolled, who has not served for six months of the preceding year on vessels of the United States in the merchant marine, or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the naval reserve, shall receive one-half the annual retainer as enumerated above. The total number of officers, petty officers, and men enrolled in the naval reserve shall not at any time exceed 10,000.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who is necessarily absent. If he were present, I should vote "nay."

Mr. FLINT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay."

Mr. FRYE (when his name was called). The junior Senator from South Dakota [Mr. KITTREDGE] is paired with the junior Senator from Colorado [Mr. PATTERSON]. The junior Senator from Maine [Mr. FRYE] is paired with the senior Senator from Maryland [Mr. GORMAN]. A transfer of those pairs has been made, leaving the Senator from Colorado and myself at liberty to vote. I shall not make this announcement again. I vote "nay."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). My colleague [Mr. MALLORY] is unavoidably detained from the Senate. He has a general pair with the Senator from Vermont [Mr. PROCTOR].

Mr. DILLINGHAM (when Mr. PROCTOR's name was called). My colleague [Mr. PROCTOR] is unavoidably absent from the Senate to-day, and will not be able to be present during any of the votes this afternoon. He has a pair with the Senator from Florida [Mr. MALLORY]. I shall make no further announcement of his pair.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. The Senator from Pennsylvania [Mr. KNOX] is absent unpaired. I transfer the pair existing between the Senator from Tennessee and myself to the Senator from Pennsylvania, so that they will be paired with each other. I do not know how either would vote, if present, but I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], who is detained from the Chamber by illness. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BEVERIDGE (after voting in the negative). I did not observe when I voted that the senior Senator from Montana [Mr. CLARK], with whom I have a pair, is absent. Inasmuch as he is absent, I withdraw my vote. I hope this announcement will serve for the remaining votes on the bill.

Mr. ELKINS. I have a general pair with the junior Senator from Texas [Mr. BAILEY]. If he were present, he would vote "yea" and I should vote "nay" on the pending amendment. I desire to announce that I am in favor of the bill and the Senator from Texas is opposed to it. I make this announcement of my pair to serve during the remaining votes to be taken on the bill and amendments.

Mr. TELLER. The junior Senator from Texas [Mr. BAILEY] left the Senate to go to the hospital, where he has a sick son. He desired that I should say that he is against the bill, and I make that statement now at his request.

Mr. NELSON. I desire to state that I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. That pair has been transferred to the senior Senator from Connecticut [Mr. BULKELEY], so that they stand paired. That announcement will stand for all the votes on the bill.

The result was announced—yeas 25, nays 39, as follows:

YEAS—25.

Allison	Dubois	Morgan	Spooner
Bacon	Foster	Newlands	Stone
Blackburn	Frazier	Overman	Taliaferro
Clarke, Ark.	Gearin	Patterson	Teller
Clay	Latimer	Pettus	
Daniel	McCreary	Rayner	
Dolliver	McLaurin	Simmons	

NAYS—39.

Aldrich	Dick	Heyburn	Penrose
Allee	Dryden	Hopkins	Perkins
Ankeny	Foraker	Kean	Piles
Brandegee	Frye	La Follette	Platt
Burkett	Fulton	Lodge	Scott
Burnham	Gallinger	Long	Smoot
Burrows	Gamble	McCumber	Sutherland
Carter	Hale	Millard	Warner
Clark, Wyo.	Hansbrough	Nelson	Wetmore
Crane	Hemenway	Nixon	

NOT VOTING—25.

Alger	Clapp	Flint	Money
Bailey	Clark, Mont.	Gorman	Proctor
Berry	Culberson	Kittredge	Tillman
Beveridge	Cullom	Knox	Warren
Bulkeley	Depew	McEnery	
Burton	Dillingham	Mallory	
Carmack	Elkins	Martin	

So Mr. BACON's amendment was rejected.

The VICE-PRESIDENT. The question recurs upon the second division of the motion of the Senator from Georgia to strike out sections 2, 3, and 4 of the bill.

Mr. BACON. I do not deem it necessary to call for the yeas and nays, as the last roll call may be regarded as a test vote.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia to strike out sections 2, 3, and 4.

The motion was not agreed to.

Mr. PETTUS. Mr. President, I proposed certain amendments which the Clerk has printed before him. I ask that they may be acted upon.

The VICE-PRESIDENT. The Chair is informed that the amendments of the Senator from Alabama were printed separately, but, through some inadvertence, were not sent to the Printing Office to be incorporated in the bill. They will be stated.

The SECRETARY. On page 15 of the last print, in clause 5, line 20, after the word "port," insert the words "or ports;" so as to read:

From a port of the United States on the Atlantic coast, south of Cape Hatteras, and from a port or ports on the Gulf of Mexico to Cuba, etc.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. In line 22, page 15, it is proposed to strike out the word "fourteen," before the word "knots," and to insert "sixteen;" so as to read: "not less than sixteen knots speed."

The amendment was rejected.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 15, line 23, after the words "not exceeding," it is proposed to strike out "seventy-five" and insert "one hundred and fifty;" so as to read, "at a maximum compensation not exceeding $150,000 a year."

The amendment was rejected.

Mr. PATTERSON. I sent an amendment to the desk while the argument was in progress, and I should like to have a vote on it.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add a new section to the bill as follows:

SEC. —. No subvention, compensation, or subsidy provided for in this act shall be paid for any steamship or other ship that carries any Chinese as part of its deck force or crew.

Mr. PATTERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY] on the bill and on all the amendments. I will make no further announcement on the subject. If the Senator from Texas were present, he would vote "yea" and I should vote "nay" on this amendment; and he would vote "nay" and I should vote "yea" on the passage of the bill.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY]. I understand he will not be here this afternoon, and I therefore make this announcement as to all votes which may follow. If free to vote, I should vote "nay" on this amendment, and on the passage of the bill itself I should vote "yea" and the Senator from Mississippi "nay."

The roll call having been concluded, the result was announced—yeas 17, nays—47, as follows:

YEAS—17.

Ankeny	Fulton	Nixon	Teller
Carter	Gearin	Patterson	Warner
Daniel	La Follette	Perkins	
Dubois	McLaurin	Piles	
Foster	Newlands	Rayner	

NAYS—47.

Aldrich	Crane	Heyburn	Penrose
Allee	Dick	Hopkins	Pettus
Allison	Dolliver	Kean	Platt
Bacon	Dryden	Latimer	Scott
Blackburn	Foraker	Lodge	Simmons
Brandegee	Frazier	Long	Smoot
Burkett	Frye	McCreary	Spooner
Burnham	Gallinger	McCumber	Stone
Burrows	Gamble	Millard	Sutherland
Clark, Wyo.	Hale	Morgan	Taliaferro
Clarke, Ark.	Hansbrough	Nelson	Wetmore
Clay	Hemenway	Overman	

NOT VOTING—25.

Alger	Clapp	Flint	Money
Bailey	Clark, Mont.	Gorman	Proctor
Berry	Culberson	Kittredge	Tillman
Beveridge	Cullom	Knox	Warren
Bulkeley	Depew	McEnery	
Burton	Dillingham	Mallory	
Carmack	Elkins	Martin	

So Mr. PATTERSON'S amendment was rejected.

Mr. SPOONER. I move to strike out of the first section all after line 23, on page 5, up to and including the word "above," on page 6, line 5.

Mr. BACON. Some of us have not had an opportunity to get the new print, and I will ask the Senator to read what it is proposed to strike out, so that we may know.

Mr. SPOONER. I will read it:

Each officer, petty officer, or man of the naval reserve thus enrolled, who has not served for six months of the preceding year on vessels of the United States in the merchant marine, or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the naval reserve, shall receive one-half the annual retainer as enumerated above.

The VICE-PRESIDENT. The Chair is of opinion that the Senate having refused to strike out the amendment upon motion of the Senator from Georgia, the motion of the Senator from Wisconsin is not in order while the bill is in Committee of the Whole, but will be in order when the bill goes into the Senate.

Mr. GALLINGER. That is right.

Mr. McLAURIN. I offered an amendment this morning which has not been printed. I ask for a vote upon it.

The VICE-PRESIDENT. The Senator from Mississippi offers an amendment, which will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That no part of the subsidy by this act provided for shall be paid to any Senator or Representative in Congress, or member of the executive or judiciary department, or to any member of the family of any such Senator, Representative, member of the executive or judiciary department; or to any corporation of which such Senator, Representative, member of the executive or judiciary department or member of the family of such Senator, Representative, member of the executive or judiciary department shall own or shall have owned, in his or her or any other name, any of the stock.

Mr. GALLINGER. I move to lay the amendment on the table.

The motion to lay the amendment on the table was agreed to.

Mr. BACON. I offer an amendment to come in at the close of section 11.

The SECRETARY. It is proposed to add at the end of section 11, after the words "nineteen hundred and six," the following:

And shall remain of force for ten years thereafter, after which period it shall cease to be of force and effect.

Mr. BACON. Upon the amendment I ask for the yeas and nays.

Mr. GALLINGER. I ask that the amendment may be again stated.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. Section 11 now reads:

SEC. 11. That this act shall take effect on July 1, 1906.

It is proposed to add thereto the words:

And shall remain of force for ten years thereafter, after which period it shall cease to be of force and effect.

Mr. BACON. Senators around me say that it is unnecessary to call for the yeas and nays unless the viva voce vote shall disclose the necessity for it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

Mr. ALLISON. On page 4 of the new print, line 21, I move to strike out "enrolled" and insert "enlisted;" the same on page 3, line 20, and wherever the word occurs in the section.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is out of order at this time, but will be in order when the bill reaches the Senate, and for the same reason as heretofore stated.

Mr. NEWLANDS. I should like a vote upon the motion to recommit.

The VICE-PRESIDENT. The Senator from Nevada submits a motion to recommit with instructions, which will be read.

The Secretary read as follows:

That the bill be recommitted to the Committee on Commerce, with instructions to report in connection therewith an estimate of the cost of the vessels required for service in the ocean mail lines, provided for in section 6, and as to whether it is practicable for the United States Government to construct such ships as a part of the Navy, supplementary to the war ships, to be used as colliers, transports, scouts, etc., in the emergency of war, and as to whether it is practicable to lease such ships to private corporations in times of peace for the service of the mail lines contemplated in section 6, and as to whether it is practicable to organize a naval reserve to be enlisted in the United States in the service of such ships whose wages shall be paid three-fourths by the private corporations leasing such ships and one-fourth by the United States Government; such naval reserves to be composed of citizens of the United States or of those who have declared their intention to become such, and to be subject to the training of naval officers in order to fit them to respond to the call of the Government in case of war, and the rentals received from such ships to form a fund for the gradual enlargement of the number of supplementary ships required by the Navy in case of war as colliers, transports, scouts, etc., and generally to report the comparative cost of such method of enlarging our merchant marine as compared with the method of subvention provided by section 6.

Mr. NEWLANDS. On the question of agreeing to the motion, I ask for the yeas and nays.

Mr. TELLER. If it be in order to divide the proposition and to take a vote first on the simple question of recommitting the bill, I ask that we may take a vote on the question of recommitting the bill.

Mr. GALLINGER. Mr. President, I know this is not debatable, but it seems to me this is a straight proposition to recommit with instructions, and therefore is not divisible.

The VICE-PRESIDENT. Under the unanimous-consent agreement, debate is not in order at this time.

Mr. TELLER. I am not trying to debate it.

The VICE-PRESIDENT. A motion to recommit with instructions is not divisible.

Mr. HALE. That is right.

The VICE-PRESIDENT. The Senator from Nevada asks for the yeas and nays on the motion to recommit with instructions. Is there a second? In the opinion of the Chair there is not. The question is on agreeing to the motion of the Senator from Nevada to recommit the bill with instructions.

The motion was not agreed to.

The VICE-PRESIDENT. If there be no further amendments proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SPOONER. Have the amendments been concurred in in the Senate?

The VICE-PRESIDENT. They have not.

Mr. FRYE. The Senator can reserve any one he wishes.

The VICE-PRESIDENT. The Senator from Wisconsin is at liberty to reserve any of the amendments which he desires to have acted upon separately.

Mr. SPOONER. I wish to have a vote upon all the amendments which I offered as in Committee of the Whole. I offered them seasonably and a record of them was made at the desk.

The VICE-PRESIDENT. The amendments will be stated in their order.

Mr. SPOONER. I can indicate the first one. I move to strike out, beginning on the twenty-fourth line, on page 5 of the new print, the following words:

Each officer, petty officer, or man of the naval reserve thus enrolled, who has not served for six months of the preceding year on vessels of the United States in the merchant marine, or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the naval reserve, shall receive one-half the annual retainer as enumerated above.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. SPOONER. I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary having called the roll, the result was announced—yeas 34, nays 30, as follows:

YEAS—34.

Allison	Dolliver	Latimer	Rayner
Ankeny	Dubois	McCreary	Simmons
Bacon	Foster	McLaurin	Spooner
Blackburn	Frazier	Morgan	Stone
Burkett	Fulton	Newlands	Taliaferro
Burrows	Gamble	Overman	Teller
Clarke, Ark.	Gearin	Patterson	Warner
Clay	Hemenway	Pettus	
Daniel	La Follette	Piles	

NAYS—30.

Aldrich	Dryden	Kean	Perkins
Allee	Foraker	Lodge	Platt
Brandegee	Frye	Long	Scott
Burnham	Gallinger	McCumber	Smoot
Carter	Hale	Millard	Sutherland
Clark, Wyo.	Hansbrough	Nelson	Wetmore
Crane	Heyburn	Nixon	
Dick	Hopkins	Penrose	

NOT VOTING—25.

Alger	Clapp	Flint	Money
Bailey	Clark, Mont.	Gorman	Proctor
Berry	Culberson	Kittredge	Tillman
Beveridge	Cullom	Knox	Warren
Bulkeley	Depew	McEnery	
Burton	Dillingham	Mallory	
Carmack	Elkins	Martin	

So Mr. SPOONER's amendment was agreed to.

Mr. SPOONER. I move to insert after the word "citizens" in subdivision third, page 11, the proviso which I send to the desk. I shall not take the time to ask for the yeas and nays upon it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11 of the last print, line 3, after the word "citizens," insert the following proviso:

Provided, That except in the case of steamers navigating rivers exclusively at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands—that is, of a rating not less than able seamen, and no one shall be signed as an able seaman unless he shall be 19 or more years of age and shall have served at least three years on deck at sea or on the Great Lakes.

The VICE-PRESIDENT. Does the Chair understand the Senator from Wisconsin to demand the yeas and nays?

Mr. SPOONER. No, sir; I did not. I will take the viva voce of the Senate on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. SPOONER. I move to strike out subdivision 6, on page 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, strike out the subdivision numbered sixth, line 24.

Mr. BLACKBURN. Let it be read.

The VICE-PRESIDENT. The words proposed to be stricken out will be read by the Secretary.

The SECRETARY. On page 11 of the last print, line 24, strike out the sixth subdivision, in the following words:

Sixth. A vessel shall not be entitled to the subvention above provided for, unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. SPOONER. I wish to move the same amendment as to page 18. It is the provision for the compulsory service of naval-reserve men on merchant ships.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 7 of the bill.

The VICE-PRESIDENT. The Senator from Wisconsin moves to strike out section 7 of the bill. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. ALLISON. I move the amendment of which I gave notice.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 20, strike out the word "enrolled" and insert in lieu the word "enlisted."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. ALLISON. I now move to strike out the words "thus enrolled," on page 4, line 21, and wherever it occurs after page 4, in the first section, and to insert the word "enlisted."

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The SECRETARY. On page 4, line 21, after the word "man," strike out the words "thus enrolled" and insert the word "enlisted."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. ALLISON. I also intended to embody in the motion to amend the word "enrolled," in line 25, page 5, and also in line 7, page 6.

The VICE-PRESIDENT. The Chair understands that lines 24 and 25 have been stricken out on motion of the Senator from Wisconsin [Mr. SPOONER].

Mr. ALLISON. I desire to move to insert the word "enlisted" wherever the word "enrolled" is found in that section.

The VICE-PRESIDENT. The Chair is informed by the Secretary that lines 24 and 25, at the bottom of page 5, down to and including the word "above," in line 5, at the top of page 6, were stricken out on motion of the Senator from Wisconsin.

Mr. ALLISON. The word "enrolled" has been stricken out?

Mr. KEAN. The entire language was stricken out.

The VICE-PRESIDENT. The entire language.

Mr. GALLINGER. Down to the amendment I offered.

Mr. ALLISON. If that has already been stricken out, with a great many other things, I do not object.

The VICE-PRESIDENT. Does the Senator move to strike out the word "enrolled," in line 7, page 6?

Mr. ALLISON. If that is still there, I move to strike it out. All I want is simply to have it appear that I moved these amendments.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 of the last print, line 7, strike out the first word in the line, the word "enrolled," and insert in lieu the word "enlisted."

The amendment was rejected.

The VICE-PRESIDENT. The bill is still in the Senate and open to amendment. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE-PRESIDENT. The bill having been read three times, the question is, Shall the bill pass?

Mr. CLAY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TELLER (when Mr. BAILEY's name was called). The junior Senator from Texas [Mr. BAILEY] is paired with the senior Senator from West Virginia [Mr. ELKINS]. If the junior Senator from Texas were present, he would vote "nay."

Mr. GALLINGER (when the name of Mr. DEPEW was called). I have been requested by the Senator from New York [Mr. DEPEW] to state that he is paired on this bill with the Senator from Louisiana [Mr. MCENERY]. If present, the Senator from New York would vote "yea," on the passage of the bill.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. Were he present, I should vote "yea."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). I again announce the unavoidable absence of my colleague [Mr. MALLORY]. If he were present, he would vote "nay."

Mr. WARREN (when his name was called). As announced before, I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to the Senator from Michigan [Mr. ALGER], who if present would vote "yea." The Senator from Mississippi would vote "nay" if present and not paired. I will vote. I vote "yea."

The roll call was concluded.

Mr. BEVERIDGE. I wish again to announce my pair with the senior Senator from Montana [Mr. CLARK], and to state that I transfer that pair to the junior Senator from Michigan [Mr. ALGER], and will vote.

Mr. WARREN. I wish to say to the Senator from Indiana that I have just arranged a transfer of my pair to the Senator from Michigan [Mr. ALGER].

Mr. BEVERIDGE. I beg the Senator's pardon; very well. Then I wish again to announce my pair with the Senator from Montana [Mr. CLARK], and to say that if he were present, I should vote "yea."

Mr. SPOONER. I ask to be permitted to say for the Senator from Pennsylvania [Mr. KNOX] that he is absent from the city because of the death of a relative and absolutely unable to be here.

Mr. DANIEL. I desire to state that my colleague [Mr. MARTIN] is paired, I understand, with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 38, nays 27, as follows:

YEAS—38.

Aldrich	Dick	Heyburn	Perkins
Allee	Dryden	Hopkins	Piles
Allison	Foraker	Kean	Platt
Ankeny	Frye	Lodge	Scott
Brandegee	Fulton	Long	Smoot
Burnham	Gallinger	McCumber	Sutherland
Burrows	Gamble	Millard	Warren
Carter	Hale	Nelson	Wetmore
Clark, Wyo.	Hansbrough	Nixon	
Crane	Hemenway	Penrose	

NAYS—27.

Bacon	Dubois	McLaurin	Simmons
Blackburn	Foster	Morgan	Spooner
Burkett	Frazier	Newlands	Stone
Clarke, Ark.	Gearin	Overman	Taliaferro
Clay	La Follette	Patterson	Teller
Daniel	Latimer	Pettus	Warner
Dolliver	McCreary	Rayner	

NOT VOTING—24.

Alger	Carmack	Dillingham	McEnery
Bailey	Clapp	Elkins	Mallory
Berry	Clark, Mont.	Flint	Martin
Beveridge	Culberson	Gorman	Money
Bulkeley	Cullom	Kittredge	Proctor
Burton	Depew	Knox	Tillman

So the bill was passed.

The title of the bill was amended so as to read: "A bill to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce."

STATEHOOD BILL.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of Calendar No. 411, being House bill 12707.

The VICE-PRESIDENT. The Senator from Indiana moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana to proceed to the consideration of the bill, the title of which has just been read.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 15, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 14, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Mr. Speaker, I read from the Washington Post of this morning's issue the following. The headline is:

SCORES PROPOSED AUTO LAW.

"A man who would father such a bill as that now before Congress for the regulation of automobiles in Washington," said Robert B. Caverly, captain of the Automobile Club, last night, "would have trouble keeping out of the way of himself——

The SPEAKER. The gentleman will suspend. The Chair is desirous of hearing what the gentleman from Tennessee says, and can not because the House is not in order. Will the gentleman from Tennessee please read again?

Mr. SIMS. Mr. Speaker, I will send it to the Clerk's desk and have it read.

The Clerk read as follows:

SCORES PROPOSED AUTO LAW—CAPTAIN CAVERLY OF THE LOCAL CLUB SAYS SIMS BILL IS RIDICULOUS—CHAUFFEUR, HE DECLARES, WOULD HAVE TO CARRY CHART IN ONE HAND AND RUN MACHINE WITH THE OTHER.

"A man who would father such a bill as that now before Congress for the regulation of automobiles in Washington," said Robert B. Caverly, captain of the Automobile Club, last night, "would have trouble keeping out of the way of himself. With all due respect to Representative SIMS, of Tennessee, who introduced the bill, I would say the measure is ridiculous in half a dozen ways.

"The idea of running an automobile 12 miles an hour and slowing down to 8 miles an hour at every corner is laughable, and the idea of running at specific rates of speed on certain streets at designated times, as provided in the bill, is amusing. A man would have to carry a chart in one hand and keep the other busy following out the rules. The chances are he would kill half a dozen citizens before he could get back home.

"That part of the bill providing imprisonment for a man who has once been fined on the charge of violating the law would make it dangerous for a citizen who owns an automobile to use his machine after having faced the police judge, because, if perchance he should accidently misunderstand his chart and get arrested, it would mean a term in jail for an innocent and respected citizen and a blotch upon his character for having been behind the bars.

"Mr. SIMS's bill might be applicable in Linden, Tenn., where the squares are full grown, the streets less crowded, and automobiles scarcer, but it won't fit Washington or any city. It's ten years behind the times. There is only one case in the history of Washington where an automobile killed a man, and in this instance the chauffeur was exonerated. Washington has a population larger than the ten counties which Mr. SIMS represents. The city blocks are different from country blocks, and an automobile accident is different from that of a wagon. We are fighting to defeat the measure, and feel confident that it will not be given serious consideration."

The Automobile Club of Washington, at 11 o'clock to-morrow morning, will meet the Commissioners in the District Building to discuss the various phases of the proposed legislation. The meeting was postponed from yesterday.

The Commissioners have been asked for their recommendation, and before passing on the measure they invited the automobile men of the city to express themselves. Mr. Caverly will make an argument before the Commissioners.

Mr. PAYNE. Mr. Speaker, that does not present a question of personal privilege. I think it is, on the whole, complimentary to the gentleman from Tennessee. It states what his bill is, and so forth, and I make the point that it presents no question of personal privilege.

Mr. SIMS. I think it is a matter of privilege, but of course must abide by the decision of the Chair.

The SPEAKER. It occurs to the Chair, the point having been made, or without being made, that the gentleman from Tennessee can only proceed by way of unanimous consent in making a personal explanation.

Mr. PAYNE. How much time does the gentleman want? Ten or fifteen minutes?

Mr. SIMS. Yes; about ten or fifteen minutes.

Mr. PAYNE. I ask unanimous consent that the gentleman have fifteen minutes to explain the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, the object of this article, of course, is intended to ridicule the bill, and try to kill it in this way. I think the bill is of importance. During the last Congress I was told by police officers that certain individuals had been arrested and fined as many as three times a day. As a matter of course, they were not arrested and fined for each offense that they committed. Rich, reckless, dare-devil young men, driving automobiles simply for pleasure, violated the police regulations of the District of Columbia with impunity and paid their fines as a matter of levity, and went wild in their reckless career. Upon investigation, I found that there was no law in the District of Columbia authorizing imprisonment for violation of this regulation, and I sought and had a conversation with the chief of police, and he showed me what the regulations were. He said there was no law on the subject.

The bill I introduced was drawn by an officer of the District of Columbia, and is with few exceptions the present police regulations; yet this Captain Caverly, whoever he is—I never saw him or read of him, but he seems to be president of the Automobile Club, and therefore is the representative of his club. Judging from the article only, I imagine he is a chauffeur who has recently been promoted from a push cart or a driver of a dray, as he seems to have about the conceptions we would expect from such a person. [Laughter and applause.] Being thus promoted, he has got what we call "the swell head."

He denounces this bill as being ten years behind, lacks ten years of being up-to-date, when, with slight changes, it is the present police regulations of the District of Columbia; yet he and his kind care so little for regulations that only impose fines as a punishment that he does not even know what the regulations are. Why, of course, such gentlemen as he is will not like imprisonment features of the bill. There is no doubt but that a great majority of the people who own automobiles in the District of Columbia do not violate the law or the regulations, but are careful to observe them. But there are just enough of these reckless characters at large on the streets to make it dangerous to travel the streets. Why, this "captain—chauffeur"—says that only one man has been killed in all the history of the District of Columbia by an automobile, and that the chauffeur was acquitted. I have not looked up to see how many men have been killed.

I suppose this captain—this president—perhaps cares nothing for the life of a child or a lady. How long has it been since all Washington was shocked by an accident which happened to a little child in the eastern part of Washington, near East Capitol street, that was run over and ruthlessly killed in the presence of those in charge of it by the reckless driving of an automobile? It is a matter of common occurrence and common observation that men driving even freight automobiles in the District of Columbia do not slow down at crossings, but blow their horns, which are a perfect nuisance, and persons afoot, whether children, women, or men, must take care of themselves. It is high time that we have a law in the District of Columbia. The good people do not need it, but the bad ones do, and need it badly,

and I am heartily in favor of making imprisonment imperative after the first or second offense within a limited time. It is the only way to reach these reckless gentlemen who ride in automobiles simply as a matter of pleasure. It seems somehow or other that the driver of an automobile comes to the conclusion that he is a kind of superior being. The street cars must slow down in crossing streets, and we know where they cross. We know where their tracks are, but the automobiles run on all streets, and I have seen them dash across the streets at a speed not less than 20 miles an hour. I am very serious about this matter, and I hope the Members of the House will look into it. I do not know what the Commissioners are going to report, but I hope they will report favorably on this or some similar law. If they should report it unfavorably, I must admit that I should be surprised, but I do not think they will. You see what we have to meet in the way of ridicule. The person quoted in this article says this city has more population than my whole district. That is true, and I hope it always will have more population than my district if the population of my district is to be increased by the addition to it of such men as this article shows this man to be. We do not want such characters in the ten counties comprising the district in which I live. This man ridicules the streets of Linden. He was never in them, and for the sake of Linden I hope he never will be. [Laughter.]

But I care more to call the attention of this House to the necessity of this legislation than to anything said personally about myself. Considering the source from which that comes, I dismiss it, simply saying that the spirit manifested by this president of this automobile club is the best argument possible why such a law should be passed. He concludes that because there is a maximum speed limit the automobile man has got to run up to the maximum and then stop when he comes to a street, and that, he says, would be inconvenient. He admits that in the effort to do it he might kill half a dozen people. The bill does not require the drivers of automobiles to dash through the streets at the maximum speed, and I am perfectly willing to move to amend the bill to reduce the maximum when the bill is considered before the committee.

As I said before, I want to call the attention of the House to this measure, and I want the Members of the House to investigate it. It is needed and needed badly. Suppose they do not kill people, and suppose they do not wound them. The reason of it is largely because pedestrians—men, women, and children—run from these machines and take care of their lives by their own efforts. There is another thing—this nuisance of having a fog horn blown in your ears continually. Here comes an automobile on the right and it toots its horn. Here comes one on the left and it toots another one, and the poor pedestrian does not know which way to start, but he knows his life depends upon successful dodging. What is the necessity of having these things? You might just as well have carriages drawn by horses with fog horns to toot. Some of these people seem to have come to the conclusion that they are superior beings, and that the streets and avenues of Washington are for their exclusive benefit. The sooner these rich and reckless auto drivers are put behind prison bars the better it will be for the good people of this city, and no amount of ridicule will have the slightest effect in my efforts to pass this bill.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman? I understand the gentleman to be opposed to two features that are evident in the operation of automobiles in Washington. He is opposed to excessive speed and to excessive tooting.

Mr. SIMS. Yes; I am opposed to excessive speed and to excessive tooting. Excessive speed is dangerous and excessive tooting is a nuisance.

Now, it is evident that the leader of this House does not want me to occupy so much time. He has been very kind in asking unanimous consent. I would like to go into the provisions of the bill and explain it in detail, but under the circumstances I do not feel like asking for further time. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

OLD CUSTOM-HOUSE, NEW YORK CITY.

Mr. BARTHOLDT. Mr. Speaker, I desire to call up a privileged resolution, No. 266, calling upon the Secretary of the Treasury for information as to the sale of the custom-house property in New York to the National City Bank.

The SPEAKER. Is the resolution on the Calendar?

Mr. BARTHOLDT. It is.

The SPEAKER. The gentleman calls up the following privileged resolution, which the Clerk will report.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, respectfully requested, if not incompatible with the public interest, to inform the House of Representatives at his earliest convenience the date when the Government executed the deed for the custom-house property situated in Wall street, New York City, to the National City Bank; where the said deed is at the present time and in whose custody it has been ever since it was executed, and why the deed has never been recorded in the county of New York, and such other facts in connection with the sale of the said custom-house property to the said National City Bank as may be in his possession.

With the following amendment:

Strike out all of line 12 and insert in lieu thereof the following: "may have come into his possession since the publication of House Document No. 264, first session Fifty-sixth Congress."

Mr. BARTHOLDT. Unless some Member desires to discuss this matter, I move the previous question.

Mr. SULZER. Mr. Speaker, I have no desire to discuss the matter at the present time. I want to get the information, and shall wait until the information is before the House. I move the amendment be agreed to.

The amendment was considered and agreed to.

The resolution as amended was agreed to.

On motion of Mr. SULZER, a motion to reconsider the last vote was laid on the table.

SARAH E. MACGOWAN.

The SPEAKER laid before the House the bill H. R. 11324, an act granting an increase of pension to Sarah E. MacGowan, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

OSCAR WILLIAMSON.

The SPEAKER also laid before the House the bill H. R. 5597, an act granting an increase of pension to Oscar Williamson, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES G. HEAD.

The SPEAKER also laid before the House the bill H. R. 7302, an act granting an increase of pension to James G. Head, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

EDWARD MAXWELL.

The SPEAKER also laid before the House the bill H. R. 1201, an act granting an increase of pension to Edward Maxwell, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CASWELL D. FERGUSON.

The SPEAKER also laid before the House the bill H. R. 1057, an act granting an increase of pension to Caswell D. Ferguson, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WILLIAM T. WILEY.

The SPEAKER also laid before the House the bill H. R. 4708, an act granting an increase of pension to William T. Wiley, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

DAMS AND POWER STATIONS AT MUSCLE SHOALS, ALABAMA.

The SPEAKER laid before the House the following message from the President of the United States.

To the House of Representatives:

In compliance with the concurrent resolution of the Senate and House of Representatives, I return herewith House bill No. 297, entitled "An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1906.*

The SPEAKER. Without objection, the message will lie on the Speaker's table.

There was no objection.

JAMES CALVERT.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives Senate bill 143, granting an increase of pension to James Calvert, the beneficiary of the same having died.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

REPRINT OF A BILL.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 13304) to erect a suitable memorial to the memory of Christopher Columbus, the printed copies having been exhausted.

The SPEAKER. Without objection, consent will be considered as given.

There was no objection.

CONSOLIDATION OF CUSTOMS COLLECTION DISTRICTS.

Mr. PAYNE, by direction of the Committee on Ways and Means, reported the bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes; which, with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union, and ordered printed.

UNIDENTIFIED CONFEDERATE BATTLE FLAGS.

Mr. LAMB. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 92, authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the Southern Historical Society at Richmond, Va., all of the Confederate battle flags now in the custody of the War Department which it has been found impossible, after thorough investigation, to trace to the former ownership or custody of the troops of any particular State.

With the following amendment:

In line 4 strike out the words "Southern Historical Society at" and insert in lieu thereof the words "Confederate Memorial Literary Society of."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LAMB, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ARKANSAS RIVER AT PINE BLUFF.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13308) to authorize the construction of a bridge across the Arkansas River at Pine Bluff, which I send to the desk and ask to have read. I will state that the bill is unanimously reported by the Committee on Interstate and Foreign Commerce.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill just reported?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Arkansas if the specifications of the bill are in accordance with the requirements of the War Department?

Mr. ROBINSON of Arkansas. Yes.

Mr. WILLIAMS. And it has the unanimous report of the committee?

Mr. ROBINSON of Arkansas. Yes.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. ROBINSON of Arkansas, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14171—the fortifications appropriation bill.

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14171—the fortifications appropriation bill—with Mr. CURRIER in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $33,000.

Mr. SMITH of Iowa. Mr. Chairman, I move an amendment, that the word "for" be inserted at the beginning of line 22, page 3.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 22, before the words "the purchase," insert the word "for."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 7, line 21, strike out the words "and Philippine" and change the word "six" to the word "two;" so that it will read: "For construction of seacoast batteries in the Hawaiian Islands, $200,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, it was brought out in the debate of yesterday that $400,000 of this appropriation was intended to be used in fortifying places in the Philippine Islands. It was also brought out that no definite plan had yet been made by the War Department for the expenditure of this money. That is to say, that the Department had not determined what places in the Philippine Islands should be fortified. It seems to me that that is a proper question to consider. It is also proper to consider how much money we are going to expend in the future for fortifications in the Philippine Islands. Now, if the United States should relinquish these islands, it is certain that we would then need only a coaling station and a naval base. It is pretty sure that if that time comes the place at which to maintain the coaling station and the naval base will be Subig Bay.

The chairman of the Committee on Naval Affairs, in his statement to the House yesterday, made it clear to all those who were paying attention to his remarks that it would be practically useless to expend any more money of the Government in erecting fortifications at Cavite. He stated the naval bill would carry $65,000 for a pier to connect with the dry dock at Subig Bay. The dry dock, I believe, is on its way there now and will soon arrive. He stated also that this bill would carry $100,000 for machinery and appliances in order to make small and temporary repairs to vessels of the United States. Now, then, it seems we are developing a definite policy with respect to the place where the fortifications should be made, and the drift clearly seems to be in the direction of Subig Bay. If we do that, then at some future time when this Government desires to relinquish the Philippine Islands the money spent at Subig Bay will not be wasted. Every dollar that we spend there will be available to us for use as a coaling station and a naval base, but if we continue to expend money at Cavite other Governments in Europe will conclude, and properly, that that money will be spent for the protection of the capital city of Manila, and that will be regarded as conclusive evidence of the intention of the United States Government to hold the Philippine Islands permanently. There can be no question, after hearing the statement of the chairman of the Committee on Naval Affairs yesterday, based as it was upon the testimony of the highest experts in the Army and Navy Departments of this Government, that the best place for a coaling station and naval station is Subig Bay, and if we relinquish these islands all we will need

is a coaling station and naval base. Therefore to go on appropriating money to be used at Cavite will be regarded as a declaration of the intention of holding the Philippine Islands permanently. We upon this side, Mr. Chairman, believe that we should give up the Philippine Islands at the very earliest opportunity. We believe that every fortification erected in the Philippine Islands is a barrier to the aspirations of the Filipinos for freedom. We believe that every dollar of American money invested in the Philippine Islands is but a link in the chain which will bind the Philippine Islands permanently to the United States. We upon this side think that there is no room under a republican form of government for the control of subject colonies. Therefore we ask that some definite policy with respect to the Philippine Islands be declared. It can be declared at no better time than now when we are appropriating money for the fortification of those islands.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN of Massachusetts. Surely this Government ought not to continue any wasteful policy. No one, from the President down, has yet stated authoritatively that it is the intention of the Government to hold the Philippine Islands permanently, therefore we ought to declare some policy now and appropriate money in accordance with that policy. If we are to hold the Philippine Islands permanently, let us make our appropriations for fortifications upon that basis, but if we are to hold them only temporarily, let us then accommodate our appropriations to that system. In all events let us establish some clear rule and act intelligently upon that rule. Let us not appropriate money and at some future time find that because of a change in our policy much of the money appropriated has been wasted. Now, if the appropriation is confined to fortifications at Subig Bay, then whether we continue the present policy or whether we relinquish the islands not a single dollar of the money can be regarded by anybody as having been wastefully spent. Now, I believe that if any power should attempt to take the Philippine Islands, fortifications either at Subig Bay or Manila would not save those colonies to the United States. We would have to depend ultimately upon our fleets and not upon fortifications, so that it seems to me we ought not to spend a great deal of money in fortifications now. But there is one question that ought to be settled now, and that is whether we shall appropriate upon an economical basis or upon an extravagant basis. If we confine these appropriations to Subig Bay, then all agree we are not wasting our money. If we continue to appropriate for Cavite, then if we should give up the islands we certainly will have appropriated much of the public money to no useful purpose. [Applause.]

Mr. GRAFF. Mr. Chairman, the object of this amendment is not to raise the question as to the advisability of an appropriation for Subig Bay. As I understand it, a gentleman from the minority proposes later to offer an amendment which will have for its object the striking out of any appropriation for Subig Bay. But this amendment, as proposed by the gentleman from Massachusetts [Mr. SULLIVAN], is intended, as I take it, to emphasize a desire for the abandonment of the Philippine Islands, and to emphasize to the country that we desire to have work which has already been commenced, for which Congress has already appropriated a large sum of money, arrested now by the action of this House. The gentleman from Massachusetts [Mr. SULLIVAN] says that nothing has been done in the direction of fortifications in the Philippine Islands. Unfortunately for him, that is not true, for there has been allotted out of money appropriated by this Congress for fortifications in the Philippine Islands, by the action of the War Department, $1,213,000, of which amount some $340,000 have already been expended.

Mr. SULLIVAN of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. GRAFF] yield to the gentleman from Massachusetts?

Mr. GRAFF. I do.

Mr. SULLIVAN of Massachusetts. I think the gentleman is laboring under a misapprehension. I did not state that this Congress or any previous Congress had not appropriated money for fortifications.

Mr. GRAFF. I did not intend to charge the gentleman did state that, but I understood the gentleman to say that no action had been taken by the War Department in carrying out the work with the money which had already been appropriated.

Mr. SULLIVAN of Massachusetts. On the contrary, I stated that they have a station there now, and that they have a dry dock on its way there.

Mr. GRAFF. And they have now allotted $1,213,000 for coast batteries, outside of the money which has been appropriated through the medium of the Committee on Naval Affairs.

Mr. GROSVENOR. Can the gentleman tell us where that $200,000 has been expended? At what points?

Mr. GRAFF. I am advised that it is $340,000.

Mr. GROSVENOR. Whatever it is.

Mr. GRAFF. It has been expended at Manila.

Mr. GROSVENOR. I have no doubt of that. Has there been a dollar expended by the War Department at Subig Bay?

Mr. GRAFF. Just a small sum—a trifling sum.

Mr. GROSVENOR. To put up certain barracks there?

Mr. GRAFF. I mean for fortifications under the provisions of this bill.

Mr. GROSVENOR. A mere temporary structure.

Mr. GRAFF. Four hundred and fifty-five thousand dollars of this $1,213,000 of which I speak has been allotted for expenditures at Subig Bay, and $758,000 of that sum has been allotted for expenditure at Manila. When the estimates were made by the War Department at first, before they were sent in under the authority of the Secretary of War, the estimates for Honolulu and Pearl Harbor were $520,000, the estimate for Subig Bay was $500,000, and the estimate for Manila was $2,000,000. The Secretary of War reduced the estimate for Manila from $2,000,000 to $500,000, for Subig Bay from $500,000 to $240,000, and for Honolulu and Pearl Harbor from $520,000 to $260,000, making a total reduced estimate in gross for the work in the Hawaiian Islands and the Philippine Islands of $1,000,000.

This the committee reduced from $1,000,000 to $600,000, and they concluded that the same policy ought to be pursued by the committee with reference to appropriations with reference to the insular possessions that had been pursued during all of the periods that appropriations have been made for fortifications in continental United States, of not specifying any particular point at which fortifications were to be built, but leaving the War Department free to exercise their expert and scientific knowledge as to the particular places at which the expenditures would be made. And, furthermore, we were given to understand that it was wise for prudential reasons not to advise the world of the particular point where moneys were to be expended for fortification purposes and the particular amount to be spent at these various places.

[Here the hammer fell.]

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. GRAFF] have five minutes additional time.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that the gentleman from Illinois have five minutes additional time. Is there objection?

There was no objection.

Mr. GROSVENOR rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. GRAFF] yield to the gentleman from Ohio?

Mr. GRAFF. I do.

Mr. GROSVENOR. As I understand the gentleman, then, the idea is not to let the world know where these fortifications are to be built until they are actually finished and ready.

Mr. GRAFF. Not let them know how extensive they are at particular places.

Mr. GROSVENOR. Do you put them into some kind of a barrier like these public buildings?

Mr. GRAFF. How wise the policy may be, it was adopted when the gentleman from Ohio [Mr. GROSVENOR] was a boy—only a short time ago—and it must have some wise reason for its establishment and recognition. And so the committee concluded to leave it in the discretion of those who possess scientific knowledge and experience to determine where this money is to be expended in our insular possessions, and they will be free to exercise their discretion and judgment with regard to the expenditure of this money. This proposed amendment is simply to abandon and arrest all further work upon this line in the Philippine Islands, and there is not a naval nor a military authority but that fully understands that continental America now needs protection from any threatened war which is likely to come by fortifications in our insular possessions rather than in continental United States.

Whether we abandon the Philippines or keep them can not now be determined; but certainly the nation upon this subject is a unit, that it is not the proper time for us to determine that fact. But it is no reason why we should not go ahead and provide for the future and for the present needs of the people who now inhabit that land. No matter under what flag they are governed, they will need some protection by fortifications along

their coast. At the present time there is not a single gun that has been placed in the Philippine Islands, and this appropriation certainly has been as small as we could make it unless we desire to cut the appropriation off entirely and give the country to understand that we desire to abandon any movement in the direction of needed fortifications in the Philippine Islands.

Mr. SMITH of Iowa. Mr. Chairman, it seems to me that there is a misapprehension upon the part of the gentleman from Ohio, and perhaps of others, about this motion. I understand that in a few moments a motion will be offered by the gentleman from New York providing that this money shall not be used at Subig Bay; but this is a proposition to provide that not one dollar shall be appropriated for any place in the Philippine Islands. Now, what is to become of the Philippine Islands? So far as I am personally concerned, if, after a lapse of years, they become fit for self-government, and then want it, I would be in favor of giving it to them. [Applause.] But I believe that, when under our tutelage and care these people shall have been lifted up until they are capable of discharging the duties of self-government, they will be as unwilling to be separated from the United States as any State of this Union now is. But whatever may be their future, I for one am too proud an American to be willing to leave the city of Manila open to attack, and in case of foreign complications, while we are in possession of the Philippines, whether temporarily or permanently, see some foreign fleet sail into Manila Bay and wrest the city of Manila from us, as did Dewey from Spain.

Mr. SULLIVAN of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. SULLIVAN of Massachusetts. The gentleman and his colleague have both said that as yet no gun has been placed in the Philippine Islands. If some foreign government is going to seize the Philippine Islands, why have they not done it up to this time, when we have not put in a gun that would obstruct them?

Mr. SMITH of Iowa. We have not been at war there, but work has been done already, and $340,000 has been expended at Manila so that this country shall not be made the victim, as was Spain, of the defenseless character of that harbor. I insist that whatever may be the opinion of the gentleman from Ohio or any other gentleman who went upon that trip last summer, that no man upon this floor ought to say that he is in favor of the motion of the gentleman from Massachusetts that not a dollar more shall be spent in defense of Manila and to protect us from the dishonor that came to Spain.

Mr. WILLIAMS. Mr. Chairman, if a foreign fleet were, in a moment of forgetfulness of the real interest of the nation which it represented, to seize the Philippine Archipelago, I think it would be only a good joke on the government that owned the foreign navy, and it itself would find it out sooner or later.

I think this question of the fortification of the Philippine Islands presents a task immense, impossible, and useless. Gentlemen do not seem to realize that the coast around the various islands forming the Philippine Archipelago is greater in mileage than that of continental America—Gulf, Atlantic, and Pacific all put together. If you are going into that question, if you are going into the task of defending the Philippine Islands with an army and with fortifications, you will find that it is going to amount to $150,000,000 before you are through with it, and they will not be fortified then. The Philippine Islands can not be defended by the United States by land forts.

The possession of the Philippine Islands will depend upon the sea power of the governments that contend for its possession. The only good of having a fortification in a particular place in the Philippines would be to enable us to stand a siege at that particular place, whether successfully or unsuccessfully. Nothing indicates the folly of the whole Philippine proposition more than this. You put a burden upon the whole power of the nation of the United States by building up this responsibility away out from you and unprotected by your strongest arm, the Army of your soldiers on land, for that is where the United States, with its immense power and force of calling into action an immense volunteer army, is strongest in the last resort. You have made defenseless a position which must be defended by exposing to bombardment or other menace all the balance of the country. The archipelago has to be defended, if at all, by sea power, and in order to defend it by sea power the Gulf and the Atlantic and the Pacific in time of war must be left comparatively undefended. When war comes, if it comes with a power having a great navy, the United States Government will be forced to elect whether it shall defend itself or shall defend the Philippine Islands.

But, Mr. Chairman, if we could defend the Philippine Islands, if we could fortify them so that they would be absolutely impregnable, I would be opposed to it. We would lose the only chance we have, as I am afraid sometimes, of losing that blessed archipelago. I would rather lose it accidently, incidentally, or any other way than to run the chance of cutting off all opportunity of losing it at all. The gentleman predicts that the time may come when the Filipinos will be as anxious to stay with us as are the inhabitants of any State. Perhaps so, but it will not change my position, and I hope it will not change the position of others with regard to this question. I am partially opposed to retaining the Filipinos under our arbitrary government because of their interest and because of their wishes. I am very much more opposed to retaining them because of American interests and American future welfare. I am absolutely opposed to the proposition.

The gentleman says he does not know but the time may come when we will be willing to get rid of them. Ah, I welcome these Democratic tendencies in the hearts, and now and then upon the lips, of Republicans. Down in the bottom of your hearts you are, every one of you, sorry to-day that you did not follow the policy of the Democratic party and get rid of them early, when you more easily could. [Applause on the Democratic side.] We have already forced you to the place where your President, in his message, and your Secretary of War, in his testimony before the Ways and Means Committee, have come to the Democratic position of divorcing ourselves from the islands, except that they have not fixed the date for carrying it out; that is all.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word, and is recognized on that motion for five minutes.

Mr. SIBLEY. Will the gentleman yield?

Mr. WILLIAMS. Certainly.

Mr. SIBLEY. Do you think if it had not been for the great Democratic leader, we would ever have had those islands in the first place?

Mr. WILLIAMS. Mr. Chairman, that is one of those awkward questions which a fellow hates to answer. I am a little bit inclined to believe that the gentleman referred to—for whom I have so much regard and respect, who served with me in this House, and between whom and myself a relationship of almost brotherly affection existed in the Fifty-third Congress—made the great mistake of his life when he did not let you people fail to do what you so unpatriotically were united in trying to do, to wit, ratify the Spanish treaty. [Applause on the Democratic side.]

Mr. JAMES. Mr. Chairman, I should like to ask the gentleman from Mississippi if at the same time did not the gentleman to whom Mr. SIBLEY refers—Mr. Bryan—advocate the giving of independence to the Philippine Islands?

Mr. WILLIAMS. Oh, yes.

Mr. JAMES. And at that time, when the treaty was under consideration, the purpose of his advocacy of the treaty was to stop the war and at the same time give independence to the people in the Philippine Islands?

Mr. WILLIAMS. Undoubtedly. I do not care about discussing that, but practically at that time the war was at an end and Spain was so helpless that she could never have proceeded with any active hostile operations; but the gentleman from Pennsylvania [Mr. SIBLEY] can not, by asking me that question, shirk the responsibility of the Republican party for what was done. But for the votes which were furnished by the Republican party, the two or three Democratic Senators who voted with the Republican party could not have confirmed that treaty, and the gentleman can not escape from the party responsibility for the position in which the country now finds itself. He can very well, of course, in an ad captandem way, say that there was contributory negligence on the part of two or three Democrats, and he can single out one of them, very distinguished in our ranks, as the one, in his opinion, chiefly responsible for the contributory negligence. But the real negligence which led to this accident, which has been so crippling in its influence since, was a Republican negligence. You were off guard that year; you did not have your eyes upon old Democratic and old American—for that is broader and more patriotic—principles. You forgot what your forefathers fought for when the Republic emerged from the throes of the war of independence. In your greed for prestige and conquest and wealth, you made up your minds that you would go a-world-powering, holding crown colonies, and one of your Senators described how you would get rich at it, the streams of Pactolus all flowing

with gold; and the impudent question was put to the American people, "Does it pay?" And following upon the question came the great Senatorial Republican pronunciamento, "If it does pay, we will do it; if it does not pay, we will not do it." [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Is it not a fact that when Mr. Bryan agreed to this ratification, President McKinley was proclaiming all over the country that forcible annexation was criminal aggression, and that the position of the Republican party was against the annexation and holding of these islands?

Mr. WILLIAMS. The President had been saying that, but he had quit saying that a little while before then.

Mr. GAINES of Tennessee. Yes; he went out West on the tail end of a Pullman car——

Mr. WILLIAMS. He had already found out that forcible annexation was not criminal aggression. He is dead. I would prefer not to discuss his conduct.

Mr. GAINES of Tennessee. He went out West and returned an expansionist.

Mr. HAMILTON. Is it not true that we would not have had the Philippine Islands if it had not been for the fact that at the time of the ratification of the treaty of peace the Senate of the United States was controlled, as to the two-thirds vote on ratification, by Democrats, Populists, and free-silver Republicans?

Mr. CLARK. It was not so controlled.

Mr. WILLIAMS. No; the Senate was strongly Republican—nearly two-thirds. If the gentleman from Michigan was put in a crowd of eight men who had committed a robbery, he might perhaps excuse himself as one of the seven, all of whom were Republicans, let us say, by saying that the eighth man who joined in it was a Democrat, and call robbery a Democratic doctrine, but few people of common sense would take any stock in it.

Mr. HAMILTON. Could the treaty of peace been ratified otherwise?

Mr. WILLIAMS. No; nor without a virtually solid Republican vote. What delights me now is to discover from the very character of these interrogatories, that the Republican side of this Chamber is apologizing for the position it took [laughter and applause on the Democratic side] and has not even now the courage frankly to forsake.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two or five minutes, in order that I may ask him a question.

Mr. WILLIAMS. Make it ten minutes and then I can yield some of my time to the constant interruptions.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman's time be extended ten minutes. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Now, will the gentleman from Mississippi permit me to ask him a question?

Mr. WILLIAMS. Certainly.

Mr. SMITH of Iowa. Much as the gentleman desires to separate the Philippine Islands from this country, do I understand him seriously to declare that his pride in this country would reconcile him to see the Philippine Islands forcibly taken away from us by some other country?

Mr. WILLIAMS. Mr. Chairman, as an American citizen I would of course feel humiliated—shamed—if an American fleet upon any water or an American army upon any land were defeated by men who were attacking them under any other flag that floats over the surface of this earth. But I would feel, if in consequence of defeat of that sort we had gotten rid of the Philippine Islands, that there was some compensatory advantage even in defeat and humiliation. [Laughter and applause on the Democratic side.]

I would rather whip the enemy even when I was wrong than to have the enemy whip me, of course; but I would rather be whipped when I was wrong than to be whipped when I was right any day. [Laughter.]

Mr. SMITH of Iowa. Does the gentleman claim that any other country has any right to take the Philippines away from us?

Mr. WILLIAMS. I do know that they have not. I am certain that they have not any higher right to take the islands than we had, and I am certain that we had none. [Laughter.] They stand precisely in our shoes. No American can say that we had any right to take the Philippine Islands unless some American can say that George the Third and Parliament had a higher right to keep the American colonies; they both stand on the same footing—conquest, greed, arrogant assumption of superior right to govern others despite their objection.

Even if the people of the Philippine Islands became willing it would not change my opinion, because I object to holding them chiefly on account of the American people, American institutions, and because in addition it means the annexation of a gigantic and insoluble race problem, which you will find coming back to plague you like a poisoned chalice as the years roll on.

But I want chiefly to congratulate the Republican party, its President, its Secretary of War, the gentleman from Iowa [Mr. SMITH], the gentleman from Michigan [Mr. HAMILTON], who interrupted me a moment ago, upon having reached the first state of repentance—not a broken, but, at any rate, a contrite heart; and having assumed an apologetic attitude toward what they have done and upon now seeking to throw off the blame of the entire matter upon an unsuccessful candidate for the Presidency upon the Democratic ticket. [Laughter on the Democratic side.]

I assume that when you blame him with having led to the confirmation of the treaty, that you mean by blaming him to blame him for having done something that was wrong. If it were something that was right, of course gentlemen would not have been interrupting me to lay the blame at his door.

Mr. SLAYDEN. Will the gentleman allow me a question?

Mr. WILLIAMS. Certainly.

Mr. SLAYDEN. The gentleman from Mississippi always amazes and entertains us with his erudition. I am satisfied that he can give me an explicit and clear answer to a question that I am about to ask him. Does history anywhere offer us an instance where a race as alien as the Philippines are to the Americans has become reconciled to political association?

Mr. WILLIAMS. It not only offers no instance, but offers us abundant instances to the contrary. The nearest that any people, equally unassimilable to their conquerors as the Filipinos are to us, ever came to being reconciled to the Government which held control of them is perhaps to be found in British India. Yet there is not a British civil or military officer who does not know that at the first opportunity, the bands that have held them being removed, the entire Hindu people would spring forward to the assertion of some sort of self-government, even if it were under the lead of a Hindu dictator, and so would the people of the Philippine Islands. Gentlemen, there is an absolute unassimilability between any two races the members of one of which, out of self-respect and to prevent social ostracism and contempt by other members of it, will not intermarry with the other. People frequently speak of the old question, "Would you let your daughter marry a man of this race?" as being impertinent and irrelevant. It is and was pertinent and relevant, because it springs and sprang from the instinct of the people. There can not be perfect equality without perfect fraternity. There can not be perfect fraternity without the possibility, at any rate, of legal blood relationship. Without that there can never be genuine homogeneity or reconciliation.

Now, to leave the greater question, I do not want to spend a dollar to fortify the Philippine Islands for another reason, to wit, that I want every dollar that the American people have to spend at all expended in home development—in the States for education and good roads—and by the National Government for deep rivers and harbors, which forever hold a veto power upon the exploitation of the people by high railroad freight rates. [Applause.] Here we stand still to-day, while France, Prussia, Austria, all of them, are going on building canals, deepening harbors, cleaning out rivers, when the great American nation, the wealthiest upon the face of the globe, can not, by its own admission, pass an annual river and harbor bill, but says that at best two years must intervene; can not pass bills to erect United States public buildings to save undue expenditures for rent. There is the great peninsula of Florida that ought to be cut by a canal, doing away with all the expense in money and time of going around it from the Atlantic to enter the Gulf. Here is the great coal-bearing country of Alabama and Tennessee with nothing necessary to enable its coal to float down to New Orleans, and so to the Gulf, except a little bit of a short canal between the Tennessee and the Mississippi rivers, going into the Mississippi just above Memphis. There is the dangerous coast of Cape Hatteras, and all that is necessary to avoid it is an inland canal behind the islets and within the sounds. Yet we are met every year with the proposition that "we can not do it." "we have not the money," "it will cause a deficit," and why? Because you put yourselves where you are supporting 40,000 soldiers a year more than you would need without the Philippine Islands; you put yourselves where, as the chairman of the Committee on Naval Affairs knows, that you will need forty-eight more war vessels with the Philippine Islands than you would need without them, and I think he will not rise in his place and deny that proposition.

Mr. FOSS. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. FOSS. Whether we keep the Philippines or not, is not the gentleman in favor of a naval base there?

Mr. WILLIAMS. Why, I am, and I will come to that now. Mr. Chairman, I am in favor of the United States Government having coaling stations everywhere where it is well for its commerce and well for itself to have them. Fix now the places to be held permanently for that purpose, even if we release the Philippines, and I will vote to fortify those special places. There is in the Philippine Archipelago a little island named Batan, and down at Batan there is an immensely deep harbor, landlocked and protected. Right around there is the only place where there is coal. I would suggest it as a place to keep as a coaling station and to fortify to keep. I said I was glad a moment ago that the President and the Secretary of War and these gentlemen had come to the Democratic position, except that they had not yet fixed a date. What is the position that they agree with us about? It is that in the long run we ought to treat the Philippine Islands like we treated Cuba. We retained coaling stations there and we ought to have coaling stations at convenient places if we never had a war, as far as that is concerned. I want as few points of contact with foreign nations as possible for fear of war. Batan has only 5 by 10 miles. It has very little population. It brings no contact. I would fortify Batan. It has coal and a good harbor. It is on the way from San Francisco to Manila, and it is the most useful place for that purpose, whether in war or peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. SMITH of Iowa. Mr. Chairman, I shall not object to that, but I do hope that the gentleman will try to conclude in the five minutes, as they have had so much more time than we have had.

Mr. WILLIAMS. Mr. Chairman, I hope the gentleman will do me the justice to confess that I did try to conclude, but that interruptions prevented. Mr. Chairman, there is much more that I would like to say, and might say, but I realize the fact that no one ought at this time to monopolize the floor any great length of time and I shall yield it. [Applause.]

Mr. SIBLEY. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] speaks of the policy of the Republican party in connection with the Philippines, and that we are receding from that policy. In my judgment, as a matter of history, the acquisition of the Philippine Islands was never the policy of anybody distinctly as such.

Mr. WILLIAMS. Mr. Chairman, will the gentleman from Pennsylvania permit an interruption?

Mr. SIBLEY. I will.

Mr. WILLIAMS. I want to ask if a great President of this country, the leader of the Republican party, when faced with this Philippine proposition, did not ask the question, and whether the Republican party did not immediately applaud the question, "Who shall haul down the flag?" and whether that did not mean the permanent retention of the Philippine Islands?

Mr. SIBLEY. Mr. Chairman, that question he did ask and it could be reiterated to-day, and the answer is up to you just as much now as it was then—who will haul it down? [Applause on the Republican side.]

Mr. WILLIAMS. I will answer it. The American people, whose sailors and soldiers—their servants—put it there. [Applause.]

Mr. SIBLEY. Mr. Chairman, I often hear my friend speak of the partnership existing between God and the Republican party, and we do not deny that we are attempting to act along the lines of Providence as far as we may be able to interpret them.

As the result of a war waged for humanity, because the cries of the downtrodden had reached the throne of the Almighty, this nation bared its arm and drew its sword in relief of the oppressed, and as one of the consequences of that war there came to us, not from the deliberation of a President, of a Cabinet council, of any general, or naval hero, or officialdom anywhere, our position in the Philippine Archipelago. When the treaty of Paris, negotiated as it was by the most eminent of men, came back to the United States Senate for ratification, it was then our place to ratify or refuse to ratify it and again open negotiations upon the basis of leaving the Philippines to Spain. From that distinguished gentleman to whom I have referred, and for whom I entertain the warmest personal affection, I received a letter, as you probably did, urging use of whatever influence I might possess in the Senate to the end that the treaty might be ratified. I did not personally believe it to be wise, because I believed then what I believe now, that the moment that the ratification occurred, then the responsibility was on our shoulders, not as Republicans or Democrats alone, but the citizens of the United States under one flag, to maintain order and protect life and property there.

Mr. SHACKLEFORD rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. SIBLEY. In a moment. The responsibility came to us, not as a Republican measure, not as a Democratic measure, but we have the responsibility, and the question is, How shall we exercise it? My judgment is we are fulfilling, in some way inscrutable to men, the designs of Almighty Providence, which rules among all nations of this world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I move that all debate upon the section and amendment be closed in five minutes.

Mr. WILLIAMS. Mr. Chairman, I hope that motion will not be adopted.

Mr. SMITH of Iowa. Well, Mr. Chairman, I do not desire to press this motion if any desire to be heard. I did hope that the committee would be satisfied to close in five minutes, but I will withhold the motion for a while.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be granted five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Pennsylvania may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SIBLEY. I think I will not occupy that time and yield to a question from the gentleman from Missouri.

Mr. SHACKLEFORD. I desire to ask the gentleman from Pennsylvania if he understands that in any moment of his existence Mr. Bryan, to whom he referred a moment ago, ever advocated the permanent holding of the Philippine Islands by the United States or had it in mind that the United States would do that?

Mr. SIBLEY. I can not speak with full authority on that subject.

Mr. SHACKLEFORD. You were in the House then and——

Mr. SIBLEY. Congress is responsible for that acquisition and should be held responsible, but the distinguished Senator of your State, who has so illumined the pages of our American history, the Hon. George Vest, said to me in the presence of others in the cloakroom of the Senate a year later that William Jennings Bryan had attempted to teach him his duty, who for twenty-five years had tried to understand and master the problems of statecraft, and except for his action we would never have had the archipelago and all the burdens it entails.

Mr. SHACKLEFORD. I did not ask about Mr. Vest. I asked the gentleman from Pennsylvania, who was at that time one of the household of Mr. Bryan, if he does not know as a matter of fact that Mr. Bryan at every moment of his public existence has been opposed to the United States holding the Philippine Islands, and if it is not due, as a matter of fairness from the gentleman from Pennsylvania, to now state that which he then confidentially knew, that Mr. Bryan was then opposed to this policy as he is now.

Mr. SIBLEY. Mr. Chairman, that was not confidential. That was a matter of public action. No man can plead confidence when the question involved was whether or not this nation should hold sovereignty over 7,000,000 people.

Mr. SHACKLEFORD. Both of you at that time were liberal Democrats upon the great free-silver question, both of you were confidential in a common fight, and the gentleman from Pennsylvania was so close to Mr. Bryan at that time that he does know, as a matter of fact, Mr. Bryan was opposed to the acquisition of the Philippine Islands to hold them as a possession.

Mr. SIBLEY. The free-silver question had been as dead as Julius Cæsar long before this time. The only trouble was that you did not recognize it until 1904. You found it out afterwards.

Mr. SHACKLEFORD. The gentleman from Pennsylvania was then a partner with Mr. Bryan in his political views. He knew what the views of Mr. Bryan were, and it is no less than fairness, if he knows, to state that Mr. Bryan then opposed the permanent retention of any people against their consent. [Applause on the Democratic side.]

Mr. SIBLEY. If the gentleman was as familiar with my history as he is with the history of his leader, he would never have said that, because Mr. Bryan had it straight from me, and I stated it on the floor of this House, that I could not follow his party in its policies, that I would never stand within the

lines of a party and fight it, but would go, where my friends suggested, on the other side of the House and oppose it face to face. [Applause on the Republican side.]

Mr. BARTLETT. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. SIBLEY. Well, Mr. Chairman, I am only going to have five minutes, and desire to say something more on the——

Mr. GAINES of Tennessee. We will extend your time.

Mr. BARTLETT. I want to ask the gentleman this question with reference to this matter of the confirmation of the treaty: Did not the United States Senate, either the next day or a few days after the ratification of the treaty of Paris, pass what was known as the "McEnery resolution," in which it was declared that it was not the intention of the United States to permanently hold the Philippines?

Mr. SIBLEY. I think, Mr. Chairman, that is the policy that the Republican party declares to-day; but we are going to hold the Philippine Islands until we have lifted them up on a higher plane of civilization than that on which we found them; and we have done that, too. There is less cruelty, less rapacity, now in the Philippines in a year than there was in any twenty-four hours prior to our occupancy. [Applause on the Republican side.] Good government has taken the place of anarchy, law has taken the place of robbery, violence, and murder, and a man can ride in safety through the major portion of those possessions to-day. And the spelling book and the schoolhouse, the Bible and the church, with courts of justice, and all that goes to lift men on to a higher plane of civilization we have given them, and we are going to carry this burden as long as it is our plain duty. And when it shall appear that the higher duty of this nation is to surrender——

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be given ten minutes of additional time.

The CHAIRMAN. The gentleman from Tennessee asks that the gentleman from Pennsylvania be given ten minutes of additional time. Is there objection?

There was no objection.

Mr. JAMES rose.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. SIBLEY] yield to the gentleman from Kentucky?

Mr. SIBLEY. Certainly.

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman this question. The gentleman does not wish to make any statement here that would be manifestly unfair to a man who was his friend, to say the least of it. The gentleman says that Mr. Bryan wrote a letter asking for his opinion on the ratification of this treaty. Did he give any reason why he wanted that treaty ratified?

Mr. SIBLEY. I think the first I heard from him was in the nature of a telegram.

Mr. JAMES. Is it not true that Mr. Bryan advocated the ratification of that treaty for the purpose of giving the Filipinos their freedom?

Mr. SIBLEY. If the gentleman from Kentucky says he knows that, I will accept it as a matter of fact.

Mr. JAMES. I am asking the gentleman as a witness whether or not it was true. You were here with him.

Mr. SIBLEY. No; I was not here with him.

Mr. JAMES. And was it not the policy of the Republican party at that time, and the policy of the Republicans in the Senate at that time, when they were attempting to get this treaty ratified, to proclaim the ultimate freedom of these islands and give the people of the Philippine Islands their liberty, as we have Cuba?

Mr. SIBLEY. I do not understand that so much in the nature of a question as I do in the nature of a statement. I do not understand that the gentleman has asked a direct question, but that he has made a statement. I presumed that there was a question that was going to be asked.

Mr. JAMES. What does the gentleman say his knowledge was as to that?

Mr. SIBLEY. I had no knowledge on that.

Mr. JAMES. And yet the gentleman states that he came to the city here in response to that telegram?

Mr. SIBLEY. No; I did not come, because I did not agree with that policy. I was not one of those who desired the ratification of that treaty.

Mr. JAMES. I understand. But will the gentleman deny that it was the policy of Mr. Bryan at that time and his purpose to give freedom to these people?

Mr. SIBLEY. Mr. Chairman, I can not say what was in his mind any more than I can say what was in the mind of my distinguished friend from Kentucky [Mr. JAMES] at any moment in his career. If he says that was Mr. Bryan's intention I accept his statement and will make no denial of its correctness.

Mr. JAMES. Would not the gentleman explain——

Mr. SIBLEY. But you claim the Republican party are responsible for our occupancy of the Philippines. I simply embraced Mr. Bryan and the great Democratic party of this nation as also responsible for our occupancy.

Mr. JAMES. I believe that you said that the Republican party and God are in partnership there; that would be joining light with darkness, corruption with incorruption. [Applause.]

Mr. SIBLEY. Whenever you talk about the Republican party and God, and it comes in a slurring way from that side often, if the Republican party has been attempting to act in accordance with the will of God the Democratic party had better reverse its policy and its way instead of standing against the Lord Almighty and all the facts of history and survey the marvelous victories that have been accomplished by the Republican party following such leadership [loud applause]—the great good it has accomplished in the elevation of moral sentiment and the higher ideals of national life and national honor. Gentlemen talking about God and the Republican party must not endeavor to get away from the meaning of what they say.

Mr. JAMES. Then you were away from God when you were with the Democratic party?

Mr. SIBLEY. Now, my friend, do you want me to enter a plea of guilty? [Great laughter.]

Mr. JAMES. Oh, no.

Mr. SIBLEY. If I enter a plea of guilty, will that suffice?

Mr. JAMES. I want to know whether, during the time you were serving the Democratic party, God was on that side, or whether you discovered God when you found the Republican party? [Laughter.]

Mr. SIBLEY. Oh, my friend, I was a Republican all my life. The first Democratic vote I ever cast was for Grover Cleveland, in 1892. Let me tell you a little history, since you have brought that up. I have read a thousand times that I was a Republican, then a Greenbacker, and then a Democrat, and then a Populist [laughter], and then a Democrat, and then a Prohibitionist, and then a Republican. I have never considered a denial necessary; but since you mention it I will state the facts. I never voted for a Democrat for President except Grover Cleveland, in 1892, and William Jennings Bryan, in 1896. Now, then, if anything in the world ever justified anybody in charging me with being a Populist, it was my vote for Bryan in 1896 [laughter and applause], and nothing else. I never was a Prohibitionist. [Laughter.] As I look about those who know me well, it seems no denial of that statement will be necessary. [Great laughter.] I did stump the State of Pennsylvania in favor of the constitutional amendment for local option.

Mr. GAINES of Tennessee. What about your being a Greenbacker?

Mr. SIBLEY. I stumped my section of Pennsylvania and a portion of New York against what was known as the "greenback heresy," and voted against the Greenback candidates and for the candidates of the Republican party. And therefore I have been a member of just two parties, unless you make me a Populist because of my vote for Mr. Bryan in 1896.

Mr. WILLIAMS. Now, I understand my good friend the gentleman from Pennsylvania to argue that this Philippine affliction is a providential affliction sent upon us by the Lord Almighty.

Mr. SIBLEY. Oh, unquestionably; yes.

Mr. WILLIAMS. And I know that he must mean that in some scientific way, because there is not a particle of the hypocrite about the gentleman from Pennsylvania, and never was.

Mr. SIBLEY. I thank the gentleman.

Mr. WILLIAMS. He must mean it somewhat in the same sense that when one man kills another it is the act of God, because if God had wanted to prevent it He could have done it. That is about what the gentleman means, isn't it? [Laughter.] Now, I should like to ask the gentleman one more question in that connection: As one of the most observant men I have ever known, and a careful reader, have not the gentleman's reading and his observation both taught him that whenever a fellow gets a little bit ashamed of something that he has been engaged in he always lays it upon the Lord?

Mr. SIBLEY. Oh, no; I will tell you the way we do over here. We go to Him and kneel down, plead guilty, and seek forgiveness. [Laughter and applause.]

Mr. GAINES of Tennessee. Now, was this not the purpose of Mr. Bryan, expressed time and again? We want to get it straight. We do not want to do anybody any injustice. Mr.

Bryan said it was easier for us to acquire the Philippine Islands and ourselves turn the Philippine Islands loose and give them their independence than to refuse to acquire the Philippine Islands and turn them back to Spain, which country had refused for years and centuries to give them their independence. In other words, as President McKinley has said, he was against forcible annexation, but Mr. Bryan thought it was easier and better for us to take charge of those people who had been our allies and turn them loose than to turn them back to their enemies, who had refused to turn them loose. Are not these the facts and was not that his position?

Mr. SIBLEY. I would not assert to the contrary, but I should like to ask any gentleman here who has been a student below the surface of the Philippine situation if he does not believe that had we surrendered to the Filipino himself possession of those islands, with his lack of knowledge of self-government, the consequences would have been disastrous to the Filipino? You gentlemen on that side have had some very striking examples, in your portion of this Federal domain, of power coming suddenly to those unqualified by education and enlightenment for the discharge of the duties of good citizenship, and you know better than any other men, or ought to know, that there would have been anarchy and continuous bloodshed and revolution in the Philippines a thousandfold worse than in Santo Domingo. [Applause on the Republican side.]

Mr. GAINES of Tennessee. Does my friend deny that what I have stated was the position of Mr. Bryan?

Mr. BUTLER of Pennsylvania. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. GAINES of Tennessee. I want to get through with my question. Have I not correctly stated Mr. Bryan's position? Do you deny that that was his position?

Mr. SIBLEY. Mr. Chairman, I have not the ability to answer whether the gentleman has stated it correctly or not.

Mr. GAINES of Tennessee. That is the poorest answer you ever gave to any question.

Mr. SIBLEY. I have no doubt the gentleman has endeavored to state it correctly, as he apprehended it.

Mr. GAINES of Tennessee. That was Mr. Bryan's position; I have talked with him and he has so stated to me, and that was his position, publicly stated.

Mr. SIBLEY. When the gentleman says that, I accept his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. I ask unanimous consent that my colleague may have two minutes in which to answer a question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague [Mr. SIBLEY] may have two minutes additional.

Mr. SULZER. I ask unanimous consent that he may have ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER of Pennsylvania. Does the gentleman from Pennsylvania yield to me for a question?

Mr. SIBLEY. I do.

Mr. BUTLER of Pennsylvania. I understand my friend to say that in 1896 he formed a combination of Democracy and Populism. Is that right?

Mr. SIBLEY. Oh, no. I said that if there was any justice in the charge that I had ever been a Populist it could be based alone upon the fact that in 1896 I did vote for Mr. Bryan.

Mr. BUTLER of Pennsylvania. Mr. Chairman, let me ask the gentleman this question: Do I understand that his former associates, known as Democrats, have laid the charge of desertion against him? Is that true?

Mr. SIBLEY. Mr. Chairman, that may be true, but in self-justification I do not know that I would be doing wrong to repeat a private conversation.

Mr. BUTLER of Pennsylvania. I desire to assure my friend that if that charge of desertion now stands against him I want, showing an act of friendship on my part, to introduce a bill for his relief. [Laughter.]

Mr. SIBLEY. I presume it would not be transcending the bounds of propriety if I should refer to a conversation I had with two distinguished friends on the other side of the Chamber. During the Presidential conventions—before the last election—I was on the other side of the water, and I read with great interest the speeches of the permanent chairman and the temporary chairman of the Democratic convention; and then I read the speeches of notification, and there was one of those notification speeches which alarmed me, as a Republican, because it was pitched on such a high plane. That was the notification made by the gentleman from Missouri. The Democratic party could not stay up on that high plane during the entire campaign, and they met with disaster. I met my friends after I came back from abroad, and I told them that I had read their speeches, and that I remembered very well standing over there in yonder portion of this very Chamber and giving expression to the fact that it was the duty of the Democratic party to drop the free-silver issue, because we were blind if we could not recognize the fact that it was dead—very dead, indeed—that the American people had placed their verdict upon it and that the increased production of gold amounted to much more than the combined production of both metals in any previous year in the history of the world, and promised sufficient basic money to arrest the continuous decline in prices; and that, responsive to that increased basic wealth, the prices of commodities not only in this nation alone, but the prices of all human products would rise throughout the world, as would be indicated by the system of "index numbers." And because I entertained that opinion, and because I believed that, having assumed responsibility in the Philippine Islands, William McKinley was right in asking the question, "Who would haul down the flag?" one of my frends suggested that if I entertained such views my place was over on this side of the Chamber instead of on that, and I promptly responded that if it was necessary for one to have a seat upon the Republican side of this Chamber in order to act in accordance with his patriotic convictions of duty he could consider my place over here from that moment. [Laughter and applause on the Republican side.] Mr. Chairman, I had to wait to read these speeches of the distinguished presiding officers of the Democratic national convention, six years, for them to indorse and ratify those very views for which they banished me from their side over here on to this side of the Chamber. [Laughter and applause on the Republican side.]

One of these gentlemen—if I may repeat a private conversation—I won't indicate which one—one of them said: "Why, SIBLEY, we knew six years ago free silver was dead just as well as you did, but it was such a lovely corpse that we wanted to keep it with us as long as we could." [Laughter.]

Now, Mr. Chairman, I had no intention of trespassing for a minute on the time of this House, but when I heard my friend from Mississippi it occurred to me it was not just to charge as a matter of Republican policy that the accession of the Philippines was caused by lust of empire or to exploit a great people, but, to state my opinion briefly, that as the result of a just war we found ourselves there charged with the responsibility of the maintenance of law and order and person and property.

Mr. WILLIAMS. Mr. Chairman, I want to ask the gentleman from Pennsylvania this question in connection with this much-mooted question of "God putting us there."

Mr. SIBLEY. Oh, the gentleman from Mississippi is a much better authority on theology than myself. [Laughter.]

Mr. WILLIAMS. I want to ask this question: Suppose at the treaty of Paris we had merely not mentioned the Philippines at all, would they have gone back to the dominion of Spain? Wasn't it true at that very time that the Filipinos had reconquered everything in the islands except Iloilo and Manila, and that they had captured the whole Spanish army except about 5,000 troops? And in connection with that I want to ask a further question, because some gentlemen on this side, even, seem to have a wrong impression, viz, that the islands would have gone back to Spain.

Is it not true that the Filipinos had already virtually reconquered and obtained their liberty and independence, and all we had to do to render assurance doubly sure was to send our prisoners back to Spain from the Philippines, as we did from Cuba, in American vessels? Is not that true, and is not this true, I will ask the gentleman as a philosophic student of history, that while every people in the world can not carry on *good* government, every people in the world are entitled to carry on *their* government? They might have had an Aguinaldo for a dictator, just as Mexico has a Diaz; and they would have been far better off to-day if they had.

Mr. SIBLEY. Mr. Chairman, all human history negates the proposition that every people in the world are entitled to carry on their government. It is the putting bad government behind us for the higher and truer and better government that has taken man from barbarism to the heights of civilization. [Applause.] That is my conclusion from reading human history.

Mr. BURGESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. SIBLEY. Well, I have hardly commenced to answer the other question, but I yield.

Mr. BURGESS. While the gentleman from Pennsylvania is

on the stand, I would like to ask him a question. He assumes that the Republican policy in the Philippines is that of permanent retention of the islands.

Mr. SIBLEY. Do I assume that?

Mr. BURGESS. Does the gentleman not so assume?

Mr. SIBLEY. I do not; no, sir.

Mr. BURGESS. Well, I misunderstood the gentleman. I understood the gentleman to assert a while ago that the leader of the Republican party had said by that triumphant question, "Who shall pull down the flag?" that it was the policy of the party never to take it down.

Mr. SIBLEY. Mr. Chairman, I am glad the gentleman has asked me the question, because I would not wish to have been misunderstood in that way.

Mr. BURGESS. Well, if the gentleman does not understand that to be the Republican policy, will he please state what he does understand to be the Republican policy?

Mr. SIBLEY. Mr. Chairman, I would not flatter myself, after looking around this body at these distinguished colleagues of mine, into thinking or assuming that I was the proper person to expound the policy of the party. I will merely state my individual opinion, that we will stay there until good government and law and order——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Pennsylvania be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIBLEY. Mr. Chairman, we will stay there until education and enlightenment and a higher conception of the duties and responsibilities of self-government may come to these people. we will not make the mistake that we did after the civil war of giving 4,000,000 people the elective franchise, unqualified in any manner by education as they were to discharge the duties of the electorate. [Applause.]

Mr. BURGESS. Mr. Chairman, I welcome that admission of the gentleman that for one time the Republican party deserted God, and I agree with that contention. The gentleman, I understand, has changed his party relations not on account of men but on account of issues, because his judgment approved those things for which Cleveland and Bryan stood at the time he supported them and at other times he voted the Republican ticket for the same reason. Now, then, upon the Philippine question, I ask the gentleman in all candor, taking both their platforms since this question arose, can he determine from them what his relation ought to be with reference to this question? In other words, has the Republican party, as a party in convention assembled, in either of the national conventions following the ratification of the treaty of Paris, taken any position with reference to the permanent retention of the Philippine Islands?

Mr. SIBLEY. Mr. Chairman, I think the answer to that is that there has never been, from any authoritative source, any declaration that it is the policy of the Republican party to permanently retain possession of the Philippine Islands. I have never heard that doctrine asserted.

Mr. BURGESS. Just one other question: Is it not true, on the other hand, that the present President of the United States, the present Secretary of War, and the present Secretary of State have practically agreed in public addresses that ultimate independence for the Filipino is the goal of their stride?

Mr. SIBLEY. Yes; that is the Republican position.

Mr. BURGESS. How does the gentleman know?

Mr. SIBLEY. Because that is the declaration of the very men the gentleman has named, the present President of the United States, the present Secretary of War, and the present Secretary of State, and the statement of all leaders whose opinion carries conviction that ripens into action at the proper season, and I believe the gentleman will not deny the fairness of the proposition that to give people self-government who by long years of oppression, ignorance, superstition, and cruelty are unfitted for the discharge of those duties would be a wrong, not alone to them but to ourselves. It would be a betrayal of trust. This nation stands as the trustees of the Lord Almighty for their own welfare, and for all the nations of the earth, if you please. You may be consumed with doubts, but none the less we are acting for these people in the capacity of a trustee or guardian. [Applause on the Republican side.]

Mr. BURGESS. I agree entirely with the gentleman that it would be folly to adopt the "scuttle" policy in reference to these people. I agree entirely that the ultimate independence for them ought to be worked out by some practical method——

Mr. SIBLEY. May I ask the gentleman a question?

Mr. BURGESS. Just in a moment, when I finish. Which will result in safety to life, liberty, and property and in honor and dignity to the United States, but does not the gentleman recognize that the power and the only constitutional power, as was said by perhaps one of the greatest constitutional lawyers in this Congress at the other end of the Capitol at the special session of the Senate last, is vested in Congress to declare what the ultimate status of the Philippine Islands will be?

Mr. SIBLEY. Mr. Chairman, I never recognized the truth of the old saying of how much easier it is to ask questions than it is to answer them as I do this morning. I want to say that every drop of blood in me is Yankee blood; I never had an outcross even back to the Puritans.

Mr. BURGESS. I am not complaining of it.

Mr. SIBLEY. Therefore I am going to avail myself of the inherited Yankee privilege to ask you a question.

Mr. BURGESS. Certainly.

Mr. SIBLEY. And I want you to be as frank as I have tried to be in this discussion.

Mr. BURGESS. I will do that.

The CHAIRMAN. The time of the gentleman has expired. [Laughter and applause.]

Mr. SHACKLEFORD. Mr. Chairman, I had not intended to inflict myself upon this debate until I heard the question put by the gentleman from Pennsylvania to the gentleman from Mississippi. That question not having received as complete an answer as I think it should have received, I desire to call attention to the omission. I believe that this country knows—certainly those who read the newspapers know—that before the ratification of the Paris treaty, during the pendency of the Paris treaty, and in every public utterance since the ratification of the Paris treaty Mr. Bryan has stated, upon the stump and through the columns of the press, that he was opposed to the governing of any people except by their consent. He has uttered that in season and out of season, and there is not a man in this Chamber but who knows, and knows with definiteness and certainty, that Mr. Bryan was opposed to the retention of the Philippine Islands. He had what I believe was a mistaken view in thinking the best way to free them was to ratify the treaty and then give them their independence. He conceded to the Republicans a fairness which time has proven they did not possess. He believed that the Republican Senate and the Republican House would give to the Filipinos their independence. Having that confidence in the manhood, patriotism, and fairness of the Republicans, he was willing to ratify that treaty and put it in the hands of the Republicans in the House and in the Senate to do that which before God he always maintained was just. I am not capable of making this explanation as fully as it ought to be made, and I wish that the gentleman from Mississippi, when the interrogation was put to him, had taken time enough in his clear and lucid style to have properly stated the position of Mr. Bryan at that time, before that time, and forever since; but it was not done, and I felt called upon, as one of the Democratic Members of this House, to say for Mr. Bryan what he is not here to say for himself; that he never for a moment entertained the idea that the ratification of the Paris treaty would result in the permanent retention of the Philippine Islands or to submit them for one year to a domination to which they did not consent. I felt that this ought to be said by somebody, and as nobody else has said it, I have taken occasion to do it myself. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate upon this amendment be closed in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate upon the pending amendment be closed in five minutes. Is there objection?

Mr. SULLIVAN of Massachusetts. I will ask the gentleman from Iowa if I am not entitled to five minutes to close the debate?

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that general debate be closed in ten minutes on this amendment—five minutes to be given to the gentleman from New York [Mr. DRISCOLL] and five minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

The CHAIRMAN. Is there objection?

Mr. McNARY. Mr. Chairman, I object.

Mr. DRISCOLL. Mr. Chairman, the question before the committee is on the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN]. It is claimed by him, as I understand it, that the effect of this appropriation of $400,000 for seacoast batteries on the Philippine Islands may, and perhaps will, result in the selection of Subig Bay as a permanent place for a naval station. Now, if that be the effect of this appropriation, I shall vote for it and against the amendment, the more readily,

because I fully believe in the wisdom of the selection of Subig Bay as against Cavite, the other place or location proposed. The great engineers of the Army and Navy have been there and examined these two sites. The majority, if not all of them, first agreed on Olongapo on Subig Bay as the best and most available location for a permanent naval and coaling station. Since that time some of the Navy and Army officers and engineers have modified their opinions, and are inclined toward the selection of Cavite for such station. Arguments, and perhaps good arguments, may be given for each conclusion. I am not an engineer, and make no pretensions as to my judgment in such matters. I spent a day at Cavite, and had the same opportunity of examining Subig Bay as the other members of the Taft party, save two gentlemen who made a special trip to Olongapo. Subig Bay is a large, beautiful body of deep water, landlocked, except a narrow passage broad enough and deep enough for the largest ships, and narrow enough to be easily defended by fortifications on either side.

The weight of expert authority is clearly, in my judgment, in favor of the location at Subig Bay, and since the experts disagree as between the two sites proposed—Olongapo and Cavite—and it comes to Congress for determination, each Member must exercise his own judgment, basing it on such grounds and circumstances as he may think sufficient. But aside from the expert testimony and recommendations as to the selection of a permanent site for a naval and coaling station, there is another reason, Mr. Chairman, which persuades me toward the selection of Subig Bay. We are now in the occupation of the Philippine Archipelago and have been since 1898. There is no general consensus of opinion as to how long we will continue there. Those islands came into our possession as a result of the war with Spain. Some call it an accident. Some speak of it as providential. Some criticise the action of our Government in appropriating them. Others maintain to this day that the treaty of Paris and the acquisition of the Philippines was an act of great wisdom and wise statesmanship. Many well-informed people in both of the great political parties favored that treaty at that time, and many patriotic citizens of both parties never believed in it. But at the present time no great good can be achieved by looking backward. If it were a mistake, there is no use in crying over spilt milk. It is for us now to look forward. Our Government is certainly not trying to enrich itself at the expense of the Filipino people. It is not striving to injure them or exploit them or their resources in the interest of this Government, or in the interest of our people. Our Government and the insular government of the Philippine Islands are striving earnestly to educate those little brown people, to improve them, to raise them up intellectually, industrially, socially, and politically, in order that in the course of time they may be fit to govern themselves.

From a short glimpse into those islands and a little opportunity for observation as to their appearance, character, environment, and tendencies, they are not, in my judgment, fit for self-government; certainly not fit according to our notion of fitness, and it would be very surprising if they were. It is practically impossible for the great mass of any people to develop those characteristics of head and heart which will qualify them for self-government in the form of a democracy or republic where they are under the absolute domination of another—a superior and stronger power. Secretary Taft is big hearted as well as big brained. I really think he is fond of those little brown people and sympathizes with them in their aspirations for nationality and independence. As governor-general he made the statement, "The Philippines for the Filipinos." And he represents and impersonates, in my judgment, the highest views and the best and most patriotic ideals of the American people toward those insular possessions and the people thereof.

At the business meetings in Manila, where the Congressional committee sat many days listening to the complaints and appeals on the part of representative Filipinos, and at all the banquets and receptions in Manila and throughout the islands where the Taft party was entertained, the Filipino speakers on those occasions practically all, if not all, assumed that they were to be given independence as soon as they demonstrated that they were fitted for it. And while perhaps no definite promises were made them as to what their future status would be, their assumptions and interpretation of the attitude of our adminstration toward them were not questioned. It is the desire of a large and growing element of our people, both Republicans and Democrats, that the time may come, and as rapidly as possible, when those people may prove themselves fitted for self-government; that they may be able to maintain law and order, protect life and property, and by industry and thrift be able to pay the expenses of their own government without the aid of the United States or any other foreign power.

Now, Mr. Chairman, when that time comes—and I trust it may come in the lifetime of some of us when the United States will withdraw its armies and navies from those islands and permit them to establish an independent republic in the Orient and bid them godspeed, with the hope that they may be able to work out their own political destiny without foreign interference—we will need at least one permanent coaling and naval station as a base of supplies in that part of the Orient as a strategic point and for the protection and advancement of our growing commerce in the East.

Mr. TAWNEY rose.

The CHAIRMAN. Will the gentleman from New York [Mr. DRISCOLL] yield to the gentleman from Minnesota [Mr. TAWNEY]?

Mr. DRISCOLL. Yes.

Mr. TAWNEY. In order that there may be no misunderstanding on the part of the Members of the House, I desire to ask the gentleman if he knows that this amendment that is under consideration is not the amendment relating to Subig Bay at all, but to strike out all proposed appropriations for fortifications in the Philippine Islands?

Mr. DRISCOLL. I understand exactly that; but the gentleman from Massachusetts [Mr. SULLIVAN] said that the appropriation of $400,000 for seacoast batteries in the Philippine Islands pointed toward the selection of Subig Bay as a permanent station. I will ask the gentleman from Massachusetts if that is not what he said would be the effect of this appropriation?

Mr. TAWNEY. That certainly would be the effect of it, but it would also have the effect of preventing the expenditure of any money whatever. An amendment is to be offered, I understand, from the other side excepting Subig Bay from the operation of any of this appropriation. I simply want the House to understand that this vote is not to be on the question of Subig Bay or no Subig Bay, but on the question of appropriating that money for the Philippine Islands.

Mr. DRISCOLL. I understand the point involved in this motion and I understand the meaning given to it by the gentleman from Massachusetts [Mr. SULLIVAN]. I am against his motion because I want this appropriation made. And if the effect of it will be to select Subig Bay as against Cavite, I will vote for it the more promptly, because I approve of the selection of Subig Bay as against Cavite or any other proposed site in the islands of which I have heard.

Now, when the United States withdraws from the Philippine Islands we will need a permanent station for naval, coaling, and commercial purposes. We can not consistently hold the city of Manila, because that is the largest and practically the only city in the island of Luzon. It is the commercial and industrial center of that island. It practically is Luzon, and it is the metropolis of the archipelago. It would be unreasonable, in case of the withdrawal of our occupation, to hold this city as a permanent possession or dependency or naval station. It would be equally unfair and unreasonable to retain the whole island of Luzon, because that is the largest, most populous, richest, and most advanced of all the islands. The reasons for our not holding Cavite permanently are nearly as cogent. It is located on Manila Bay. Ships approaching Manila and Cavite enter through the same channels. Guns from Cavite could be trained on Manila at any time. When we withdraw we will want to sever our relations with those islands as far as possible and leave them to themselves without interference. The close proximity of Cavite to Manila, the capital of the islands, would be a constant source of irritation and perhaps might lead to international friction and trouble. But Subig Bay is 60 miles away from Manila by water.

Mr. KEIFER. Seventy miles.

Mr. DRISCOLL. Seventy miles.

Mr. GROSVENOR. No; do not change that. Sixty miles, and less than that if anything.

Mr. DRISCOLL. An ex-Speaker of the House, the distinguished gentleman from Ohio, says 70 miles.

Mr. KEIFER. Seventy miles by water, as the naval officer told us.

Mr. GROSVENOR. Sixty miles by water and not 40 by land.

Mr. KEIFER. That is the testimony given by the naval officer before our committee.

Mr. DRISCOLL. Well, I am not particularly concerned whether it is 60 or 70 miles by water or 40 or 50 miles by land. No hostile fleet will be apt to enter Manila Bay without first trying titles with our fleet in Subig Bay. No skillful naval officer would be likely to bottle his fleet up in Manila Bay, with danger from torpedoes to every maneuver of his ships, and with the enemy's guns and armies in his front and the

enemy's ships in his rear. It is not so far distant but that it will give sufficient protection to Manila while our country's protectorate remains. Nor is it so far as to interfere with the complete control of Manila Bay, its approaches and fortifications, and the protection of their capital, as they may see fit, by the Filipinos.

Olongapo is over the mountain on a remote and unsettled coast of Luzon, and out of sight of the inhabitants, except those who go there expressly to see it. It would be better were there a small island within the same or even a greater distance from Manila, with as good a natural harbor, on which we could construct our naval station, fortifications, and other improvements. Then our naval station, in case of our withdrawal, would be entirely separated from the Filipino possessions; but, unfortunately, there is no such island, and it seems necessary that a naval station be established on the mainland of Luzon. As a consideration of its surrender of its sovereignty by the United States, and the withdrawal of its armies and fleets and the establishment of an independent government, that people will be pleased to cede to us Subig Bay, Olongapo, and sufficient territory in that locality for our use as a permanent naval base. The cost of such station, with complete equipment, is estmated or guessed at all the way from nine to one hundred thousand dollars. If that money be spent at Cavite, it will be lost in case of our withdrawal; if spent in Subig Bay, it will be saved, for we will retain it. Aside from this we have spent and will have spent enough on those islands and their people. I therefore hope that this amendment may fail, and that the amendment to be offered providing that none of this appropriation be spent in the Philippine Islands may also fail. And I further hope that the granting of this appropriation may result in the adoption of Olongapo, on Subig Bay, as a permanent naval, coaling, and commercial station.

Mr. PAYNE. Mr. Chairman, I am opposed to the adoption of this amendment. I can not in this five minutes discuss the reasons of our being in the Philippine Islands. I may discuss that later in the day. We are there, and no intelligent American citizen who has spent two or three months in those islands believes that we can get away with honor and without cowardice inside of the next twenty-five years at least. We can not leave these people to cut each other's throats; we can not leave them as a prey of any monarchy that might come along and seize them and hold them to oppress them, with honor to the American people. The American people have already decided that we are there to stay until we accomplish the mission of lifting these men up to where they will be honorable citizens and capable citizens in any country and capable of governing themselves. While I do not believe in the proposition as it comes from the committee, and I hope to see it amended so that none of this money shall be spent for Subig Bay, I think the appropriation in this bill ought to be made, and it ought to be made for use in the Philippine Islands as well as in the Hawaiian Islands. There is plenty of opportunity to use it at Corregidor Island, in the channel of Manila Bay. We ought to fortify that channel; we ought to be able to fortify Manila, the capital city, the chief city, the very heart of the islands, against any foreign foe. If we hold those islands for ten years, we ought to fortify; if we hold them for twenty-five years, we ought to fortify. We owe it to ourselves and owe it to those people, we owe it to the honor of our flag and the honor of the American Army and Navy and the honor of the American people, while we are there, to afford them proper protection. I do not believe this can be done unless we go on with the fortification at Corregidor Island, and therefore I oppose this amendment. I will talk later on the other amendment.

Mr. SMITH of Iowa. Mr. Chairman, believing that this debate ought to close, and believing that the other side ought to have the balance of the time, I move that debate on this amendment close in six minutes.

Mr. UNDERWOOD. Make it ten.

Mr. SMITH of Iowa. Unfortunately, much as I should like to do so, the gentleman from Mississippi [Mr. WILLIAMS] has asked for two or three minutes and the gentleman from Massachusetts [Mr. SULLIVAN] wants two or three minutes, and now the gentleman from Alabama wants a few minutes, which would make three speeches, and I shall have to insist on the motion that debate close in six minutes.

The CHAIRMAN. The gentleman from Iowa moves that debate on this amendment close in six minutes.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division.

The committee divided; and there were—ayes 71, noes 36.

Mr. UNDERWOOD. I ask for tellers.

The CHAIRMAN (continuing). The ayes have it, and debate is closed in six minutes.

Mr. UNDERWOOD. Mr. Chairman, I asked for tellers.

The CHAIRMAN. Was the gentleman on his feet?

Mr. UNDERWOOD. I was standing here looking at the Chair.

The CHAIRMAN. Tellers are demanded.

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Iowa [Mr. SMITH] will please take their places as tellers.

The committee again divided; and tellers reported—ayes 93, noes 43.

So the motion was agreed to.

Mr. SULLIVAN of Massachusetts. Without objection, I yield two minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, a moment ago the gentleman from Pennsylvania [Mr. SIBLEY] asked me a question the purport of which some gentlemen on this side of the House did not seem to catch. He asked me whether Mr. Bryan was not somewhat responsible for the ratification of the treaty of peace. I answered, as I was forced in truth to answer, that he was, and that, in my opinion, he had made a great mistake. The gentleman from Pennsylvania did not ask me whether Mr. Bryan was in any part responsible for the retention of the Philippine Islands. If he had asked me that question, I would have answered, as nearly as I could remember, in the very language of Mr. Bryan. The reason given by him why he advocated the ratification of the treaty was that it was the best method to prevent the retention of the Philippine Islands. A few days after he had done what he did, when he and I were talking about it, and differing about it, he stated the object he had. A part of that conversation was, as nearly as I can remember, in these words that I am about to repeat, "That he thought the Filipinos were more apt to get from the sense of justice of the American people their independence and freedom than they were to get them from the Spanish and American commissioners." I violate no confidence in repeating that portion of the conversation, because, subsequently, in the public press of the country, he used almost identically the same language. I did not understand the gentleman from Pennsylvania was charging him with being responsible for the retention of the islands. I do not so understand yet. Everybody knows that Mr. Bryan never desired, does not now desire, the Philippines to be or to remain a part of our body politic.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, we have been led away somewhat from the discussion of the amendment; but so much has been said about this treaty that it seems worth while to call attention to the conditions that existed at the time the treaty of Paris was under consideration. At that time the Spanish soldiers were in the field in the Philippine Islands; American soldiers were there, and so were Filipino soldiers. Mr. Bryan, in attempting to get the treaty ratified, did not anticipate the results of that ratification. No Republican has yet dared to charge that Mr. Bryan contributed to the war which was subsequently waged by the United States against the Filipinos in arms—those same Filipinos who for three hundred years had waged unequal war against Spain in order to establish their freedom. Neither Mr. Bryan nor the Democratic party can be properly charged with having contributed to the results that have followed from the treaty of Paris.

Mr. GAINES of West Virginia. Will the gentleman yield for a question?

Mr. SULLIVAN of Massachusetts. For a question; yes. I have only three or four minutes.

Mr. GAINES of West Virginia. Is the gentleman in favor, and is his party in favor, of immediately giving the Filipinos independence at this time?

Mr. SULLIVAN of Massachusetts. I can not answer for the party, but I will say to the gentleman that I am in favor of giving them their independence at the very first opportunity, and would do it now, if I had the opportunity.

Now, Mr. Chairman, neither Mr. Bryan nor the Democratic party approved of the formation of reconcentration camps in the Philippine Islands, nor of the brutalities which were practiced upon the Filipinos by some men, unfortunately, I must say, in the employ of the United States.

The Democratic party does not approve of civilization by fortification nor civilization by cannon. We approve of civilization by education. We do not carp at a single dollar of expenditure in the Philippine Islands for education, but we do object to erecting fortifications there which will permanently enslave the people of the Philippine Islands. [Applause.]

Now, since the treaty of Paris, in all these seven years, no

foreign gun has been trained upon the Philippine Islands. There is nothing in this bugaboo that a foreign nation will attempt to seize the Philippine Islands. In my judgment, there is no foreign nation that will take the Philippine Islands as a gift. The best thing that ever happened to poor old Spain was the loss of the Philippine Islands. [Applause.]

Now, Mr. Chairman, they say the people of the Philippine Islands are unfit for self-government. The English Government has said that same thing about Ireland for more than seven hundred years. The English Government said that about the colonies of the United States. That has always been in the mouth of every tyrant who undertook to deprive a people of the liberty to which they aspired. It will always be the tool with which tyrants keep people in subjection. [Applause.] No people will ever be fit for self-government until they are intrusted with self-government. The men who have the patriotism to wage war against a mighty nation for three hundred years certainly have enough patriotism and intelligence to maintain a government of their own; not a government like that of the most highly civilized nations—such as the United States and Great Britain and France—but a government suited to the people of a tropical country, a government suited to their own ideas, a government that in the process of time will develop to be a satisfactory and sufficient government for those people. [Applause.] And it is because these fortifications will furnish a standing argument against the liberation of the Filipino people that I protest against the passage of this provision, and I trust that this amendment will be agreed to. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired. Debate on this amendment has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 48, noes 91.

Mr. WILLIAMS. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. WILLIAMS and Mr. SMITH of Iowa.

The committee again divided; and the tellers reported—ayes 61, noes 113.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 21, add the following: "*Provided*, That no part of the money hereby appropriated shall be expended at Subig Bay."

Mr. FITZGERALD. Mr. Chairman, the purpose of this amendment is to carry out what is the intention of the Committee on Appropriations. If this amendment be adopted, it will confine that part of the amount contained in this appropriation for the Philippine Islands to Manila. There are several reasons why this should be done now. In the first place, there is in the War Department, allotted to Subig Bay, an unexpended sum of $455,000 for the purpose of fortifications. The committee deemed it unwise at this time to allow anything for Subig Bay for that reason.

Another reason, in my judgment, is that the contemplated programme for a naval station at Subig Bay is of such an extravagant character that no further appropriation should be made until Congress has had some definite action upon the proposed scheme. It has been asserted by the chairman of the Committee on Naval Affairs that there is ample water at Olongapo for a naval station and the docking of vessels. And yet already $55,000 have been appropriated for dredging at Olongapo, and there is pending now before the Naval Committee a request for $250,000 as a part of an appropriation of $1,250,000 for draining and dredging at Olongapo.

The programme for a naval station at Olongapo has been of such an extravagant character that even the chairman of the Committee on Naval Affairs has never had the courage to take the House into the confidence of his committee and of the Department. The original estimate for a naval station at Subig Bay was $30,000,000. A revised statement brought it down to $12,900,000, and then the Secretary of the Navy revised that so as to bring it to $9,700,000.

The gentleman has been very fond of coming into the House and telling what Admiral Dewey said about one thing or another. I want to place before the House now what Admiral Dewey said to the Committee on Naval Affairs about the scheme of establishing a naval station at Olongapo, and which this House has never heard before.

In 1904 Admiral Dewey was before the Committee on Naval Affairs, and during his examination Mr. Dayton asked this question:

Admiral, let me ask you, can we get along without removing the mountain there, cutting it down in order to get the ground?

Admiral DEWEY. I would cut nothing at all at present. The first scheme proposed was on too large a scale.

Mr. BUTLER. You mean that $30,000,000 scheme?

Admiral DEWEY. Yes. My friend Taylor was on that board, and I said to him at that time, "Of course you will frighten them."

Frighten whom? Frighten the Members of Congress with a scheme or plan to expend $30,000,000 to establish a naval station at Olongapo.

Then the Admiral continued:

Mr. Moody, who is an excellent business man, thinks that a proper plant could be established at Subig Bay for $800,000.

And yet three or four days previously to this testimony Mr. Moody had submitted a revised estimate to the committee, in which he stated that it would cost $9,700,000 to establish this naval station.

Mr. CLARK of Missouri. At Subig Bay?

Mr. FITZGERALD. At Subig Bay. The gentleman from Pennsylvania [Mr. BUTLER] stated yesterday that the mere fact that estimates were submitted was no guaranty that Congress would make the appropriation. The Committee on Naval Affairs will be compelled to very greatly change its policy if it will do anything to cut down very greatly the enormous estimates submitted from time to time by the Navy Department. Within five or six years they have jumped the naval appropriation bill from $40,000,000 to $100,000,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Illinois [Mr. FOSS] stated that a very modest recommendation would be contained in the naval bill this year for a naval station at Olongapo—$1,000,000 is the lowest estimate submitted this year by the Department to place that station upon a working basis.

Mr. WILLIAMS. Will the gentleman allow me a question?

Mr. FITZGERALD. Certainly.

Mr. WILLIAMS. Does not the gentleman think if we finally release the Philippine Islands that retaining a naval station right at Manila would be, in effect, overawing the capital of a people that we have freed?

Mr. FITZGERALD. I do not believe that this involves the retention of a naval station at Manila. It is not necessary to say just at present where the naval station will be. I wish to prevent now the carrying out of a policy for a naval station that involves in the future the expenditure of at least $30,000,000.

Mr. FOSS. Mr. Chairman, will the gentleman allow an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. FOSS. Mr. Chairman, I think it is ridiculous for the gentleman to refer to that estimate of $30,000,000. Mr. Moody, when he was before the committee and recommended the establishment of this station two years ago—and in pursuance of whose recommendation we at that time made an appropriation of nearly $1,000,000 therefor—brought in an estimate of $9,000,000 covering a course of years. Now, in the judgment of the committee, we do not consider that that is necessary, $9,000,000, not by any means. It rests with the committee of the House to report what, in their judgment, they consider necessay to establish a naval station for temporary repairs over there. It is not proposed to make any permanent repairs whatever, but so long as we have got ships over there the gentleman does not believe that we ought to send them to Hongkong to be docked or to make slight repairs, but certainly we ought to have a little station there and a dock where we could make repairs ourselves.

Mr. FITZGERALD. Mr. Chairman, I stated all of that yesterday, and it is in the RECORD to-day. If the gentleman did not hear what I said he could have read it if he had desired to do so. I also stated yesterday that we have a plant there now which is not a little plant, but, according to the figures sent to the gentleman himself, in the month of January, it is shown that at Cavite the repair work done on ships during the last fiscal year amounted to $556,000. That was practically as much as was done in any naval-repair station in the United States, with the exception of that at New York. It is more than was done at League Island, near Philadelphia. They say they have lots of water at Olongapo, and yet the original estimate was for the removal of 4,100,000 cubic yards of matter, at a cost of about $4,000,000, which included the 900,000 cubic yards of mountain.

Some gentlemen seem to think there is a difference between dredging to make land where you have lots of water and dredging to get deep water where you have lots of land. As I stated yesterday, the reports show that in order to complete this station a mountain must be removed by cutting off a million cubic yards of matter, two rivers must be stopped, and 3,000,000 cubic yards of material must be dredged. Yet gentlemen have the presumption to inform the House that there is no dredging necessary and that there is ample water there. I am in favor of restricting the expenditure of this appropriation at this time, because there is money now available that has not been expended and will not be expended this year, in order to serve notice upon the Departments that before Congress will proceed further with the work of building up the elaborate station in contemplation Congress desires to definitely pass upon this question at a later time. The Admiral of the Navy said that Mr. Moody believed that $800,000 would give us a sufficient station there. Already $900,000 has been appropriated for Olongapo, and not a dollar's worth of work can be done there. It appears conclusively, however, from the reports now before Congress it will take $1,000,000 more before anything can be done. Whatever may be the necessity for establishing a naval base in the Philippine Islands, there is no reason why Congress should proceed with appropriations that practically mean the giving of notice to the Departments that the Olongapo plans have been fully approved. As the gentleman from Iowa [Mr. SMITH] stated yesterday, it is intended to expend $200,000 of this money in Hawaii and $400,000 in the Philippine Islands. The money can not possibly be expended at Subig Bay within a year, and so there can be no mistake to make clear the intention of Congress that it should not be so expended. I hope the amendment will be adopted.

Mr. KEIFER. Mr. Chairman, perhaps better to understand exactly what the state of the proposed appropriation is, as there seems to be some confusion, judging from some of the speeches, I will read the clause found on page 7 of the bill. It is a very brief one and a very simple one. It reads:

For the construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000.

As it there appears, there is no attempt to say where this money shall be expended. It would be possible to expend the larger part of it in the Hawaiian Islands; it would be possible to expend a considerable part of it, or nearly all that goes to the Philippine Islands, at Manila Bay. It is fair to say that the proposition means that the authorities, those that have had charge of the expenditures of money in the past years, shall have the allotment and application of this $600,000. So far as the present amendment is concerned, the gentleman from New York [Mr. FITZGERALD] proposes to cut out, not to reduce, the authorities from allotting or expending any part of the $600,000 at Subig Bay. There has been expended of the appropriation for this year, the year ending June 30, 1906, $455,000. It is said in the testimony that it has been allotted, which is equivalent to its actual expenditure. I hope there will be no confusion in the minds of Members about the use of this word "allotted." What has been "allotted" is an assignment and application of the fund for a particular work already contracted for, and, in effect, it may be said to have been applied and expended.

Often it is reported as moneys in the Treasury when it is substantially all provided for under existing contracts or in view of work already commenced. Now, the distinguished gentleman from Mississippi [Mr. WILLIAMS] says that in the defense of these islands we can not rely upon the Army, the strong arm of the Government. I think if we do not make any allotment to Subig Bay to protect it from the landing of a foreign foe, if we are to have one, we will need a very large army to protect Manila, no matter how much money had been expended on fortifications in and around the bay of Manila. This strategic matter, as I understand, has been determined by the naval board, by distinguished naval officers, and by the Taft board, that Subig Bay is more essential to the protection of Manila than fortifications at Manila itself, so far as needing any moneys to be expended. Manila is in a practically good condition for defense against ships on account of the character of the harbor; but Manila would not be capable of defense if a foreign foe could land an army at Subig Bay. Now, this discussion has covered a wide field, and it is not necessary, to my mind, to determine whether or not at some time in the history of the world we shall give up the Philippine Islands. I do not believe, Mr. Chairman, that we and the Congress of the United States should go dribbling along as we have been doing for some time, talking about giving up the Philippine Islands. We own them as essentially as we own any other territorial property in this country, for it is classed as property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes additional time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Ohio may have five minutes additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. I thank the committee. We own the Philippine Islands. It was said by some gentleman on the other side of the House that we had no authority to govern these insular possessions. It will be found by reference to paragraph 2 of section 3 of Article IV of the Constitution "That the Congress shall have power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States." There has never been any doubt about the authority of the United States to make rules and regulations for the government of any of its possessions. It is put on the basis of property that belongs to the United States, and all concede that these Philippine Islands belong to the United States as essentially as any other property. I might say that for myself originally I was opposed to the idea of taking any possessions from Spain at all, except that island we did not get, to wit, Cuba. I was in favor of taking Cuba and no other islands. It was the gem that we have not taken. I do not care for the little bit of sentiment that was put in at the time we passed the resolution that led to the declaration of war. When war came all conditions changed in this country. Spain, rather than evacuate the West India Islands, rather than leave the American shores, cast down the gage of war, and then all other things were set aside, and as evidence of that we stuck to a little bit of verbal sentiment and did not take Cuba when Spain wanted to surrender her sovereignty to us and when the Cuban insurgents wanted, as I know personally, to be annexed to the United States, and when the Spanish owners of property, and they were the principal owners in all the great cities of Cuba on the coast, wanted to be annexed. I was in favor of annexing Cuba, but the Congress up here had got up a little sentiment and they would not take that which would have been valuable, but reached out and took Porto Rico, although we had said we were not going to war for conquest, and then went off half around the earth and took these Philippine Islands, said to number about 2,000. So we got what we did not go to war for; but now let me say the time has come when we ought to quit this thing of apologizing for having taken them. They are ours. They are under the Constitution and the flag of this country. They came to us, as Parker said in his letter of acceptance, "through the exigencies of war," and it is our duty to take care of them, and let us not be apologizing and saying we would like to have somebody come and steal them away from us or take them by some sort of strategy. Let us not do that, but let us stand up for the patriotism of America, let us now continue to spread the civilization of America over the islands, and, as far as possible, carry the Constitution there and give the blessings that that carries with it to those people as fast as they can appreciate it. When the time comes to give it up it will be when they are ready to have the civilization that we are taking there. That is the point that I complain of to my brethren around me. Some of them say that we have no policy now in the Philippine Islands. I am glad we have none. We ought to have none. They are ours as much as any other country we own or ever did own, and I am in favor of saying we are not ready to withdraw the shield of the Constitution of the United States from those islands or to tear down the flag of our country. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, I voted just now for a proposition that no part of this money should be spent in the Philippine Islands, but I am not willing to vote for this amendment if it means that the money must be spent at Cavite. If it comes down as between spending the money at Subig Bay or at Manila Bay, with the lights now before me I shall support the proposition that it be spent at Subig Bay. [Applause.] In all these matters, Mr. Chairman, we are compelled to seek for light elsewhere. For six or eight years, ever since we have been in the Philippine Islands, the problem has been as to what portion of the islands should be fortified and defended. Several boards have been appointed. There have been Army boards and Navy boards, and there is a joint Army and Navy board, and so far as I know the opinions of these military experts upon these boards has been unanimous that Subig Bay was preferable to Manila Bay. In addition to this, this matter has necessarily been considered and investigated to some extent by the Committee on Naval Affairs for the past four or five years, and almost without exception naval officers have pro-

nounced Subig Bay to be preferable to Manila Bay. I am perfectly willing, so far as I am concerned, that this item of appropriation for fortifications should be held up until the question is definitely decided. But I am not willing that the Department shall be forbidden to spend it at Olongapo and inferentially given the authority to spend it in Manila Bay.

Mr. GAINES of Tennessee. How much do you propose to spend there?

Mr. HILL of Connecticut rose.

The CHAIRMAN. Does the gentleman from Virginia [Mr. RIXEY] yield to the gentleman from Connecticut [Mr. HILL]?

Mr. RIXEY. Certainly.

Mr. HILL of Connecticut. Does the gentleman recognize the necessity of fortifying Manila Bay, for this is a question of fortification, whether Subig Bay is fortified or not? Would it not leave Manila Bay, the capital of the archipelago, with 250,000 people, undefended at Corregidor, at the entrance of the bay? It would cost more than this appropriation to do that.

Mr. RIXEY. It was stated by a number of gentlemen on the other side of this House that one objection to spending this money at Manila Bay is that we might eventually desire to retire from the Philippine Islands. I think we ought to retire, and retire at once, but even if there is a hope of retiring in the future—if we are ever to retire from the islands—we can not hold Manila Bay, and the only naval base that we could have, so far as Manila is concerned, or near Manila, would be Subig Bay.

Mr. HILL of Connecticut. But the gentleman does not answer my question. My question is this: Would you leave Manila to be undefended and spend all the money in Subig Bay?

Mr. RIXEY. The opinion of naval experts and of this joint board was that when you defended Subig Bay you would also defend Manila Bay.

Mr. HILL of Connecticut. Thirty-six miles away?

Mr. RIXEY. Thirty-six miles away. And officers who appeared before the Naval Committee stated that, in their judgment, fortifications and a fleet at Subig Bay would be a defense for Manila.

Mr. GAINES of Tennessee. I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Virginia [Mr. RIXEY] yield to the gentleman from Tennessee [Mr. GAINES]?

Mr. RIXEY. Certainly.

Mr. GAINES of Tennessee. How much do you propose to spend in improving Subig Bay? I believe that is the same place as Olongapo. How much money do you propose to spend now and hereafter?

Mr. RIXEY. I understand that this provision provides for $400,000 for Olongapo.

Mr. FITZGERALD. I beg the gentleman's pardon. This amendment prevents the carrying out of that intention.

Mr. RIXEY. I understand that $400,000 of the $600,000 is intended for the Philippine Islands.

Mr. FITZGERALD. Six hundred thousand dollars for Hawaii and the Philippine Islands.

Mr. GAINES of Tennessee. I want to find out how much is proposed to be expended at Subig Bay now and hereafter in order to improve it as we desire to improve it.

Mr. RIXEY. For naval station and fortifications?

Mr. GAINES of Tennessee. Yes, sir.

Mr. RIXEY. Well, the estimates have run all the way from $30,000,000 down. I believe it will be up rather than down in the final cost. But if it costs $30,000,000 it had better be established there than at Cavite, if the latter place is unfit for the purpose.

Mr. GAINES of Tennessee. The gentleman from Ohio [Mr. GROSVENOR] suggests $30,000,000 up. That means if the Republicans are in power and $30,000,000 down if the Democrats are in power.

Mr. RIXEY. Now, I want to offer an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from Virginia [Mr. RIXEY] offers an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. RIXEY. My amendment is to add after the last word of the amendment offered by the gentleman from New York [Mr. FITZGERALD] the words "or at Cavite or Manila Bay."

The CHAIRMAN. The Clerk will read the amendment to the amendment offered by the gentleman from Virginia [Mr. RIXEY].

The Clerk read as follows:

Add at the end of the amendment the words "or at Cavite or Manila Bay."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to the amendment of the gentleman from New York.

Mr. RIXEY. I would like to have it all read.

The CHAIRMAN. The Clerk will read the passage as it would read if the amendment offered by the gentleman from New York as amended by the gentleman from Virginia should be adopted.

The Clerk read as follows:

On page 7, line 21, add:

"*Provided*, That no part of the money hereby appropriated shall be expended at Subig Bay or at Cavite or Manila Bay."

Mr. PAYNE. Mr. Chairman, of course this last amendment offered by the gentleman from Virginia [Mr. RIXEY] is for the purpose of defeating the amendment offered by the gentleman from New York [Mr. FITZGERALD]. The gentleman from Virginia very frankly says that he is opposed to the amendment offered by the gentleman from New York. Now he wants to load it down with this other amendment, that no money shall be expended at Manila Harbor in any way, in order that it may go down in the House, because that is quite equivalent to saying that none of this money shall be expended in the Philippine Islands for any other project now in sight.

Now, Mr. Chairman, I am sorry to differ with the Committee on Appropriations, as I always am with any committee of this House that has given the subject examination; and when I found that they had reported this bill in the shape that they did, I looked into it and looked into the hearings before that committee to see why it was they leave this appropriation in this loose and indefinite way, with the evident intention of leaving it to the War Department to expend a portion of this money at Subig Bay. I read over the hearings before that committee, and they gave me no light whatever on the subject. There is nothing in those hearings that will induce any man to vote in favor of an appropriation for Subig Bay. I happened to be with my distinguished friend from Illinois, the chairman of the Committee on Naval Affairs, the day after he made that famous sea trip of his to Olongapo, after he had carefully investigated that matter. Of course, I knew that he became an expert on naval stations and naval affairs because of his long and honorable service as chairman of that great Committee on Naval Affairs, and I wanted to find from him what light he had acquired on this question. I then found his mind in a condition of doubt and uncertainty. If we had not expended any money there, I have no doubt but what the gentleman from Illinois would have opposed it strenuously then and continue to oppose it now. But the gentleman may not, on account of his naval experience, perhaps, be willing to spend money at Subig Bay. There are some mountains rising out of the bay that we saw afterwards. Although we did not get within 4 or 5 miles of them, we could see them at the time, 4 or 5 miles away from where the ship was, in the daytime, and we would have had to be a good deal farther away than that if we could not see the mountains. It seems, from what was said to us by Army officers and had been said over time and again, that they had to move a mountain into the sea in order to make land on which to hitch a naval station.

Mr. FOSS. Will the gentleman permit me to interrupt him?

Mr. PAYNE. Certainly.

Mr. FOSS. It is not true, as I understand the situation. We have to-day 410 acres of level land that are at Olongapo, in Subig Bay.

Mr. PAYNE. Distance seems to have added to the land since the chairman of the committee was there.

Mr. FOSS. The land is as level land as it is possible to find anywhere else where you would have a naval station.

Mr. PAYNE. We have to move off the side of a hill.

Mr. FOSS. Now, in regard to the rocks that they take out there, they will use that in the construction of the buildings.

Mr. PAYNE. Why, of course, they would use whatever material they had. This is a pretty good-sized hill, and they call it a "mountain;" it is a pretty large-sized hill; it may not be of the dignity of most of the mountains found in the Philippine Islands, but sufficiently large to bury the thirty, forty, seventy-five, or one hundred million dollars that this improvement will cost at Olongapo, if we get fairly started into it.

Mr. FOSS. Does not the gentleman think we can decide how much shall be spent here in this House, year by year, as the matter comes up, and how much of a station we shall have at Olongapo?

Mr. PAYNE. If the gentleman appeals to me, of course I must say I am not an expert; I have not been on the Naval Committee.

Mr. FOSS. So far as this year is concerned, all that the committee propose allowing for this improvement is simply a pier that is to cost $65,000 to connect the dock with the shore, and

$100,000 for tools in order to repair our ships that will be there in dock, and that is the extent the committee proposes to recommend and the naval bill will carry.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TAWNEY. I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from New York be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I would like to ask the gentleman from New York a question. You were speaking a moment ago about removing a mountain to make a site for a fortification. I would say to the gentleman, for his information, that General Mackenzie has just informed me they have already selected all the site that will be necessary for the batteries, which the board of officers has claimed is required at this particular point, without excavation.

Mr. PAYNE. For the batteries, yes; but this is for the naval station.

Mr. BUTLER of Pennsylvania. These are only necessary to defend the naval station. Mr. Chairman, because of the whispering that is occurring in the House it was impossible for me to hear exactly what the remarks of the gentleman from Minnesota were. Does the statement of General Mackenzie apply to Subig Bay?

Mr. TAWNEY. Yes.

Mr. PAYNE. But not to the naval station?

Mr. TAWNEY. It is a question of fortification.

Mr. PAYNE. Of course they can hitch a battery on a hillside or mountain—and they will do so when they have it anywhere in Subig Bay—and then prepare a place to protect the harbor; and when they get sufficient batteries to protect the mouth of the harbor and the harbor from the sea, they have not batteries then to protect from a land force that may come over the hills and mountains from the mainland; and generals tell me—I do not know it myself, but it looks like common sense—that it is impossible to fortify this place against a land force. When they say that, I think they have said what is correct.

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. LOUDENSLAGER. Is it possible to fortify Manila against the advance of a land force?

Mr. PAYNE. Manila is perfectly level all around. Not only 400 acres, but 40,000 acres or 100,000 acres.

Mr. FOSS. Will the gentleman permit me?

Mr. PAYNE. I would like to use some of the five minutes or have five minutes more.

Mr. FOSS. The gentleman says it would be impossible to fortify this place against a land force. Now, I want to ask the gentleman what our Army would be doing there with 14,000 troops and 87 Army stations scattered all over the islands?

Mr. BUTLER of Pennsylvania. And a thousand marines.

Mr. PAYNE. I am talking about what the Army officers say. I am not an expert on this subject, but it seems to me that you would have to have not only 14,000, but many more soldiers there than we have.

Mr. GAINES of Tennessee. The gentleman from New York is an old soldier, and I should like to have his personal opinion as a soldier.

Mr. PAYNE. I can not plead guilty to being an old soldier, and I can not give any further personal opinion on this fortification than I have already given.

Mr. GILBERT of Kentucky. I want a little information. We have had an investigation before our committee, in which we ascertained the fact that there was but one substantial coal field in the whole archipelago, and that on the island of Batan. Certain Spaniards have an option on that land. We are going to recommend that the Government make an appropriation of $50,000 for the purpose of closing that option, so that the Government shall have control of that coal field.

It further developed in the investigation that there was already a magnificent harbor there and that the coal lay in close proximity to the harbor.

Mr. PAYNE. I was going to ask about that; but I had just as lief the gentleman would make my speech, if he will talk a little louder, so that everybody can hear him.

Mr. GILBERT of Kentucky. I want to know, if we are going to have only one fortified station there, why we should not put it on that island where the coal is, and where the harbor is?

Mr. PAYNE. If I did not understand that many naval officials condemned this proposition, I should speak with great hesitation as against this committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent that the gentleman have ten minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from New York have ten minutes additional. Is there objection?

There was no objection.

Mr. LILLEY of Connecticut. I should like to know if the same conditions that apply at Manila would not apply to Boston or New York? Do we fortfy any of our cities from the land side? And, furthermore, would there not be a fleet in Subig Bay that would be apt to defend it from the land side?

Mr. PAYNE. Now, Mr. Chairman, of course the conditions are different in the United States from those in Manila or in the Philippine Islands. We have an Army here, we have an organized militia, and then we have a few millions of citizen soldiers who are ever ready to spring into action, and it would be pretty difficult for any foreign enemy to exist anywhere on the land of the United States long enough to take any of those cities.

Mr. LILLEY of Connecticut. Does not the gentleman think we have an Army large enough in Manila, and always will have, to defend it from any land force?

Mr. PAYNE. I do not; and I base my opinion on what these Army officers have said and not on my own experience or knowledge of the case.

Now, Mr. Chairman, it would seem to me a much better proposition to fortify and make a naval station at the island of Batan. They have there the finest coal in the whole archipelago—finer coal, it is said, than that in Australia, which is the best that is now available anywhere in the Orient. It has been investigated by the United States engineers. They have drilled in various parts of the island sufficiently to develop the fact that there is an almost inexhaustible supply of coal there; they say coal enough to last for three hundred years, so far as they have already investigated. There is a beautiful harbor there, they say, and that fact seems not to be disputed. Adjacent to the harbor there is a Spanish land claim, given by the Spanish Government, which seems largely to cut off the coal in the rear, which the Government owns. The Government of the United States owns the whole island except this Spanish claim. They have an option on that claim which expires on the 1st of March, and is depending upon the action of Congress as to whether it shall be wiped out or not. If we do wipe it out, we shall own the whole island and all the coal on it and have free access to the harbor. This option can be wiped out for $50,000. Of course, after this exploration of the island by the engineers this Spanish claim is worth much more money than that, and I hope Congress will appropriate the $50,000.

Mr. MADDEN. What would be the value of the land per acre in the neighborhood of this 300-acre tract?

Mr. PAYNE. I do not think that is a question to be asked or answered. Of course, if you take into consideration the coal that is there, the engineers and the Army officers say that it would not take long to get back the $50,000, and a good many times the $50,000, which this Spanish claim will cost; but that is a matter for the future. Whether the United States shall mine this coal or whether they shall lease it upon a royalty for the coal that is to be gotten out is another question; but there is coal right there for the naval station, for the repair shops, if you locate them there, coal contiguous to the harbor; and it is easy to fortify this harbor on this island, which, I believe, is about 8 or 10 miles long and 3 or 4 miles wide.

Mr. GAINES of Tennessee. How does the gentleman know that there is coal there?

Mr. PAYNE. I know from the report of Lieutenant Wigmore, who was at the head of some engineers who have been experimenting there for the last two or three years; I know it by personal conversation with him.

Mr. GRAHAM. They have been using diamond drills there and developing this coal.

Mr. GRAFF. How far is it from Manila?

Mr. PAYNE. I do not know. They have drilled it and developed the fact that the coal is there, and they say that the quality of the coal is the best that can be got for ship purposes anywhere in the eastern waters.

Mr. MADDEN. I would like to ask the gentleman if he knows how far it is from Manila Bay?

Mr. PAYNE. Oh, it is several hundred miles.

Mr. CRUMPACKER. It is 500 miles.

Mr. MADDEN. Near enough so that the fortifications would do for Manila Bay?

Mr. PAYNE. Oh, no; it is 500 miles from there, but there could be a naval station there well fortified. There is another

island, the island of Paliwan, where there is as good a harbor as there is in the whole archipelago. It is a small, narrow island, where it could not be approached from the mainland, where it could be easily fortified, and I believe it is only about 100 miles from Manila.

Mr. HILL of Connecticut. Right in the path of commerce coming around the straits?

Mr. PAYNE. Yes; right adjoining the China Sea, and is as available a place, it would seem to a man who is not an expert on these matters, as Subig Bay, and so much more easily fortified.

Now, my thought was, Mr. Chairman, being in the condition of mind that my friend from Illinois was the day after he was there—very doubtful whether we ought to go on with this matter, whether we should spend another dollar in Subig Bay—that we had better adopt this amendment offered by the gentleman from New York; that no money should be spent out of this appropriation at Subig Bay, and let them have another examination by experts who will go upon the ground and report from what they have seen, and not report from what they have not seen, in reference to Subig Bay and other points that have been suggested in this island for fortification, and see what is best to be done.

In the meantime, the whole of this appropriation to be apportioned to the Philippine Islands can be used—for it is much less than was asked for—it can be used for Corregidor Island and Manila Bay. Let the appropriation remain in the bill and let them spend it at Corregidor Island, because, whether or not we stay there a year or twenty-five years, we should protect Manila Bay, and we can do it only by appropriating the money for it.

But whether we have a naval station at Manila Bay, at Cavite, or at the island of Paliwan or the island of Batan, let us have a joint report from the Army and Navy as to what is best to be done. This House should have the best information that can be got, and not take this report, which is so much questioned now by officers of the Army and officers of the Navy, some of whom have reported against it since the report was made by those who have been in charge. Let the House be in full possession of the facts, and then if Subig Bay is the best place, I am for Subig Bay. In the meantime, if we have got to build a dock for the dry dock, if we can't anchor it without building a dock, why, let us build the dock; it is a matter of only $65,000 compared with an expenditure of millions. In the meantime we can make an investigation and see whether it is best to go on and spend all the money that is asked for for Subig Bay or whether it is best to get some other place in the Philippine Islands for a naval station. Let us have the report of the experts after they have gone there and investigated and made an examination, and have something that will not be questioned by every officer that visits the islands, and who will not leave, as the chairman of the Naval Committee did, in doubt after he had spent a whole day there investigating.

Mr. TAWNEY. Mr. Chairman, I am unable to understand the attitude of the gentleman from New York [Mr. PAYNE] on this amendment, or on this provision of the bill. From his statement it would seem that the Committee on Appropriations, in reporting this appropriation in the language it has, is subject to criticism. He says that it is this "loose and indefinite" language in which the appropriation is made that prompted him to investigate the matter, and then said that that was the reason for his opposition to this provision.

Now, Mr. Chairman, I want to call his attention to the fact that in all the fortification bills that have been considered in this House since he has been a Member of it no fortification bill has contained more specific language as to the particular locality in which the money was to be expended than this particular item does. The last fortification bill provided "for construction of seacoast batteries in our insular possessions," leaving the matter of the expenditure of that money wholly and exclusively within the discretion of the War Department, and in the investigation which the committee made we found that under that language a part of that appropriation was expended at Guantanamo, Cuba, although it is questionable whether that was ever intended. In order to limit the localities in which this money should be expended, the committee, contrary to all precedent and expressly, provided that this money shall be expended in the Philippines and Hawaii. I desire to call the attention of Members of the House to the fact that the question of the purchase of coal lands in the Philippine Islands on the island of Batan is not involved in this discussion; it is not involved in the amendment offered by the gentleman from New York [Mr. FITZGERALD], nor is the fortification of any particular place in the Philippines involved. Nor do we provide that any part of this money appropriated shall be expended at Subig Bay, at Cavite, or at any other place. There has been $1,400,000 already appropriated for fortifications in the Philippine Islands, and that money has been distributed by the board having control of these expenditures. It will be used where, in the judgment of that board, it is most expedient and for the best interests of the Government to expend it.

Now, the question is simply this: Are we now going to depart still further from the accustomed and established practice of allowing those who have expert knowledge, who have experience, and whose duty it is to determine the best places for fortifying, or are we going to undertake to determine that this particular place or that particular place shall not have any part of this money expended on it? Then what would the result be? There are not ten men in this House to-day, not even the Members who visited the Philippine Islands, that agree on this question of whether Subig Bay should be fortified or not, except in this, that it is generally agreed that if the Philippine Islands should ever be surrendered by the Government of the United States we will forever maintain a naval station in those islands, and that Subig Bay is the place that ought to be selected. In that event the fortification should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Just one minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time may be extended for one minute. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I want to repeat this—that we are not determining upon the purchase of coal lands in the Philippine Islands; we are not determining upon whether this money should be expended at this place or that place. But the board that has been created for the purpose of ascertaining the points or places at which these fortifications should be constructed has unlimited discretion, and, in the judgment of all preceding Congresses, it has been deemed wise that that discretion should rest in that board. If they find that Subig Bay is the most desirable place to fortify, this money will be expended there. On the contrary, if the Army officers, as the distinguished gentleman from New York says, have condemned this place, then not a dollar of this money will be used in fortifications there. It is only in the event that the board of Navy and Army officers finally agree that Subig Bay is the best place for a naval station that any of this money will be expended for the purpose of fortifications at this point.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for ten minutes instead of five, and then I promise that I will not ask for any further extension.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, I do not intend to assume a great deal upon anything which I have seen in the Philippine Islands. The gentleman in charge of this bill seems to have had his wrath greatly excited in the early part of the day because some members of the committee have spoken of something that they saw themselves. I do not know that it is any worse to make a statement based on your own best judgment of what you saw than it is to make a statement that evidently shows that you don't know anything about it and have not had any opportunity to know. [Laughter.] Now, if this was a question of establishing a naval station at Subig Bay, under certain circumstances I would not put up my judgment against that of a so-called "expert," even though I had an opportunity to talk and get testimony far better than any that you can get under the eaves of the Department of the Navy in the city of Washington. Give me the ear of a naval officer of great experience in the Philippine Islands, who talks in confidence and trusts you to maintain his confidence, and he will tell you a great many things that you will never get in the committee room in this Capitol, with the Navy Department reading the testimony the next morning.

But if it was the establishment ultimately of a naval station at Subig Bay I would not put up my judgment against that of the distinguished Admiral of the Navy, although he was about as near to the interior of Subig Bay as——

Mr. FOSS. May I interrupt the gentleman?

Mr. GROSVENOR. Yes.

Mr. FOSS. That I may ask that a letter from Admiral Dewey be read upon this question?

Mr. GROSVENOR. Oh, no; I could not. You can not take me off the floor.

Mr. FOSS. If it is read, I think the gentleman will withdraw his remark.

Mr. GROSVENOR. I do not yield for that purpose. Admiral

Dewey at the time he went after the fleet of the enemy entered Subig Bay and reached with his ship about the place where the island is stationed, and I have it from a Member of this House who was present that the exploration, the whole of it, was not for the purpose of establishing a naval station—he was not up there to examine the character of the surroundings, but he was there to find out a single fact, and that was whether the Spanish fleet was in Subig Bay or not.

Mr. FOSS. May I interrupt at that point? I have a letter here which covers the whole question——

Mr. GROSVENOR. I do not want that letter read in my time. You can put it in in your own time and at the same time couple it with the statement you made as to the *Logan* after we had left Subig Bay the last time you were there, and if you do that the rest of us will be thoroughly vindicated, and here are the witnesses all around me.

Mr. FOSS. I do not know to what statement the gentleman refers.

Mr. GROSVENOR. The strongest opponent of Subig Bay, and that was when the *Logan* had cleared the jaws of the harbor, was the distinguished gentleman, the chairman of the Committee on Naval Affairs of this House.

Mr. FOSS. I must respectfully disagree with the gentleman.

Mr. GROSVENOR. Well, I have the evidence here and I heard it testified to repeatedly since I began this talk; but that is not important now. [Applause and laughter.] Neither one of us knows too much about Subig Bay. Admiral Dewey may have gone back there, and I would rather trust Admiral Dewey's long-range opinion than mine; he knows a great deal more about it; but now I am going to talk about the question of the appropriation of this money and the fortification of Subig Bay. You are going to fortify Subig Bay for the purpose of protecting Manila. How would it do to fortify Snickers Gap to protect Washington? There is absolutely an equal and correct illustration. How would it do to build a battery at the city of Baltimore to protect the capital of the United States? How would it do to put it down at Washington Junction? That is not so far away as Subig Bay is from Manila. What do you want fortifications there for? Why, to protect the Navy, you say. To protect the Navy. Who will protect the batteries? You want to protect the Navy, and you have a navy there not for the purpose of active operations in Subig Bay, but for the purpose of sending down to Manila to protect Manila.

Now, let me call your attention to the question of what you are embarking upon. Subig Bay is surrounded, as my colleague here [Mr. HEPBURN], who is a pretty level-headed man, says, by some twenty-five to forty rough points upon the mountains surrounding it, all of them pointing directly into the harbor, so you have got to fortify not only the batteries at the water line, but you have got to put batteries not on a thousand hills but on about as many hills as there were around Jerusalem before you have got this protection in a protected position. Now, then, you are going to protect against what? Do you want to protect the Navy against some other navy if it comes in there? Do you think that there will ever be a fleet of ours bottled up inside of Subig Bay so that you must have land batteries planted upon the hills around there to protect the Navy? My proposition is this: Let us decide ultimately what we are going to do about the naval station, not one that the gentleman from Illinois, the chairman of the Naval Committee, is talking about, with two or three million dollars—I heard a distinguished naval officer, whose name I would not repeat for any consideration in the world, say that entering upon this was the entering wedge of a hundred million dollars, and the gentleman from Connecticut heard the same statement, and that he had not any hesitation about saying that before you could make it a safe place of rendezvous for our Navy, and march from there and go 60 or 70 miles down to Manila while an enemy's fleet was ravishing the city of Manila, you would have to spend a hundred million dollars to make it a sort of place that would be fitted for the purpose you are seeking to accomplish.

So I do not believe that until we have established our plans in regard to this matter we ought to thus throw $400,000 of money recklessly into an appropriation for the establishment of batteries there until we know what we want them for. Nobody will ever go into Subig Bay in order to reach Manila, for they can not get over the mountains. They can not get out of there with any kind of munitions or transportation of any character. It is simply a place or rendezvous, and I have no doubt the truth is—and I have no doubt the gentleman from Illinois [Mr. Foss] knows it as well as I do—that the original scheme was simply a proposition looking to the abandonment of the Philippine Islands and the location of a mere coaling station at Subig Bay. And all this supplemental talk and consideration about protecting the city of Manila, which is 60 or 70 miles away, is all an afterthought and has not the slightest possible justification in any principle that I can possibly understand.

I have no objection to trusting the Army people with the expenditure of money, but I think we ought to know just exactly what is to be done with this money and what is to be the future proposition with regard to the whole line of defense of the Philippine Islands. I do not believe a thing of this idea that you must not let the other people know. Why, you can not mark out a fortification, you can not mark out a position or plant a single battery that the Japanese and the Chinese and the Germans and the British and everybody else will not know just exactly the size of the work. That would have done in the olden time; it would have done in the pod-auger days and in the days of the wooden plows and the Dilworth spelling book, but it will not do in these modern times, when the size of every ship is known by the whole world.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I understand that one amendment here would confine the appropriation for fortifications to Manila and the other would confine it to Subig Bay. I hope both amendments will be adopted, and then we will be brought back to what I think ought to be the Democratic position—that no fortification will be appropriated for in the Philippine Islands. I think that ought to be the Democratic position on the question, and after hearing the debates upon that side of the House I think that you should come to the same conclusion, for this debate has shown a great uncertainty of mind as to the wisdom of appropriating money for the one place or the other. And if there ever was a case where legislators ought to make haste slowly it seems to me that this is the case. The chairman of the Committee on Naval Affairs yesterday quoted Secretary Moody, Admiral Dewey, and the joint board of Army and Navy officers in favor of Subig Bay. Some of the gentlemen on the other side have quoted eminent authorities against Subig Bay and in favor of Manila, and some even have gone so far as to intimate that the gentleman from Illinois [Mr. Foss] might be quoted against himself on that proposition. In that state of affairs, it seems to me, this House ought not to vote any appropriation for fortifying the Philippine Islands, but we ought to wait until a competent officer or a competent board should determine which of the two places is the better, or if there is a third place which is better than either, and then let us appropriate according to such report. I know that gentlemen upon that side of the House are just as sick and tired of holding the Philippine Islands as we are on this side and as the country at large is.

You have taken hold of the positive and negative poles of the electric battery which you call "manifest destiny," and which we call "lust of empire," and you declare that the Almighty God has turned the current of electricity on, and you are now praying to the Almighty to turn the current off so that you can let go. [Applause on the Democratic side.]

Now, Mr. Chairman, I would not like to see Manila fortified in any event, because I believe that fortifications at Manila, regardless of the question of expense, spells the permanent enslavement of the people of the Philippine Islands. I believe the nations of Europe will so regard the fortification of Manila, and for that reason, if for no other, I should oppose that. I trust that the amendment offered by the gentleman from Virginia [Mr. RIXEY] will be adopted by the House.

Mr. SMITH of Iowa. If this $400,000 is to go to Manila or to Subig Bay, where does the gentleman say it ought to go as between the two, as a member of the Committee on Appropriations?

Mr. SULLIVAN of Massachusetts. After listening carefully to the debate, and from what I learned as a member of the Committee on Appropriations, I would pronounce unhesitatingly in favor of Subig Bay. And for still another reason. If the money is spent at Subig Bay, then in the event of the relinquishment of the Philippine Islands no one can say that a dollar of the public money has been wasted. We will have to have a naval station and a coaling station at all events. We can have them at Subig Bay, and if we appropriate money for fortifications at Manila, that would be regarded as having been done for the purpose of protecting the principal city of the Philippine Islands, and the people of the Philippine Islands might look upon those fortifications with the realization that their hope of ultimate liberty is forever lost. For that reason I trust that no fortification at Manila will be appropriated for.

Mr. KEIFER. Mr. Chairman, I want to repeat again what I think ought to be fully understood—and I find it is not—and that is that the appropriation proposed in this bill is an appropriation of $600,000 to be expended, not at Subig Bay, not at

Cavite, not at Manila, not in the Hawaiian Islands, but wherever those in authority in these matters, as in the past, may choose to apply it.

Mr. PAYNE. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Ohio [Mr. KEIFER] yield to the gentleman from New York?

Mr. KEIFER. Certainly.

Mr. PAYNE. Has not all the money that has been allotted for Subig Bay been allotted under an appropriation exactly similar in character, except it did not go so far even as to restrict it to the Philippine Islands and Hawaii?

Mr. KEIFER. That is true, Mr. Chairman, and that is the very good reason why the gentleman from New York should not have said there is no reason now for having any portion of this money applied at Subig Bay, because I understand that he, as well as others, in the past voted for these appropriations, $455,000 of which have been applied at Subig Bay already. And also we have that great dry dock, that is somewhere on the billows between here and the Philippine Islands, that is going to Subig Bay, and which cost more than a million of dollars. It is going there, and those who know tell me that there is no other place to take it in the Philippine Islands but Subig Bay—that there is no place it can be taken on Manila Bay.

Mr. PAYNE. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. PAYNE. If that dry dock does not encounter storms and gets there in due time, will it not arrive there before this appropriation, or even a dollar of it, could be allotted to Subig Bay?

Mr. KEIFER. I am not sure about that; but it may be allotted as soon as the bill becomes a law. I am not responsible for the $455,000 which has already been practically applied to fortifications at Subig Bay. I am not responsible for the million and more dollars paid for the dry dock that is now being carried across the seas to Subig Bay, and to no other place.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. KEIFER. Certainly.

Mr. CLARK of Missouri. We are all agreed that Pearl Harbor and the surroundings there ought to be fortified. Now, why not spend the whole $600,000 given in the bill for the fortification of that harbor and fix it so that the battle ships can get into it, and then by the next session maybe you gentlemen on the other side can get together and say what policy shall be agreed on with reference to the Philippine Islands?

Mr. KEIFER. I hope the gentleman will go up there to the War Department—to those who are capable of deciding these questions—and make his speech to them, because they have authority to expend this $600,000 in the Hawaiian Islands or the Philippine Islands.

Mr. CLARK of Missouri. Well, I will make the speech to them on this question as sure as you are living.

Mr. KEIFER. I will be glad when you do. I want to read a word to the gentleman from New York. He says he sees no reason why this money should be appropriated to be applied at Subig Bay. Unfortunately the gentleman did not read what is contained in the hearings, or if he did he did not read it carefully, or he would not say that, unless he means to repudiate the learned men who have devoted their time and attention and given all their talents to determine whether or not it was wise to go to Subig Bay. They say that Subig Bay is 70 miles by actual water travel from Manila. Now, on page 47 of this testimony, General Mackenzie says:

> The naval members of this Taft board have ranked Subig Bay——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Ohio be extended five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. I will finish the reading:

> The naval members of the Taft board have ranked Subig Bay as one of the three most important harbors to be fortified we have.

Mr. PAYNE. Read the next two lines.

Mr. KEIFER. The gentleman will make his own speech when it comes to that. [Laughter.] He wants me to read more. Mr. GRAFF asked the question: "Why?" General Mackenzie answered:

> On account of its being an important naval station.

Now, I have read that to console the gentleman. It is because it is an important naval station in the judgment of the naval members of the Taft board. But we did not learn much in this Congress from that distinguished galaxy of men who left this country last summer. I could not go there with them and see something about our island possessions on the other side of the world. They have, however, come home quarreling with themselves. [Laughter.] Why, my brother from Ohio says on one occasion the committee met at Subig Bay and the chairman of the Naval Committee had one opinion and when he gets home he testifies to another. [Laughter.] Now, just think of this, from my distinguished friend from Ohio, when we all remember that one of the things he boasted about on this floor but a few days ago was the fact that he always was royally inconsistent all his life. [Great laughter.] Gentlemen tell us that the one thing now for us to do, while we have an opportunity, is to buy some coal lands. Somebody who can pronounce the name do so for me——

Mr. PAYNE. Batan.

Mr. KEIFER. Batan Island. Somebody says that is the place to fortify. It is about 500 miles away only from Manila Bay. That is certainly a great place to fortify. [Laughter.] It is an island 5 or 6 miles long and 2 or 3 miles wide. You could sail around it and fire shots from modern naval guns clear over and through it in every direction [laughter]; and it is only 500 miles away. What would that amount to as a fortification? I may know but little about fortifications. I have been outside of them more than inside. I want to be outside of them always. [Great laughter.]

Now, Mr. Chairman, the point about it is that we should appropriate this money and let it be used as has been the custom of Congress in past years, to be applied as those who are charged with the expenditures of money should deem proper.

We have entered upon this matter of fortifications at Subig Bay. They say it is to be a naval station; not to protect our war ships so much as it is to protect that place from the landing of foreign troops.

Mr. GROSVENOR. If some men should land at Subig Bay, where would they go and how would they get there?

Mr. KEIFER. I do not think the gentleman went across those high hills that he magnifies. I understand he was within 5 miles of that place and not on the hills at all. [Laughter.] General Mackenzie said in his testimony that it was essential to the defense of Manila to keep a foreign army from making a landing and threatening Manila. I understand it is about 40 miles by land from Subig Bay to Manila.

Mr. GROSVENOR. Does the gentleman mean to say that there is a possibility of landing troops in Subig Bay?

Mr. KEIFER. That is the testimony of those who know.

[Here the hammer fell.]

Mr. HILL of Connecticut. Mr. Chairman, I shall vote in favor of this amendment to eliminate Subig Bay from the provisions of this appropriation. I shall vote against the Subig Bay proposition in the fulfillment of my duty as a Member of Congress. I believe it is an unwise appropriation or series of appropriations to enter upon. I believe that this and some previous appropriations in a similar direction will ultimately involve this Government in the expenditure of a hundred million dollars, and I am not willing to do that. I think we can well take this day and several more days before we enter upon a path which we must follow to the end after we once begin it. I went to Subig Bay with the Taft party with this understanding, and this understanding only, that in pursuance of a letter submitted to the party we were to express our opinion and form our conclusions so that we might vote intelligently here in Congress after we got back upon the policy of proceeding with the fortification of Subig Bay and the establishment of a naval station there.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HILL of Connecticut. Certainly.

Mr. TAWNEY. Will you state to the committee how near Subig Bay you were?

Mr. HILL of Connecticut. I will before I get through.

Mr. LILLEY of Connecticut. Will the gentleman yield to me?

Mr. HILL of Connecticut. Certainly.

Mr. LILLEY of Connecticut. May I inquire how this hundred million dollars could be expended there?

Mr. HILL of Connecticut. I will tell you before I get through, if I have time.

Mr. LILLEY of Connecticut. The estimate is $10,000,000, and a pretty complete estimate, too.

Mr. HILL of Connecticut. I remember distinctly some three or four years ago an estimate was published in the papers at least—whether it got any further or not—that the Navy Department had prepared a recommendation for a naval station at Subig Bay, to cost between thirty and forty million dollars.

Mr. MUDD. It never got to the Department.

Mr. HILL of Connecticut. I think the engineers were instructed to make a revised and lower estimate, and that as a result of that recommendation there is now pending before the Naval Committee a proposition to expend $10,000,000 for a naval station there. So that you see you are looking to an expenditure of $10,000,000 anyhow, whether any more or not.

Now, we did not and could not make a very careful examination of Subig Bay. I am going to try to present it to you just as it presented itself to me when I saw it. We sailed up the coast from Manila Bay, from Corregidor Island, until we came to the entrance, and we found a narrow entrance, perhaps half or three-quarters of a mile wide, flanked on the left by high mountains, from which a rifleman, standing at the top of them, could make it impossible for a steersman to go through that channel. On the other side is a flat island, and beyond that island a passage for water only, filled with reefs, so that no vessels could enter it. The passage must be through this narrow channel, and General Corbin told us that this island at the entrance was the place where the fortifications were to be constructed. In the rear of that island there is already a pier built to enable the Army authorities to get onto that island with the tools and implements that are necessary to carry on the fortifications. So that is the place where this money will be expended if you appropriate it.

Now, what have you got when you get beyond that? You go in through that long, narrow channel and open out into a magnificent bay—a delightful spot. Because of a severe thunder storm which came up at the time, we did not go to the landing place where the naval station was to be established, but we were told by gentlemen now on this floor, and told by Army and Navy officers, that the land where the naval station was to be built was so uncertain in its character that it would have to be made over again, at a probable expenditure of about a million dollars.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut have five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Connecticut be extended five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Now, I wish to ask the gentleman a question.

Mr. HILL of Connecticut. Certainly.

Mr. TAWNEY. I would like to say that if a naval officer or Army officer does not approve of this place for fortification or for a naval station not a dollar of this money will be expended there. The gentleman made the statement a moment ago that this appropriation would be expended at this particular point. What basis has he for making that statement?

Mr. HILL of Connecticut. On the basis of a statement made to me on the spot by an Army officer. The work is already begun there; the piers are built to put the guns ashore.

Now, Mr. Chairman, we were told another thing—that it would be necessary to make the actual ground or land upon which the naval station was to be placed, for the land is not solid enough to support the buildings; and that it would also be necessary to change the course of a river.

Mr. FOSS. May I interrupt the gentleman?

Mr. HILL of Connecticut. Yes; if you will not take too much of my time.

Mr. FOSS. Just one question.

Mr. HILL of Connecticut. I am trying to give the reasons that cause me to vote as I am going to vote.

Mr. FOSS. I want to ask the gentleman whether it was an Army officer or a naval officer who told him that?

Mr. HILL of Connecticut. I want to say that what has been stated by other gentlemen is, in my judgment, true—that it would be absolutely impossible to defend Subig Bay against a land attack, and the whole proposition that was submitted to that party was this: If we are in the future to leave the Philippine Islands, is this a proper place for a naval station? Not that we should go ahead and do it anyway. I am one of those who believe the time will never come when the United States will leave the Philippine Islands. [Applause.] Consequently, the question has ceased to be one of interest except on the score of economy, saving as much of the proposed expenditure of fifty or a hundred million dollars as possible. After we came out of the bay we held a meeting of two hours or more in discussion of the subject.

We discussed the question two hours, and at the close of this meeting I turned to General Corbin, the department commander, and asked this question: "I would like, General Corbin, your opinion on this proposition as to whether it will be necessary to fortify Manila Bay if Subig Bay is fortified and defended." His reply was that it would be necessary to defend and fortify Manila Bay in any event. So it was to be simply a double expenditure. I am in favor of keeping this amount of $600,000 in the bill, and I agree with the gentleman from Missouri [Mr. CLARK] that this and more should be expended either at Pearl Harbor or at Manila Bay.

But I believe, gentlemen, you will be doing an unwise and imprudent thing if you go ahead and gradually, by the expenditure of a hundred thousand this year and a hundred thousand next year, get this Government committed to a lump expenditure of $100,000,000 at Subig Bay, as, in my judgment, will be necessary if you begin upon it. You will make a great mistake. Do the duty that lies before you now. Defend Pearl Harbor and Manila Bay, and leave Subig Bay for future consideration. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I have listened with interest to what the gentleman from Connecticut [Mr. HILL] has said with reference to this matter, and I agree with him heartily as to what he says about Subig Bay; but I think this question of fortifying the Philippine Islands is one that the House should decide, and decide definitely.

A large number of gentlemen on that side of the House, every Member practically on this side, say that at some time they hope to see the Philippine Islands independent. Now, we have spent millions of dollars on the Philippine Islands already. If we attempt to fortify the Philippine Islands as against a foreign invasion, it will cost a hundred million dollars or more. It will cost more to fortify these islands against a foreign enemy than it would to fortify the entire coast of the United States.

There is no danger of any country in the world interfering with our possessions in the Philippine Islands in the immediate future. We are not at war with anyone; we do not expect to go to war with anyone. If we did have a foreign war to-day, or at any time within the next ten years, no matter what our policy is, there are two great nations that now have navies that are so much superior to ours that if we went to war with them it would be necessary for us to call our naval forces back to the United States and abandon the defense of the Philippine Islands. There is no question about that. With any other nations on the face of the earth we could protect the Philippine Islands with our present Navy.

Now, if we ever expect to surrender these islands to the people themselves, to separate their government from ours, is it wisdom on our part to go about a general scheme of fortifications for the Philippine Islands? I think clearly it is not. Then what do we want to fortify there? It seems to me there is but one feasible proposition, and that is, to fortify a naval base. Manifestly, if we intend ever to give freedom to the Philippine Islands, Cavite in not the place. That would be the capital of the Philippine Islands, and if we had our fortifications there, it would threaten their government. It would be unfair and unjust to them to fortify any place near Manila as a naval base for our own country. I think it is manifest, from what we have heard on the floor here to-day, that Subig Bay is not the place, because it will cost millions to start the naval fortifications, and then it would not be fortified against a land attack. I think it would be very proper, if we could find the proper place, to fortify a naval station there for the operations of our Navy in the future and for a base of supplies, but that is all we can do, all we ought to do, all that is practicable to do. If that is the case, there is one simple way in which this House can decide it—not leave the proposition to the Executive branch of the Government, not leave the proposition to a Navy or Army officer that gets to the head of a board to-day and next year has passed on and another has succeeded him with a different line of thought. If this House has made up its mind that it is going to fortify the entire system of the Philippine Islands, it ought to declare that affirmatively. If it is not, it should then simply declare that it proposes to build a naval base and appoint a committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, the practical question, then, is for this Congress to appoint a committee to investigate the question thoroughly as to where the naval base should be established, how we should establish it, and what it should cost, and then proceed to make our appropriations along that line. With that in view, I contend that every dollar of this appropriation looking to the improvement of the fortifications in

the Philippine Islands at any point should be stricken out of this bill. It is not necessary; we are not threatened at this time; we have plenty of time before us to investigate the question as to a proper place to establish a naval base and to do it in the correct way, and then we will waste no money. I do not believe there is a gentleman on the floor of this House that to-day will willingly agree to a plan looking to the fortification of the entire Philippine Islands, yet this appropriation would go along that line. Evidently the House is not prepared to-day to say where a naval base shall be established. So, Mr. Chairman, I hope that the amendment offered by the gentleman from Virginia [Mr. RIXEY], providing that none of this money shall be expended either at Manila or at Subig Bay, shall be adopted, and then, if the appropriation passes, the money will be expended at Hawaii, that we know will always be a part of the American territory, and will not be a waste of the appropriation.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to have the attention of the committee a few minutes. I have not anybody's guess here, but I have the evidence taken within four or five days of men employed by the Government to make an examination of the situation and to further recommend to Congress what ought to be done in reference to the proposed naval station at Subig Bay. This is not the hearing before the Committee on Appropriations, but it is evidence taken by the Naval Affairs Committee to advise it whether or not we ought to make further appropriations for Subig Bay. While the gentleman from Connecticut [Mr. HILL] is thoroughly in earnest, I am going to assure him in return that I am equally in earnest, and that I do not propose to be turned into a donkey here or elsewhere. [Laughter.] The gentleman from New York [Mr. PAYNE] has sat here and listened to the reports that have been submitted on three or four different occasions and has voted with other gentlemen in favor of appropriations for the beginning, for the development, and for the maintenance of a naval station at Olongapo. We have much evidence touching the desirability of this place.

We are not leaders of men, neither are we military chieftains, but we do know when there is submitted to us a sensible suggestion and we usually adopt it. These men were employed by the Government to make an investigation. One, two, three boards, having the subject especially given them, submitted to this House the advisability of making some sort of a station at Subig Bay. While the gentleman from Connecticut [Mr. HILL] and the gentleman from New York [Mr. PAYNE] have their views, other gentlemen who were along upon that excursion, and who sit close to where I am now speaking, have other views upon the same subject, and my friend from Connecticut [Mr. HILL] assents thereto.

I always ask to be advised by them on certain subjects. On the subject of banking I seek the advice of the gentleman from Connecticut [Mr. HILL]. I am sure upon all matters affecting interstate and foreign commerce I will take the advice of the gentleman of whom I have spoken in words of praise—the gentleman from Iowa [Mr. HEPBURN]—and upon a political situation I will cheerfully follow the lead of the gentleman from Ohio [Mr. GROSVENOR]. Upon matters of state I am always to be found with the gentleman from New York [Mr. PAYNE], but I am unwilling to accept the advice of the gentleman from New York upon a question involving alone the proper location of a fort for the soldier or a station for the sailor.

Mr. Chairman, I will not have time to go into the dispute very fully; only a mere rambling statement touching it. The men who were examined by the Committee on Naval Affairs within the last week were Captain Swift, who is known in the Navy as a skillful strategist; Mr. Maxson, a competent employee of the Bureau of Yards and Docks, and Lieutenant-Commander Andrews, an officer of the United States Navy. Two of these men have spent days and weeks, and the civil engineer stated he had spent almost one year at Olongapo, in the service of the Government. The hearing is an interesting one; it is No. 53, and can be found, if any gentleman has curiosity to see it, in the committee room of the Committee on Naval Affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. May I have three mintues more?

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER of Pennsylvania. Mr. Chairman, Captain Swift says:

The principal objections to Cavite are:

First. The lack of space for enlarging the station, the buildings being very much crowded together and covering substantially all the available space, with inadequate streets and very limited water-front space.

Second. The entire absence of deep water near the station.

Third. The constant encroachment of the shore upon the sea in this vicinity and the consequent shoaling of the present water front and the adjacent waters.

Fourth. The lack of secure anchorage or berthing spaces and the consequent danger to vessels during the six months when typhoons prevail.

Fifth. The lack of a safe, permanent, or satisfactory location for a floating dock, or one which can be used for a stone or graving dock.

Sixth. The insanitary conditions which prevail in and about Cavite, and lack of abundant water supply under pressure or means to obtain it.

On the other hand, this official states that the health at Subig Bay is ideal. He further states that during the last year or two there have been stationed at this point nearly 1,000 marines, and that there was no case of serious sickness among them. On the contrary, he says soldiers—this is the best of my recollection of his statement—who go to Cavite are subject to malarial influences at that point, and suffer from attacks of fever, beri beri, plague, and other diseases. Many sicken, become disabled, and some of them die. Mr. Chairman, referring to Subig Bay—of course I can not read all this statement—he states there is offered the reverse of everything at Manila. The water is deep; the climate is fine; the natural protection complete. We have 400 acres of land on which to locate this station, and toward its development we have and intend to use the buildings that the Spaniards themselves built and left—the most convincing evidence that they had seen the advantage of forsaking Manila for Subig Bay. All we propose allowing at this session is some machinery to put in these buildings. The proposition never was submitted to us that we would expend as much as $30,000,000 for a naval station here. It is within the province of the House to confine appropriations to such amount and direct them to such purposes as it sees fit.

I do not care personally what the decision may be. I have no pride in success except the one shared by us all attempting to do right, but I submit to the committee whether or not it is quite fair to the American Treasury for the Congress of the United States, after deliberate consideration, attended by much discussion, to reverse itself in deference to the judgment of gentlemen who went to see but saw not, and then fortified themselves with the opinions of Army and Navy officers whose names they decline for proper reasons to disclose?

In great haste, let me go on. Here is the statement of Captain Swift, who says in substance there is no occasion to fortify Subig Bay on the land side; that no foreign foe would dare enter the Island of Luzon until it had first destroyed the fleet at Subig Bay. Furthermore, he and his colleagues say that a fleet lying in Subig Bay would offer a perfect defense of Manila, and that no foreign fleet would enter Manila Bay with this fleet lying in Subig Bay. I believe the gentlemen whom I have quoted here, Mr. Chairman, have fully answered every word of opposition that has been offered by the gentlemen of this House, whom we care a great deal for and whose conclusions are good when they are correctly informed. I refer to the gentlemen who visited the islands last summer.

Mr. GILLETT of Massachusetts. Mr. Chairman, I desire to say a word on this subject on a line different from any already suggested. I came back from the Philippines thoroughly opposed to expending any money at Subig Bay, either in the way of fortifications or in the way of a naval base, and, at the same time, I am just as thoroughly opposed to this amendment, because it seems to me the question before us now is simply an incidental question. The main question is, Shall we have a naval station at Subig Bay? And I think that every Member of the House will agree that if we are going to have a naval station there, it must be fortified. Therefore, it seems to me, the time for us to decide this issue is when the Naval Committee bring in their bill. I hope that committee will bring in a report against Subig Bay. I believe that scheme just doubles our expenses, for it compels us to fortify both Manila and Subig Bay, and I hope the Naval Committee will report against it; and if that committee reports in favor of Subig Bay, I hope this House will overrule them, and will vote not to have the naval station at that point, but to have it behind the defenses of Manila.

At the same time, Mr. Chairman, believing that, I think we will all agree that if the House is ultimately going to decide to have a naval station at Subig Bay, it must be fortified. Now, all this bill does is to provide that fortifications may be built anywhere in the Philippines that the Secretary of War shall decide, and if the Naval Committee or if this House decides not to have a naval station at Subig Bay, we all know that the Secretary of War will not spend a dollar there. So this amendment is entirely unnecessary if we are not going to have a naval station there. If we are going to have a naval station there, we all want to fortify it, and we will all want the Secretary to have this power. So it seems to me that this amendment ought to be

voted down, and that the question ought to be decided, not now, upon the Appropriation Committee's report, but upon the Naval Committee's report.

Mr. UNDERWOOD rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. GILLETT of Massachusetts. Certainly.

Mr. UNDERWOOD. I would like to ask, Mr. Chairman, the gentleman from Massachusetts, who is a member of the committee, for what purpose did the Appropriations Committee bring in this appropriation? Was it to fortify the islands in general, or was it for a naval base?

Mr. GILLETT of Massachusetts. It was to leave to the Secretary of War the expenditure for fortification wherever, at the end of this Congress, he thought it should be expended. If we have a naval base at Subig Bay, of course he will decide it ought to be spent there, at least some of it. If we do not have the naval base at Subig Bay, you can not have any doubt that he will decide that none of it ought to be spent at Subig Bay.

Mr. UNDERWOOD. Does not the gentleman think that there is no danger of our coming in conflict with any foreign enemy immediately?

Mr. GILLETT of Massachusetts. We do not know.

Mr. UNDERWOOD. We could not build these improvements at once. Is not the proper thing to wait until we can determine where the naval base is to be located and then determine how much money should be spent on it?

Mr. GILLETT of Massachusetts. That will be decided within two months.

Mr. UNDERWOOD. Does not the gentleman think that the Congress ought to decide as to how much we will spend and where we will spend the money instead of the matter being decided by the Secretary of the Navy or the Secretary of War?

Mr. GILLETT of Massachusetts. I am perfectly willing to leave that discretion, as we always have, to the Secretary of War.

Mr. UNDERWOOD. But I understood the gentleman to say a minute ago that if the Naval Committee, which has charge of these matters, decide on Subig Bay, he thought we ought to defeat it?

Mr. GILLETT of Massachusetts. Certainly.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I desire to say a few words upon this proposition. The whole situation seems to me to be a case where there are too many experts, too many doctors. Now, it is very interesting, of course, to get the opinion of this man and that man and some one else, who has never seen the location which has been fixed upon by the Navy Department as to the proper place for a naval station, but it is pretty hard on the patient. Now, the gentlemen who to-day are opposed to this naval station at Subig Bay are men who went over there in the Taft party, of which I happened to be a member. They came in contact with Army officers at Manila, and they have taken largely the advice of Army officers on the subject of naval affairs. Now, I appealed to some of my colleagues on that committee to go with me one day to Olongapo to see this spot. I could not induce them. They were too busy down there in Manila. So, with one member of the Naval Committee, who, unfortunately, is not here to-day, I went not only within 5 miles, but I went on the spot; and I am the only man on the floor of this House this afternoon who has ever seen this place. [Applause.] Why, the gentleman from Ohio, who is an expert on many things—and I have followed him frequently and often in this House on matters connected with this committee and on tariff matters; but he certainly will say with me that he does not enjoy reputation as a naval expert.

Mr. GROSVENOR. Mr. Chairman——

Mr. FOSS. I hardly think the gentleman is in a position to say whether or not that site is a fit site for a naval station.

Mr. GROSVENOR. I have not placed a single word I said upon my own judgment or my own knowledge or what I saw. But I want to say to the gentleman on the matter of expert knowledge, that the gentleman has been extremely anxious to get the help of "the gentleman from Ohio" to save him and keep himself from being overslaughed by the members of his own committee.

Mr. FOSS. I do not think that is hardly appropriate to this occasion. I am not saying anything against the gentleman from Ohio. I hardly think any of these gentlemen who have not seen the site where the naval station is established are in position to pass upon the question.

Mr. GROSVENOR. Now, if the gentleman wants to tote fair and be fair to me, I will state to him that I have the testimony here of gentlemen around me, men who were upon the scene, about one mile from the place, and in what a boatman would call in the bight of the harbor. We were first about one mile, but we were in plain view of the place. Now I wish to ask how much difference there would be between the gentleman putting his foot on the bank of the ocean and the committee standing out on the head of the *Logan* looking out and taking the description for the officers of the *Logan* in returning from the bay?

The CHAIRMAN. The time of the gentlemaa has expired.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. The boat with the gentleman from Ohio went in and turned around in the bay, and it was at least 5 miles from the site of the naval station. [Laughter.]

Mr. COOPER of Wisconsin. I desire, if the gentleman will permit me, to corroborate his last statement. I was on that boat within a very few feet of the distinguished gentlemen who were all opposed to this proposition, and not one of them could see what they now assume to see. [Laughter.]

Mr. HILL of Connecticut. And what did the gentleman assume to see?

Mr. COOPER of Wisconsin. The gentleman has not assumed to see anything except the mistakes of the gentleman from Connecticut. There was not a man who was within 4 miles of it.

Mr. FOSS. Now, Mr. Chairman——

Mr. GAINES of Tennessee. I think it would be wise for those who were on the water wagon there to get to where they could see.

Mr. FOSS. I have not got anything to say further about civilian experts in this case. But you find constantly lugged in here, in every speech that has been made, about what some Army officer has said, what some Army officer has stated about it. Well, now, we have established in the Philippine Islands, if I remember rightly, more than eighty Army posts. Do you suppose in the establishment of these eighty Army posts in the Philippines that the advice of naval officers has ever been called for?

We have established a great fort at Fort McKinley, costing a million of dollars and over. Did naval officers ever advise in reference to it or were they ever called in? We have paid out, I think, in the neighborhood of $2,000,000 to establish an Army road to Benguet. Was a naval officer ever called in to consider that question? Yet on the floor of this House to-day most of the discussion upon this question has turned upon the advice of Army officers. There are more than eighty Army posts, and a great fort, called "Fort McKinley," and 14,000 soldiers and more, costing the Government many millions every year; and what has the Navy had? We had a little Spanish station down there at Cavite, where we could not get a ship up drawing over 14, 15, or 20 feet of water, and you could not get a battle ship within 2 miles of it. That is the testimony before the committee. We have taken that old Spanish station, and made a few appropriations, amounting to only a few hundred thousand dollars, year by year, and kept going on there repairing our fleet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. I ask unanimous consent that the gentleman have five minutes more time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. FOSS. This is the testimony before the committee. The anchorage for ships of large size is from 2 to 3 miles from the water front of the yard, and all repair work on these vessels has to be done in very much the same way that a plumber does work on a house in the country when he lives in the town. But we have gone along without appropriating any money for the Navy in this way. Two years ago, looking toward the future, looking toward the establishment some time of a permanent naval base in the Philippines, Secretary Moody came before our committee and presented the report of naval officers who have gone all around those islands, sailed into all the bays and harbors, past the island of old Batan, if you please, who have gone everywhere and investigated this whole question, and who then came before the committee and said Subig Bay was the place.

Now, will you take the advice of Army officers, will you take the advice of civilian experts who have never seen the place, or will you take the advice of naval officers? If you have no confidence in your naval officers, why do you not put the Navy

Department where it was originally, back into the War Department as a bureau of that Department? That is the whole question. The report of the naval officers on the site was absolutely unanimous. Then the joint board of Army and Navy officers upon this question were unanimous in their report.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. NORRIS. I should like to ask the gentleman if before his time expires he will read the letter from Admiral Dewey which he referred to a while ago?

Mr. FOSS. Yes; I am going to read the letter. Somebody has tried to scatter around through the Halls the idea that Admiral Dewey never went into Subig Bay; and without any solicitation upon my part, Admiral Dewey, reading the RECORD of yesterday, wrote me this letter which I have, and I propose to have it read in a few moments.

But, gentlemen, I want to say to you that this thing has been established: Two years ago the Congress of the United States, with the hearings before it, with the report of the naval board before it, with the report of the Army and Navy Board before it, appropriated $800,000 for Olongapo. Now, there is one other thing I want to say, and that is that all of these estimates which we hear about, of forty million dollars and a hundred million dollars, and all that sort of thing, are brought in here for no other reason than just to make the proposition look ridiculous. I never heard of them until I heard them on this floor. The first proposition was a proposition between twenty and thirty million dollars, and the last proposition was a proposition brought before our committee by Mr. Secretary Moody, when he was Secretary of the Navy, for $9,000,000, extending over a long period of years. These statements can be verified by referring to the tetimony.

Now, I believe that we can get along with a station over there for a great deal less than $9,000,000, and so far as I am concerned I shall stand as a rock against any large appropriations for Olongapo. [Applause.] All we are doing this year is simply to provide for a pier and some tools. If there is one gentleman upon this floor who can find a suitable place in Manila Harbor where we can moor the floating dry dock that we are sending over there I should be glad to know it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BABCOCK. Mr. Chairman, I ask that the gentleman have an hour, or such time as he desires.

Mr. FOSS. I do not want any such time as that.

Mr. SMITH of Iowa. I am anxious to get to a vote on this proposition. I am willing that the gentleman have five minutes, but I want to close the debate as soon as I can.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. FOSS. Our naval officers say there is no place in Manila Bay where we can moor this dock. It is a great dock; it cost $1,250,000. We need it over there, because we have to dock our ships over at Hongkong now. And in connection with that dock we need a repair station for temporary repairs. We are not going to have any general overhauling of ships or anything of that sort there.

Our proposition is to bring them back home, to our own people, and do the work in our own yards; but we must have a place to put this dock. You can not find any place to-day in Manila Bay to put it. You can not find sufficient depth of water, and if you could find sufficient depth of water, with the great mouth of Manila Bay, about 8 miles wide, I think, where the storms come in and the typhoons and the monsoons, it is the opinion of naval officers that you can not moor that dock there and have it stable. And yet gentlemen come up here without having looked into the situation at all, take the advice of Army officers and throw in their own advice, and try to discountenance the whole Navy Department upon this proposition.

Why, sir, the Navy Department might have gone down there and selected Cavite. It is near the city of Manila, where all the society is; but instead of that they went 40 miles up to Subig, where there was no city, no Newport, no Manila, near a little town called Olongapo, with only 1,200 people living there, and selected their naval station. Why? Because it was the best place for strategic purposes. There wasn't any coal mine attached to it. It is ridiculous to talk about attaching a naval station to a coal mine. Somebody will find some time an iron mine, and then they will want to drag off the naval station and attach it to that iron mine. By and by they will find a cornfield and want to drag off the naval station and attach it to the cornfield. Why? Because we use cellulose in our ships. Such a proposition as that is ludicrous and ridiculous.

A naval station has been established at this point on strategic grounds and for naval considerations which we as civilians can not understand and appreciate as well as they do. Now, Mr. Chairman, I call for the reading of the letter which I received from Admiral Dewey.

The Clerk read as follows:

NAVY DEPARTMENT,
OFFICE OF THE ADMIRAL OF THE NAVY,
Washington, February 14, 1906.

MY DEAR MR. FOSS: Referring to the remarks of yourself and others in the House yesterday relative to my having visited Subig Bay, may I say that I did not go there before the battle of Manila Bay, but at that time sent part of my squadron to make a reconnoissance in search of the Spanish fleet, which I expected to find at Subig. Sometime after the battle, when we had taken possession of Cavite, I found the records of a Spanish commission which had looked into the merits of Subig Bay as a site for a naval base, upon the report of which commission the Spanish authorities were building a dry dock and doing considerable other work at Subig, with a view to abolishing the station at Cavite. I thereupon went to Subig Bay and spent considerable time in examining it, particularly as to its fitness for a naval base, and came to the conclusion, which has been strengthened by all my subsequent study, that Olongapo was an ideal natural site for a naval station and immeasurably superior to any location in Manila Bay.

Very truly, yours,

GEORGE DEWEY.

Hon. GEORGE E. FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. SMITH of Iowa. Mr. Chairman, this debate, dragging its weary way along, has demonstrated but one thing to my mind, and that is the thorough incapacity of this body to determine a question as to where a naval station and land fortifications in continental or insular United States should be placed. We have here conflicting testimony of distinguished and capable civilians who have endeavored as best they could to investigate this subject. We have innumerable and unnamed Army officers quoted here. We have named naval officers quoted here directly in conflict with them in their testimony. Is this House a proper place in which to settle and determine the question of the location of a naval station and of seacoast fortifications thousands of miles away?

The distinguished gentleman from Ohio [Mr. GROSVENOR] has seen fit to criticise the temper in which I addressed this committee. If I have displayed aught of anger I regret it. I have endeavored to preserve upon this floor that placid manner which always characterizes my distinguished friend from Ohio. [Laughter.] And in so far as I have failed to equal his high standard I regret it. The truth is that the gentleman from Ohio, and other gentlemen who went out there, studied this question at long range, and they came away with conflicting testimony to bear witness before this committee. It is an utterly impracticable thing for the Congress of the United States to pass upon such questions. This bill does not appropriate a dime for Subig Bay. This bill provides for $600,000 for the insular possessions in the Philippines and Hawaiian Islands. It is for the War Department and the Navy Department to say where the emergency requires that expenditure.

It has been asserted by the distinguished leader of this side of the House that Army officers told him that this is a mistaken locality for a station at Subig Bay. If the Army officers agree in that belief, not one penny of this appropriation will be assigned to Subig Bay; not one penny of this money can be assigned to Subig Bay unless the War Department says that that is where it ought to go as against Manila and as against Honolulu.

Mr. UNDERWOOD. Will the gentleman allow me an interruption?

Mr. SMITH of Iowa. Yes.

Mr. UNDERWOOD. I want to ask this question. The gentleman's committee has investigated this question for the benefit of the House?

Mr. SMITH of Iowa. We have done the best we could.

Mr. UNDERWOOD. If your committee does not know where the money is to be expended, how does the committee know that it ought to be expended?

Mr. SMITH of Iowa. I will answer the gentleman's question: Because this House has appropriated in bills of this character $119,000,000 in the last eighteen years, without designating where one penny of it was to be expended and without any knowledge upon that subject, but was content to be governed by the advice of those experts that we turned out at West Point and Annapolis, the best in the world, and not set up civilian judgment against them. [Applause.]

Mr. UNDERWOOD. Let me ask the gentleman if it is not a fact that where we have appropriated money in this way these experts have come before the committee and testified why they wanted the money and where they wanted it?

Mr. SMITH of Iowa. I will say that they have never testified as fully on any appropriation for continental United States as they have to these appropriations for the insular possessions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending amendment and paragraph be closed in five minutes to enable the gentleman from New York [Mr. FITZGERALD], the author of the amendment, to close debate.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and the amendment be closed in five minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, there are two amendments pending before the House—one offered by myself to prevent the expenditure of any of this money at Subig Bay, the other offered by the gentleman from Virginia [Mr. RIXEY] to prevent any of it being expended at Manila. I would be glad to have that amendment adopted if I did not know that it would prevent the adoption of the amendment offered by myself. There has been sufficient conflict of opinion in this House to-day to show that it is not yet well settled that there should be a naval station at Olongapo. At this time it will not be settled whether a naval station shall be there or not. The only thing desired is to prevent the allotment of money there. The gentleman from Iowa [Mr. SMITH] states that if the Army officers believe this money should not be expended there it will not be expended there. That statement is not quite fair, because the Army officers say that unless a naval station is placed there they will not spend a dollar, but that if a naval station is placed there they will be compelled to defend the place. The gentleman from Illinois [Mr. Foss] has scoffed at the Army officers, yet he took great delight yesterday in calling them as witnesses in those cases in which they had testified on the side which he is favoring. It is the officers of the Army who chiefly plan and determine upon the land fortifications at all these places.

Mr. FOSS. Mr. Chairman, I would like to interrupt the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes; for a question.

Mr. FOSS. The gentleman has entirely misstated what I said. I am not scoffing at the Army officers. I am saying they are not, in my judgment, competent to decide on naval questions.

Mr. FITZGERALD. Mr. Chairman, the Army officers do determine whether these places can be fortified and how they shall be fortified. We may not be able to determine in this House whether one place or another is best fitted for a naval base, but we can determine intelligently and without much difficulty whether we shall authorize the establishment of a naval base at all, which will cost from $30,000,000 up; according to the gentleman on that side of the House, $100,000,000. We may not get a place that may be quite so ideal, but we can get a place that, in my opinion, will be just as good, will serve the purpose just as well, and can be obtained at a much more reasonable expenditure of money. The only purpose of my amendment at this time is to prevent further money being allotted for fortifications at a place where the chief of the engineering department stated only within two weeks there was nothing but vacant land. These defenses will become imperative upon the erection of a naval station, and this amendment, if adopted, will be notice to the gentleman from Illinois [Mr. Foss] and his colleagues on the Committee on Naval Affairs that if they have any intention of recommending an extravagant plan for a naval station at Olongapo this House will quickly condemn it, as it should be condemned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. RIXEY) there were—ayes 47, noes 104.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 65, noes 119.

So the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, for the insular possessions, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $100,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, strike out lines 10, 11, 12, 13, and 14.

Mr. FITZGERALD. Mr. Chairman, this item provides $100,000 for reserve ammunition for seacoast guns in the insular possessions. Last year there was appropriated $100,000 for this purpose. There is a Treasury balance of over $90,000 in this account. Not a single gun has been mounted in the insular possessions to-day, although $100,000 has been expended for reserve ammunition. At a proper time additional appropriations for this purpose will undoubtedly be necessary, but it does not seem to be wise or advisable to continue to appropriate money for reserve ammunition when there is not a single gun mounted for which this ammunition is purchased or could be used. It is not a matter of great importance, but it seems unwise to continue to appropriate for reserve ammunition when the guns are not yet in position; and if the money were made available now and the ammunition purchased there would be no guns in which to use the ammunition.

Mr. SMITH of Iowa. Mr. Chairman, I do not want to say but a word. We have given $100,000 where we were asked to give $276,000 for this purpose. Many of these guns will be mounted by June, and this will only provide a small fraction of the ordinary reserve ammunition provided for the artillery.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For purchase, manufacture, and test of inspecting instruments for the manufacture of cannon, carriages, and ammunition; range finders and other instruments for fire control at the fortifications in the insular possessions, and the machinery necessary for their manufacture at the arsenals, $32,000.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I move to strike out the last word. Mr. Chairman, I will not take up the time of the committee to read certain statements I have here, but I desire unanimous consent to place in the RECORD, as part of my remarks, certain utterances of William J. Bryan expressing his reasons why he supported the ratification of the Paris treaty, by which we acquired the Philippine Islands. His position has been discussed pro and con.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. PAYNE. What is it the gentleman wants?

The CHAIRMAN. Objection is made.

Mr. GAINES of Tennessee. Oh, no, Mr. Chairman. This morning there was great colloquy as to why Mr. Bryan favored the ratification of the treaty whereby we acquired the Philippine Islands, and——

Mr. PAYNE. If that is what it is, I have no objection. I think it ought to be published.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

[The Commoner Condensed, page 144. By William J. Bryan.]

THE RATIFICATION OF THE TREATY.

A reader of the Commoner has called attention to the fact that Republicans try to shirk responsibility for an imperial policy by saying that I advised the ratification of the treaty. He asks that I state the reasons which led me to favor ratification.

In a speech delivered at Indianapolis, August 8, 1900, accepting the Democratic nomination, I took occasion to discuss this matter, the following being an extract from that speech:

"When the President finally laid before the Senate a treaty which recognized the independence of Cuba, but provided for the cession of the Philippine Islands to the United States, the menace of imperialism became so apparent that many preferred to reject the treaty and risk the ills that might follow rather than take the chance of correcting the errors of the treaty by the independent action of this country.

"I was among the number of those who believed it better to ratify the treaty and end the war, release the volunteers, remove the excuse for war expenditures, and then give the Filipinos the independence which might be forced from Spain by a new treaty.

"In view of the criticism which my action aroused in some quarters, I take this occasion to restate the reasons given at that time. I thought it safer to trust the American people to give independence to the Filipinos than to trust the accomplishment of that purpose in diplomacy with an unfriendly nation.

"Lincoln embodied an argument in the question when he asked, 'Can aliens make treaties easier than friends can make laws?' I believe that we are now in a better position to wage a successful contest against imperialism than we would have been had the treaty been rejected. With the treaty ratified a clean-cut issue is presented between a government by consent and a government by force, and imperialists must bear the responsibility for all that happens until the question is settled.

"If the treaty had been rejected the opponents of imperialism would have been held responsible for any international complications which might have arisen before the ratification of another treaty. But whatever difference of opinion may have existed as to the best method of opposing a colonial policy, there never was any difference as to the great importance of the question and there is no difference now as to the course to be pursued.

"The title of Spain being extinguished, we were at liberty to deal with the Filipinos according to American principles. The Bacon resolution, introduced a month before hostilities broke out at Manila, promised independence to the Filipinos on the same terms that it was promised to the Cubans. I supported this resolution and believe that its adoption prior to the breaking out of hostilities would have pre-

vented bloodshed, and that its adoption at any subsequent time would have ended hostilities.

"If the treaty had been rejected considerable time would have necessarily elapsed before a new treaty could have been agreed upon and ratified, and during that time the question would have been agitating the public mind. If the Bacon resolution had been adopted by the Senate and carried out by the President, either at the time of the ratification of the treaty or at any time afterwards, it would have taken the question of imperialism out of politics and left the American people free to deal with their domestic problems. But the resolution was defeated by the vote of the Republican Vice-President, and from that time to this a Republican Congress has refused to take any action whatever in the matter."

While the treaty was pending in the Senate, and about two months before the vote was taken upon it, I wrote an article for the New York Journal, giving reasons in support of the proposition to ratify the treaty and declare the policy of the Government by resolution. This article will be found on another page of this issue.

The ratification of the treaty in no way committed this nation to an imperial policy. It simply terminated Spanish authority and left the United States free to deal with the islands according to American principles. The Bacon resolution, which declared it to be the purpose of the United States to establish a stable government, which, when established, was to be turned over to the inhabitants of the Philippine Islands, was a tie vote in the Senate, and was only defeated by the vote of the Vice-President. As the treaty required a two-thirds vote for its ratification, it is evident that one-fourth of those who voted to ratify did so with the understanding that the question remained an open one.

Senator Wellington, of Maryland, voted for the ratification of the treaty, and in a speech delivered last fall he stated that he so voted because the President promised him that the Philippine Islands would not be held permanently. If the ratification of the treaty had necessarily committed this country to an imperialistic policy, then all who opposed imperialism would have been justified in opposing it, aye, even compelled to oppose the treaty. But as ratification did not commit the nation to an imperialistic policy, the only question the Senate had to consider was how best to correct the errors in the treaty.

The payment of $20,000,000 to Spain did not obligate this country to enter upon a colonial policy. It could have been recovered from the Filipinos in return for independence, and if not recovered, it was a small contribution to the extension of liberty. We had by one act of Congress appropriated $50,000,000 to secure independence for the Cubans, who numbered less than 2,000,000, could we not spare two-fifths of the sum to bring liberty to five times as many in the Philippines?

The treaty should have provided for the independence of the Filipinos as it provided for the independence of the Cubans, but when the treaty, by an inexcusable error, provided for cession instead of independence it was easier to ratify the treaty, extinguish the title of Spain, and confer independence upon the Filipinos than to continue the war and risk international complications by an effort to compel Spain to do what we could do ourselves.

Our treaty with Spain, according to international law, imposed upon us no obligations to change our form of government or to abandon our ideals in order to enforce an imperialistic doctrine. It is still possible for this nation to return to American methods. All it has to do is to announce its purpose to deal with the Filipinos in accordance with the principles set forth in the Declaration of Independence and then keep its promise. Why does it not do this? Because the Republicans think that oriental trade is more important than American principles.

[The Commoner, page 434. By William J. Bryan.]

RATIFY THE TREATY—DECLARE THE NATION'S POLICY.

I gladly avail myself of the columns of the Journal to suggest a few reasons why the opponents of a colonial policy should make their fight in support of a resolution declaring the nation's purpose rather than against the ratification of the treaty.

The conflict between the doctrine of self-government and the doctrine of alien government supported by external force has been thrust upon the American people as a result of the war. It is so important a conflict that it can not be avoided, and, since it deals with a question now before Congress, it must be considered immediately. It is useless to ask what effect this new issue will have upon other issues. Issues must be met as they arise; they can not be moved about at will like pawns upon a chess board.

The opponents of imperialism have an opportunity to choose the ground upon which the battle is to be fought. Why not oppose the ratification of the treaty?

First. Because a victory won against the treaty should prove only temporary if the people really favor a colonial policy.

That a victory won against the treaty would depend for its value entirely upon the sentiment of the people is evident. A minority can obstruct action for a time, but a minority, so long as it remains a minority, can only delay action and enforce reflection, it can not commit the nation to a policy.

When there seemed some probability of the rejection of the treaty, the friends of the Administration began to suggest the propriety of withholding the treaty until the new Senate could be convened in extra session. As the new Senate will have a considerable Republican majority it would be quite certain to ratify the treaty. Thus an effort to prevent the ratification of the treaty would be likely to fail in the very beginning. But let us suppose it possible to defeat ratification in both the present and the next Senate—what will be the result? Would the imperialist abandon the hope of annexing the Philippines so long as they can claim the support of the President and a majority of both Houses? Could a minority of the Senate prevent the annexation of Hawaii? As we are now in possession of the Philippine Islands, the advocates of a colonial policy might secure an appropriation sufficient to pay the twenty millions agreed upon and leave the rest to the treaty for future consideration. In other words, if the opponents of the imperialists have a majority they can declare the nation's policy; if the imperialists have a majority in both Houses, they can not be permanently thwarted by a minority in the Senate.

A resolution declaring the nation's policy recognizes that the destiny of the United States is in the hands of all the people and seeks to ascertain at once the sentiment of the people as reflected by their representatives.

If that decision is in harmony with the policy which has prevailed in the past, the question will be settled, and the people will return to the consideration of domestic problems. If, however, the advocates of imperialism either postpone consideration or control the action of Congress, an appeal will be taken to the voters at the next election. So great a change in our national policy can not be made unless the authority therefor comes directly and unequivocally from that source of all power in a republic—the people.

In answer to those who fear the question of imperialism, if discussed, will draw attention away from other questions, it is sufficient to say that the people can not be prevented from considering a question which reaches down to the foundation principles of the Republic. Instead of avoiding the issue, it is the part of wisdom to deal with it at once and dispose of it permanently.

Second. The rejection of the treaty would be unwise, because the opponents of the treaty would be compelled to assume responsibility for the continuance of war conditions and for the risks which always attend negotiations with a hostile nation.

The rejection of the treaty would give the Administration an excuse for military expenditures which could not be justified after the conclusion of peace, and the opponents of the treaty would be charged with making such appropriations necessary. It must be remembered that in case the treaty is rejected negotiations must be renewed with an enemy whose ill-will is not concealed. Who is able to guarantee the nation against new dangers and new complications? In order to form an estimate of the risks which would thus be incurred, one has only to recall the unexpected things which have happened since war was declared. Is it wise to make the attack and to assume all the risks when the same end can be gained by a plan which throws the risks upon our opponents? If the imperialists vote down a resolution declaring the nation's policy or postpone its consideration, they become responsible for any loss of life or expenditure of money which may follow as a result of such action.

I suggest below a few reasons in support of a resolution declaring it to be the nation's purpose to establish a stable government in Cuba and the Philippines and then to give the inhabitants independence under an American protectorate, which will guard them against molestation from without.

First. Such a course is consistent with national honor.

Our nation owes it to the nations with which we have dealings, as well as to the inhabitants of Cuba, Porto Rico, and the Philippines, to announce immediately what it intends to do respecting the territory surrendered by Spain.

The President has said that the only purpose our nation has in taking possession of Cuba is to assist the inhabitants to establish a stable and independent government. It can do no harm for Congress to reaffirm this purpose, and it may do much good. The Cubans, having fought for independence for many years and against great odds, are naturally jealous of the liberty which they have won, and no doubt should be left as to the sincerity and good faith of our Government in its dealings with them. Such a declaration would not only be harmless, but it is almost made necessary by the flippant, if not contemptuous, tone in which some United States officials speak of the intelligence and patriotism of the Cubans and of their right to independence.

The duty of declaring our national policy in regard to the Philippines is even more imperative. The Filipinos were fighting for independence when the United States declared war against Spain. In the formal protest filed with the peace commissioners in Paris the representatives of Aguinaldo assert that they received friendly assurances from United States officials and acted upon those assurances in cooperating against the Spaniards. Whether or not such assurances were given, frankness and honesty should characterize our dealings with them.

If we announce to the world that we hold the Philippine Islands, not for pecuniary profit, but in trust for the inhabitants; if we declare that our only purpose is to assist the Filipinos to establish a stable and independent government, friendly relations will be maintained and there will be little need of troops. If, on the other hand, the Filipinos are not to have independence but merely a change of masters, we should break the news to them at once and send over a large army to instruct them in the principles of a government which in one hemisphere derives its just powers from the consent of the governed and in the other derives its authority from superior force.

While our nation is not prepared to draft a complete code of laws suited to the peculiar needs of the Filipinos, we ought to be able to decide at once whether we intend to deal with them according to the principles of our own Government or according to the customs prevailing among the European monarchies. Even a Republican Congress ought to be able to choose without hesitation between a policy which establishes a republic in the Orient and a policy which sows the seeds of militarism in the United States.

The trade relations possible under a protectorate would be of more value to the United States than any which could come as result of forcible annexation.

The people of Porto Rico have not manifested any desire for political independence and would, in all probability, favor annexation, yet it is only right that they should have an opportunity to choose. The resolution authorizing intervention recognized the right of the Cubans to independence. To be consistent we must also respect the wishes of the inhabitants of Porto Rico. The resolution could without impropriety offer annexation to Porto Rico.

In a recent interview I suggested that the United States should retain a harbor and coaling station in the Philippines and in Porto Rico in return for services rendered, and added that Cuba should be asked to make a similar concession on the same ground.

Second. A resolution declaring the nation's purpose presents a plain and clear-cut issue between the theory of self-government and the colonial policy. It presents a positive, affirmative method of dealing with the question. In opposing the treaty we would be on the defensive; in outlining a policy we shall be aggressive. The strongest arguments which could be used in support of the treaty will lose their force entirely when Spain is eliminated and the American people are able to dispose of the question according to their own ideas and interests.

Third. It secures by easier means every end that can be secured by a rejection of the treaty.

If an officer of the law arrests a person in possession of stolen goods, he can either compel the return of the goods to the owner or he can first rescue them and then return them himself. We find Spain in the possession of a title to a part of the Philippines. She has not yet conquered all the native tribes, but the title which she has was acquired by force and has been held by force. We can either compel her to surrender her title to the Filipinos, as we compelled her to surrender Cuba to the Cubans, or we can accept possession and then of our own accord turn over the islands to the inhabitants. The peace commissioners might have demanded independence for the Filipinos, as they did for the Cubans. If they did not properly interpret the wishes of the people of the United States the blame must fall upon them and not upon the people. Certainly 70,000,000 of citizens are under no obligations to abate their devotion to the ideals which they have cherished for a cen-

tury in order to indorse the work of a peace commission or to approve of the instructions of an executive.

It is urged that the ratification of the treaty imposes upon us an obligation to pay $20,000,000 to Spain. I answered, first, that this amount can probably be secured from the Filipinos in return for independence, and, second, that, if it can not be secured from them, it is better to lose the amount entirely than to expend a larger sum in securing a modification of the treaty.

It is better to regard the amount paid as a contribution to liberty than to consider it the market price of land, improvements, or people.

To terminate the war upon the same high plane upon which it was inaugurated is worthy of a great Republic; to descend from a sublime beginning to the purchase of sovereignty—for her own profit—from a nation whose title we disputed in Cuba would lay us open to the charge of punic faith.

[The Commoner, page 317. By William J. Bryan.]

DEMOCRATIC DUTY.

The Democratic platform of 1900 not only presented a plan for the peaceful and permanent settlement of the Philippine question, but it presented the only complete plan that has been offered to the American people. It reads as follows:

"We condemn and denounce the Philippine policy of the present Administration. It has involved the Republic in unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government."

"The Filipinos can not be citizens without endangering our civilization. They can not be subjects without imperiling our form of government, and as we are not willing to surrender our civilization or to convert the Republic into an empire, we favor an immediate declaration of the nation's purpose to give the Filipinos, first, a stable form of government; second, independence, and, third, protection from outside interference, such as has been given for nearly a century to the republics of Central and South America."

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. WALDO. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. WALDO] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after line 17, on page 10 of the bill, the following:

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order that that portion of the bill has been passed and the amendment is not in order.

The CHAIRMAN. The gentleman from New York was on his feet asking recognition, and the Chair was unable to find just where the Clerk was reading until too late. It is the fault of the Chair.

Mr. SMITH of Iowa. Then, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will continue to read.

The Clerk continued to read, as follows:

For the purchase of 45 acres of land adjoining the Government reservation at Fort Hamilton, New York Harbor, lying between Fort Hamilton avenue, Ninety-second street, and said reservation, and such other land as may lie between said reservation and Dyker Beach Park, the sum of $250,000.

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order that this is not authorized by existing law.

The CHAIRMAN. The Chair will hear the gentleman from Iowa [Mr. SMITH] on his point of order.

Mr. SMITH of Iowa. It is very difficult for me to speak to the point of order, in view of the fact that this amount provided for in the amendment is not covered by any estimates submitted to the committee. It has never been the practice to make appropriations for sites for specific places. It is contrary to the usage of the Government, and if we make appropriations for a site at a definite place, then the price of that site will rise to the amount of the appropriation. To make this appropriation would be a violation of the entire system and practice in the building of the seacoast fortifications. There is no law authorizing this purchase, and it seems to me there ought to be some such law before this amendment would be in order.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. WALDO. Mr. Chairman, in the first place this is work to be done for the military establishment of the Government, and there has been an estimate from the Department upon this very item. On page 237 of the Book of Estimates, the first item is:

Additional land, Fort Hamilton, New York Harbor: For the purchase of about 45 acres of land adjoining Fort Hamilton, New York Harbor, required upon which to begin the reconstruction of that post, $250,000.

NOTE: The present accommodations are wholly inadequate for the present garrison, and the quarters, barracks, stables, and storehouses should be replaced by more suitable and modern buildings, and the land available for building sites and drill grounds is not sufficient to lay out a post to properly meet the demands of the case.—C. F. Humphrey, Quartermaster-General, United States Army.

This is the recommendation of the Quartermaster-General.

Mr. SMITH of Iowa. The Quartermaster-General is not authorized to submit estimates to this committee; and there were no estimates anyway.

Mr. WALDO. It is an estimate from the War Department and not from the Quartermaster-General.

The CHAIRMAN. The Chair does not think the matter of the estimates is important. The Chair desires to call the attention of the gentleman from Iowa to the fact that this land is land adjoining a Government reservation. Now, the Chair understands that it has been repeatedly held that the purchase of such adjoining land is a continuance of a public work or object already in progress. The Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee rise and report the bill and amendment to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14171, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass:

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question upon the bill and amendment to final passage.

The previous question was ordered.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

REENGROSSMENT OF CERTAIN BILLS.

Mr. PAYNE. Mr. Speaker, I offer the following privileged order.

The Clerk read as follows:

Ordered, That the Clerk be directed to have reengrossed and properly attested the following bills:

H. R. 7085. Authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 11263. To authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 11045. To amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

Ordered further, That the Clerk be directed to request the Senate to have made on the engrossed copies of each of the said bills the proper indorsement of the Senate's action thereon.

Mr. PAYNE. Mr. Speaker, just a word in explanation. I am told that these three engrossed bills were sent by the House to the Senate, and somehow or other, coming from the Senate to the House, these engrossed bills have been lost. The bills passed the House and passed the Senate, and this resolution simply contemplates that new enrolled bills shall be made, the Speaker sign them, and send them to the Senate.

The SPEAKER. The question is on agreeing to the order.

Mr. ALEXANDER. Reserving the right to object, this is not a privileged resolution.

Mr. PAYNE. It is a privileged resolution.

Mr. ALEXANDER. I ask if this takes in the bill that has been returned from the President?

Mr. PAYNE. It does not. It is another dam bill.

The question was taken, and the order was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the order was agreed to was laid on the table.

WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. PATTERSON of Pennsylvania, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Benjamin Kellar, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. SMITH of Kentucky, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of James Drewry, Fifty-ninth Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 56. An act authorizing the extension of Rhode Island avenue NE.; and

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 1280. An act granting a pension to Mary K. Lewis;
H. R. 1545. An act granting a pension to Florence D. Rafferty;
H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;
H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;
H. R. 2340. An act granting a pension to Evelyn S. Beardslee;
H. R. 2342. An act granting a pension to Winifred E. Lewis;
H. R. 2795. An act granting a pension to Emma Auger;
H. R. 2811. An act granting a pension to Angie A. Marvin;
H. R. 3214. An act granting a pension to Maggie Parker;
H. R. 3229. An act granting a pension to Jessie Marie Hester;
H. R. 4607. An act granting a pension to Annie Rohr;
H. R. 4727. An act granting a pension to Emma M. Boyer;
H. R. 9352. An act granting a pension to Mary Van Blarcom;
H. R. 11310. An act granting a pension to Emma Aldred;
H. R. 11596. An act granting a pension to Marion H. Long;
H. R. 530. An act granting an increase of pension to George E. Ross;
H. R. 611. An act granting an increase of pension to John H. Cassidy;
H. R. 724. An act granting an increase of pension to John A. Coulter;
H. R. 1059. An act granting an increase of pension to Elijah Spangler;
H. R. 1072. An act granting an increase of pension to John Fisher;
H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;
H. R. 1124. An act granting an increase of pension to John J. Grant;
H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;
H. R. 1131. An act granting an increase of pension to George Sargent;
H. R. 1136. An act granting an increase of pension to William D. Stauffer;
H. R. 1213. An act granting an increase of pension to John Breden;
H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;
H. R. 1382. An act granting an increase of pension to Benjamin Fagley;
H. R. 1437. An act granting an increase of pension to Darius J. Brown;
H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;
H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;
H. R. 1884. An act granting an increase of pension to Robert Purcell;
H. R. 1952. An act granting an increase of pension to Axel A. M. Nattoch Dag;
H. R. 1974. An act granting an increase of pension to William R. P. Foale;
H. R. 2083. An act granting an increase of pension to Thomas A. Slack;
H. R. 2084. An act granting an increase of pension to Thomas Maginley;
H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;
H. R. 2169. An act granting an increase of pension to Elisha White;
H. R. 2289. An act granting an increase of pension to Algernon Lightcap;
H. R. 2291. An act granting an increase of pension to William Elmes;
H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;
H. R. 2394. An act granting an increase of pension to Frank Buncher;
H. R. 2771. An act granting an increase of pension to Thomas McCabe;
H. R. 3216. An act granting an increase of pension to John W. Seeber;
H. R. 3380. An act granting an increase of pension to George W. Wilburn;
H. R. 3400. An act granting an increase of pension to Anson K. Carr;
H. R. 3605. An act granting an increase of pension to Albert Lathrop;
H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;
H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;
H. R. 4215. An act granting an increase of pension to John A. Roberts;
H. R. 4217. An act granting an increase of pension to Daniel M. Rose;
H. R. 4218. An act granting an increase of pension to John M. Williamson;
H. R. 4224. An act granting an increase of pension to Christopher Pletzke;
H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;
H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;
H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;
H. R. 4666. An act granting an increase of pension to David A. Carpenter;
H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;
H. R. 4730. An act granting an increase of pension to Meshack L. Jones;
H. R. 4732. An act granting an increase of pension to James Scrogum;
H. R. 4735. An act granting an increase of pension to Thomas Adair;
H. R. 4737. An act granting an increase of pension to Odilia Logan;
H. R. 4738. An act granting an increase of pension to Henry Roberts;
H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;
H. R. 4765. An act granting an increase of pension to George W. Shepherd;
H. R. 4822. An act granting an increase of pension to Gabriel Smith;
H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;
H. R. 4879. An act granting an increase of pension to John W. Roache;
H. R. 4884. An act granting an increase of pension to John Bokart;
H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 5238. An act granting an increase of pension to Lockey Stuard;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 5644. An act granting an increase of pension to George J. Wilcox;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5925. An act granting an increase of pension to David L. Davidson;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 6143. An act granting an increase of pension to James Eiffert;
H. R. 6144. An act granting an increase of pension to Eli Brazelton;
H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 6338. An act granting an increase of pension to Richard McCarthy;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;

H. R. 6451. An act granting an increase of pension to Adam Wucher;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 8090. An act granting an increase of pension to Emma H. Benham;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
H. R. 10225. An act granting an increase of pension to Nathan B. Richardson;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 10299. An act granting an increase of pension to Samuel C. Long;
H. R. 10434. An act granting an increase of pension to Samuel F. King;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
H. R. 11403. An act granting an increase of pension to David E. Longsdorf; and
H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.

SALE OF SUPPLIES TO VESSELS OF WAR.

Mr. NEEDHAM. Mr. Speaker, by direction of the Committee on Ways and Means, I beg leave to submit the following privileged report.

The Clerk read as follows:

A bill (H. R. 381) to amend section 2982 of the Revised Statutes of the United States in reference to the sale of supplies to vessels of war.

Mr. PAYNE. The bill allows goods to be taken out of the manufacturer's warehouse free of internal taxes, amending the law in that respect.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. SMITH of Iowa. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John J. Vincent against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Patents, a copy of Decisions in Patent Cases—to the Committee on Patents.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3318) to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal., reported the same with amendment, accompanied by a report (No. 1294); which said bill and report were referred to the House Calendar.

Mr. PALMER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7) to provide a seal for United States commissioners, reported the same without amendment, accompanied by a report (No. 1295); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, reported the same without amendment, accompanied by a report (No. 1296); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12494) granting an increase of pension to John H. Crane, reported the same with amendment, accompanied by a report (No. 1191); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10827) granting a pension to Frank Crittenden, reported the same with amendment, accompanied by a report (No. 1192); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18817) granting an increase of pension to William J. Morgan, reported the same without amendment, accompanied by a report (No. 1193); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10047) granting an increase of pension to George W. Ellicott, reported the same with amendment, accompanied by a report (No. 1194); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9995) granting an increase of pension to Elias Johnson, reported the same with amendment, accompanied by a report (No. 1195); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9896) granting an increase of pension to William McKenzie, reported the same with amendment, accompanied by a report (No. 1196); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9887) granting a pension to George Saxe, reported the same with amendment, accompanied by a report (No. 1197); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8826) granting an increase of pension to Elizabeth A. Mason, reported the same with amendment, accompanied by a report (No. 1198); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8339) granting a pension to Vienna Ward, reported the same with amendment, accompanied by a report (No. 1199); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8176) granting an increase of pension to Thomas E. Bishop, reported the same with amendment, accompanied by a report (No. 1200); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7883) granting a pension to Daniel Dilts, reported the same with amendment, accompanied by a report (No. 1201); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7765) granting an increase of pension to George Gaylord, reported the same without amendment, accompanied by a report (No. 1202); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7498) granting an increase of pension to Mary Hanson, reported the same with amendment, accompanied by a report (No. 1203); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7208) granting a pension to Thomas G. Massey, reported the same with amendment, accompanied by a report (No. 1204); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6918) granting an increase of pension to Heinrich Krumdick, reported the same with amendment, accompanied by a report (No. 1205); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 6557) granting an increase of pension to Charles H. Jasper, reported the same with amendment, accompanied by a report (No. 1206); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6508) granting an increase of pension to John P. Moore, reported the same with amendment, accompanied by a report (No. 1207); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6216) granting an increase of pension to Stephen J. Hopkins, reported the same with amendment, accompanied by a report (No. 1208); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6177) granting an increase of pension to John Haack, reported the same without amendment, accompanied by a report (No. 1209); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6066) granting an increase of pension to Albert H. Lewis, reported the same with amendment, accompanied by a report (No. 1210); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4816) granting an increase of pension to John A. Sherwood, reported the same with amendment, accompanied by a report (No. 1211); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4759) granting an increase of pension to Jane E. Bullard, reported the same with amendment, accompanied by a report (No. 1212); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4616) granting an increase of pension to William W. West, reported the same with amendment, accompanied by a report (No. 1213); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3255) granting an increase of pension to Isaac N. Ray, reported the same with amendment, accompanied by a report (No. 1214); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3225) granting an increase of pension to William B. Philbrick, reported the same with amendment, accompanied by a report (No. 1215); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2443) granting a pension to George W. Mower, reported the same with amendment, accompanied by a report (No. 1216); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2060) granting an increase of pension to John Farrell, reported the same with amendment, accompanied by a report (No. 1217); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1962) granting an increase of pension to George C. Myers, reported the same with amendment, accompanied by a report (No. 1218); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1857) granting a pension to Emeline Malone, reported the same with amendment, accompanied by a report (No. 1219); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1787) granting an increase of pension to Joseph M. West, reported the same with amendment, accompanied by a report (No. 1220); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1553) granting an increase of pension to Harvey J. Fulmer, reported the same with amendment, accompanied by a report (No. 1221); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 675) granting an increase of pension to Daniel Morrissey, reported the same with amendment, accompanied by a report (No. 1222); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11990) granting an increase of pension to Daniel M. Coffman, reported the same with amendment, accompanied by a report (No. 1223); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14563) granting an increase of pension to Edwin L. Higgins, reported the same with amendment, accompanied by a report (No. 1224); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14098) granting a pension to Mary Winfrey, reported the same with amendment, accompanied by a report (No. 1225); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14092) granting a pension to Frances Coyner, reported the same with amendment, accompanied by a report (No. 1226); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13988) granting an increase of pension to Mary McMahon, reported the same with amendment, accompanied by a report (No. 1227); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13872) granting an increase of pension to Alvin D. Hopper, reported the same with amendment, accompanied by a report (No. 1228); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13710) granting an increase of pension to Anna M. Wilson, reported the same with amendment, accompanied by a report (No. 1229); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13697) granting an increase of pension to William Shoemaker, reported the same with amendment, accompanied by a report (No. 1230); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13166) granting an increase of pension to William Evans, reported the same with amendment, accompanied by a report (No. 1231); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13150) granting an increase of pension to Cate F. Galbraith, reported the same with amendment, accompanied by a report (No. 1232); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13148) granting an increase of pension to William Davis, reported the same with amendment, accompanied by a report (No. 1233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12760) granting an increase of pension to William Ralston, reported the same with amendment, accompanied by a report (No. 1234); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12443) granting an increase of pension to Nathaniel Southard, reported the same with amendment, accompanied by a report (No. 1235); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12014) granting an increase of pension to Francis H. Frasier, reported the same with amendment, accompanied by a report (No. 1236); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11905) granting an increase of pension to Elizabeth E. Atkinson, reported the same with amendment, accompanied by a report (No. 1237); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11638) granting a pension to John N. Vivian, reported the same with amendment, accompanied by a report (No. 1238); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10894) granting an increase of pension to William J. Riley, reported the same with amendment, accompanied by a report (No. 1239); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 75) granting an increase of pension to Urial J. Streeter, reported the same without amendment, accompanied by a report (No. 1240); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 77) granting an increase of pension to Granville P. Mason, reported the same without amendment, accompanied by a report (No. 1241); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 78) granting an increase of pension to Mary R. Blethen, reported the same without amendment, accompanied by a report (No. 1242); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 79) granting an increase of pension to James F. Tilton, reported the same without amendment, accompanied by a report (No. 1243); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 121) granting an increase of pension to John Cook, reported the same without amendment, accompanied by a report (No. 1244); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 127) granting an increase of pension to Anthony H. Crawford, reported the same without amendment, accompanied by a report (No. 1245); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 136) granting an increase of pension to Sebastian Laudner, reported the same without amendment, accompanied by a report (No. 1246); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 139) granting an increase of pension to Frederick Le Hundra, reported the same without amendment, accompanied by a report (No. 1247); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 181) granting an increase of pension to Francis E. Stevens, reported the same without amendment, accompanied by a report (No. 1248); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 208) granting an increase of pension to Daniel J. Smith, reported the same without amendment, accompanied by a report (No. 1249); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 213) granting an increase of pension to John M. Doersch, reported the same without amendment, accompanied by a report (No. 1250); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 476) granting an increase of pension to Emily Peterson, reported the same without amendment, accompanied by a report (No. 1251); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 506) granting an increase of pension to James Wilson, reported the same without amendment, accompanied by a report (No. 1252); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 566) granting an increase of pension to George Wiley, reported the same without amendment, accompanied by a report (No. 1253); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 573) granting an increase of pension to Henry T. Braman, reported the same without amendment, accompanied by a report (No. 1254); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 587) granting a pension to Mary J. Chenoweth, reported the same without amendment, accompanied by a report (No. 1255); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 619) granting an increase of pension to James F. Prater, reported the same without amendment, accompanied by a report (No. 1256); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 624) granting an increase of pension to Abbie C. Moore, reported the same without amendment, accompanied by a report (No. 1257); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 639) granting an increase of pension to George M. Bradley, reported the same without amendment, accompanied by a report (No. 1258); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 676) granting an increase of pension to Joshua W. Tolford, reported the same without amendment, accompanied by a report (No. 1259); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 702) granting an increase of pension to Richard Dearborn, reported the same without amendment, accompanied by a report (No. 1260); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 703) granting an increase of pension to Edmund T. Connelly, alias John Marks, reported the same without amendment, accompanied by a report (No. 1261); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 724) granting an increase of pension to George A. Parker, reported the same without amendment, accompanied by a report (No. 1262); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 788) granting an increase of pension to Edward P. Metcalf, reported the same without amendment, accompanied by a report (No. 1263); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 909) granting an increase of pension to Harvey M. D. Hopkins, reported the same without amendment, accompanied by a report (No. 1264); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 968) granting an increase of pension to Edward Michaelis, alias Edward Michel, reported the same without amendment, accompanied by a report (No. 1265); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 970) granting an increase of pension to William Crome, reported the same without amendment, accompanied by a report (No. 1266); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1010) granting an increase of pension to Joel M. Sawyer, reported the same without amendment, accompanied by a report (No. 1267); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1017) granting an increase of pension to Mary Ryan, reported the same without amendment, accompanied by a report (No. 1268); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1037) granting an increase of pension to Adolphus L. Oxton, reported the same without amendment, accompanied by a report (No. 1269); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1268) granting an increase of pension to William Lounsberry, reported the same without amendment, accompanied by a report (No. 1270); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1417) granting an increase of pension to Henry A. Tilton, reported the same without amendment, accompanied by a report (No. 1271); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1463) granting an increase of pension to Anna Z. Potter, reported the same with-

out amendment, accompanied by a report (No. 1272); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1518) granting an increase of pension to Phineas F. Lull, reported the same without amendment, accompanied by a report (No. 1273); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1536) granting an increase of pension to William H. Brown, reported the same without amendment, accompanied by a report (No. 1274); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1736) granting a pension to Lena S. Fenn, reported the same without amendment, accompanied by a report (No. 1275); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1821) granting an increase of pension to Samuel L. Andrews, reported the same without amendment, accompanied by a report (No. 1276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1840) granting an increase of pension to James Prettyman, reported the same without amendment, accompanied by a report (No. 1277); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2089) granting an increase of pension to John Campbell, No. 2, reported the same without amendment, accompanied by a report (No. 1278); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2183) granting an increase of pension to George P. Trowbridge, reported the same without amendment, accompanied by a report (No. 1279); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2411) granting an increase of pension to Carrie B. Findley, reported the same without amendment, accompanied by a report (No. 1280); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2421) granting an increase of pension to Herrick Hodges, reported the same without amendment, accompanied by a report (No. 1281); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2459) granting an increase of pension to Alexander M. Scott, reported the same without amendment, accompanied by a report (No. 1282); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2526) granting an increase of pension to Thomas Welch, reported the same without amendment, accompanied by a report (No. 1283); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2556) granting an increase of pension to George B. Hunter, reported the same without amendment, accompanied by a report (No. 1284); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2557) granting an increase of pension to Charles F. Longfellow, reported the same without amendment, accompanied by a report (No. 1285); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2778) granting an increase of pension to John W. Langford, reported the same without amendment, accompanied by a report (No. 1286); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2869) granting an increase of pension to Rachel A. Foulk, reported the same without amendment, accompanied by a report (No. 1287); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2871) granting an increase of pension to Joseph Brunnell, sr., reported the same without amendment, accompanied by a report (No. 1288); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3184) granting an increase of pension to Alfred T. Hawk, reported the same without amendment, accompanied by a report (No. 1289); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3285) granting an increase of pension to Mary M. Hull, reported the same without amendment, accompanied by a report (No. 1290); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3311) granting a pension to Bernhard Schaffner, reported the same without amendment, accompanied by a report (No. 1291); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3321) granting an increase of pension to Olney P. B. Wright, reported the same without amendment, accompanied by a report (No. 1292); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3508) granting a pension to May J. Visscher, reported the same without amendment, accompanied by a report (No. 1293); which said bill and report were referred to the Private Calendar.

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1565) for the relief of Theodore H. Bishop, reported the same without amendment, accompanied by a report (No. 1298); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THOMAS of North Carolina: A bill (H. R. 14894) to appropriate the sum of $5,000 for equipping and maintaining a weather bureau observatory at Newbern, N. C.—to the Committee on Agriculture.

By Mr. GAINES of Tennessee: A bill (H. R. 14895) to start and continue the operation of certain elevators in the public buildings of the United States recently stopped and those that may hereafter may be stopped—to the Committee on Appropriations.

By Mr. ROBERTS: A bill (H. R. 14896) to meet the emergency caused by the continued spread of the gypsy moth—to the Committee on Agriculture.

By Mr. BABCOCK: A bill (H. R. 14897) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 14898) to amend section 11 of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes—to the Committee on Appropriations.

By Mr. GILLETT of California: A bill (H. R. 14899) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.—to the Committee on the Judiciary.

By Mr. PEARRE (by request): A bill (H. R. 14900) to extend Fourth, Sixth, and other streets NE.—to the Committee on the District of Columbia.

By Mr. GUDGER: A bill (H. R. 14901) directing a survey of Buck Shoals, on French Broad River, for the purpose of lowering the bed of said river—to the Committee on Rivers and Harbors.

By Mr. BATES: A bill (H. R. 14902) amending the national-bank act of 1864, for better security of national-bank deposits—to the Committee on Banking and Currency.

By Mr. GILBERT of Indiana: A bill (H. R. 14903) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BEIDLER: A bill (H. R. 14904) granting an increase of pension to Oliver P. Morse—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14905) grant-

ing an increase of pension to Fannie M. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14906) granting an increase of pension to Ann Mariah Nicholson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14907) granting an honorable discharge to John Shaughnessy—to the Committee on Naval Affairs.

By Mr. CAMPBELL of Kansas: A bill (H. R. 14908) for the relief of Samuel T. King—to the Committee on Military Affairs.

Also, a bill (H. R. 14909) granting a pension to John W. Creager—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 14910) granting an increase of pension to Michael Wilkey—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 14911) granting an increase of pension to Ellen Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14912) granting a pension to Ella Scott—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 14913) for the relief of C. M. Parkins—to the Committee on Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 14914) granting an increase of pension to Stephen H. S. Cook—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 14915) granting an increase of pension to Andrew W. Tracy—to the Committee on Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 14916) granting a pension to Alma Dubois—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14917) granting an increase of pension to Ezra A. Chaffee—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14918) granting an increase of pension to Franklin Simpson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14919) granting a pension to Maria C. Shepperd—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14920) granting an increase of pension to Winfield S. Bruce—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 14921) for payment of bounty to Melvin Culp for services rendered in the civil war—to the Committee on Claims.

By Mr. HOPKINS: A bill (H. R. 14922) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son—to the Committee on War Claims.

By Mr. KENNEDY of Ohio: A bill (H. R. 14923) granting an increase of pension to Henry Older—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 14924) granting an increase of pension to James H. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14925) granting an increase of pension to James Grizzle—to the Committee on Pensions.

Also, a bill (H. R. 14926) for the relief of Granville R. McCubbin—to the Committee on Military Affairs.

By Mr. LE FEVRE: A bill (H. R. 14927) removing the charge of desertion from the military record of William W. Bowers—to the Committee on Military Affairs.

By Mr. LESTER: A bill (H. R. 14928) for the relief of F. V. Walker—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14929) granting an increase of pension to Marcellus Goddard—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 14930) granting a pension to Mary Whistler—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 14931) granting an increase of pension to Thomas S. Myers—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 14932) for the relief of John Shull—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 14933) granting an increase of pension to Nancy Jane Fisher—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14934) granting a pension to Edmund H. Spurgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14935) granting an increase of pension to Lorenzo D. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14936) granting an increase of pension to Wallace B. Logan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14937) granting an increase of pension to William S. Nagle—to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 14938) granting a pension to T. K. Mains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14939) granting a pension to Louisa M. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14940) granting a pension to Mary A. Van Meter—to the Committee on Pensions.

Also, a bill (H. R. 14941) granting an increase of pension to Susanah Stainsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14942) granting an increase of pension to David D. Schaub—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 14943) granting a pension to Ellen Drass—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 14944) for the relief of Herman Benham—to the Committee on Military Affairs.

Also, a bill (H. R. 14945) for the relief of Johnathan C. Williams—to the Committee on Military Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 14946) granting a pension to S. P. McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14947) granting a pension to Elizabeth Euphemia McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14948) granting a pension to Tilford Kinser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14949) granting a pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14950) granting an increase of pension to Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14951) granting an increase of pension to James Nunan—to the Committee on Pensions.

Also, a bill (H. R. 14952) placing the survivors of Middle Great River Battalion Volunteers, Kentucky, in a pensionable position—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14953) appropriating $4,500 to the heirs of Campbell Glover, deceased—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 14954) for the relief of Levander Jenkins—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 14955) granting a pension to Eliza Moore—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 14956) for the relief of W. H. De Long—to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 14957) granting an increase of pension to Abner T. Rollins—to the Committee on Pensions.

By Mr. VAN WINKLE: A bill (H. R. 14958) to refund legacy taxes illegally collected from the estate of Emily Bassett, late of Jersey City, N. J.—to the Committee on Claims.

Also, a bill (H. R. 14959) for the relief of Jane Moore Faircloth—to the Committee on War Claims.

By Mr. WELBORN: A bill (H. R. 14960) for the relief of John F. Neill—to the Committee on Claims.

Also, a bill (H. R. 14961) granting an increase of pension to Thomas Braswell—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 14962) granting an increase of pension to Laura E. Brandle—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 14963) for the relief of Richard Crutcher—to the Committee on Military Affairs.

By Mr. GRIGGS: A bill (H. R. 14964) for the relief of the legal representatives of the estate of James Baggs, deceased—to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 14965) granting an increase of pension to George C. Barthelman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14966) to correct the military record of Jesse H. McKenzie—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10797) granting an increase of pension to Jacob Brugh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11691) granting an increase of pension to John Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12905) granting an increase of pension to Albert Steinhauser—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14499) granting an increase of pension to Rebecca D. Stewart—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14545) granting an increase of pension to Ellen L. Nixon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5418) granting a pension to Mary E. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14074) granting a pension to Miles B. Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Melchoir Brothers Furniture Company and Crafts & Co., of Chicago, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Lodge No. 417, Brotherhood of Railway Trainmen, of East Buffalo, N. Y., for employers' liability and anti-injunction bills—to the Committee on the Judiciary.

By Mr. ALLEN of New Jersey: Petition of S. E. Clapp, of the Bergen (N. J.) Index, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Julia A. Patton—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petitions of the Clinique, of Chicago; the Mining Review and Metallurgist, and the People's Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BRICK: Petition of the National Society of Colonial Dames of America in the State of Indiana, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. BUCKMAN: Paper to accompany bill for relief of Martin Toohy—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Norridgewock, Me., relative to abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of the Interview, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CAMPBELL of Ohio: Petition of the Express, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASSEL: Petition of the Denver Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Maytown Council, No. 79, and Thaddeus Stevens Council, No. 156, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 200 citizens of Columbia, Pa., against liquor selling in public buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 200 citizens of Columbia, Pa., for a law to prohibit sale of liquors in original packages—to the Committee on Interstate and Foreign Commerce.

Also, petition of General Welsh Camp, No. 68, Sons of Veterans, of Columbia, Pa., against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. CHANEY: Petition of the National Society of Colonial Dames of America, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Vincennes Social Union, No. 373, Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Michael Wilkey—to the Committee on Invalid Pensions.

Also, petition of the Union and the Western Sun, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COCKS: Petitions of the Port Washington News, the Nassau County Review, the Long Island Enterprise, the Journal, the Long Islander, the Flushing Daily Times, the Times, the Mayflower, the Advance, the Nassau Event, and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COLE: Petition of citizens of Champaign County, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of the Evening Genius, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Dames of 1846, for increase of pensions for veterans of the Mexican war—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: Petition of Mrs. Florence Fellows Ripley, of Kenosha Chapter, Daughters of the American Revolution, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Kenosha Chapter, Daughters of the American Revolution, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. DOVENER: Petition of the West Virginia Bar, Morgantown, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Tony Verrosso—to the Committee on Pensions.

By Mr. DRISCOLL: Petition of the News, Ilion, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ESCH: Paper to accompany bill for relief of Ella Scott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ella Harrington—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the California Fruit Growers' Exchange, favoring Federal control of railway rates and private-car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petition of the National Society of Colonial Dames of America, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of professors and students of St. Meinrad College, for repeal of the tariff on art works—to the Committee on Ways and Means.

By Mr. FULLER: Petition of J. A. Bowles et al., against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

Also, petition of Clinton Rosette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of Rev. Nathan Bailey and congregation, of Peabody, Mass., against passage of bill H. R. 7043—to the Committee on Military Affairs.

By Mr. GARNER: Petition of the Sentinel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GOEBEL: Petition of Camp No. 10, Division of Ohio, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. HASKINS: Petition of the Bellows Falls Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of Winfield S. Bruce—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of the Herald, Clarinda, Iowa, and the Saints' Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of the Tidings, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Byron Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Richard N. Keeley et al., against the appropriation for free-seed distribution—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of the Park Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUGHES: Petition of Elmwood and Rome councils, Order United American Mechanics, of West Virginia, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Petition of the Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Nebraska Stock Growers' Association, relative to leasing of untaken grazing lands in western Nebraska—to the Committee on the Public Lands.

Also, petition of the Hotel Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petitions of Kirkland Grange, No. 684, of

Redwood, N. Y., and the New York State Grange, for repeal of tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Antwerp, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of the Board of Trade of San Francisco, against repeal of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Sailors' Union of the Pacific, against bill S. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFEAN: Petition of the Gettysburg Compiler, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of Advent Christian Church, of North Adams, Mass., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Berkshire Gleaner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of F. Cort Johnson, R. J. Caldwell, and M. V. B. Brinckerhoff, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of the Star, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LONGWORTH: Petition of the Missionary Intelligencer and C. P. Karch, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McLAIN: Petition of W. H. Barron & Co. et al, for repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany bill for relief of John Shull—to the Committee on Claims.

Also, petition of Shermandale Council, No. 186, of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Nancy Jane Fisher—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Sailors' Union of the Pacific, against bill S. 529—to the Committee on Naval Affairs.

Also, petition of the Board of Trade of San Francisco, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Sunday Mirror, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PATTERSON: Paper to accompany bill for relief of George W. Wheeler—to the Committee on War Claims.

By Mr. PERKINS: Petition of Wilner & Castle, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of the Independent and the Mason City Banner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Paper to accompany bill for relief of Ellen Drass—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SAMUEL: Petitions of Hepburn Pollock Camp, No. 121, of Milton, Pa.; Thomas J. Stewart Camp, No. 72, and Colonel C. W. Eckman Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SHEPPARD: Paper to accompany bill for relief of Dennis W. Ray—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ann E. White—to the Committee on Pensions.

By Mr. SHERMAN: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of Abner T. Rollins—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of the Mountain Laurel Grange, of Northwood, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petitions of Mailler & Quereau, the Barclay Company, and Fellows & Co., relative to forgeries of trademarks—to the Committee on Patents.

Also, petition of the Greater New York Conference and Tract Society, against bill H. R. 10516—to the Committee on the District of Columbia.

Also, petition of Dames of 1846, for increase of pensions to Mexican war soldiers—to the Committee on Pensions.

By Mr. VOLSTEAD: Petition of Ole P. Oslie, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of Oatka Falls Grange, No. 394, of Le Roy, N. Y.; New York State Grange, of Geneva, N. Y., and Stafford Grange, No. 418, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of James H. Posey—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 15, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

COURTS-MARTIAL OF MIDSHIPMEN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 30th ultimo, copies of the record and the evidence in full in the courts-martial recently held at the Naval Academy in the cases of Midshipmen Pettersen B. Marzoni and Claude B. Mayo, and showing the final action taken by the Department; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

GEOLOGY AND RESOURCES OF SHOSHONE RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 5th instant, a copy of a letter from the Director of the Geological Survey submitting a report on the geology of the Owl Creek Mountains, with notes on resources of the adjoining regions in the ceded portion of the Shoshone Indian Reservation, Wyo.; which was read.

Mr. WARREN. As the report contains information valuable to perhaps more than one committee, I ask that the letter from the Secretary of the Interior and the accompanying papers may lie on the table, and be printed.

Mr. FRYE. Are there maps and illustrations?

Mr. WARREN. I think there are tables and maps, and probably plates.

Mr. FRYE. Then the motion should include the maps. Otherwise they would not be printed.

Mr. WARREN. Let the report with the papers accompanying and the illustrations be printed.

The VICE-PRESIDENT. Without objection, it is so ordered. The communication and accompanying papers will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;

H. R. 1201. An act granting an increase of pension to Edward Maxwell;

H. R. 4708. An act granting an increase of pension to William T. Wiley;

H. R. 5597. An act granting an increase of pension to Oscar Williamson;

H. R. 7302. An act granting an increase of pension to James G. Head; and

H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. J. Res. 92. A joint resolution authorizing the Secretary of

War to deliver to the Southern Historical Society certain unidentified battle flags.

The message further announced that the House had passed the following order; in which it requested the concurrence of the Senate:

Ordered, That the Clerk be directed to have reengrossed and properly attested the following bills:

H. R. 7085. Authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 11263. To authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 11045. To amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

Ordered further, That the Clerk be directed to request the Senate to have made on the engrossed copies of each of the said bills the proper indorsement of the Senate's action thereon.

The message also requested the Senate to return to the House of Representatives the bill (S. 143) granting an increase of pension to James Calvert, the beneficiary in the same having died.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

S. 56. An act authorizing the extension of Rhode Island avenue NE.; and

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Woman's Christian Temperance Union, praying for the enactment of legislation providing for the appointment of a bureau of experts to make a thorough and complete investigtaion of the condition of working women, etc.; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the legislature of the State of New York, praying for the enactment of legislation relative to pilots and coastwise sailing vessels engaged in domestic commerce; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, N. Y., February 8, 1906.

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in Congress of the United States from the State of New York, in relation to pilots and coastwise sailing vessels engaged in domestic commerce. (Introduced by Mr. Henry W. Hill.)

Whereas the State of New York is deeply concerned in all matters affecting its commerce and in the welfare and prosperity of its citizens engaged in transportation, as is shown in its maintenance of a magnificent system of canals, now under enlargement, and in the appointment of commissions to inquire into the cause of the decline and the means for the revival of its commerce; and

Whereas sailing vessels in our coast trade (many of which are owned in this State) are at present subject to an unjust and onerous burden in being compelled to employ State pilots in the ports of the States south of the capes of Virginia, whether the services of such pilots be required or not, a compulsion from which steam vessels have been exempt by an act of Congress approved on February 28, 1871, nearly thirty-five years ago; and

Whereas bills are now pending in each branch of Congress (to wit, Senate bill No. 30 and House bill No. 5281) providing for the exemption of sailing vessels in the coasting trade from the compulsory employment of State pilots when such vessels are commanded by licensed United States pilots or when they are in tow of tugboats that are commanded by licensed United States pilots: Therefore, be it

Resolved (if the assembly concur), That it is the sense of the legislature of the State of New York that American sailing vessels in the coasting trade should be exempt from the compulsory employment of State pilots, as American steam vessels long have been; and therefore be it further

Resolved (if the assembly concur), That the Senators and Representatives from the State of New York be, and they hereby are, respectfully requested to support and advocate the enactment of such measures in Congress providing for such exemption as being conducive to the increase of our commerce and the greater prosperity of our citizens.

By order of the senate:

LAFAYETTE B. GLEASON, *Clerk.*

IN ASSEMBLY, *February 12, 1906.*

Concurred in without amendment.

By order of the assembly:

A. E. BAXTER, *Clerk.*

Mr. PLATT presented a petition of the Board of Trade of Lockport, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 417, Cigar Makers' International Union of America, of Dunkirk, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented petitions of the Kongo Reform Association, of Rochester; of Ellery A. Handy, of Rochester, and of Harvey A. Leak, of Buffalo, all in the State of New York, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of sundry Methodist Episcopal ministers of Philadelphia, Pa., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of Local Division No. 65, Order of Railway Conductors, of Pittston, Pa., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of the Kittitas Commercial Club, of Kittitas County, Wash., praying that adequate appropriations be made to construct such irrigation systems as may be found practicable for construction by the Reclamation Service; which was referred to the Committee on Irrigation.

He also presented a petition of the Blaine Publishing Company, of Blaine, Wash., praying for the enactment of legislation for the removal of the tariff on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented petitions of the Tacoma and Seattle Branches of the Sailors' Union of the Pacific, and of the Trades Council of Tacoma, all in the State of Washington, praying for the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

Mr. DRYDEN presented a petition of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Vernon Valley Grange, No. 134, Patrons of Husbandry, of Sussex County, N. J., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Sherwin-Williams Company, of Newark, N. J., praying for the enactment of legislation looking to a reformation in the existing conditions between the United States and China relating to the present boycott on American manufactures; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Plainfield, N. J., and sundry petitions of citizens of Paterson and Atlantic Highlands, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Riverview Council, No. 268, Junior Order of United American Mechanics, of Oceanport, N. J., and a petition of Diamond Council, No. 14, Junior Order of United American Mechanics, of Swedesboro, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Monday Afternoon Club of Plainfield, of sundry citizens of Plainfield, and of Vineland Grange, No. 11, Patrons of Husbandry, of Vineland, all in the State of New Jersey, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Children's Protective Alliance of the State of New Jersey, praying for the enactment of legislation to create a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of the American Society for the Prevention of Cruelty to Animals, of New York City, N. Y., praying for the enactment of legislation to establish a board for the protection of children and animals; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young Men's Congress of Newark, N. J., praying for the enactment of legislation to restore the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of the Passaic City Teachers' Association, of Passaic, N. J., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of Bessie A. Dana, of Englewood, N. J., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes;

which was referred to the Committee on Forest Reservation and the Protection of Game.

Mr. LODGE presented a petition of the Copley Society, of Boston, Mass., praying for the adoption of an amendment to the present tariff law permitting the importation of works of art into the United States free of duty; which was referred to the Committee on Finance.

Mr. McCUMBER presented a petition of the county commissioners of Grand Forks County, N. Dak., praying for the enactment of legislation providing suitable drainage for the Red River Valley in that State; which was referred to the Committee on Irrigation.

Mr. WETMORE presented a petition of the congregation of the Second Richmond Baptist Church, of Charlestown, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate.

Mr. SPOONER presented a petition of the Wisconsin Dairymen's Association, praying for the passage of the so-called "Hepburn railroad rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Dairymen's Association, praying for the enactment of legislation making the Dairy Division of the Department of Agriculture a distinct bureau of that Department; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wisconsin Dairymen's Association, praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Wisconsin Dairymen's Association, remonstrating against a reduction of the duty on oleomargarine colored in imitation of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wisconsin State board of agriculture, praying for the ratification of international arbitration treaties; for a revision of tariff schedules, and for the supervision by the Interstate Commerce Commission of transportation companies, and that the Commission be invested with power to establish rates; which was referred to the Committee on Interstate Commerce.

Mr. BEVERIDGE presented a petition of the National Society of Colonial Dames of the State of Indiana, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Local Union No. 352, Cigar Makers' International Union of America, of Brookville, Ind., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Retail Lumber Dealers' Association of Indianapolis, Ind., praying for the enactment of legislation to reduce the duty on white-pine lumber imported from Canada; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying that reciprocal arrangements be entered into with foreign nations for the purpose of extending the trade of the United States; which was referred to the Committee on Finance.

Mr. LONG presented the petition of W. R. Smith, of Garnett, Kans., praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which was referred to the Committee on Finance.

Mr. SIMMONS presented petitions of Local Council No. 79, of Rural Hall; of Local Council of Altamahaw, and of Local Council No. 170, of Rockwell, all of the Junior Order United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3156) to grant an honorable discharge from the military service to Robert C. Gregg; and

A bill (S. 581) authorizing and directing the Secretary of War to condemn and turn over to the State of Idaho two Krupp field guns captured from the enemy by the First Idaho Volunteer Infantry at the battle of Santa Ana, P. I., February 5, 1899.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely;

A bill (S. 417) to remove the charge of desertion against James Boyle;

A bill (S. 2866) to correct the military record of William T. Rominger; and

A bill (S. 2891) to remove the charge of desertion from the military record of John Esseltine.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 3411) to remove the charge of desertion from the military record of William B. McCloy, reported it with an amendment.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 2484) for the relief of Charles W. Howard, reported it without amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats—reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 3288) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 13548) to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

A bill (H. R. 13567) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

A bill (H. R. 13568) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 4190) to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, and to provide for the disposal of isolated tracts of public lands, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 690) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels;

A bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels; and

A bill (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1813) to remove the charge of desertion standing against the name of John Murphy, alias John Martin, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 660) granting an honorable discharge to Peter Green; and

A bill (S. 1925) granting an honorable discharge to Peter Fleming.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9051) granting an increase of pension to Asher S. Bouden;

A bill (H. R. 8944) granting an increase of pension to William H. Lorance;

A bill (H. R. 8794) granting an increase of pension to Stout Shearer;

A bill (H. R. 6516) granting an increase of pension to Joseph Bailey; and

A bill (H. R. 7224) granting an increase of pension to Charles R. Ellis.

BILLS INTRODUCED.

Mr. DRYDEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4453) granting an increase of pension to Cate F. Galbraith; and

A bill (S. 4454) granting pensions to Army locomotive engineers, and providing pensions to widows and minor children of Army locomotive engineers.

Mr. DRYDEN introduced a bill (S. 4455) providing for the recognition of the men who served as locomotive engineers during the late war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 4456) to amend section 10 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4457) granting an increase of pension to L. A. Tyson;

A bill (S. 4458) granting an increase of pension to Andrea P. Quist;

A bill (S. 4459) granting an increase of pension to Edwin K. Lamson;

A bill (by request) (S. 4460) granting an increase of pension to Ann J. Thompson; and

A bill (S. 4461) granting an increase of pension to Thomas S. Elsberry.

Mr. McENERY introduced a bill (S. 4462) granting a pension to Christopher C. Harlan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced a bill (S. 4463) for the relief of the estate of John T. Henderson, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4464) for the relief of certain officers on the retired list of the Army; which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4465) granting an increase of pension to Maria A. Meily; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4466) granting an increase of pension to Adam Seid; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 4467) removing the charge of desertion from the military record of James B. Boyd; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 4468) to provide for the purchase of a site and the erection of a building thereon at Catlettsburg, in the State of Kentucky; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (S. 4469) to provide for the survey of the public lands of the State of Idaho; and

A bill (S. 4470) to prohibit the further withdrawal of public lands of the United States within the State of Idaho for forest-reserve purposes by Executive order, and for other purposes.

Mr. NEWLANDS introduced a bill (S. 4471) creating a commission to consider and recommend legislation relating to the incorporation of common carriers engaged in commerce between the States and foreign countries, and for preventing the over-capitalization of such corporations, and for promoting a uniform method of taxing the property and securities of such corporations, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. NELSON introduced a bill (S. 4472) for the relief of James and William Crooks; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 4473) granting a pension to Hannah Caroline Peterson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4474) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 4475) to establish on the military reservation at Fort Mason, San Francisco, in the State of California, a general depot for the supply departments of the United States Army, and to construct thereon the necessary storehouses, quarters, and wharves; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4476) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEAN introduced a bill (S. 4477) for the relief of Daniel B. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 4478) for the relief of the estate of James Lloyd, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introuduced a bill (S. 4479) granting an honorable discharge to James Knight; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4480) to authorize the purchase of portraits of certain ex-Chief Justices of the United States Supreme Court; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

He also introduced a bill (S. 4481) granting an increase of pension to John Claar; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 4482) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. LONG introduced a bill (S. 4483) for the relief of Eugene B. Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 4484) granting a pension to Stephen Rice; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. HEYBURN submitted an amendment proposing to appropriate $100,000 for the survey of the public lands of the United States within the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment relative to the hours of labor in the Government Departments, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PHOTOLITHOGRAPHING, ETC., AT GOVERNMENT PRINTING OFFICE.

Mr. MORGAN. At the request of the Public Printer, I send to the desk a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Printing be, and it is hereby, instructed to direct the Public Printer to send to the committee a detailed estimate of the cost of establishing in the Government Printing Office all necessary machinery for reproducing photolithographs, half-tone plates, and zinc line drawings; and, if additional skilled labor is required to operate said machinery, the cost of employing same.

Mr. MORGAN. It is a mere resolution of inquiry.

The resolution was considered by unanimous consent, and agreed to.

LAND DECISIONS OF DEPARTMENT OF INTERIOR.

Mr. HANSBROUGH submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotyped plates 100 copies each of volumes 11 and 12, Decisions of the Department of the Interior Relating to Public Lands, and part 1 of Digest of volumes 1 to 30 Land Decisions; and also 100 copies of volume 15, Decisions of the Department of the Interior Relative to Pensions and Bounty Land, and to deliver the same to the Secretary of the Interior for distribution and sale.

THE MERCHANT MARINE.

On motion of Mr. GALLINGER, it was

Ordered, That 2,000 copies of Senate bill No. 529 to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce, as passed by the Senate, be printed for the use of the Senate.

JUDICIAL DISTRICTS IN INDIAN TERRITORY.

On motion of Mr. LONG, and by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 436) establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith, and it was referred to the Committee on Indian Affairs.

HOUSE BILLS REFERRED.

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff, was read twice by its title, and referred to the Committee on Commerce.

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

H. J. Res. 92. A joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags, was read twice by its title, and referred to the Committee on Military Affairs.

REENGROSSMENT OF HOUSE BILLS.

The VICE-PRESIDENT laid before the Senate the following order of the House of Representatives; which was read:

Ordered, That the Clerk be directed to have reengrossed and properly attested the following bills:

H. R. 7085. Authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 11263. To authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 11045. To amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

Ordered further, That the Clerk be directed to request the Senate to have made on the engrossed copies of each of the said bills the proper indorsement of the Senate's action thereon.

The VICE-PRESIDENT. Without objection, the request of the House of Representatives will be complied with.

JAMES CALVERT.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES,
February 14, 1906.

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives Senate bill 143, "Granting an increase of pension to James Calvert," the beneficiary in the same having died.

The VICE-PRESIDENT. Without objection, the request of the House of Representatives will be complied with.

IMPORTATION OF IMPURE AND UNWHOLESOME TEA.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The SECRETARY. Order of Business No. 3, the bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. FRYE. Do not the clerks commence where we left off at the last call? These bills were objected to and went over.

The VICE-PRESIDENT. Does the Senator from Maine suggest that we begin the Calendar at the point reached when it was last under consideration?

Mr. FRYE. Yes; I suggest that the clerks begin where we left off the last time.

The VICE-PRESIDENT. The first bill at the point reached when the Calendar was last under consideration will be stated.

JAMES H. OLIVER.

The bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy, was announced as first in order on the Calendar, and the Senate as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Naval Affairs with amendments, in line 6, after the word "Navy," to strike out the words "to take rank at the foot of said grade next after Commander Frank M. Bostwick;" and in line 11, after the word "grade," to add the following proviso:

Provided further, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further.*

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint James H. Oliver, now a commander on the retired list of the United States Navy, to the grade of commander on the active list of the United States Navy: *Provided*, That the said James H. Oliver shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That said James H. Oliver shall not by the passage of this act be entitled to back pay of any kind.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The SECRETARY. The committee proposes to strike out the preamble.

The VICE-PRESIDENT. Without objection, the preamble will be stricken out.

BRIDGES OVER ST. FRANCIS RIVER, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the consideration at this time of two bridge bills, reported this morning from the Committee on Commerce. They are House bills and it is necessary that they should receive early consideration in order that the work may be commenced.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (H. R. 13567) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 13568) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river.

Mr. LODGE. I shall not object to this bill, but after it is disposed of I shall ask for the regular order. I think we ought to take up the bills in their order.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNLAWFUL WEARING OF MILITARY BADGES.

The VICE-PRESIDENT. The Secretary will proceed with the Calendar.

The bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations was announced as next in order on the Calendar; and, there being no objection, the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The bill was reported from the Committee on the District of Columbia with an amendment, on page 1, line 8, after the words "Spanish War Veterans," to insert "or the National Society of the Daughters of the American Revolution," and that amendment has heretofore been agreed to.

Mr. MONEY. Mr. President, I am not disposed to object to bills of any kind generally, but I can not understand why the Congress of the United States shall legislate to protect the badges of associations that do not belong to the public service in any way. I do not see what Congress has to do with these things. If we are going into such business as that, there will be no end to it, and I shall object to its consideration if there is any unanimous consent about it.

The VICE-PRESIDENT. The bill will go over under the objection of the Senator from Mississippi.

Mr. SCOTT. What Senator objected to the consideration of the bill?

The VICE-PRESIDENT. The Senator from Mississippi [Mr. MONEY].

Mr. SCOTT. I understood the Senator to say that he did not object.

The VICE-PRESIDENT. Did the Chair understand the Senator from Mississippi to object to the present consideration of the bill just read?

Mr. MONEY. I do, until I can look into it a little bit.

The VICE-PRESIDENT. The bill will go over under objection.

Mr. MONEY. I see no reason why it should be made the subject of an enactment by Congress.

IMPORTATION OF IMPURE AND UNWHOLESOME TEA.

Mr. STONE. I desire to call up the bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. STONE. I offer the following amendment.

Mr. MONEY. Will the Senator permit me? After a brief explanation from the Senator from West Virginia [Mr. SCOTT], I withdraw the objection I made a few moments ago and ask the Senator to permit the bill in regard to the unlawful wearing of badges to be taken up in its order and considered.

The VICE-PRESIDENT. The Senator from Missouri proposes an amendment, which will be read.

The SECRETARY. After the words "United States," page 2 of the bill, insert a comma and the words "to be approved as to amount and sureties by the Secretary of the Treasury;" so as to make the bill read:

Be it enacted, etc., That section 1 of "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, be amended by adding at the end thereof the following words: "*Provided*, That nothing herein shall affect or prevent the importation into the United States of any merchandise as tea, tea waste, tea siftings, or tea sweepings for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond to the United States, to be approved as to amount and sureties by the Secretary of the Treasury, that said imported material shall be only so used under regulations to be prescribed by the Secretary of the Treasury."

Mr. STONE. I have offered that amendment to meet the suggestion of the Senator from Ohio [Mr. FORAKER].

The amendment was agreed to.

Mr. DANIEL. Mr. President, we have had no explanation of the bill from the Senator in charge of it. Is there any written report with it?

The VICE-PRESIDENT. A report accompanies the bill.

Mr. STONE. There is a report.

Mr. DANIEL. Will the Senator explain it?

Mr. STONE. I can do so.

Mr. President, I think as intelligent and concise an explanation as I could make of the bill can be made by reading a part of a letter I have received from an important manufacturing establishment in St. Louis, and at whose instance, I will say, the bill was introduced. The letter is from the Monsanto Chemical Works, manufacturers of modern chemical products, of St. Louis. The president of that company or concern writes to me as follows:

We have undertaken the manufacture of a chemical product known as "caffeine" (or "theine"), which at the present time is produced entirely from tea waste, siftings, and sweepings. This material is the tailings or the refuse (waste) collected in the various tea houses and gardens of the world. It is composed of tea fluff, taken off the leaves; siftings, which occur in sorting out the tea, and the sweepings or dust which accumulates in the various tea warehouses.

This material was always thrown away up to the time caffeine became an important chemical product, when, on analysis, it was found that this tea refuse contained an appreciable amount of caffeine alkaloid, since which time it has been saved and sold to the various manufacturers and producers of caffeine.

Caffeine has become a very important chemical product, and up to a comparatively few years has been manufactured entirely in Germany and England.

I will say at this point that I am informed there is but one other company, besides the company of which the author of this letter is the president, manufacturing caffeine, and that is located in New Jersey.

The German manufacturers are allowed to import this tea waste ad libitum, whereas the English manufacturers are also allowed to import this quality of goods, but under supervision of the Government, who see that it actually enters into the manufacture of caffeine, so that there is no possibility of this quality of goods interfering with their tea laws.

Now, as against these conditions, the American manufacturer of caffeine is compelled to denature the tea waste before importing by adding 10 per cent of lime—for the purpose of making it unfit for food purposes—when it is allowed to enter into the United States as "crude drugs." The cost of the lime and the labor for this process at point of shipment is about 20 per cent of the cost of the goods, to which also must be added the additional heavy freight charges caused by the addition of this lime, making the actual cost to the American manufacturer almost 25 per cent more than the European manufacturers pay for the same goods at their factories.

While we have a protective duty of 25 per cent ad valorem on caffeine, it must not be overlooked that the yield of caffeine from this tea waste is about 2½ per cent. To be more explicit, say 100 pounds of tea waste yields 2½ pounds caffeine. The duty on this product is 25 per cent ad valorem, as against which must be considered that foreign manufacturers have cheap labor and pay freight to the United States on only 2½ pounds of goods, while we are compelled to pay freight charges on 110 pounds (100 pounds tea waste and 10 pounds lime), and about 25 per cent more for the same raw material, on account of the expense incurred in denaturing it by the addition of lime before it is allowed entry to the United States.

Under these conditions you can readily see that we are justified in asking for relief from this last great unnecessary expense to be in position to compete with the European manufacturers. And, furthermore, as such outlay is paid to foreign labor by American manufacturers, while no one in this country gets any benefit whatever from it.

Now, as I understand the purpose of the bill——

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. STONE. I do.

Mr. SPOONER. If this bill were enacted into law, would the tea which would thereby be imported be subject to duty?

Mr. STONE. The tea waste?

Mr. SPOONER. Yes.

Mr. STONE. I think it would be subject to a duty of 25 per cent.

Mr. SPOONER. That is not so now?

Mr. STONE. As to tea waste?

Mr. SPOONER. That is prohibited, is it not?

Mr. STONE. Yes; but do you mean would this product be subject to duty?

Mr. SPOONER. The bill proposes to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," with a proviso that this tea, which is now prohibited from being imported, shall be permitted to be imported if it be denaturized, and that it only may be used for the purpose indicated in the bill. My question is, would this——

Mr. STONE. Tea waste?

Mr. SPOONER. Would this impure tea, or the tea which this bill would permit to be brought into the United States, be subject to duty, or be brought in free of duty under this bill?

Mr. STONE. I should think it would come in free.

Mr. SPOONER. If it would be subject to duty, the bill should not originate in the Senate. That is the only point of my question.

Mr. STONE. There is no tariff upon it now, and this would not impose one. It is not attempted by the bill to do that.

Mr. SPOONER. There is a tariff on teas of every description which are permitted to be entered. If the prohibition upon the entry or importation of certain teas is repealed, whether this would be subject to duty would depend upon the phraseology of the tariff act in reference to tea. I do not know what the fact would be, and asked because I did not know but what the Senator from Missouri had looked into it.

Mr. STONE. I have not looked into that feature of it. The mere purpose of this bill is to enable the manufacturers of caffeine out of tea waste to bring the tea in in its natural form. Under the regulations prescribed by the bill it may be denaturized here, by that means very largely reducing the expense, which would be a useless expenditure now imposed upon the manufacturer in being compelled to denaturize it abroad.

The bill has the approval of the Committee on Commerce, the approval of the Treasury Department, and the approval of the Department of Agriculture.

The bill was reported to the Senate as amended.

Mr. ALLISON. Mr. President, I see the approval of this bill by the Secretary of Agriculture is somewhat guarded. He says:

I approve of the measure, provided the safeguards against the consumption of the articles imported are sufficiently explicit to secure for manufacturing purposes the whole of the imports admitted under the provisions of the proposed act.

Mr. STONE. I call the attention of the Senator from Iowa to the last line of the bill.

Mr. ALLISON. I have that before me.

Mr. STONE. That reads:

The said imported material shall be only so used under regulations to be prescribed by the Secretary of the Treasury.

Mr. ALLISON. Does the Senator think such regulations would afford sufficient protection? I only want to inquire of the Senator if he has looked into this subject to such an extent as to answer that?

Mr. STONE. I suppose, under this bill, the Secretary of the Treasury could perform that duty better than anyone else.

Mr. ALLISON. I understood the Senator from Missouri to say that there was only one manufacturer of this product.

Mr. STONE. I have stated that I understand, aside from the one in St. Louis, there is but one other in the United States.

Mr. ALLISON. Possibly the bill is sufficiently guarded.

Mr. STONE. If it is not, it certainly should be, and I am willing to accept any suggestion on that line.

Mr. ALLISON. I think probably the Secretary of the Treasury can make regulations covering the matter.

Mr. SPOONER. I wish the Senator from Missouri would permit the bill to go over. It is early in the session, and the bill will not suffer at all from a little delay. I wish to look into the question as to whether this product will be dutiable or not if this bill shall be passed, whether the tea waste, now altogether prohibited from importation, would, if the bar be removed, be subject to duty under the tariff act. If it would be, it is perfectly clear that such a bill can not originate in the Senate, for it is a bill affecting the revenue. I wish for one to look a little more carefully into the proposition whether the public interest can be adequately safeguarded by regulations operative upon the subject-matter after it shall have been admitted into this country and shall have reached its destination in St. Louis, or wherever else the manufacturing establishments may be located.

The act which it is proposed to amend by this bill is an act passed by Congress in the interest of the public health; it is framed, I see, with very great care, and it deals with a subject which peculiarly justifies legislative attention. I do not see what the Secretary of Agriculture particularly has to do with it; why he has to approve it, though I know it is getting to be so now that almost everything has to be approved directly or indirectly by the Secretary of Agriculture which has any relation whatever to drugs or food.

Mr. ALLISON. Or health.

Mr. SPOONER. The Senator says "health," but even that does not constitute the limit. As stated by the Senator from Iowa, the letter of the Secretary of Agriculture is entirely conditional; he does not—and he is wise in that—commit himself to the proposition that adequate safeguards can be afforded. The acting Secretary of the Treasury, Mr. Taylor—and the Treasury Department is the Department which is to make these regulations—writes a letter which is not, for its strength and directness, particularly persuasive to me. Acknowledging the receipt of the reference and setting forth a copy of the bill, the Secretary says:

> The matter has been carefully considered and advice received from the board of tea experts at New York, appointed under the provisions of section 2 of the tea act of March 2, 1897.

That is the act to prevent the importation of impure and unwholesome tea. The Acting Secretary further says:

> The majority of the board—

That is this board of tea experts appointed by the Government and paid by the Government, doubtless because of their known ability and integrity to perform faithfully this duty of inspection and judgment—

> The majority of the board are not in favor of the proposed legislation.

They can have no interest in it but the public interest. It is impossible to conceive of any basis for their opposition to it except their judgment as experts, that it is impracticable for the Secretary of the Treasury to frame regulations which will safeguard, as it is now safeguarded, the public against the surreptitious use of tea waste and the like, after it has been admitted and has reached the manufacturing establishments, which are simply under bond.

> The minority is of the opinion that the intent and purpose of the tea act can be fully safeguarded under the proposed bill by proper departmental regulations, and I concur in this opinion.

That is the Acting Secretary of the Treasury, who is not an expert on the subject at all and does not profess to be, concurs in the opinion of the minority of the tea experts against the opinion of the majority of the tea experts that this ought not to be admitted.

There is one thing very certain, Mr. President. The present law protects the people of the United States, the consumers of tea of every class and grade, and every age and sex, against this impure and unfit article which Congress, in the interest of the public health, has excluded from the United States; and it protects it, because at tide water it subjects all tea to examination. If the experts discover any of the prohibited tea, it is excluded, it is not permitted to be taken from the custom-houses at all, or to get in any way whatever into the commerce of the country to be made into drink. That is safe; the majority of the experts say the other is not safe; and I think, for the sake of the dealers and the manufacturers, it is a subject upon which legislation should be on the safe side in the protection of health.

On further examination, I do not know but it may be discovered that this bill may safely pass; but for one I want to see the communications from the board of experts; I want to know on what ground the majority put their opinion against it, and I want to know the terms of the opinion of the minority which favors it. And so—I suppose an objection will stop this bill for the time being—without prejudice to the bill, Mr. President, I ask that it go over.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Under objection, the bill will lie over.

Mr. SPOONER. Of course I withdraw the objection if the Senator from Missouri desires to be heard.

Mr. STONE. Just a word, Mr. President.

The VICE-PRESIDENT. The Senator from Missouri.

Mr. STONE. I certainly would not myself object, if I could, to the bill going over as has been requested; but I hope to have it again considered at a very early day, and trust that it may then be disposed of in some way.

Mr. President, it goes without saying that none of us desires to have introduced impure products that may be used for food which will in any degree imperil the public health. Caffeine, however, is an important chemical product used in a great many chemical combinations, and if it can be manufactured here and give employment to capital and to labor, and a new industry thereby be developed, it ought to be done. I think there will be universal concurrence in that statement.

The waste tea, out of which the caffeine is produced, ought to be admitted under the terms of this bill or along the lines proposed by this bill as cheaply as possible to the manufacturers, if it can be done without danger to the public health. I understand that to be the point which the Senator suggested, aside from the one involving the tariff feature of it.

Now, Mr. President, it does seem to me that the Secretary of the Treasury ought to be able to prescribe regulations that would guard the misuse of this article when it is once imported.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator whether or not this refuse tea can be put to any other use than the manufacture of caffeine?

Mr. STONE. It can not. After it has been denatured its whole utility as tea is lost.

Mr. BEVERIDGE. It can not be used, then, in any form of food, and can only be used as a product from which to manufacture caffeine?

Mr. SPOONER. That is not true.

Mr. BEVERIDGE. I want to know what the truth is.

Mr. SPOONER. Under the law now, before it can come into this country at all, it is denatured, as the Senator from Missouri says, after which operation it can not be used for food purposes. The proposed change in the law is to permit it coming into this country before it is denatured, and be denatured under bond wherever the consignee happens to live.

Mr. BEVERIDGE. And so it could be used for other purposes than the manufacture of caffeine? That is the point in which I am interested.

Mr. STONE. It can be denatured under such regulations as the Secretary of the Treasury may prescribe. The article of waste tea is denatured, as they term it, by the use of lime. It is mixed with lime, and after the chemical operation of the lime is completed its food quality is absolutely destroyed, as I understand.

Mr. SPOONER. Will the Senator be kind enough to say what is the matter of cost in denaturing it that leads these manufacturers to desire its admission and this operation of denaturing to take place in this country? What is the reason they are dissatisfied with the present law?

Mr. STONE. It must be denatured abroad now.

Mr. SPOONER. Certainly.

Mr. STONE. And it requires the shipment of 110 pounds of waste tea and lime, paid for as freight, while the competing manufacturer in England and Germany takes 100 pounds of waste tea and converts it into two and a half pounds of the drug caffeine and exports it. The weight of the raw material and the lime, as I understand the statement of this manufacturer, makes it a great burden upon the industry.

Mr. SPOONER. I do not see at this moment how the difference in advantage between the English manufacturer and the American manufacturer will be affected or cured at all by this proposed law. Of course, the man who is nearer the source of production can always denaturize and manufacture the article and put it into smaller compass for sale abroad at a cheaper rate than the man who has to pay freight a longer distance.

Mr. STONE. The president of the Monsanto Chemical Works in a letter says this, if the Senator will let me read it to him——

Mr. SPOONER. I only want information about it.

Mr. STONE. He says:

> The German manufacturers are allowed to import this tea waste ad libitum, whereas the English manufacturers are also allowed to import this quality of goods—

That is, they purchase it abroad—from the place of production—

but under supervision of the Government—

So as to prevent any misuse of it to the detriment of the public health—

who see that it actually enters into the manufacture of caffeine, so that there is no possibility of this quality of goods interfering with their tea laws.

Now, as against these conditions the American manufacturer of caffeine is compelled to denature the tea waste before importing, by adding 10 per cent of lime—for the purpose of making it unfit for food purposes—when it is allowed to enter into the United States as "crude drugs." The cost of the lime and the labor for this process at point of shipment is about 20 per cent of the cost of the goods, to which also must be added the additional heavy freight charges caused by the addition of this lime, making the actual cost to the American manufacturer almost 25 per cent more than the European manufacturers pay for the same goods at their factories.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. Certainly.

Mr. ALLISON. It seems to me that this bill does not confine itself to tea waste. It provides that tea may be imported, which changes entirely the character of the statute which the Senator from Wisconsin cited.

Mr. SPOONER. The statute reads, "Tea, tea waste, tea siftings, or tea sweepings."

Mr. ALLISON. That covers the entire range of tea. At the present time tea can only be imported under bond. No tea can go into consumption until after it has been examined by tea experts, and if they reject any portion of the tea as not coming up to the standard the importation of that tea is absolutely prohibited—that is to say, it can not go into consumption. But under this proposed bill any importer can declare that he is importing this tea and this tea waste for manufacturing purposes, give bond that he will do it, and thereby the whole matter of the importation of it is subjected to the caprice or the discretion of the manufacturer. So if we are to provide a method to accomplish this object we should, it seems to me, provide that at the port of entry this tea or tea waste, or whatever it is, should be made unfit for consumption as food or drink. This bill leaves it to the manufacturer to take this tea and utilize it in his discretion for the purpose of manufacturing caffeine or whatever he desires to manufacture from it.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. STONE. Certainly.

Mr. LODGE. I did not know the Senator had the floor. I was simply going to say, Mr. President, that this bill seems to have given rise to a great deal of debate, and is likely to give rise to more, and as there are a number of unobjected matters on the Calendar which can be passed I hope the Senator from Missouri will be willing to let the bill go over.

Mr. STONE. I am entirely willing to let it go over. As I stated, I think it better, after what has been said by the Senator from Wisconsin and the Senator from Iowa, that it should go over. The bill may be imperfect.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

UNLAWFUL WEARING OF MILITARY BADGES.

The VICE-PRESIDENT. The Senator from Mississippi [Mr. MONEY] has withdrawn his objection to the consideration of House bill 58, the title of which will be stated.

The SECRETARY. A bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

UNION OF ARIZONA WITH NEW MEXICO.

Mr. PATTERSON. I ask unanimous consent for the immediate consideration of the order which I send to the desk.

The VICE-PRESIDENT. The Secretary will read the order.

The Secretary read as follows:

Ordered, That there be printed for the use of the Senate 500 additional copies of Senate Document No. 216, first session Fifty-ninth Congress.

Mr. KEAN. What is the document which it is proposed to reprint?

Mr. PATTERSON. It is a protest against the union of Arizona with New Mexico.

The VICE-PRESIDENT. Is there objection to the present consideration of the order?

There being no objection, the order was considered by unanimous consent, and agreed to.

LAPÈNE & FERRÉ.

The bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré was announced as next in order on the Calendar.

The VICE-PRESIDENT. This bill has heretofore been considered and passed by the Senate, but the Senator from Wisconsin [Mr. SPOONER] entered a motion to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER. That is a cotton-claim bill, Mr. President, and is one of a vast number involving not only several questions, but a good many million dollars. I entered the motion to reconsider the vote by which the bill passed in order that I might read the report. I found from reading the report that it would be necessary to read a large number of documents to get at the real history of the claim.

Moreover, I wish to present, when I discuss very briefly the motion to reconsider, some information from the Treasury Department as to the status of this whole business. I do not see how the matter is reached on the Calendar now, unless it reaches my motion to reconsider.

The VICE-PRESIDENT. The bill will lie over with the motion of the Senator from Wisconsin pending.

Mr. SPOONER. I can call it up at any time, as I understand.

The VICE-PRESIDENT. At any time.

WILLIAM H. JOSLIN.

The bill (H. R. 8773) granting an increase of pension to William H. Joslin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Joslin, late captain Company B, and major, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHTHOUSE AT ISLE AU HAUT HARBOR, MAINE.

The bill (S. 4095) to establish a light and fog-signal station at or near Isle au Haut Harbor, Maine, was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to have established and constructed a light and fog-signal station at or near Isle au Haut Harbor, Isle au Haut, Me., at a cost not to exceed $14,400.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the time, and passed.

CAPE HINCHINBROOK (ALASKA) LIGHT-HOUSE.

The bill (S. 2703) to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska, was considered as in Committee of the Whole. It proposes to construct on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska, a first-class light-house and fog signal, at a cost of not more than $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BRADY MILITARY RESERVATION, MICH.

The bill (S. 2801) to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich., was considered as in Committee of the Whole. It provides that that portion of the military reservation known as Fort Brady, in the city of Sault Ste. Marie, Mich., bounded on the north by that part of Water street adjacent to the Government park, on the east by Brady street, on the south by Portage avenue, and on the west by Bingham avenue, be reserved from sale under the authority of the act of Congress authorizing the sale of Old Fort Brady, approved July 8, 1886, and that it be set apart for a site for a public building at Sault Ste. Marie, Mich.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT CAPE SPENCER, ALASKA.

The bill (S. 2705) to establish a light-house and fog signal on Cape Spencer, at the entrance to Cross Sound, in the district of Alaska, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE LIFE-SAVING SERVICE.

The bill (S. 791) to promote the efficiency of the Life-Saving Service was announced as the next bill in order on the Calendar.

Mr. HALE. This is a very important bill, involving an entirely new principle of a retired list for this Service, and I must object to the consideration of this and also the next bill.

Mr. NELSON. I wish the Senator would allow the bill to be read and also the report of the committee, so as to place the information before the Senate. The bill has been reported unanimously from the Committee on Commerce, and there is a very valuable report from the Treasury Department on the subject. I shall be glad to have the bill and the report read.

Mr. HALE. Let them be read, and then let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill and report will be read.

Mr. NELSON. I prefer that the bill should not lose its place on the Calendar.

Mr. HALE. The trouble is, if I agree to that and the Senator gets it read now, it may come up some time when I am not here, and no attention will be paid to it and it will be passed without discussion. It is a bill important enough to be thoroughly discussed. We ought not to make a retired list for any new branch of any service, in my judgment, and the bill can not be passed without pretty extended debate. I have no objection to the Senator having the report read now, but I shall ask that the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill and the report will be read, and the objection of the Senator from Maine will be interposed after the reading.

Mr. HALE. I shall not be here.

The VICE-PRESIDENT. The Chair will make announcement of objection on the part of the Senator from Maine.

Mr. NELSON. After the bill and report shall have been read the bill will go over under the objection of the Senator from Maine.

The VICE-PRESIDENT. It will go to the Calendar under Rule IX.

Mr. HALE. And also the next bill.

The VICE-PRESIDENT. It will be so ordered.

The Secretary read the bill.

The VICE-PRESIDENT. The report will now be read.

The Secretary proceeded to read the report submitted by Mr. NELSON on the 18th instant.

Mr. OVERMAN. Is the bill now pending before the Senate the report on which is being read?

The VICE-PRESIDENT. The bill was read, and——

Mr. OVERMAN. I understood there was objection to it.

The VICE-PRESIDENT. The objection was a conditional one. It was that the bill and the report should be read, and after the reading the bill should go to the Calendar under Rule IX.

Mr. NELSON. I will ask that the report be printed in the RECORD. There is no need of reading the report any further if it can be printed in the RECORD.

The VICE-PRESIDENT. Without objection, the report will be printed in the RECORD.

The entire report is as follows:

The Committee on Commerce, to whom was referred the bill (S. 26) to promote the efficiency of the Life-Saving Service, have had the same under consideration and beg to submit the following report, with the recommendation that the bill do pass with amendments:

The bill was referred by your committee to the Secretary of the Treasury for information bearing upon its merits and the propriety of its passage. That officer referred it to the General Superintendent of the Life-Saving Service, who made a very full report thereon, which, together with the letter of the Secretary of the Treasury transmitting it with his concurrence, is hereto attached and made a part of this report.

The report of the General Superintendent discloses a serious condition of the Service that demands immediate relief to avert threatened disaster. This condition arises from the continual exodus from its ranks of numbers of its best men and the impossibility of filling the resulting vacancies with competent recruits. To overcome the difficulty a sufficient inducement must be provided to insure the retention of the desirable men still remaining in the Service and the enlistment of suitable recruits to fill existing and future vacancies.

It appears that there are two ways in which this may be done—one by increasing the compensation of the crews, the other by providing a system of retirement. Bills providing for both methods were introduced in the Fifty-eighth Congress, but the freinds of the Service advocated, in hearings before the Committee on Interstate and Foreign Commerce of the House, the bill for retirement in preference to the bills for increased compensation. The committee had several hearings upon the bill, but came to no agreement. In the meantime the situation in the Life-Saving Service has grown worse.

Of the two remedies proposed, that of retirement is shown to be the less expensive, the preference of the corps, and the most likely to restore the impaired efficiency of the Service and put it upon a basis which will not be readily affected by the fluctuations of wages in the business world in the future. The present bill provides for the application of this remedy. Its enactment would not form a dangerous precedent, nor could it be regarded as the beginning of a civil pension list. The adoption of a wise and desirable measure does not constitute a precedent for the adoption of an unwise and undesirable one, nor should a just claim for favorable action be denied for fear that its allowance would be cited in support of an unjust one. Every proposition for legislation of this nature should be decided upon its own merits.

No other civil branch of the Government can present claims to the benefit of retirement equal to those of the Life-Saving Service. None approach it as regards the dangerous character of its duties, and none, not even the Revenue-Cutter Service, to which Congress has recently granted retirement, has a closer alliance with the military arm of the Government, to which such provision has hitherto been confined. In fact, during the late war it formed an important part of the Navy under the command, for military purposes, of a naval officer, and was recognized as such by a special act of Congress, which provided for the continuance on duty of the crews of the life-saving stations upon the Atlantic coast through the summer months, contrary to usage, for the sole purpose of cooperation with the Navy. This connection continues in time of peace, and the Service is then also utilized for military purposes, particularly in naval drills and maneuvers. Among other considerations, therefore, the importance of keeping the Service in an efficient condition for the performance of its part in naval operations in time of war should not be overlooked while we are expending so much in other directions to strengthen the military power for the national defense.

Retirement as granted to the Army and Navy is the acknowledgment by the Government of a moral obligation on account of past meritorious service, and is a compensation for the loss of earning capacity incurred through injury, disease, or the devotion of the productive years of life to the performance of duty. On these grounds no servants of the Government are more entitled to consideration than the men employed in the Life-Saving Service. If the encouragement of patriotism is an additional reason for the grant to the Army and Navy, the encouragement of humanity, of which the Life-Saving Service is the highest national exponent, is equally worthy of the same recognition.

Your committee regard the men in the life-saving stations fully entitled to the benefits proposed to be given them by the bill without reference to the necessity of checking the decadence of the Service, but the present critical situation gives warning of the importance of speedy and effective action. The Life-Saving Service of this country has for many years, by universal consent, stood at the head of all similar institutions in the world. It has gained and maintained this exalted position partly through the superiority of its organization, but chiefly through the skill, the training, the conscientious devotion to duty, and the heroism of its sturdy crews, who have wrought achievements that have made them famous and reflected honor upon the nation. The country can not afford to be ungenerous with them, much less to allow the Service to sink into incompetency and disrepute.

The measure has the support of the principal commercial and maritime organizations of the country, and of the press generally. Several of the State legislatures have passed resolutions in its favor, it is urged by the chief officers of the Service and the Secretary of the Treasury, and the President has called special attention to the subject in his annual message to Congress.

The amendments proposed by the committee are as follows:

Page 2, line 12, strike out "officer of the Revenue-Cutter Service on duty as."

Page 2, line 17, after the word "it," insert "or who may hereafter be disabled in the Service."

TREASURY DEPARTMENT,
Washington, January 22, 1906.

SIR: I have the honor to acknowledge the receipt of your letter transmitting bill S. 26, Fifty-ninth Congress, first session, "to promote the efficiency of the Life-Saving Service," and asking for suggestions touching the merits of the bill and the propriety of its passage.

The matter was referred to the General Superintendent of the Life-Saving Service for his report, which has been received and is herewith transmitted with my concurrence.

Respectfully,

L. M. SHAW, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, January 22, 1906.

SIR: I have the honor to acknowledge the receipt, for report, of a letter to you from the Committee on Commerce, United States Senate, dated December 8, 1905, transmitting Senate bill 26, Fifty-ninth Congress, first session, entitled "A bill to promote the efficiency of the Life-Saving Service," and asking for suggestions touching the merits of the bill and the propriety of its passage.

The bill provides for the creation of a retired list for superintendents of life-saving districts, keepers of life-saving stations, and members of life-saving crews (also referred to as surfmen), and specifies the rate of retired pay for each and the conditions under which these officers and men shall be eligible for retirement. It is an important one, and in order to supply the committee with the data essential to its proper consideration it will be necessary to explain the constitution of the service, its nature and extent, its peculiar features, and its present condition and needs.

ORGANIZATION.

District superintendents.—The Life-Saving Service as at present organized divides the sea and lake coasts of the United States (Hawaii and Porto Rico not included) into thirteen districts, each of which is under the direction of a district superintendent. These officers are required, upon appointment, to be not less than 25 nor more than 55 years of age. They must be able to read and write English and have sufficient knowledge of accounts to properly transact the district business, must be familiar with the line of coast embraced in their districts, and conversant with the management of lifeboats and other life-saving appliances. They are appointed after a competitive examination, in which all keepers in the district where the vacancy exists have been invited to participate. Their appointment, under the law, like that of the keepers and crews of the stations, is required to be made solely with reference to their fitness and without reference to political or party affiliations.

Their duties comprise the immediate superintendence of the several stations embraced in their respective districts. As disbursing officers, they pay the wages of the crews monthly, and make other expenditures as authorized by the Department. They also perform duties as inspectors of customs. They are required to enter into bonds in amounts varying from $10,000 to $50,000, according to their fiscal responsibility.

In addition to quarterly tours they are obliged to visit their stations on frequent other occasions as circumstances require, and to be present on occasions of wreck whenever practicable, but they are not required to take a place in the boat. They sometimes do so voluntarily. They are liable, however, to exposure in all kinds of weather in their frequent journeys along the coast during the active season, which embraces the most inclement portions of the year, in most instances extending for hundreds of miles along desolate coasts and distant from railroad facilities; often through storms and drifting snows, sometimes camping out and subsisting on rude and scanty fare, frequently making their way in small boats upon dangerous waters, and nearly always under circumstances as different from the comforts and luxuries of ordinary travel as can well be conceived.

Such hardships and dangers do not fall to the lot of many persons in civil life. That the risks incurred are of no slight importance is proven by the fact that out of the small number of persons who have held the position of district superintendent in the thirteen districts since the organization of the system two have perished by drowning; one escaped that fate only by mere chance after prolonged suffering in the water; one has sustained serious injury in the performance of duty, necessitating a painful surgical operation, as a result of which he has since died; and death has befallen three in consequence of exposure and hardship while on their official tours through their districts. Of the six who have died in the performance of duty but one breathed his last at home and among friends. Perhaps the saddest case of all is that of a superintendent who, upon learning of the stranding of a vessel in the midst of a blinding blizzard in the depth of winter, immediately set out alone late at night and made his way, through drifting snow, to the scene of the wreck, some 7 miles distant. As a result of that night's exposure he became nearly blind and his health was irrecoverably undermined. He has lately entirely lost his reason, which is also attributed to that night's dreadful experience.

The compensation of district superintendents varies from $1,700 to $2,000 per annum.

Keepers.—There are at present 278 stations, distributed as follows: Two hundred on the Atlantic and Gulf coasts, sixty on the Great Lakes, seventeen on the Pacific (including a station at Nome, Alaska), and one at Louisville, Ky. (falls of the Ohio River). Each of these stations, excepting eight on the coast of Florida, known as houses of refuge, is manned by a keeper and a crew of surfmen varying in number from six to eight, according to the requirements of the various localities, aggregating in the whole about 2,100 men.

Keepers are appointed by the promotion of surfmen from the respective districts in which the vacancies exist, upon the nomination of the district officers and the recommendation of the general superintendent. The district officers are required to certify that the man recommended is the best qualified available man in the district, and that the nomination is made solely with reference to his fitness for the position and without reference to any other consideration whatever. The nomination must be accompanied by a certificate from a surgeon of the Public Health and Marine-Hospital Service, showing that the candidate is physically sound and able-bodied.

Keepers are the captains of the station crews and are intrusted with the custody and care of the Government property at the stations, where they are required to reside, and with the general management and conduct of the latter, keeping a daily journal of all transactions of every kind and transmitting weekly transcripts thereof to the Department. They are also inspectors of customs, and as such look out for the Government interests in relation to dutiable goods on board of wrecked vessels and guard their respective precincts against smuggling. They are also constituted by law the guardians of all wrecked property until relieved of this responsibility by the owners or their agents. They conduct the daily drills of their crews and are held responsible for their proficiency in all the various duties which may be required of them. Of course their crowning and most hazardous duty is on occasions of shipwreck, at which they direct the operations for rescue, taking the steering oar in boat service and the prime responsibility at all times.

Their compensation is fixed by law at $900 per annum each, with the exception of the keepers of houses of refuge, each of whom receives $600 per annum.

Surfmen.—Surfmen are employed only after examination and certification by the Civil Service Commission. Applicants must be citizens of the United States not under 18 nor over 45 years of age; not less than 5 feet 6 inches in height; not less than 135 nor more than 205 pounds in weight; must reside in the district in which they seek employment and not more than 5 miles inland; must have had at least three years' experience as surfmen, sailors, or boatmen; must be able to read and write the English language, and must be good swimmers. They are enlisted like soldiers, but for a term of one year, and are reenlisted from year to year so long as they are found able-bodied and efficient and are willing to serve, with the design of making available the experience and knowledge which they have acquired in the service. Like soldiers, they are compelled before enlistment to undergo a strict physical examination, and upon admission must be absolutely sound, able-bodied men. They are also reexamined at each annual enlistment. The examinations are made by surgeons of the Public Health and Marine-Hospital Service.

Being enlisted, they at once repair to their respective stations and reside there, away from their families, for the most part upon lonely, desolate coasts, completely isolated from other human associations, and remain, on the Atlantic and Gulf coasts, from the 1st day of August until the 31st of May following; upon the Lake coasts, from the opening of navigation in the early spring until its close some time in December, in both cases being exposed to the most rigorous weather of the year. On the Pacific coast they serve throughout the entire year.

During the period of actual service each man is permitted to be absent from the station one day, one at a time, in turn, in fine weather. No other absence whatever is allowed the surfmen except in urgent cases, when they are required to furnish acceptable substitutes, to whom the full amount of their salaries is paid.

Their duties at the station consist of daily practice and drill of some kind with the boats and apparatus, taking care of the station and the Government property, making such repairs and improvements as may be within the scope of their ability, and keeping an unremitting lookout by day over that portion of the coast which is visible from the station tower or other point of vantage. The night is divided into four watches, each taken by two surfmen. These men patrol the beach alternately to the right and left, one standing watch at the station while the other is on patrol. Where stations are within communicating distance each patrolman carries a check which is deposited at the end of the patrol, to be taken up by the man from the adjacent station, who in turn leaves his check. Where the stations are too widely separated to make such exchange of checks practicable a regular beat of several miles is assigned, at the limit of which is placed a key which the patrolman is obliged to reach and there make record of his presence upon the patrol clock which he carries for the purpose. During thick weather the patrols are continued throughout the twenty-four hours. In this way there is a practically continuous line of men patrolling up and down the entire dangerous portions of our coasts, always on the alert to warn vessels running into danger and to render prompt assistance in case of disaster, with another equal number of men keeping a sharp lookout from the stations, watching for any signal that may be made by their mates on patrol, and attending to telephone calls which may come from adjacent stations or from telephones located between stations.

The severity of this duty can hardly be conceived by the people accustomed to remain at night within doors. Some idea may be formed from the fact that men have perished in its discharge, while others have providentially escaped death only through timely rescue by their comrades. It is not at all unusual for patrolmen to meet with accidents which cripple them through stumbling in the dark over driftwood and unseen obstacles or losing their foothold upon the slippery ice banks, which are frequently piled many feet in height along the beaches, and a large proportion of the deaths which have occurred in the Service is due to disease contracted through exposure on patrol. It frequently happens during the prevalence of storms that the men are drenched by overflooding seas or by having to wade through the beach gullies, often waist deep or deeper. This duty is considered so important that it is never, under any circumstances, omitted, and its infraction is held to be unpardonable and is punished by dismissal. It is probable that there is no duty in any other branch of the Government service or in civil life that is at all comparable with this beach patrol in the degree of exposure, peril, and severe, exhausting toil which it involves. The guard or sentry duty of the soldier might be suggested, as also the night patrol of policemen in severe wintry weather, but the conditions under which these duties are performed are so dissimilar that there can be no comparison.

To the foregoing regular routine must be added their terrible and daring labors at shipwreck. This, of course, is their highest duty, and involves efforts almost superhuman and heroism carried to the very brink of deadly peril, and oftentimes to death itself. It is unnecessary to enlarge upon this feature, as their achievements are of world-wide repute. The extent of their services is attested in the annual reports of the Service by statistics showing great numbers of lives saved and vast amounts of property delivered from the perils of the sea. The record of the Service since the organization of the system, in 1871, shows the loss of life to be less than 1 per cent of the more than 100,000 persons imperiled within its effective scope.

The compensation of surfmen is fixed by law at $65 per month while actually on duty. On the Atlantic coast they are off duty during two months of each year, and on the Great Lakes they have nearly four months of idleness during the winter, when for a large number of them no other employment is open. They receive no allowances of any kind, being obliged to furnish their own uniforms and clothing, even to the storm clothes required on patrol and in wreck duty, and to maintain their mess at the station—employing a cook at their own expense or adding that work to their other duties—so that such of them as have families are compelled to contribute to the support of two households.

In addition to the officers and men whose qualifications, duties, etc., have been related above are the General Superintendent, who has general charge of the Service; a chief inspector of life-saving stations, who is an officer of the Revenue-Cutter Service detailed by the Secretary of the Treasury under the authority of law, and assistant inspectors in several of the districts, also detailed officers of the Revenue-Cutter Service. For these inspecting officers retirement has already been provided through their connection with the Revenue-Cutter Service.

PRESENT CONDITION AND NECESSITY OF REMEDIAL LEGISLATION.

At the present time the Service in several districts is in a seriously crippled condition for want of competent men to fill the station crews, and the difficulty of securing such as are properly qualified in sufficient numbers to supply the vacancies is constantly increasing. Numerous stations are without full crews of regularly enlisted men. In one station there is not a regular surfman enrolled; in another there is but 1, and several other stations have but 2 enlisted surfmen each. In one district only 5 out of 16 stations are manned with full crews of regulars. In another district there are but 2 stations out of 8, and in another but 2 out of 11, fully manned with regulars. Other districts are depleted in the same way to a considerable extent. New lists of eligibles from which to supply vacancies have recently been received from the Civil Service Commission. For one district where 24 vacancies exist there is but 1 eligible; in another, for 26 vacancies there are but 4 eligibles, and in another, for 34 vacancies there are but 9 eligibles. To supply these vacancies temporary men, obtained from wherever possible, are employed. In most instances these are greatly inferior professionally, physically, and morally.

The candidates upon the eligible lists are themselves much inferior, professionally, to those who formerly composed such lists. Even if it were possible to replenish the crews, the frequent changes, with the consequent necessity of constantly training inexperienced recruits to take the places of the tried and well-trained men leaving the Service, would be seriously detrimental. But when to this is added the fact that the men who are thus leaving in growing numbers are of necessity the best, since these can most readily secure better paying and more desirable positions elsewhere, while the class of men from which recruits must be drawn is steadily becoming less desirable, it is evident that the efficiency of the Service is being rapidly undermined. A striking proof of this is the great increase, year by year, in the number of dismissals necessary to be made for cause, the number of such last year being double that of the year before. In former years such a dismissal was extremely rare.

A continuance of this state of affairs invites disaster to the Service and reproach to the Government. To avert such a result and to restore and maintain the high standard of efficiency which has heretofore characterized the Service, legislation calculated to encourage the enlistment of competent men and to retain the best still remaining is imperative.

HOW SHALL RELIEF BE AFFORDED?

Only two methods of relief have been suggested as practicable: One, providing for a material increase in the wages of surfmen and keepers commensurate with the duties required of them and with the greatly increased cost of living since the present rate of pay was fixed; the other, providing for some such system of retirement as is proposed by the bill in hand.

While an increase of compensation sufficient to attract suitable men would doubtless afford a remedy, for a time at least, a number of objections to this, as compared with the other course, present themselves.

It is impossible to fix a rate of pay adjustable to the constantly changing scale of wages in the business world. What would be only just to-day may in a year or two be deemed extravagant, and the existence of such a condition would not be well for the Service nor for the Government. An attempt to reduce the rate would create a feeling among the men that they were being unjustly and meanly dealt with—for wage-earners never recognize that they are overpaid—and discontent and a tendency to demoralization would follow. This is not a mere conjecture or opinion. The rate of pay of surfmen has been changed by law seven times, including both raising and lowering, since the organization of the system, an average of once every five years, and the experience of the Service proves the statement.

The smallest increase for surfmen that would probably relieve the present difficulty is $10 per month. This would make their monthly pay while on duty the same that their immediate superiors, the keepers, now receive. To suitably compensate for the greater responsibility resting upon the latter, to facilitate the maintenance of proper discipline, to stimulate in the surfmen a healthy ambition to excel, by holding out the reward of a promotion worth aspiring to, and to mark the proper distinction in rank a proportionate increase in the pay of keepers would be necessary. This could hardly be less than $300 per annum. Bills providing for the above rates to keepers and surfmen were introduced in the Fifty-eighth Congress. A bill embracing the provisions of the present measure was also pending at the same time. A careful calculation was made, covering a period of twenty years, to ascertain the comparative cost between retirement at the present rate of wages, with all the stations fully manned, and an increase in the pay of the keepers and surfmen at the rates above specified, and it was found that the saving to the Government by retirement would be over 40 per cent in the case of surfmen, and in that of the keepers nearly 23 per cent. Taken together there would be a saving of about 35½ per cent, which in twenty years would amount to more than $1,750,000.

A greater advantage, however, than this saving in money would undoubtedly be derived by the Service in the promotion of its efficiency which retirement would produce. Such a provision, giving assurance to the men that after faithful and honorable service through a long series of years, or when advancing age should make them conscious of their waning physical powers, or when in the course of the performance of duty they should become incapacitated for further service they would not be thrown out to suffer in penury the rest of their lives, but would be provided with the means of a modest living and retain an honorable standing among their fellows, would not only retain the desirable men now in the Service, but would prove a great inducement for the enlistment in sufficient numbers of substantial men superior both in professional capacity and character to those now obtainable and who would adopt the profession as their life work. It is believed it would secure for the Service its pick from the best qualified surfmen upon our coasts, who, once in the Service, would become more valuable by the experience gained year by year and to whom the advantage of remaining would constantly grow greater as they approached the realization of the benefits of retirement.

Increased devotion to duty on their part as a means of insuring retention and an improved morale would be the attendant advantages to the Service. The men would not, as they do now, jump at offers of somewhat higher wages outside than they now receive, but would hesitate to accept even much higher compensation before they would give up permanent situations promising a fostering care after their useful laboring days have passed. As between the two remedies proposed for the relief of the present grave situation, the men of all grades in the Service are understood to be unanimously in favor of the one contemplated by the bill under notice.

OBJECTIONS TO RETIREMENT CONSIDERED.

Why, then, in view of the foregoing considerations, should it not be adopted? One, and the chief, objection that has been raised against the bill, is that its enactment would be the beginning of a civil pension list. This objection could be more consistently urged if Congress had not recently passed a bill providing for the retirement of disabled and superannuated officers of the Revenue-Cutter Service, a branch of the public service as indisputably within the domain of the civil service as is the Life-Saving Service. But it is not apparent how any other branch of the civil service could properly cite the granting of retirement in the case of either of the two services as a precedent. As to the Life-Saving Service, it is confidently asserted that no other branch can advance an equal claim to this protection. It annually saves a multitude of human lives and an amount of property largely exceeding in value the cost of its maintenance, and in doing this incurs dangers and hardships vastly greater than those that attach to any other civil branch of the Government. Only the Army and Navy render such hazardous service, and probably it was on account of the dangers attendant upon the occupation of those employed therein in time of war that pensions and retirement were accorded them.

Until the organization of the Life-Saving Service it is not recalled that there was any branch of the Government, other than the Army and Navy service, which was especially hazardous, and hence general pension legislation has been limited to them. The recent legislation in behalf of the officers of the Revenue-Cutter Service was granted on the ground that in time of war it was a part of the Navy. The Life-Saving Service has fully as strong a claim on this ground. During the Spanish-American war the Life-Saving Service was attached to the Navy and formed the principal part of the naval coast signal service. Under the authority of an act of Congress, passed upon the earnest recommendation of the Secretary of the Navy, the stations upon the Atlantic coast were kept open and manned for active service during the months of June and July for the special purpose of cooperation with the Navy, when otherwise, under the law, they would have been closed. In his letter making the recommendation the Secretary of the Navy described the Life-Saving Service as a very important adjunct to the Navy and, in effect, stated that unless the enactment was made the plans and preparations of the Navy would be greatly crippled.

The station crews, for the purposes of the war, were under the command of Capt. John R. Bartlett, United States Navy, superintendent of the coast signal service, who, in his report to the Navy Department, speaks in the highest terms of the efficiency and importance of the connection. This connection has since been permanently established, and the Service is now as much a part, and as important a part, of the Navy in time of war as the Revenue-Cutter Service, and the connection is maintained both in peace and war, which with regard to the Revenue-Cutter Service, to whose officers retirement is allowed, is not the case. The events of the war took such a turn that it was impossible for the enemy to seriously threaten the coast, and consequently the opportunity did not arise for a practical demonstration of the great value of the coast signal service in case of an invasion by the enemy's ships, but the naval officer in charge of the system bears testimony that it would have effectually served its purpose if occasion had required, and that, as a matter of fact, it did render valuable service—in some instances of extreme importance—by advising the Navy Department of the movement of Government vessels, etc. Among such instances the most notable was the receipt at the life-saving station at Jupiter Inlet and its transmission therefrom of the message of Captan Clark, of the *Oregon*, when he made land off Jupiter and signaled that the *Oregon* had arrived with all on board well and ready for battle.

In time of peace the system is utilized by the Navy in various ways, but particularly in connection with the naval drill and maneuvers along the Atlantic coast, and the system is now being improved by the use of wireless telegraphy. It is a fortunate thing that in time of war the Life-Saving Service constitutes a line of signal stations along the ocean coast so distributed and equipped as to detect immediately and instantly report to naval headquarters the presence of an enemy's vessels, should any appear, and also that the training of the life-saving crews in the use of the international code of signals and signaling with the general service code happens to be also vitally useful in military operations. The adaptability of the life-saving stations as outposts or pickets upon the coast and the ease with which they can be utilized in war, without additional cost to the military establishment, are circumstances of great importance.

While it is thus shown that the Life-Saving Service is in fact an important adjunct to and, for military purposes, actually a part of the Navy under the command of naval officers, it is interesting to note how similar are the methods of employment, the routine of duties, the discipline and daily life of the life-saver to those of the soldier and naval sailor. Mr. William Livingstone, president of the Lake Carriers' Association, who, by reason of his official position, has been brought much in contact with the Life-Saving Service, especially upon the Great Lakes, and is thoroughly familiar with the organization and its work, in a letter addressed to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, during the second session of the Fifty-eighth Congress, advocating a bill containing the same provisions for retirement as those in the present bill, which letter was printed in the report of a hearing before the committee, presents this matter quite effectively in the following extract:

"The Life-Saving Service has all the requisites which have been said to form the basis of pensions and retirement allowed to the Army and Navy.

"1. The men in the Life-Saving Service are enlisted, like men in the services mentioned, after a rigid physical examination, and a professional examination added. It is true that the specified term of enlistment is one year instead of three or four, but as a life-saver is entitled to reenlistment at the end of each year, if worthy and physically qualified, the result is the same except that he is examined as to his physical qualifications annually instead of triennially or quadrennially, as in the Army and Navy, which is to the disadvantage of the man, but an advantage to the Government, since the physically disqualified are so much more frequently eliminated.

"2. The service of the life-saver is dangerous, like that of the soldier and the naval sailor. Not so dangerous, perhaps, as that of the soldier in time of war, but much more dangerous in time of peace, which in the history of this country has been broken but four—it might almost be said three—times, excepting, of course, the Indian troubles upon the frontier. The dangers of the life-saver are constant. Probably they fully equal those of the Navy man, counting both war and peace. The Railway Mail Service is called a dangerous one, but the General Superintendent of that Service, in his annual report for 1901, in setting forth the extent of the dangers to which the railway mail clerks are exposed, deduces from data and figures which he gives, and which are taken from official sources, that the danger to the railway mail clerk is about 50 per cent as great as that to the life-saver.

* * * * * * *

"3. The daily routine of duty of the soldier and the life-saver are nominally the same, consisting of drill, guard duty, and battle. But the drill and guard or patrol duty of the life-saver is dangerous, which is not the case with the soldier in time of peace. The boat drill of the surfman is always hazardous, and has been frequently attended with drowning, while the night patrol of the coast in wintry storm is one of extreme hardship, as well as dangerous. Except as above shown, the main difference between the soldier and the life-saver appears to be that the former shoots to kill, while the latter shoots to save. If the soldier in battle is in a sense a mark for the enemy's bullet, so is the life-saver in his battle with the sea a mark for the enemy, which constantly lurks in the breakers prepared to overwhelm him."

Another objection that has been urged against the feature of retirement is that it is "unjust, unfair, and inequitable," in that it proposes to give a benefit which now inures only to men employed in the military arm of the Government, who receive a compensation in service far below that paid to those employed in the Life-Saving Service, the statement being made "that a soldier in the Army gets no more than $25 per month, including wages and allowances," while the surfman in the Life-Saving Service, occupying a position analogous to that of a seaman in the Navy or a private in the Army, "receives a compensation of $65 per month, and would thus receive for ten years' service nearly as much in wages as the soldier would get in thirty years."

This is a great mistake, arising from the fact that the soldier and naval sailor have allowances and other advantages which are equivalent to additions to their compensation that are not commonly understood, while the surfmen have no allowances or extra advantages whatever, their pay proper being all they can receive. To definitely meet this objection a statement was prepared comparing the pay of a surfman in the Life-Saving Service with the pay and allowances and prospects of advancement of an enlisted man in the Navy. The Navy was selected for comparison as being more nearly allied to the Life-Saving Service than the Army, and because definite figures were more accessible. This comparison proves conclusively that the lot of the enlisted man in the Navy is far preferable to that of the surfman as regards compensation, as well as in other respects.

A casual inquiry as to the emoluments of the soldier indicates that a thorough examination would show fully as favorable a result for him. A copy of this statement is appended hereto. No attempt has been made to bring it down to date, although legislation enacted since it was prepared has made a still greater difference in favor of the seaman. In this connection it may be pertinent to mention the fact that a careful tabulation of the actual pay and allowances on the retired list of the first 150 men in the Navy who were retired under the act of March 3, 1899, shows that they receive about $10 more per month than would the surfmen if retired under the provisions of the pending bill.

PRECEDENTS IN OTHER HAZARDOUS OCCUPATIONS.

The bill is in accord with the progressive spirit of the age. A large proportion of the largest and best managed railroad corporations, like the Pennsylvania Railroad Company, the New York Central and Hudson River, the Illinois Central, the Delaware, Lackawanna and Western, the Southern Pacific, and many other companies, provide retirement and pensions for their employees, paying the entire cost of the allowances and charging it against operating expenses. Many other corporations, especially among those whose employees are exposed to unusual dangers and upon whose fidelity human life is dependent, do the same. Doubtless self-interest largely prompted the adoption of the plan by these corporations, for they all testify that its results are profitable; but it is also humanitarian and in harmony with the advancement of civilization. A similar system is provided by law for the benefit of policemen and firemen in nearly all our large cities, including the city of Washington, where it exists under the authority of Congress, the Government paying a portion of the cost.

The extensive adoption of the system, both by the best managed business concerns and by practically all our municipal organizations, proves that it is advantageous and profitable. It is certain that its application to the Life-Saving Service would be in the interest of economy, as hereinbefore shown. But aside from the question of pecuniary profit, some provision of the kind for those who have spent many of their best years in the faithful performance of exacting and hazardous duty, and for those whom advancing years and bodily injury or disease incurred in the line of duty have rendered infirm and disqualified for further service, is earnestly prayed for by the men composing the life-saving crews and is justly due them from the Government. Most of them are poor. The larger proportion are married, having families dependent upon them, and their wages have been so small that they could not accumulate much, even by practicing the strictest economy; and when the time comes for their separation from the Service they behold poverty and want staring them in the face. This is why the best of them are so numerously quitting the Service, to its grievous injury, while the times are good and they are still in possession of their health and vigor. Those who remain are for the most part held by the hope of the passage of this bill. All their official superiors, including the Secretary of the Treasury, as shown in his annual reports, and the President, as appears in his recent message to Congress, earnestly urge some relief of the nature herein recommended.

Respectfully,

S. I. KIMBALL,
General Superintendent.

THE SECRETARY OF THE TREASURY.

A COMPARISON BETWEEN THE PAY AND ALLOWANCES AND PROSPECTS OF ADVANCEMENT OF AN ENLISTED MAN IN THE UNITED STATES NAVY AND IN THE LIFE-SAVING SERVICE.

A surfman in the Life-Saving Service is required upon entry to be thoroughly proficient in his trade. He must have had at least three years' experience as a surf fisherman, boatman, or sailor, five years being required to secure a marking of 100 in experience. He is required to undergo two thorough physical examinations, one as a part of his civil-service examination and another after having been selected from the eligible lists and within ten days before he enters upon his duty. He is, therefore, a thoroughly trained man to begin with, and receives the maximum pay of his grade at once. He learns his trade at his own expense, not at the expense of the Government.

The pay of the surfman is $65 per month while actually employed. The greatest period of employment, except at a few stations, is ten months in the year, and the least is five months. On the Great Lakes they serve eight to eight and a half months. The average annual pay is, therefore, $600, or $50 a month, for the entire year. Their prospects for promotion are about 1 in 7 to the grade of keeper, which pays $900 per annum, and 1 in 162 to the position of district superintendent, which pays from $1,700 to $2,000. This covers everything. They have no allowances of any nature, not even the storm clothes and heavy oilskins which they are obliged to wear in their wreck and patrol work. They have quarters at the station, where they are required to reside continuously during the active season, the only absence allowed being from sunrise (or in the keeper's discretion, after the completion of the daily drill) until sunset, one man at a time, in rotation, when the weather is favorable. This would mean at most once a week each if the weather were always fair. If they are absent overnight they lose their pay, which goes to a substitute, and also lose their next turn at day liberty.

Now let us see what the sailor gets. We are told that he gets $16 a month, and that sum is set over against the surfman's $65. This is incorrect and misleading. The following information, which is taken from the official publications of the Navy Department, gives something of an idea of what the sailor really gets. It doesn't cover the ground fully, for the reason that not all the perquisites and allowances to be had are set forth in the pay tables and other printed matter. One has but to talk with a sailor who knows the ropes or with an employee of the Department to learn that this is so. But these are enough to show how unjust is such a comparison.

To commence with the $16 man. The landsman who enters at $16 is the raw recruit from the interior, who perhaps has never seen a naval vessel or, for that matter, any vessel other than the small pleasure craft on inland waters. The only qualifications required of him are a body physically sound and a desire to serve his country—nothing more. He undergoes a strict physical examination, and the Navy, in common with the Army, has been able to set this standard high, because they have every county in every State to draw upon, and the Navy has even added a corps of native Filipinos. In the Life-Saving Service the physical examination is no less rigid and is repeated at much shorter intervals—every year, to the Navy's once in four years—and the choice of men is limited to those who are bona fide residents of a strip of land 5 miles in width along the coast.

Having passed the physical examination, our candidate for the Navy signs articles of enlistment at the recruiting station nearest to his home. These recruiting stations are maintained at all the principal points on the seaboard and the Great Lakes, supplemented by half a dozen traveling recruiting parties. Having enlisted, he is given an outfit of clothing amounting to $45, and at once commences to draw pay and subsistence. He is then sent to a receiving ship or training ship to receive the necessary elementary instruction. He is presumed to know nothing at all about naval matters when he enlists, but nevertheless draws pay and rations from the start. As soon as he shows adaptation to naval discipline and has learned the first duties of a sailor he is advanced to the next grade, which is ordinary seaman at $19. If he develops the required proficiency and intelligence, he is promptly advanced to the grade of seaman at $24 a month. A merchant sailor who enters the naval service is at once rated an ordinary seaman at $19, and as soon as he proves his efficiency and adapts himself to the naval life and usage is advanced to the grade of seaman at $24. He may even, if he shows a good record and is otherwise satisfactory, be enlisted at $24 at the start.

From these entrance grades to the ratings of chief petty officers at $60 or $70 a month, and on up to warrant officers at $1,300 to $1,800 per annum, with a commission in ten years carrying with it another advance in pay, and still upward to the grade of ensign, which puts him in direct line of promotion to the highest grades in the Navy—to captains and rear-admirals—it is simply a matter of the man's own efforts and ability and the necessary time and opportunity; simply a constant selection and elimination and the advancement of the fittest. Of course the higher places are comparatively few and hard to reach. It is so in every vocation in life, yet these places at the top are always held out as an incentive to the fellow at the bottom. "Small wages at the start, with good opportunity for advancement," is the legend that runs through every line of work, be it business, the professions, or politics. It is true of the Life-Saving Service to a small degree. It is true in the Navy to a much greater degree. As already stated, the surfman has 1 chance in 162 to reach a salary of from $1,700 to $2,000. The enlisted man in the Navy has 1 chance in 57 to reach a like sum, and even a chance, though it be small, to go on up to $5,000 and over.

Let us follow him step by step. Having reached the grade of seaman, at $24 a month, which depends entirely on the individual's own merit and in no way on vacancies, and which takes from one to six or eight months, he is in line for the various ratings as a petty officer. These are divided, for convenience, into seaman branch, artificer branch, messman branch, and special branch, the latter including hospital stewards, yeomen (clerks), and musicians. After a service of twelve months he may be rated a petty officer, third class, in one of these branches, at $30; in another year or more, depending on vacancies and his own merit, he may go up to second class, with pay of $35 or $40, and above this are the first-class and chief petty officers' ratings, with salaries ranging from $40 to $70, the latter figure being the pay of all chief petty officers.

No definite figures showing how long it takes a sailor to reach this grade are available, and it differs so much with circumstances and individuals that even the men in the Navy Department, who are familiar with the facts after handling the official records for a long period of years, are unwilling to hazard an estimate. Nevertheless, it is safe to say that no enlisted man in the Navy ever reaches retirement by age or length of service in the lower grades. In fact, it may be confidently stated that if it were feasible to secure definite figures to show the average pay and allowances of the average sailor for a period of thirty years it would equal, if not exceed, the pay of the surfman in the Life-Saving Service. The definite figures hereinafter given in the cases of warrant officers, who reach their positions after passing through the petty officers' grades, would seem to fully substantiate this statement.

Before going further up the scale of advancement open to the sailor let us look at the various allowances, for the rates of pay above stated do not by any means represent the total compensation received. They are supplemented by a long list of allowances and extra pay. There is, first, the ration provided "in kind," or its commutation at $9 a month. The practice of commuting the ration and allowing the various grades of men on board ship to provide their own mess, electing a caterer from among their number, has been tried very successfully on some of the naval vessels, with the result that the men have been able to secure ample and satisfactory provisions and still have something left over out of the ration money for such luxuries as they may elect to have or for spending money. Then, a very large and important item is the bonus of four months' pay upon reenlistment every four years. It may be said that this is the equivalent of the thirty days' annual leave which the Government so generously allows its civil employees; but the fact is that the sailor has his "shore liberty" all along through the four years of his enlistment, and this four months' pay is a bonus for reenlistment pure and simple. He may take the four months' leave, taking care to present himself for reenlistment a day or two before it expires, or he may reenlist the very next day, and in either case he gets the four months' pay. He also gets an increase in pay of $1.36 per month for each enlistment. Upon the completion of the second and subsequent enlistments with a good record there is also a good-conduct medal, with another increase of 75 cents a month.

When he is rated a seaman gunner or graduates in any of the branches taught at the Petty Officers' School, another $2 is added to his monthly wage. If assigned to duty as a gun captain, he draws another $5 a month for that. If assigned as a "gun pointer," he gets from $2 to $10 a month additional, according to the class of gun; if as a signalman, he gets $3, $2, or $1 as a first, second, or third class signalman. If he serves as crew messman, or in charge of the hold, or on a submarine vessel, or as coxswain to the commander in chief, he again has $5 per month added to his wage. As a landsman, at the very start he may begin sharing in these numerous extras as a jack-of-the-dust or lamplighter, with $5 a month for his trouble. And so on ad infinitum. Every inducement is held out to develop the best there is in him, with a chance to rise rapidly in the rank and wage scale in recognition thereof. And the man who, from lack of ambition, or inefficiency, or from whatever cause, does not show himself worthy of the generous provision made for him is soon disposed of by discharge at the end of his enlistment or sooner, with an entry on his record of "not desirable for reenlistment." He is the kind of man who doesn't stick in the Navy or anywhere else. Such a man would probably not be able to obtain admission into the Life-Saving Service under the requirements, but if he should he would be promptly dropped within his first six months of probation.

The average pay of the sailor in our Navy, therefore, taking into account the constant opportunity for advancement in so large a body of men, and the numerous allowances provided in recognition of any special aptitude he may show, is as large as or larger than that of the surfman, which to the uninformed appears at first glance so disproportionate.

Then, again, there are many provisions made for his health and general welfare in which the surfman does not share. He has constantly in attendance one or more physicians and surgeons of the highest standing in their profession which an exceedingly difficult entrance examination, with high salaries and naval rank, can secure. If he serves on board a naval vessel, with the exception of the very smallest, he is never out of sight of the doctor, who is prepared, with trained help and modern appliances and science, to minister to his every bodily ill. Should he be taken so seriously ill as to necessitate his transfer to a hospital, or if he is one of the very few who have not a doctor actually

with them (last year only 1,000 out of the 30,000 to 35,000 enlisted men in the Navy and Marine Corps were so situated), he is sent at Government expense, and with his pay and allowances continued, to one of the naval hospitals maintained at every navy-yard or station, and even in Alaska, and Yokohama, Japan, not to mention Honolulu and Manila. The surfman, on the other hand, if he is sick and absent from his station, seeks his own physician, such as he may find in the sparsely populated districts along the coast, and at his own expense. He may make application for admission to a marine hospital, but goes there and returns at his own expense, and if his illness promises to be of long duration his place is declared vacant and he is out of the Service.

The sailor, also, has retirement after thirty years' service, and in computing this period, service during the civil war or the Spanish-American war is counted as double time. While the purpose of the Navy is war, and its excuse for existence during times of peace is to be prepared for war, yet as soon as an opportunity arises for it to serve the purpose for which it is maintained all kinds of extra allowances are made. The victorious admiral, and his captains and officers down to the last enlisted man, are showered with prize money, with advancement in rank and pay, with medals and honors galore, double time in computing retirement, advanced rank on the retired list, etc. We have twenty, thirty, forty years of peace, during which the sailor's life is never exposed to danger (probably 75 per cent of them never go into battle), and his health hedged about with doctors and hospitals, scientific fare, sanitary quarters, health-producing discipline and exercise—in short, every imaginable provision for his physical welfare. His mental and spiritual welfare are no less carefully looked after. Every ship and station has its carefully selected library, and the larger ones have their chaplain, who not only ministers to the spiritual wants of the sailors, but serves in the capacity of a schoolmaster, for which he is well qualified. The sailor has in this way every opportunity to improve his mind—to secure the education which will fit him for something better.

With the surfman it is different. He marches his weary miles in the soft spongy sand along the shore every night in the year, and is liable to be called into battle not once in thirty or forty years and behind half a foot of protective steel armor, but every time the storm rages, and in a small boat at the mercy of the elements. And he can not withdraw for breakfast, as did Dewey at Manila, but frequently wages a desperate struggle for his own and other lives for twenty-four or thirty-six hours at a stretch without a stop for food or rest, with ice forming on his body from every dash of spray and every wave he meets.

It has already been stated that the surfman has one chance in one hundred and sixty-two to reach a salary of from $1,700 to $2,000, and that the enlisted man in the Navy has one such chance in fifty-seven, and even a small chance to reach beyond that to possibly $5,000.

The following facts will substantiate this statement. The present strength of the Navy is slightly over 30,000 enlisted men. There are 525 officers (not including petty officers) in the grades to which entry is almost exclusively by promotion from the ranks. There is his chance in 57. There are at present five ensigns who have been appointed from the warrant officer corps during the last three years, under authority of a recent act of Congress which authorizes the Secretary of the Navy to appoint six each year. These are now in direct line of promotion, in turn, with the other line officers, and as they are all young men—average age, 33 years—they have every prospect of reaching the higher grades. The average length of service of these five men in the enlisted grades and as warrant officers—from first enlistment to their appointment as ensigns—was sixteen years and nine months.

The various steps from petty officers upward to which an enlisted man may attain are about as follows:

First, there are the mates. By a curious anomaly they are neither enlisted men nor officers, and yet they are both and enjoy some of the advantages of each. They are men who have served long and faithfully as petty officers, who are held to be worthy of something better, but are barred from promotion to warrant officers by reason of age or otherwise. They are rated as mates, which to all intents and purposes places them with the warrant officers. Those appointed prior to August 1, 1894, receive $1,200 at sea and $900 on shore, while those appointed since that date receive $900 at sea and $700 on shore duty. In common with warrant officers, they receive quarters or commutation thereof at $24 a month, the same, by the way, as that allowed a junior-grade lieutenant in the Navy or a second lieutenant in the Army or Marine Corps. In their capacity as enlisted men they also receive their ration or its commutation at $9 a month. They enjoy the pension and retirement privileges of commissioned and warrant officers.

Then there are the warrant officers, of which there are at present 464—boatswains, gunners, carpenters, sailmakers, warrant machinists, and pharmacists. Their pay ranges from $1,300 up to $1,800 per annum, with commutation of quarters at $24 a month, and a fuel allowance the same as allowed the lower grades of commissioned officers in the Army, Navy, and Marine Corps. For service on shore "beyond the limits of the States comprising the Union" they have a 10 per cent increase in pay. The average length of enlisted service of these men has not been calculated, but in glancing over the list printed in the official Navy Register one man is found who was appointed a boatswain after eight months and twenty-five days' enlisted service, another with less than two years to his credit, one with four and a half years, and 32 out of a total of 116 with less than ten years' enlisted service.

Of the gunners, we find that 55 out of 100 had less than ten years' enlisted service. Of the carpenters, a considerable proportion are appointed directly from ship carpenters at navy-yards, by competitive examination. Enlisted men compete with these civilian navy-yard carpenters, on an equal footing, and yet we find that out of a total of 73, 25 of the present corps were enlisted men, with an average length of service of six years and ten months, and seven of these had less than four years—a single enlistment. Warrant machinists, the actual bona fide engineers of our Navy, are appointed almost exclusively from the ranks, there being but two exceptions out of the 150 men comprising the corps. There are three who have had less than one year's enlisted service, 22 between one and two years, 49 between two and five years, and only 27 with over ten years' enlisted service.

Boatswains, gunners, carpenters, and sailmakers who have served ten years in their respective grades are commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, ranking "with but after ensign." This provision will doubtless in due time be extended to include the warrant machinists, which is a comparatively new corps, having been established to provide engineers for the Navy when the former engineer officers were consolidated with the line in 1899. Nominally, the line officers are still assigned to engineer duties, but in point of fact the warrant machinists are the men who watch over and live in constant contact with the marvelously complicated machinery of our modern floating forts, and upon whom the responsibility for their efficiency primarily rests.

Of the officers in these grades of commissioned warrant officers, if that term be permissible, seventeen entered the naval service as enlisted men, and have served an average of exactly thirty years up to the 1st of January last, including their enlisted service, their service as warrant officers, and nearly four years in their present grade. They therefore reached this rank in about twenty-six years, and two have actually had less than twenty years' service in all since their first enlistment.

Their pay is given in the pay table as $1,400. To this is added 10 per cent for each five years' service (counting all service in the Army, Navy, or Marine Corps), up to 40 per cent. Their pay is therefore actually $1,960, and to this is added a number of other extra amounts. There is the 10 per cent increase for service on shore outside of the United States, making the pay of those serving in Alaska, the Philippines, Cuba, Porto Rico, or Hawaii, $2,156 per annum. Then there are the quarters, or commutation, at $24 a month, and fuel allowance, as already described.

Another item not to be despised is traveling expenses. Naval officers, including these chief warrant officers, warrant officers, and mates, receive 8 cents per mile for all travel under orders, including travel to their homes on leave, or back to duty, which is considered as under orders. Officers are constantly being transferred from one station to another, from one squadron to another, from the Atlantic to the Pacific coast, and from the United States to the Philippines, the South Atlantic or European squadrons, etc., and in the course of a few years an officer's allowance for mileage over and above actual necessary traveling expenses is no small item.

And then there is the last and most important place of all to which the enlisted man in the Navy may aspire, that of ensign, which is open annually to 6 men who shall prove worthy from among the 500 warrant officers. True, it is a small chance, with the numerous restrictive qualifications presumably intended to guard against the admission of men whose lack of early education and training would unfit them for the important and delicate duties as representatives of their Government which often devolve upon naval officers, however thoroughly they may be qualified professionally. But the fact remains that the door is open for the enlisted man to attain to the highest grade in the Navy, and to the extent that he proves himself worthy of such advancement and the wisdom of the experiment is proven, it will doubtless be opened wider and wider, until the enlisted man will be on an equitable footing with his more fortunate brother, who reaches his high position more directly and rapidly by way of the Naval Academy.*

The VICE-PRESIDENT. Under objection on the part of the Senator from Maine, the bill will go to the Calendar under Rule IX.

THE REVENUE-CUTTER SERVICE.

The bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service was announced as the next business in order on the Calendar.

The VICE-PRESIDENT. Under the objection of the Senator from Maine [Mr. HALE], heretofore interposed, the bill will go to the Calendar under Rule IX.

NATIONAL CEMETERY AT SALISBURY, N. C.

The bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C., was announced as the next business in order; and was read.

Mr. TELLER. What committee reported the bill?

Mr. OVERMAN. I hope the report on the bill may be read. It is recommended by the Secretary of War and by the Committee on Military Affairs.

Mr. TELLER. The Committee on Military Affairs?

Mr. OVERMAN. Yes, sir.

The VICE-PRESIDENT. Does the Senator ask that the report be read?

Mr. TELLER. I do not ask for the reading of the report. I wanted to know what committee reported the bill. I understand the Military Affairs Committee did.

The VICE-PRESIDENT. It was reported by the Senator from Ohio [Mr. FORAKER] from the Committee on Military Affairs.

Mr. TELLER. That is all right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment.

Mr. McCREARY. I should like to hear the report read, or have an explanation made by the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I will make an explanation. At the city of Salisbury there is a national cemetery, and the Government has spent a hundred thousand dollars or more in beautifying it and in erecting a wall. The cemetery abuts on a railroad. There is a fill 15 feet high. There is no driveway. There is no way whatever to get to the cemetery. There were 12,700 Union soldiers buried there, 11,000 of whom are unknown dead.

It is the purpose of the bill to tunnel the railroad in order that people may get to the cemetery. As it is now, as shown

* But a few weeks elapsed after the above paper was written before the prediction contained in the last sentence was fulfilled by the act approved April 27, 1904, which provides, among other things, for the appointment of 12 warrant officers annually to be ensigns. Under this provision 9 have qualified and been commissioned thus far, making a total of 14 warrant officers promoted to ensign since such advancement has been possible. The same act also provides that warrant officers shall be commissioned after six instead of ten years' service as such.

from the report and the map, there is nothing but a lane. The Southern Railway is double tracking its road, which will take up the lane and therefore there will be no way to get to it at all. The only way pedestrians can get to it now is to walk down a fill 15 feet high to the gate.

The VICE-PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. After the first word, "That," insert "subject to the approval of the Secretary of War;" so as to make the bill read:

Be it enacted, etc., That, subject to the approval of the Secretary of War, the sum of $15,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for purchasing right of way and approaches and of constructing proper driveways and approaches, of macadam or other suitable material, from the city of Salisbury to said national cemetery, the beginning, direction, and terminus of said driveway and approaches to be determined by the Secretary of War; said sum of money, or so much thereof as may be necessary, to be expended under the direction of said Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I think the preamble ought to be stricken out. I do not think we ought to put it on the statute books.

Mr. OVERMAN. I have no objection.

Mr. KEAN. I have no objection to the bill, but I do not think it is worth while to put the preamble in. I move to strike out the preamble.

The motion was agreed to.

DAVID HORNER.

The bill (S. 2056) to correct the military record of David Horner was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of David Horner so as to show that he was enrolled in the service of the United States Army as a volunteer in Company K, Fifty-sixth Regiment Illinois Volunteer Infantry, November 1, 1861, and was honorably discharged on the 2d day of February, 1862: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. RITCHERDSON.

The bill (S. 2054) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge, was considered as in Committee of the Whole. It proposes to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, as a musician, and to issue to him a certificate of honorable discharge from the service of the United States as such musician, to the end that he may have the benefit of all legal rights pertaining to such service of the soldier.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I think the preamble should be stricken out.

The VICE-PRESIDENT. The Senator from California moves to strike out the preamble.

The motion was agreed to.

JAMES W. HOUSER.

The bill (S. 728) to correct the military record of James W. Houser was considered as in Committee of the Whole. It proposes to remove the charge of desertion from the military record of James W. Houser, late of Company E, Twelfth United States Infantry, and to grant him an honorable discharge from the military service of the United States. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. WHITE.

The bill (S. 729) for the relief of George H. White was considered as in Committee of the Whole. It proposes to revoke and set aside so much of General Orders, No. 14, Headquarters Department of the Ohio, Cincinnati, Ohio, March 1, 1863, as approved the finding and sentence of the general court-martial dismissing Capt. George H. White, Nineteenth Regiment Michigan Infantry Volunteers, and to issue to him a certificate of discharge as of date March 1, 1863. But no pay, bounty, compensation, or allowance shall accrue to said George H. White by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, N. C.

The bill (S. 1305) to provide for the purchase of a site and the erection of a public building thereon at Salisbury, in the State of North Carolina, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out, after line 17, page 2, down to and including line 7, on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary. And said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of its conclusions in the premises, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

And in lieu thereof to insert:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Salisbury and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

Mr. GALLINGER. I will ask the Senator from North Carolina to state the population of the town of Salisbury.

Mr. OVERMAN. At the census taken last year there were over 11,000. The population has more than doubled in the last few years. The Southern Railroad Company has located its shops near there.

Mr. GALLINGER. Mr. President, a little time ago I was looking up some statistics in regard to public buildings. I find we have appropriated money for public buildings in towns of 3,000 in some instances, and I think in one instance I discovered that a town of even less than 3,000 was given a public building. It seemed to me that that was not very good legislation. I think we ought not to appropriate money for public buildings in towns that certainly have less than 10,000 population. It would seem to me so.

Mr. HANSBROUGH. Let me call the attention of the Senator from New Hampshire to the fact that in locating public buildings it is not a question of population so much as it is a question of the necessity for the building. For instance, a town of three or four thousand inhabitants, where there is a United States land office, a second-class post-office, and a term of the United States court held, there certainly is a necessity for a public building regardless of the population.

Mr. GALLINGER. I quite agree to that, Mr. President, but I will add to what I said that in the investigation I made I found a good many instances where there was simply a post-office and yet a public building had been erected in a town of very small size. I do not know how it may be in this instance; I do not know whether there is a court held at Salisbury or not;

but it is a town of very considerable size, and I have no objection to the bill.

Mr. HANSBROUGH. From the standpoint of population I think the town is certainly entitled to a public building.

Mr. TELLER. I wish the Senator from New Hampshire would tell us in what part of the country small towns are getting public buildings.

Mr. GALLINGER. I will say to the Senator that those bills I discovered were passed several years ago. I do not know the exact date, but I can furnish the Senator some instances, though not offhand.

Mr. TELLER. I was not aware that we were doing anything of that kind now, for we have been rather strict, I think, about the size of the towns.

Mr. GALLINGER. I think lately we have.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI J. BILLINGS.

The bill (S. 661) for the relief of Levi J. Billings was considered as in Committee of the Whole. It proposes to pay to Levi J. Billings, of Rhinelander, Wis., $276, for services as second lieutenant and traveling allowance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. DUNN.

The bill (S. 659) granting an honorable discharge to William S. Dunn was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the discharge without honor heretofore issued to William S. Dunn, private in Company F, Third Wisconsin Volunteer Infantry, and to issue in lieu thereof to said Dunn an honorable discharge from the service of the United States: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF STEAM VESSELS.

The bill (S. 3724) to amend section 4400 of the Revised Statutes, relating to the inspection of steam vessels, was announced as next in order on the Calendar, and the Secretary proceeded to read the bill.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12707.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, which was reported from the Committee on Territories with amendments.

THE AMENDMENTS NOT VITAL.

Mr. DICK. Mr. President, your Committee on Territories has favorably reported H. R. 12707, with amendments. These amendments do not affect any of the vital features of the bill, and can by brief reference thereto be made plain. The committee proposes to change the number of delegates to the constitutional convention for the new State of Oklahoma from 112 to 110. The House bill provided that 55 of the delegates should be elected by the people of the Territory of Oklahoma and 55 by the people of the Indian Territory, and 2 should be elected by the electors residing in the Osage Reservation, in the Territory of Oklahoma. The population of these two Territories is about equal. No man can tell accurately which contains the larger number. To give two delegates to the electors residing in the Osage Reservation, in the Territory of Oklahoma, would give an advantage in the constitutional convention to that Territory—an advantage which your committee thinks inadvisable. The committee has therefore provided that both Territories be given the same number of delegates in the convention.

THE ELECTION BOARD FOR THE INDIAN TERRITORY.

The House bill provides that the judges of the United States court of appeals for the Indian Territory shall apportion said Territory into fifty-five districts for the purpose of said convention. Your committee has amended that provision by substituting for said board the Commissioner to the Five Civilized Tribes and two judges of the United States courts for the Indian Territory, to be designated by the President, who shall constitute a board to apportion said Territory into election districts. The next amendment, which is also found on page 3, provides that the official who is to order said election of delegates aforesaid, representing the Indian Territory, shall be the judge, senior in service, of the United States courts in the Indian Territory, instead of the judge, senior in service, of the United States court of appeals of said said Territory, and omits the provision, because the committee deems it unnecessary, that said proclamation need fully specify and announce such apportionment; and the time within which said order for election of delegates aforesaid shall be designated is increased from four months after the approval of this act to six months. The sentence commencing with line 20, page 3, and all of page 4 down to and including the first three words in line 17 of page 4, is eliminated and the following provision substituted therefor:

ELECTION LAWS OF OKLAHOMA TO APPLY.

The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued, in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however*, That said board to apportion districts in Indian Territory shall, for the purpose of said election, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates.

The object of this amendment is to make more clear and specific the intention of the original bill to extend the election laws of the Territory of Oklahoma to the Indian Territory, including the penal laws of the Territory of Oklahoma relating to elections and illegal voting, and the United States courts of the Indian Territory are given jurisdiction to enforce said laws. The board heretofore provided for the purpose of apportioning election districts in the Indian Territory is to appoint the judges of election and the canvassing board of said election, and it is made the duty of this board to issue election certificates to all persons elected to such convention from the Indian Territory. The amendment effects no radical change, but, it is believed, strengthens and makes clearer the original provision.

GUTHRIE TO BE THE CAPITAL TILL 1915.

The provision that the capital of the new State of Oklahoma shall be Guthrie until 1915, but may, after said year, be located by the electors of the State, is amended by the addition of the word "permanently" after the word "located," for the reason that the committee believes by that time the people of the State will be ready to make a permanent location of the capital.

ELECTION FUND INCREASED TO $150,000.

On page 9 the addition of the words "connected with," after the word "person," in the third line, and the addition of "or other disposition" after the word "sale," in the fourth line, are intended to strengthen the penal provisions of the prohibition law provided for the Indian Territory. In section 5, on page 11, the appropriation made from the Treasury to defray the expenses of the elections in the Territory of Oklahoma and the Indian Territory is increased from one hundred thousand to one hundred and fifty thousand dollars. Disbursements are to be made by an appointed officer, and any portion of said sum not needed for that purpose will remain in the Treasury. Your committee thought it advisable to increase this appropriation by the sum of $50,000.

BOUNDRIES OF CONGRESSIONAL DISTRICTS.

On pages 12 and 13 appear the boundaries of the proposed five Congressional districts for the new State of Oklahoma. The committee has changed the boundaries of district No. 4 and district No. 5 in order to make them correspond with the boundaries provided in the bill which was adopted in this body

one year ago. The committee believes that these old boundaries constitute a fair and just division for the intended purpose.

On page 13, lines 12 and 18, your committee has eliminated the words "to the Sixtieth Congress."

INVESTMENT OF SCHOOL FUNDS.

On page 14 appears the provision for the appropriation of the sum of $5,000,000 for the use and benefit of the common schools of the State of Oklahoma, in lieu of sections 16 and 36 and other lands in the Indian Territory which can not be appropriated for that purpose, being already disposed of. The said appropriation of $5,000,000 is to be held and invested by the State in trust for the use and benefit of the public schools of said State. The original bill, as passed by the House, provides that the interest on said bonds shall be paid quarterly. It seemed to your committee better sale might be made of these bonds if that provision were eliminated, and the words "paid quarterly," in the fifth line of page 15 have been stricken out. Section 10 of said bill provides for the appraisal and sale at public sale of sections 13 and 33, donated for school purposes, preference to purchase being afforded to the lessee at the time of such sale. Before any such land shall be sold the land and improvements thereon are to be appraised separately. The purchaser at such sale shall pay to the leaseholder the appraised value of said improvements and to the State the amount paid for said lands, "exclusive of the appraised value of improvements." This last phrase, "exclusive of the appraised value of improvements," is an amendment offered by your committee for the purpose of removing any doubt which may exist as to the meaning of that part of the section. It appears as an amendment in lines 8 and 9 on page 19.

FEDERAL JUDICIAL CIRCUITS.

Section 13, found on page 20, provides that the new State of Oklahoma shall constitute two Federal circuits for Federal courts, the present Territory of Oklahoma constituting the western district and the Indian Territory constituting the eastern district. Provision is made in that section for sessions of the circuit and district court at four places each year in the eastern district and four places each year in the western district. Your committee has thought all the ends of justice could be fully met by holding sessions of these courts at three places in each district instead of four, and has stricken out the provision for court sittings at Vinita, in the present Indian Territory, and at Lawton, in the present Territory of Oklahoma. These changes comprise the amendments proposed on page 20, lines 23 and 24; page 21, lines 2, 12, 16, and 17.

The provision on page 22, that the fees and compensation allowed the marshal, district attorney, and clerk of said Federal courts shall be the same now allowed to officers performing similar service to the United States in the Territory of Oklahoma is changed to read "other districts of the United States." The reason for this change is apparent and needs no comment.

LAWS OF OKLAHOMA EXTENDED TO ALL THE NEW STATE.

The word "statutes," in line 9 of page 22, is changed to the word "laws," so as to extend the "laws" now in force in the Territory of Oklahoma, as far as practicable, to all of the new State until changed by the legislature thereof.

The time for taking appeals and writs of error from final judgments of appellate courts of said Territories at the time of the admission of the new State is reduced from six months to three months. (See line 20, p. 23.)

TRANSFER OF CASES FROM TERRITORIAL TO FEDERAL COURTS.

The words "except as to time and parties" was stricken out of line 20, page 24. In the sixteenth section of the bill, which provides for the transfer of cases from the Territorial courts to the proper Federal courts, is the limitation of said section, "that said transfer shall not be made in any case where the United States is not a party except on application of one of the parties in the court in which the cause is pending, at or before the second term of such court after the admission of said State." The section goes on to say that "the proceedings to effect such transfer, except as to time and parties, to be the same as are now provided by law for the removal of causes from a State court to a circuit court of the United States." The proposed amendment, as stated, strikes out the words "except as to time and parties."

FIRST TWENTY-TWO SECTIONS RELATE TO OKLAHOMA AND INDIAN TERRITORY.

The first twenty-two sections of the bill relate exclusively to the admission of the Territory of Oklahoma and the Indian Territory as one State under the name of Oklahoma, and attention has been called to all the amendments proposed in these sections.

SECTIONS 23 TO 41 RELATIVE TO ARIZONA AND NEW MEXICO.

Sections 23 to 41, inclusive, provide for the admission of the Territories of Arizona and New Mexico as the State of Arizona. The amendments proposed in these sections are few in number, and do not affect any of the questions in dispute.

INDIANS NOT TAXED NOT TO BE CITIZENS.

The provision in section 25, on page 30, that "the constitution shall be republican in form and make no distinction in civil or political rights on account of race or color," is amended by adding "except as to Indians not taxed." (Line 9, p. 31.) They are not citizens, and the new State should not be required to treat them as such until they shall emerge from a condition of wardship and become full-fledged citizens.

CAPITAL TO BE AT SANTA FE UNTIL 1915.

The sixth paragraph of section 25, page 32, provides that the capital of the State shall temporarily be at the city of Santa Fe, and shall not be changed therefrom before 1915, but that the location of said capital may after such year be fixed by the electors of said State. Your committee, for the same reasons that actuated it in the case of Oklahoma, has amended this section by inserting the word "permanent" before the word "location," line 18, page 33.

SELECTION OF LIEU LANDS BY THE STATE.

Section 36, on page 41, which exempts all mineral lands from grants made by this act and provides for the selection by the State of an equal quantity of other unappropriated lands of the State in lieu thereof, has inserted an amendment in lines 3, 4, and 5, page 42, providing that said selection is to be made "by the commission provided for in section 35, under the direction of the Secretary of the Interior." As appears from section 35 of this act, upon the same page, said commission is to be composed of the governor, surveyor-general, and attorney-general of said State.

ELECTION FUND INCREASED TO $175,000.

The only other amendment proposed, in the concluding section, No. 41, increases the appropriation for the constitutional convention of the proposed State of Arizona from $150,000 to $175,000, with further provision that any expense incurred in excess of said sum of $175,000, instead of $150,000, as is provided in the House bill, shall be paid by said State.

THE BILL RECOMMENDED BY PRESIDENT ROOSEVELT.

The last annual message of the President contained the following paragraph:

I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to the statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussion of the question I recommend that they be immediately admitted as two States. There is no justification for further delay, and the advisability of making the four Territories into two States has been clearly established.

THE TERRITORIAL CONDITION TEMPORARY ONLY.

The House of Representatives acted favorably upon that recommendation and has passed a bill in accordance therewith. Your Committee on Territories makes the same recommendation. It has been the well-understood policy of this Government since the formation of the Union to treat the Territorial condition as temporary only, a sort of preparation for admission into the full bond of union and the responsibilities of statehood as soon as the time has been reached when the applicant can take its place in the family with sufficient area and population, and possessing not only the possibility, but the probability, of being a worthy member of the Union.

STATEHOOD NECESSARY FOR FULL DEVELOPMENT.

As the time comes when a boy should be thrown on his own resources to develop his capabilities and to show the material that is in him in order that he may attain the full stature of self-reliant independence, so the time comes when a Territory within the Union should be granted statehood in order that it may assume the responsibility of self-government, for only by self-government can the highest possibilities of a people be developed.

THIS HAS BEEN AMERICAN TERRITORY SIXTY YEARS.

All of this territory under consideration in this bill has belonged to the United States for practically sixty years, and we believe the time has come when the question should be forever settled and the relations of their inhabitants to the other people of the United States be definitely and finally fixed. To that end the committee believes that the general interest of the entire Union demands that the Indian Territory and Oklahoma be

admitted as one State and New Mexico and Arizona be admitted as another State.

CONGRESS HAS ABSOLUTE POWER OVER ADMITTING STATES.

Section 3, Article IV, of the Constitution provides:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

Paragraph 2 of the same section declares:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

There can be no question that the Congress has full and absolute power to pass this bill or to make any division or combination of land within the limits of the United States which is still in the Territorial condition. There is no proposition here to form a new State within the jurisdiction of any other State, nor to add to or take territory from any State already within the Union. The guaranty of a republican form of government is a guaranty to the States within the Union and not a guaranty to any Territory not yet formed into a State. The land within the proposed State of Oklahoma was part of the Louisiana Purchase, except the long arm running out to the west, which constitutes Beaver County. This county was formerly part of Texas, but was renounced by her on her admission to the Union because it lay north of the parallel of 36° 30′ and slavery was excluded therefrom by the terms of the Missouri Compromise. The Territories of New Mexico and Arizona were acquired from Mexico by the treaty of Guadalupe-Hidalgo, in 1848, and the Gadsden treaty, or purchase, in 1853, except the land east of the Rio Grande River, which was once part of Texas.

PROVISIONS OF GUADALUPE-HIDALGO TREATY.

Article 8 of the first treaty gave to the inhabitants of the conquered territory the privilege of retaining the title and rights of Mexican citizens or to acquire those of citizens of the United States. They were, however, under the obligation of making their election within one year from the date of exchange of ratifications of that treaty—

and those who shall remain in said territories after the expiration of that year without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

Article IX of the treaty reads as follows:

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformable with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to all the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.[a]

REAFFIRMED IN THE GADSDEN TREATY.

The fifth article of the Gadsden treaty provides that all the provisions of the eighth and ninth articles of the treaty of Guadalupe-Hidalgo should apply to the territory ceded by that treaty.[b] There is no question at all that the letter and the spirit of that treaty obligation has been strictly adhered to by the United States. The citizens of these Territories have, ever since that treaty was proclaimed, been maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction. That treaty guaranteed to the inhabitants of that territory that at the proper time, which is to judged of by the Congress of the United States, they would be incorporated into the Union of the United States, and be admitted to all the enjoyment of rights of citizens of the United States, according to the principles of the Constitution. The Territorial act of February 24, 1863, for the organization of the Territory of Arizona, contained the provision that—

THE ARIZONA TERRITORIAL ACT.

Nothing in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

And this act also contained the following provision:

Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

WAS NOT A COMPACT NOR A CONTRACT.

This provision was not a compact or a contract, for the reason that there were no parties thereto capable of making a contract. This was a law passed by Congress in the exercise of its constitutional power to control and regulate part of the territory belonging to the United States. The very first element of a valid contract is that there shall be two or more parties having a legal status and standing on the same ground, so that they may deal with each other in a legal manner. No such condition prevailed here. What that Congress enacted for the control of the government for the Territory of Arizona the very next Congress could have repealed, amended, or modified in any way which seemed to it best. The Congress which created the Territory of Arizona had no authority to bind the next Congress or any succeeding Congress as to the terms and conditions upon which that Territory should be taken into the Union and put on an equal footing with the other States. It was further expressly provided in the act that Congress could change the boundaries of the Territory when and how it deemed proper. There is, therefore, no constitutional inhibition, no legal or moral obligation which can for a moment obstruct the power and right of this Congress to pass the bill which has been reported by your Committee on Territories.

THERE WAS NO "PLEDGE OF STATEHOOD."

The so-called "pledge of statehood," contained in the organic act creating the Territory of Arizona, is coupled with the other provision contained in that act that nothing therein contained shall be considered to prohibit the Congress of the United States from dividing the Territory or changing its boundaries in such manner and at such time as it may deem proper. The expression in favor of statehood was but the expression of a wish that Arizona might some day qualify herself for statehood. It can not fairly be considered a contract, or even a pledge, to the bare handful of less than 10,000 people which inhabited the Territory at that time.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. DICK. Certainly.

Mr. BEVERIDGE. There were at that time in the Territory of Arizona not 10,000, but about 6,500 people, practically all Mexicans.

CONGRESS HAS FREQUENTLY CHANGED BOUNDARIES OF TERRITORIES.

Mr. DICK. Mr. President, Congress has at all times exercised the right to change the boundaries of Territories when they were admitted as States. The State of Ohio is not the original Territory of Ohio. The boundaries of Kansas differ materially from the boundaries of the Territory of Kansas. The Territory of Washington included the present States of Washington, Idaho, Montana west of the Rocky Mountains, and a portion of Wyoming. When the Territory of Dakota was divided and came into the Union as two States, the claim was advanced that Congress had no power to divide the Territory. The Territory of Iowa, when the first State constitution was formed, embraced a large tract lying north of the present boundaries of the State. Congress did not accept these boundaries and proposed boundaries of its own, which were rejected by the people of Iowa. The present boundaries differ from both those formerly proposed.

ORGANIZATION OF THE INDIAN TERRITORY.

The Territory which it is proposed by this bill to admit into the Union of the States has remained longer in the Territorial condition than any of the land comprised within the United States. The act organizing the Indian Territory was passed June 30, 1834, but no Territorial form of government has ever been provided. The Stars and Stripes have floated over the soil of New Mexico for nearly sixty years, and a form of Territorial government was provided in 1850. At that time only five States had been admitted to the Union west of the Mississippi River, and since 1850 fourteen States have been incorporated within the circle of free and independent Commonwealths.

OVER FIFTY BILLS FOR THE ADMISSION OF NEW MEXICO.

New Mexico, in particular, has knocked long and loud at these doors, asking for admission. Over fifty bills have been introduced in the two Houses looking to that end, and such bills have passed one or both bodies seventeen times. Arizona has been a constant suitor here since 1879.

PASSED BOTH HOUSES IN 1874.

In the Forty-third Congress, in 1874, a bill for the admission of New Mexico passed both Houses by more than three-fourths majority, but was lost in conference. The first political convention held in New Mexico adopted a constitution and elected a Congressman and two Senators to sit in this body, but California was admitted to statehood September 9, 1850, and it was a part of the compromise which brought about that act that New Mexico should remain in a Territorial condition. The first national legislation looking to the admission of new States

[a] Compilation of treaties in force, 1904, p. 519.
[b] Compilation of treaties in force, 1904, p. 529.

was the ordinance of 1787, passed by the Congress of the Confederacy at the same time the convention was in session which adopted the Federal Constitution. This ordinance provided a government for the territory of the United States northwest of the Ohio River, and declared there should be formed in said territory not less than three nor more than five States. This article concludes as follows:

THE ORDINANCE OF 1787.

And whenever any of the said States shall have 60,000 free inhabitants such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

THE TRUE RULE FOR ADMISSION OF TERRITORIES.

Attention is called to this phrase, "Consistent with the general interests of the Confederacy." That has been the policy of this Government with reference to the admission of new States ever since the passage of that famous statute. As a matter of fact, the first three States admitted from the Northwest Territory came in with a smaller population than 60,000. Ohio, which was admitted in 1803, had, by the census of 1800, only 45,365 people. Indiana, admitted in 1816, had, by the census of 1810, 24,520 poeple.

THE POPULATION HAS GENERALLY EQUALED THE CONGRESSIONAL RATIO.

It is possible that these States at the date of their admission did contain 60,000 people each, but Illinois, admitted in 1818, had, by the census taken two years later, only 55,211. Both Ohio and Illinois, however, at the date of their admission to the Union had a greater population than indicated by the Congressional apportionment, which for the first decade of the nineteenth century was 33,000. This ratio was not increased until 1813, when it was raised to 35,000. It is more than likely that even Indiana at the time of its admission had sufficient population to entitle it to one Congressman under the ratio then obtaining. From that time to the present the general interests of the Union have been the sole test as to whether or not a new member should be admitted into the Union of States. Three States—Vermont, Kentucky, and Tennessee—were admitted in the same century which saw the adoption of our Constitution. Ohio was the first-born child of the nineteenth century. Her territory was pledged to freedom, and slavery was prohibited within its boundaries. The next State to be admitted was Louisiana. The slavery question then became acute, and continued so. The Dred-Scott decision added fuel to the fire. Whenever a free State was admitted a slave State was also taken in as a counterbalance, in order to preserve the equilibrium between freedom and slavery. Thus Indiana, which was admitted in 1816, was followed by Mississippi the next year. Illinois was admitted in 1818 and Alabama the next year. Maine was admitted in 1820 and Missouri in 1821. Arkansas was made a State in 1836 and Michigan in 1837.

THE BALANCE OF SLAVE AND FREE STATES.

The year 1845 saw the admission of two slave States—Florida and Texas—but the balance was soon corrected by the admission of Iowa in 1846 and Wisconsin in 1848. The next State to come in was California in 1850, and that was the result of a compromise which gave statehood to California and denied it to New Mexico. It was no longer possible to maintain the equilibrium between the North and the South, for a magnificent domain remained in the Northwest from which new States could be fashioned, while the territory available for the creation of States where slavery could be maintained was exhausted, although Texas had the right then, as she has to-day, to divide herself into five States—a privilege which it is extremely unlikely will ever be exercised or availed of.

MAINE AND IOWA BROUGHT INTO THE UNION BY PRESSURE.

During this period of our national history the political interests of the North demanded that free States should be added to the Union as fast as slave States, and as a result of these political exigencies Maine and Iowa, at least, were fairly forced into the Union, in both States two or three elections being required before a majority could be mustered to adopt a constitution, and the majority in both cases, when finally obtained, was very small. There can be no question but for the great pressure brought to bear at the time neither of these States would have come into the Union as soon as they did. The test of admission was the general interests of the Union without regard to special interests of the proposed new State.

BIRTH OF WEST VIRGINIA AND NEVADA.

The creation of West Virginia and Nevada may both be said to have been war measures. West Virginia was torn from the bosom of the "Mother of Presidents" with only the slightest pretense of observance of the constitutional provision that no new State shall be erected within the jurisdiction of any other State without the consent of the legislature of the State especially concerned. West Virginia, however, had ample population to justify its creation, for in the first Federal census in which it figured, 1870, it made a showing of 442,014 souls. Nevada, on the contrary, had, by the same census, a population of 42,491, a figure which it did not equal in the last census, when it made a showing of 42,334. Nevada is the only State which has utterly disappointed the hopes and expectations of its early settlers. It has an area of 110,700 square miles, a figure only exceeded by the three States of Texas, California, and Montana, and practically equal to that of Arizona. Recent discoveries of gold have restored to the State some of its former prosperity and its population has largely increased within the past few years, and may even now be double the figure of the last Federal census. The figures of the last census gave to Nevada fewer inhabitants than resided at that time in many of the smaller cities in the United States, and that State has, ever since its admission, served as a warning to Congress against hasty and ill-advised admission of Territories not qualified to take rank with the other States.

THE THIRTEEN ORIGINAL COLONIES FORMED THE UNION.

The thirteen original colonies differed greatly in size and population. It is not a fair argument to compare the new States of the Union, either in area or population, with them. They were never added to the Union, for they made the Union, and but for their coming together in the way they did this Union might not have been created. The first States admitted after the adoption of the Constitution were not larger than the largest of the original States. When the Mississippi River was reached, however, and when new States were taken in west of that river, boundary lines were made more generous and liberal, and the farther west the new States admitted into the Union the larger they were in area.

STEADILY INCREASING SCALE OF REQUIREMENTS.

At the same time, when more square miles have been included in new States, there has been a steady increase in the requirement of population. This increase of requirement of population has fairly approximated the increase of the Congressional apportionment which has determined the number of Members of the lower House of Congress. By the Federal census of 1800, the first taken after the admission of the first three States added to the original thirteen, Vermont had over 150,000, Kentucky over 200,000, and Tennessee over 100,000 population. The Congressional ratio at that time was only 33,000. Louisiana, Mississippi, Illinois, Alabama, Maine, Missouri, Arkansas, Michigan, Florida, Texas, Iowa, Wisconsin, California, Minnesota, every State admitted down to the time Oregon came in, in 1859, had a population equal to the Congressional ratio, either at the time it was admitted or at the next Federal census. Every State admitted since then, except Nevada and Wyoming, has either approximated the Congressional ratio at the time of its admission or since then. With two or three exceptions the history of the Union shows that a steadily increasing scale, both of area and population, has been demanded of new States, and that the rule has been to admit them when it conserved the general interests of the Union to do so. Even the qualifications of area and population have not in every case guaranteed admission, for Utah, on account of polygamy existing in that Territory, was kept out of the circle of statehood long after it had a population equal to the Congressional ratio. The Congressional ratio to-day is, in round numbers, 200,000. The average population of the forty-five States is now over a million and a half.

The best interests of the States of the Union demand that some regard be paid to these figures in admitting new States, and that no new State be admitted which does not fairly compare either in achievement or in probable development with those now forming the Union.

NO OPPOSITION TO THE NEW STATE OF OKLAHOMA.

Hardly a voice will be raised to oppose the admission of Oklahoma and the Indian Territory as a single State. The area comprising the two Territories, with the exception of Beaver County, was a part of the Louisiana purchase. Oklahoma has 38,830 square miles; Indian Territory, 31,000. The new State will have 69,830 square miles. It will be 11,970 square miles smaller than Kansas; 33,815 square miles smaller than Colorado; approximately the same size as Missouri; 14,450 square miles larger than Iowa. Arkansas and Louisiana are smaller. United, it lies in compact form except Beaver County—a long, narrow county extending westwardly on the northern boundary line of Texas to New Mexico.

WONDERFUL DEVELOPMENT OF THAT TERRITORY.

The development of Oklahoma has been without a parallel in the wonderful growth of this country. The first settlement there was made April 22, 1889, when 3,000,000 acres of land purchased from the Creek and Seminole Indians were thrown open to public settlement. The race that was made by eager home seekers the very hour that tract was opened to settlement presented a picture never seen before in this or any other country. Within an hour after the shots were fired which gave the signal for the race to begin every acre of that broad expanse had its claimant. Approximately 100,000 people secured homes. Cities with fifteen to twenty thousand inhabitants were built in a day, and brave and sturdy people immediately commenced the battle of life with the raw and unbroken prairie. The land that had theretofore been the home only of the coyote and the cowboy and the hunting ground for the Indian, at the crack of the pistol was transformed into a habitation for sturdy men and women and their children.

WITHOUT CIVIL GOVERNMENT FOR OVER A YEAR.

It was not until a year later, or May 1, 1890, that Congress organized the Territory of Oklahoma and provided a form of government. In that first year the people occupying the Territory governed themselves, proof again of the innate capacity of the American people to maintain law and order and to organize themselves into settled and peaceable communities. They had no law except the statutes of the United States and the common law; they lacked legal authority to organize municipal corporations for the government of cities and towns and to provide by means of taxation for the support of municipal government or the education of their children, and so lived for a year.

The opening of Oklahoma is one of the brightest chapters in American history. The people, by common consent, organized cities and towns, graded the streets, builded schoolhouses, electric-light plants, waterworks, and sewer systems, showing the wonderful adaptability of the American citizen for self-government.

THE ORIGINAL AREA OF OKLAHOMA GREATLY INCREASED.

Following this, the original area of Oklahoma has been increased by the addition in 1890 and the opening to settlement of the Iowa, Sac, Fox, and Pottawatomie Indian reservations, containing 1,283,434 acres, these reservations being in the eastern part of Oklahoma, and the addition in the same year of the Cheyenne and Arapahoe Indian reservations, in the western part of Oklahoma, containing 4,297,000 acres.

The strip of land about 37½ miles wide by 167 miles long, which formerly belonged to Texas and was called "No Man's Land," was attached to Oklahoma as Beaver County. September 16, 1893, the Cherokee Strip, 90 miles by 200 in size, containing 6,140,000 acres, was opened to settlement and occupied with a rush. In 1895 the opening to settlement of the Kickapoo Indian Reservation added a tract containing 206,662 acres. In 1896 the addition of Greer County to the Territory of Oklahoma by the decision of the Supreme Court of the United States, Greer County having theretofore been under the jurisdiction of and claimed by the State of Texas, opened another million and a half acres of land for settlement. In 1901 additional land in the southwestern part of Oklahoma, the Kiowa, Comanche, Apache, and Wichita Indian reservations, comprising an area larger than original Oklahoma, was thrown open to settlement, and as had been the case before, was quickly followed by the birth of busy, thriving towns and the cultivation of nearly every acre of land.

Within the present limits of Oklahoma there are still reserved from settlement the Osage, Ponca, and Otoe Indian reservations and the Kiowa and Comanche pasture reservation, approximately two and one-half million acres; but these Indian reservations, under acts of Congress, have been very largely leased to white men for agricultural purposes, and a very large portion are under cultivation as producing farms.

POPULATION.

By the census of 1900 Oklahoma had a population of over 398,000. Since that time the Kiowa, Comanche, Apache, and Wichita Indian reservations have been opened to settlement, comprising three large and populous counties, with three wonderfully prosperous young cities and an aggregate population of at least 150,000, and the governor of the Territory, in his last annual report to the Secretary of the Interior, estimates the population of the Territory of Oklahoma on the 30th day of June last at 800,000 people. The recent census taken of the children of school age shows a school population of the Territory between the ages of 5 and 21 years of over 211,000, which would ordinarily indicate under the usual rules a population largely in excess of 800,000. The inhabitants of foreign birth do not equal 4 per cent.

The last annual report of the governor of Oklahoma, dated September 15, 1905, furnishes ample proof of the readiness of Oklahoma to accept the privileges and burdens of statehood.

VARIED AGRICULTURAL RESOURCES.

The wealth of Oklahoma depends largely upon agriculture, almost every acre being fitted for cultivation. There is not a State in the Union which surpasses Oklahoma in the diversity of its crops. It raises with equal success the staple crops of the North and of the South. The same fields which have furnished a rich harvest of wheat have, the same year, been sown to cotton and furnished a rich return upon that investment. Cotton now rivals wheat and corn in value. The last cotton crop was almost double the value of the wheat crop of 1904 and it promised to far outdo the wheat crop of 1905. The output was over 400,000 bales. The corn crop last year exceeded 50,000,000 bushels. Wheat is raised in Oklahoma with success. Kaffir corn is grown extensively, alfalfa and cowpeas yield better returns than clover and enrich the soil much better. Bermuda grass, broom corn, and castor beans are among the staple crops.

FIGURES OF AGRICULTURAL WEALTH.

The 23,000,000 acres of land in Oklahoma represent an agricultural investment, exclusive of improvements, crops, or stock, of $232,000,000. Adding to this the value of implements, machinery, and live stock makes the total $319,780,903 as the figure of agricultural wealth of the Territory. All kinds of fruits are raised successfully there, and in some varieties the Territory rivals the world. The total assessed valuation of the Territory for 1905 was $93,130,721, which is about one-fifth the real value. In 1901 the total assessment was a little over $60,000,000, and in 1902 increased to $75,000,000. These figures show a steady and substantial growth. Farm property increased in assessed value from 1904 to 1905 from $30,000,000 to $33,000,000. In recent years there has been developed a gas and oil field that rivals the great State of Pennsylvania, with coal and manganese and asphalt beds and gypsum beds; granite quarries rivaling the great State of Vermont, and a magnificent magnesium limestone rivaling the wonderful quarries of New Bedford, Ind.

RAILROAD MILEAGE AND OTHER STATISTICS.

The railroad mileage in the Territory has moved forward by leaps and bounds, and there are over 3,000 miles of track, exclusive of siding and right of way in the Territory. The year ending June 30, 1905, added 432.71 miles in new mileage. There are over 12,000 miles of toll line and telephone wires in the two Territories. The newspapers published number 345, including 30 dailies. There is an excellent State university, with buildings and grounds worth about $250,000; a university preparatory school and three State normal schools; an agricultural and mechanical college, representing $250,000, and a colored agricultural and normal school, all supported more or less by the Territory. The total number of banks in the Territory, which reported to the bank commissioner, was 262 Territorial banks and 85 national banks. During the past year only one Territorial bank and one national bank failed, and in neither case was a dollar lost to the depositors.

The railroads are assessed for taxation on their main lines from $5,600 per mile down to $5,000 per mile, and less amounts on the more unimportant lines and the various side tracks and branches.

OKLAHOMA HAS NO BONDED DEBT.

The Territory has no bonded debt. November 30, 1905, it had an outstanding warrant indebtedness of $735,240. On the same date the Territorial treasurer had on hand $710,842 cash, and the school land leasing board had on hand $259,317, rentals of leased lands not yet turned over to the Treasurer, leaving cash on hand over and above all indebtedness of $234,920.05. At this date practically none of the Territorial taxes for the year 1905 had been collected, as they did not become payable until December 1 and delinquent until the 15th day of January under the law.

A MAGNIFICENT EDUCATIONAL ENDOWMENT.

The Territory has 1,413,704 acres of land reserved by acts of Congress for the support of the common schools of the new State, which is confirmed to the State by this act as a grant.

It has 322,006 acres of land reserved for agricultural and mechanical college, university and normal school purposes, which reservations are confirmed to the State in this act.

It has 315,165 acres reserved for public buildings and the erection of charitable and penal institutions, which reservation is confirmed by this act to the new State as a grant. It has also cash on hand in the treasury, $438,406, accumulation of rentals of the lands reserved for public building purposes, which it has not been authorized to expend and the accumulating rentals of which are being held by the Territory for the use of

the new State in furtherance of the purposes for which the land was reserved and granted. It is confidently believed that if these lands could be retained by the State, the rentals of the same would pay the interest on a sufficient amount of bonds to build all of the State institutions which must necessarily be located when Oklahoma becomes a State.

By this act Congress has made a grant for common school purposes to the new State of $5,000,000 in lieu of sections 16 and 36 granted in Oklahoma, and which under the conditions in the Indian Territory are unavailable, there being no public lands in the Indian Territory subject to such grant.

The bill also provides for grants of public lands to the various educational institutions in the Territory aggregating 1,050,000 acres, in addition to the grants of land for the purposes heretofore mentioned. There is in the Territory available for the satisfaction of these grants approximately 1,600,000 acres of unappropriated public land.

The present population of Oklahoma is about twenty to a square mile as against about one to the square mile in Arizona and New Mexico.

LAND ENTERED FOR SETTLEMENT IN 1905.

In the year ending June 30, 1905, 477,000 acres were entered for settlement in Woodward and Beaver counties, in the extreme northwest of Oklahoma. It is claimed that the percentage of householders owning their own homes is greater than in any other State in the Union except three, and that no State shows such a high percentage of homes entirely free from debt.

SMALL PERCENTAGE OF ILLITERACY.

The percentage of illiteracy in the population over 10 years of age is 5.5 per cent, the same as in New York State, and slightly less than in Massachusetts, as compared to 33 per cent of all the population in New Mexico and 34 per cent in Arizona. There are thirty-one States having a greater degree of illiteracy than Oklahoma. The percentage of illiteracy among the whites is less than 3 per cent, but among the blacks it is 26 per cent, and this raises the total average.

IRRIGATION NEEDED IN WESTERN PART.

The extreme western part of the Territory needs irrigation, and Oklahoma has now over $3,000,000 to her credit in the National Treasury which can be utilized for that purpose. Irrigation projects now being carried on will add many acres to the cultivable land of the Territory.

POST-OFFICES AND RURAL FREE DELIVERY ROUTES.

There are over 900 post-offices, and 7 towns had postal receipts for the last fiscal year exceeding $10,000, thus entitling them to free mail delivery. There are nearly 700 rural free-delivery routes.

STATEMENT OF HON. DENNIS T. FLYNN.

The following statement, made before the Senate Committee on Territories in June, 1902, by Hon. Dennis T. Flynn, then Delegate from the Territory of Oklahoma, puts in a nutshell the splendid development and high standing of the Territory. He said:

> We have less illiteracy than there is in any State in the Union. We have more newspapers in proportion to our population, two to one, than you have in any State of the Union. We have more banks in proportion to our population than you have in any other section of the Union. You can not go into a home in Oklahoma where you will not find one or two weekly newspapers and possibly one daily paper taken. We have increased in our banking strength; we have increased the number of our common schools; we have increased everything the men of Oklahoma have applied their hands to. There is not a poor-house in the Territory of Oklahoma. There is not a penitentiary in the Territory of Oklahoma. We do not need those things.

ALL PUBLIC BONDS SELL AT A PREMIUM.

He testifies that the municipal and county bonds issued in the Territory sold in the market at a premium at 4 per cent, a lower rate of interest than has been enjoyed by any Territory in the history of the United States. There is no place in our country to-day where so many different crops can be raised as Oklahoma raises on the same piece of land. Mr. Flynn further states that the farmer in Oklahoma can till the soil eleven months out of the twelve and does not have to put up feed for the winter.

A wonderful development and a grand people, who, since 1892, with a sufficient population and sufficient resources to entitle them to admission, have been pleading with Congress for statehood and for the opportunity for self-government.

JOINT STATEHOOD AGREEABLE TO OKLAHOMA AND INDIAN TERRITORY.

The one great question that has stood in the way of the admission of Oklahoma to statehood has been the determination on the part of the Congress to unite the fortunes of Oklahoma with the Indian Territory, and in the wisdom of this determination of Congress all the people of Oklahoma and practically all the people of the Indian Territory have acquiesced, and they come here again, united now and with practically no dissenting voice, requesting of this Congress the boon of statehood.

POPULATION AND AREA OF INDIAN TERRITORY.

The Indian Territory, with an estimated population of 750,000 people, has an area of 31,000 square miles. It has been since 1866 the home of the Five Civilized Tribes—the Cherokees, the Creeks, the Choctaws, the Chickasaws, and the Seminoles—the most intelligent and civilized Indians in all the country.

INDIAN TRIBAL GOVERNMENTS.

They have erected and maintained governments of their own. They passed laws for the government of their people and these laws were printed in statute form. They elected their governors and their legislators and their other tribal officers, patterning after, in the forms of their government, the government of the States of the Union. They held their lands in common. This vast domain of 31,000 square miles was the home of a handful of Indians. The Dawes Commission, in one of its reports, estimated the number of Indians—white, red, and black—entitled to participate in tribal government and tribal lands at approximately 90,000. This included the tribes that adopted their slaves after the civil war as members of their tribe. It included the adopted white citizens; it included the children of intermarried Indians with white and colored people, and at the same time the Dawes Commission estimated the total number of full bloods in the Indian Territory at approximately 24,000. The Indian Territory was settled earlier than Oklahoma. There are portions of the Indian Territory that have been cultivated for over sixty years, notably the rich and fertile valley of the Washita River, known as "Pauls Valley."

WHITE MEN INVITED TO THE TERRITORY.

The leaders and molders of sentiment amongst the Indians, actuated by the same motives that actuate and prompt the white man for gain, by a system of permit laws and a system of leasing lands, years ago invited the white man into the Indian Territory to break up the virgin soil and convert it into producing farms and homes and to build cities, and thereupon the great question that has agitated Congress for many years, relating to intruders in that country, became a burning issue. But those intruders were in fact invited into the country by the Indians themselves, and are responsible for the wonderful growth and development of that country and for the fact that to-day there are 750,000 people living within the boundaries of that Territory. The attitude of the Government of the United States toward these people, its own citizens, has been one of neglect. The Government has carefully looked after the education, care, and protection of the Indian. In this the Government was right; but there, living in that country, was a considerable number of citizens, steadily growing to the present population, which until within the past few years had no possible means of educating their children, and only now in all that country are the citizens of the United States permitted to maintain governments and to raise taxes to educate their children in the cities and towns.

TRIBAL GOVERNMENTS EXPIRE MARCH 4, 1906.

The Indian Territory has no government except the government of the courts and the government provided by act of Congress for cities and towns, except the tribal government, which expires March 4 next.

SOME FORM OF GOVERNMENT NEEDED IMMEDIATELY.

There is in that country at least 400,000 rural population without government, without means of education for the children, and it is time that these conditions were changed. They are American citizens. They have united with Oklahoma in asking for statehood, and surely and certainly it ought to be granted. Let them organize their county and municipal governments, give them an opportunity to organize school districts and to educate their children, give them an opportunity to participate in self-government, to which every American citizen who loves the flag aspires.

INDUCEMENTS TO IMMIGRATION TO INDIAN TERRITORY.

Under the legislation of Congress the Indians in the Indian Territory have all taken their lands in severalty, and, outside of the provision for the retention of homesteads, are given limited rights of alienation, which, together with the town-site acts, for the first time open to the white man the right to obtain the ownership of lands in the Indian Territory, and now we may reasonably expect after this bill is passed a wonderful immigration into that country. The young men from Ohio and Indiana, Illinois and Iowa, and all the other great States of the Union will go there to cast their fortunes with the people of this magnificent Commonwealth, and to make the citizenship of that new State unexcelled by the citizenship of any other State in the Union. The development of the Indian Territory has in some respects been even more remarkable than

the development of Oklahoma, for the reason that the land all belonged to the Indians and none of it was ever thrown open to the public for settlement, no counties have been organized, and no Territorial form of government has been provided, so that the development has been in towns and cities. But little of the land has been farmed, but there is much river bottom land which is equal to the very best corn, wheat, and cotton land in the United States. It is claimed for the Indian Territory that its cotton is rated as the best and that its yield per acre exceeds that of any other State. The last cotton crop of which I am able to find record was 282,338 bales, worth $14,000,000. While Oklahoma is almost entirely an agricultural Territory, the Indian Territory is rich in mineral deposits. For the year ending June 30, 1905, nearly 3,000,000 tons of coal were produced and fourteen new mines were opened, and 109 are now in operation. The coal deposits in the Indian Territory are claimed to be as extensive as those of Pennsylvania, and iron, zinc, lead, and granite and limestone are found in almost inexhaustible quantities.

ONLY SELF-GOVERNMENT FOUND IN THE TOWNS.

There are some incorporated towns in the Territory in which the people have the privilege of self-government, but otherwise this great body of people is governed entirely by Congress and the Interior Department. While the percentage of illiteracy in the Indian Territory is higher than in Oklahoma, the percentage of illiteracy among the males of voting age is 15.9.

There are 142 papers published, of which 19 are daily papers. There are over 600 post-offices, of which five had, during the past fiscal year, receipts in excess of $10,000. The total railroad mileage is placed at 2,403 miles.

The taxable values of the Territory are considered to aggregate between sixty and seventy million dollars.

RANK OF THE NEW STATE OF OKLAHOMA.

These two Territories have wonderful possibilities for development based upon wonderful resources. United they will make a State having an area of 70,000 square miles and a population of one and one-half millions of people, which is nearly equal to the average of the forty-five States now composing the Federal Union, and a greater population than that of twenty-three of the States represented in this body. Lying on the border line between the North and the South, they have a varied agricultural production that promises a great future. The Indian Territory, with its wonderful coal mines and railroads and cities and rich farming lands, in time may be expected to even outstrip Oklahoma in the aggregate value of its property.

RAPID GROWTH IN POPULATION AND PRODUCTS.

New population is pouring into the proposed State at a rapid rate to take advantage of its agricultural and mineral opportunities. Twenty thousand homesteaders settled last year in Oklahoma. The combined agricultural products of the two Territories for the past year are estimated at nearly 100,000,000 bushels of corn, 10,000,000 bushels of oats, over 28,000,000 bushels of wheat, and 681,813 bales of cotton.

The railroad mileage in the two Territories aggregates 5,500 miles and the taxable valuation $250,000,000.

SENTIMENT FOR JOINT STATEHOOD ALMOST UNANIMOUS.

The substantially unanimous sentiment of the people of these two Territories is for joint statehood. That has been the better sentiment of the people of Oklahoma from the beginning. On March 9, 1899, Hon. C. M. Barnes, then governor of Oklahoma, vetoed a bill providing for a constitutional convention looking toward statehood for Oklahoma. That message is so admirable and presents such cogent reasons in favor of the union of these two Territories, although it bears date nearly seven years ago, that I take the liberty of reproducing it here, and will ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

GOVERNOR BARNES'S VETO MESSAGE.

GUTHRIE, OKLA., *March 9, 1899.*

To the honorable council, fifth legislative assembly.

GENTLEMEN: I believe that the people of Oklahoma desire statehood in the American Union, because it is the highest and best form of free government known to the children of men, and I am in hearty sympathy with this desire and purpose, but I do not believe, all things considered, that the enactment of this bill into a law would advance the interests of Oklahoma toward the fruition of our hopes one iota. No sincere man will for a moment contest the statement that a State government would be much more expensive to maintain than is our present Territorial government. The expenses of a State government must be borne by taxation of the property of the people, and the people of Oklahoma who pay the taxes are not in condition, nor do they wish, to assume any additional burden of that character. It is true that our people have been generally prosperous for the past few years, but it is as well for those who have in keeping the welfare of the State, as it is for the individual, to consider carefully the results of any proposed enterprise before taking a step that will incur additional obligations and increased assessments to meet them. We should not forget that Oklahoma is in some respects as yet an experiment. We might have a recurrence of the dry seasons of 1894 and 1895. The recent action of Congress refusing to ratify treaties with the Cherokees and Creeks pledging the United States to a policy of continued separation of the two Territories, is significant to the thoughtful mind and indicates a well-settled and determined purpose in the minds of Senators and Representatives never to admit Oklahoma and the Indian Territory as two States. And I feel sure that the ultimate destiny of the two Territories is that of single statehood. This being true, to hold a constitutional convention at this time to form a constitution for Oklahoma upon the lines laid down in this bill would not advance the matter in the slightest degree, but, on the contrary, would retard and hinder the growth of a healthful political sentiment in the Indian Territory in favor of such a union. With the Indian Territory incorporated with Oklahoma in one State we would place a star upon the flag of our country whose luster would not be dimmed by the constellation of magnificent States by which we are surrounded. Our varied resources of timber, mineral, agricultural, and grazing land would forever furnish the necessary supplies to pay the expenses of a first-class State government, and enable us to build and maintain penal, reformatory, and eleemosynary institutions that would compare favorably with those of the most advanced and progressive people, and all without the people, who must always pay the taxes for the support of the government, feeling in the slightest degree the burden of excessive demand by the taxgatherers. On the other hand, Oklahoma, with her resources restricted to agriculture and the raising of cattle, without the hope even of development of coal or other minerals in paying quantities, or the development of manufacturing industries, would be but a weak and feeble Commonwealth in the great sisterhood of States. We have never, as yet, raised a revenue in any one year sufficient to pay the running expenses of our Territorial government, and a casual deficit has been steadily increasing year by year. By reason of the Federal limitations upon our debt-creating power, and by reason of a careful and economical administration of Territorial laws, aided in no small degree by the General Government, which pays a large share of our governmental expenses, we have been able to maintain the credit and good name of our Territory. Our taxable valuation, placed last year at about forty millions, was the subject of much criticism by the people, and the very first bill passed by the honorable House of Representatives of your honorable body was to reduce said valuation to $32,000,000. I assume, therefore, that the people do not wish to incur the expenses of two special elections and of holding a constitutional convention without better prospects of ameliorating the condition of affairs than this measure seems to offer. I therefore feel constrained to return council bill No. 47, being "An act providing for the formation of a constitution."

THE TWO TERRITORIES TO HAVE THE SAME NUMBER OF CONSTITUTIONAL DELEGATES.

Mr. DICK. Mr. President, the pending bill provides for a constitutional convention, to be composed of 110 delegates—55 delegates from Oklahoma and 55 delegates from the Indian Territory. The Indian Territory is to be divided into districts for the election of these delegates by the Commission to the Five Civilized Tribes and two judges of the United States courts for the Indian Territory. The former represents the Indians and the judges are the officers of the Government of the United States in that Territory. They have afforded practically all the government the people have had, and they are well acquainted with the conditions and the population. They are men of high character and integrity, who will do justice. In Oklahoma the districts will be formed by the governor, the secretary, and the chief justice of that Territory. By reason of the fact that there are no election laws in the Indian Territory the election laws of Oklahoma so far as applicable, together with the penal laws of the Territory of Oklahoma relating to illegal voting, are extended over the Indian Territory for the conduct of the elections provided for by this act. The result shall be ascertained and the votes canvassed by the judge senior in service in the Indian Territory and the governor and secretary of the Territory of Oklahoma.

No one can reasonably doubt or question for one moment the ability of these two Territories to form a constitution, republican in form and in harmony with the Constitution and laws of the United States, and to maintain the government so formed.

TWO JUDICIAL DISTRICTS AND FIVE CONGRESSMEN.

The bill provides for two judicial districts and the appointment of two district judges of the United States, the Indian Territory forming one district and the Oklahoma Territory forming one district. The bill provides for five Members of Congress and divides the Territory into the same number of Congressional districts.

If the State of Oklahoma at the time of its admission contains a million and a half people, as is confidently asserted, and as I believe, the State of Oklahoma would be entitled to seven Members of the lower House of Congress.

THE CONSTITUTIONAL CONVENTION.

The bill provides that the constitutional convention may arrange for the election of a full complement of State officers and a legislative assembly, and the legislative assembly is directed to elect Senators to the United States Senate.

TERRITORIAL CONDITION NO BAR TO GROWTH.

The marvelous development of these two Territories—one of which was opened to settlement less than seventeen years ago,

while the other has for over seventy years been entirely without any organized government provided by Congress—shows conclusively that the Territorial condition is not an insuperable bar to marvelous growth and development. Where the opportunities are the best and the natural advantages promise rich return for investment, there the American people will flock in large numbers and will till the soil, build towns and cities, and will provide all the necessary instruments for the highest American advancement. In view of the splendid progress that has been made in Oklahoma, it may well be doubted whether any greater advancement could have been made had statehood been granted when it was first asked for ten years ago. Certain it is that no fair argument can be made against the immediate admission of these two Territories as one State.

Mr. President, if agreeable to the pleasure of the Senate, I will, at this point, suspend my remarks and ask to resume them again at the next meeting of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. Mr. President, I see no special necessity that the Senate should be in session to-morrow, unless it is for the consideration of the statehood bill. If that measure is not to be pressed to-morrow, I will move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The VICE-PRESIDENT. The Senator from Iowa moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

RETURN OF RECORDS TO NORTH CAROLINA.

Mr. SIMMONS. I ask for the present consideration of the joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina, which was introduced by myself some time since, referred to the Committee on the Library, and reported favorably this morning.

Mr. SPOONER. I desire to hear it read again.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to withdraw from the files of the Department of State and deliver to the State of North Carolina certain legislative papers, correspondence, and other material appertaining to the records of said State and not needed for the use of the Department of State.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. SPOONER. I move to amend the joint resolution by striking out all after the words "North Carolina," in the fifth line, and inserting the following:

Purely "State archives," bearing dates from 1750 to 1800, with a few of a later date, and including copies of letters from the Delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character: *Provided*, That no papers commonly called "Confederate archives," or any original papers belonging to the records of the Continental Congress, or needed for the uses of the Government shall be delivered under the provisions hereof to said State.

Mr. SIMMONS. That amendment is satisfactory to me.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. HALE. Mr. President, I could not understand from the reading of the amendment its intent. I do think that the withdrawal of original archives in the Departments at Washington ought to go no further. If we withdraw and give to any State or any municipality the original archives, in a little time the only one place to which resort can be had for investigation of a historic nature will disappear. The one place where all of these archives ought to be, and ought to be kept, is Washington, in the different Departments here. I do not object to copies being made and given to States or municipalities.

Mr. OVERMAN. May I interrupt the Senator from Maine?

Mr. HALE. Certainly.

Mr. OVERMAN. I agree with what the Senator says as to the archives of the Government, but I understand that these are not of that character. I understand that they are archives of North Carolina that were brought here toward the end of the war; that they are the archives of North Carolina, and are held here really in trust for the State. They are not original papers filed with the Department.

Mr. HALE. I am not so certain that they are held in trust for the State. I am not certain but that these very original papers that are here ought to remain here. It was one of the results and one of the processes that followed the winding up of the war that certain documents were brought here and have been kept here ever since. I should not be willing because of that now to restore all of them. Some of these documents are very valuable, and will be hereafter, not simply to the State, but, as I have said, to the lover and the student of historic research.

I can not agree now that the joint resolution shall pass, if it covers the removal from Washington of any original papers, until I examine it further.

Mr. SIMMONS. Will the Senator permit me to interrupt him just one minute?

Mr. HALE. Certainly.

Mr. SIMMONS. These are purely local papers pertaining to matters that are North Carolina matters. They were brought here, as my colleague stated, just at the close of the war as the result of seizure made by the Feberal troops when occupying the capital of my State.

Mr. HALE. I so understand.

Mr. SIMMONS. I inquired at the State Department before introducing the joint resolution as to whether these papers were of any service or use to the Government, and I was advised that they were not.

Mr. HALE. They may not be at present, but they may be very valuable hereafter.

Mr. SIMMONS. I should like to state further to the Senator that we want them at present because they will be of very great use to us in compiling our records. We are doing that now under an act of our legislature through the chief justice of the State, and he has been held in this work by reason of not having these particular papers.

Mr. HALE. Copies of them would answer that purpose as well as the originals.

Mr. SPOONER. If the Senator from Maine will permit me a moment, I think he will not insist upon his objection when he understands the precise situation as disclosed by a letter from the Secretary of State. I objected to the passage of the joint resolution the other day because of the want of accurate description of the papers which were to be covered by it and surrendered to the State.

In the first place, no papers which originally were a part of the files of the State Department or of any other Department of the Government are to be surrendered to the State of North Carolina under the joint resolution. The papers which the joint resolution covers are papers which were State archives of North Carolina, and were seized by our Army along toward the end of the war, with rebellion records and archives of various descriptions, and deposited in that way in the Department of State.

Mr. HOPKINS. Mr. President, I wish to ask the Senator a question right there. Does the letter from the Secretary of State which he has indicate the specific papers that are sought to be returned?

Mr. SPOONER. I was about to state to the Senate that the matter was referred, as it was agreed it should be when it was up before, to the State Department, and the Secretary of State wrote this letter to the Hon. GEORGE PEABODY WETMORE, chairman of the Committee on the Library:

DEPARTMENT OF STATE,
Washington, February 8, 1906.

Hon. GEORGE PEABODY WETMORE,
Chairman Committee on the Library,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, inclosing a copy of joint resolution No. 26, providing for the return of certain North Carolina archives now in the possession of this Department and asking the opinion of the Department relative to its passage.

In reply I have to inform you that the papers in question are purely "State archives"—

Quoted—

bearing dates from 1750 to 1800, with a few of a later date, and including copies of letters from the Delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character, but do not contain what are commonly called "Confederate archives," nor any original papers belonging to the records of the Continental Congress.

The Secretary of State says further:

The resolution as introduced follows the precedent already established by the Department relative to the surrender of its papers, and protects the Department in that it is discretionary with the Secretary of State as to what papers are "not needed for the use of the Department of State."

That phrase is in the joint resolution.

I am therefore of the opinion that the resolution should be passed in its present form.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

I have proposed to amend——

Mr. HALE. Will the Senator read that part to which my objection applied, that it does not cover any Confederate archives? I am not certain whether that is in the Secretary's letter.

Mr. SPOONER (reading)—

That no papers commonly called "Confederate archives," or any original papers belonging to the records of the Continental Congress or needed for the uses of the Government shall be, under the provisions of this joint resolution, returned to North Carolina.

Mr. HALE. I do not think what are known as "Confederate archives" ought to be given up by the State Department.

Mr. SPOONER. That is what I contended the other day.

Mr. HALE. That seems to be covered.

Mr. SPOONER. It is excluded specifically.

Mr. HALE. Now, let us hear the Senator's amendment.

Mr. SPOONER. The joint resolution will read as follows, as I propose to amend it:

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to withdraw from the files of the Department of State and deliver to the State of North Carolina purely "State archives," bearing dates from 1750 to 1800, with a few of a later date, and including copies of letters from the Delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character: *Provided*, That no papers commonly called "Confederate archives," or any original papers belonging to the records of the Continental Congress, or needed for the uses of the Government shall be delivered, under the provisions hereof, to said State.

Mr. HALE. I think the Senator has covered that with his amendment.

Mr. OVERMAN. I wish to state that North Carolina has very valuable colonial records. We have already published twenty-six volumes of those records, and we wish to publish all documents bearing on the colonial days. We are very proud of them.

Mr. SPOONER. I would say to the Senator that objection has been withdrawn to the joint resolution.

Mr. HALE. I think the amendment of the Senator from Wisconsin is very well guarded, indeed.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin [Mr. SPOONER] will be stated.

The SECRETARY. In line 5, after the name "North Carolina," it is proposed to strike out the remainder of the joint resolution, as follows:

Certain legislative papers, correspondence, and other material appertaining to the records of said State and not needed for the use of the Department of State.

And in lieu thereof to insert the following:

Purely "State archives," bearing dates from 1750 to 1800, with a few of a later date, and including copies of letters from the Delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character: *Provided*, That no papers commonly called "Confederate archives," or any original papers belonging to the records of the Continental Congress, or needed for the uses of the Government shall be delivered, under the provisions hereof, to said State.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. Will the Senator withdraw the motion for a moment in order that I may give a notice?

Mr. KEAN. I withdraw the motion for that purpose.

Mr. HEYBURN. Inasmuch as the Senate has concluded to adjourn over until Monday, I desire at this time to give notice that on Monday, after the conclusion of the routine morning business, I shall ask the Senate to proceed to the consideration of Senate bill 88, being what is known as the "pure-food bill," for the purpose of the introduction of amendments and their consideration, and I shall ask the Senate to devote the remainder of the morning hour to the consideration of that bill. I should like to have such amendments as are to be offered introduced at as early a time as possible, so that they may be thoroughly considered before the time fixed for the taking of the vote.

Mr. SPOONER. May I ask the Senator if there has been a reprint of the bill as amended up to this date?

Mr. HEYBURN. Yes; there has been such a reprint.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, February 19, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1906.

COLLECTOR OF CUSTOMS.

Thomas O. Thompson, of Connecticut, to be collector of customs for the district of New London, in the State of Connecticut. (Reappointment.)

MARSHAL.

Daniel R. Ballou, of Rhode Island, to be United States marshal for the district of Rhode Island, in the place of John R. Kendrick, resigned.

PENSION AGENT.

Augustus J. Hoitt, of Massachusetts, to be pension agent at Boston, Mass., to take effect April 27, 1906, at the expiration of his present term. (Reappointment.)

PROMOTIONS IN THE ARMY.

Lieut. Col. Richard E. Thompson, Signal Corps, to be colonel from February 10, 1906, vice Allen, appointed Chief Signal Officer.

Maj. William A. Glassford, Signal Corps, to be lieutenant-colonel from February 10, 1906, vice Thompson, promoted.

Capt. Charles McK. Saltzman, Signal Corps, to be major from February 10, 1906, vice Glassford, promoted.

POSTMASTERS.

COLORADO.

Alexander J. Strachan to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado, in place of Lo C. Dana. Incumbent's commission expired January 23, 1906.

IDAHO.

J. H. Newberry to be postmaster at Mullan, in the county of Shoshone and State of Idaho, in place of Ella A. Wade. Incumbent's commission expired January 22, 1906.

INDIANA.

Henry Geisler to be postmaster at Hartford City, in the county of Blackford and State of Indiana, in place of Arthur F. Kinsley. Incumbent's commission expired January 9, 1906.

Hood P. Loveland to be postmaster at Peru, in the county of Miami and State of Indiana, in place of Albert C. Bearss. Incumbent's commission expired February 7, 1906.

MISSOURI.

Thomas M. Bailey to be postmaster at Rockport, in the county of Atchison and State of Missouri, in place of Thomas M. Bailey. Incumbent's commission expired January 22, 1906.

MONTANA.

Elmer H. Pond to be postmaster at Basin, in the county of Jefferson and State of Montana. Office became Presidential October 1, 1905.

OHIO.

Carlos Burroughs to be postmaster at Collinwood, in the county of Cuyahoga and State of Ohio, in place of Carlos Burroughs. Incumbent's commission expired January 16, 1906.

Edwin F. Ellis to be postmaster at Belle Center, in the county of Logan and State of Ohio, in place of Edwin F. Ellis. Incumbent's commission expired January 16, 1906.

Albert Haworth to be postmaster at Crestline, in the county of Crawford and State of Ohio, in place of Albert Haworth. Incumbent's commission expires March 13, 1906.

S. S. Stewart to be postmaster at Columbiana, in the county of Columbiana and State of Ohio, in place of Edward L. Snyder. Incumbent's commission expired January 16, 1896.

SOUTH CAROLINA.

Eliza Appelt to be postmaster at Manning, in the county of Clarendon and State of South Carolina, in place of Eliza Appelt. Incumbent's commission expired January 16, 1906.

WASHINGTON.

Arthur M. Blackman to be postmaster at Snohomish, in the county of Snohomish and State of Washington, in place of Arthur M. Blackman. Incumbent's commission expired February 10, 1906.

WISCONSIN.

Fred B. Kinsley to be postmaster at Barron, in the county of Barron and State of Wisconsin, in place of Fred B. Kinsley. Incumbent's commission expired January 20, 1906.

WITHDRAWAL.

Executive nomination withdrawn February 15, 1906.

Stella S. Britt to be postmaster at Franklinton, in the State of North Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 15, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TOBACCO.

Mr. DALZELL, from the Committee on Ways and Means, reported a bill (H. R. 14972) for the relief of tobacco growers; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LOST CHECKS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, be amended so as to read as follows:

"SEC. 3646. Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks upon notice and proof of the loss of the original checks under such regulations in regard to their issue and payment, and upon the execution of such bonds, with securities, to indemnify the United States, as the Secretary of the Treasury shall prescribe."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Pennsylvania for some explanation of the bill.

Mr. DALZELL. This identical bill passed the last House. It is reported now unanimously by the Committee on the Judiciary. Under existing law, if a check is lost, and it exceeds twenty-five hundred dollars, a duplicate can not be issued except by special act of Congress. There is no reason in the world for that. This authorizes the Secretary to issue duplicate checks, when they are in excess of twenty-five hundred dollars.

Mr. SULZER. As I understand it, for any amount under twenty-five hundred dollars it can be done now without a special act of Congress?

Mr. DALZELL. Yes.

Mr. SULZER. This simply changes the law and makes it general, to cover all amounts over or under twenty-five hundred dollars?

Mr. DALZELL. Yes; upon such regulations as the Secretary may prescribe.

Mr. SULZER. I think that is right.

Mr. GAINES of Tennessee. The Secretary is the man who issues the check now?

Mr. DALZELL. Yes.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles:

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 2326, in township 20 north, range 9 east, touches said river; and

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River, at Washington, D. C.; and

S. 2106. An act to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4198. An act granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste;" and

S. 529. An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 529. An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

S. 4198. An act granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste"—to the Committee on Foreign Affairs.

SEAL FOR UNITED STATES COMMISSIONERS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7) to provide a seal for United States commissioners.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney-General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof.

Mr. WILLIAMS. What is this bill?

Mr. DALZELL. This bill also passed the last House, and is reported by the Committee on the Judiciary. United States commissioners now have no seal. It very often happens that they take depositions to be used in States where a seal is required for their verification, and this authorizes them to use a seal.

Mr. SULZER. Without charging any additional fee?

Mr. DALZELL. Without charging any additional fee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

REORGANIZATION OF CUSTOMS COLLECTION DISTRICTS.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

Mr. THOMAS of North Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. I rise for the purpose of obtaining, in the first place, debate upon this question——

Mr. PAYNE. I was about to suggest that.

Mr. THOMAS of North Carolina. On the question why the House should not resolve itself into the Committee of the Whole.

Mr. PAYNE. That can not be done, of course, but I should like to make some arrangement now for general debate on the bill. I want liberal debate in the committee. If any gentleman who opposes the bill is prepared to suggest any reasonable time, I should like to agree upon it. I should like to dispose of it to-day.

Mr. WILLIAMS. I would suggest to the gentleman from New York that we let general debate go on for the present. I am not able even primarily to settle in my own mind how much time would be desired on this side.

Mr. PAYNE. Of course, it can only be done by unanimous consent.

Mr. THOMAS of North Carolina. Mr. Speaker, I want to be clearly understood about this matter.

Mr. PAYNE. Regular order!

Mr. THOMAS of North Carolina. I ask the House to vote down the motion to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The question is not debatable.

Mr. THOMAS of North Carolina. I am asking unanimous consent that we debate the proposition.

Mr. PAYNE. I demand the regular order, Mr. Speaker.

Mr. THOMAS of North Carolina. Then, I ask that the House vote down the motion.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. THOMAS of North Carolina. Tellers, Mr. Speaker.

Tellers were ordered.

The SPEAKER appointed as tellers the gentleman from New York [Mr. PAYNE] and the gentleman from North Carolina [Mr. THOMAS].

The House again divided; and the tellers reported that there were—ayes 65, noes 90.

Mr. PAYNE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 87, nays 163, answered "present" 6, not voting 128, as follows:

YEAS—87.

Acheson	Clayton	Houston	Rainey
Adamson	Cooper, Pa.	Howell, Utah	Randell, Tex.
Andrus	Crumpacker	Keifer	Reeder
Babcock	Curtis	Ketcham	Roberts
Bankhead	Dale	Lafean	Russell
Bates	Dalzell	Law	Ryan
Beall, Tex.	Davis, W. Va.	Lawrence	Samuel
Bennet, N. Y.	De Armond	Lilley, Conn.	Shackleford
Boutell	Dixon, Ind.	Littauer	Slayden
Bowersock	Driscoll	Livingston	Smith, Wm. Alden
Brick	Edwards	McCleary, Minn.	Stephens, Tex.
Burgess	Fitzgerald	Macon	Sullivan, Mass.
Burke, S. Dak.	Floyd	Madden	Tawney
Burleson	Foss	Mann	Taylor, Ala.
Burnett	Gaines, Tenn.	Miller	Townsend
Burton, Ohio	Gilbert, Ind.	Moon, Tenn.	Underwood
Butler, Pa.	Gillespie	Needham	Volstead
Butler, Tenn.	Grosvenor	Norris	Waldo
Byrd	Henry, Conn.	Olmsted	Wanger
Calder	Hepburn	Palmer	Williams
Campbell, Kans.	Hill, Conn.	Payne	Wilson
Clark, Mo.	Hinshaw	Pollard	

NAYS—163.

Adams, Pa.	Finley	Klepper	Rucker
Allen, Me.	Flack	Kline	Scroggy
Ames	Fletcher	Knapp	Shartel
Bannon	Flood	Knopf	Sheppard
Bartholdt	Fulkerson	Knowland	Sims
Bartlett	Fuller	Lacey	Small
Bede	Gaines, W. Va.	Lamar	Smith, Ill.
Beidler	Gardner, Mass.	Lamb	Smith, Iowa
Bell, Ga.	Gardner, N. J.	Landis, Chas. B.	Smith, Ky.
Bennett, Ky.	Garner	Lee	Smith, Md.
Birdsall	Gill	Lester	Smith, Samuel W.
Blackburn	Gillett, Cal.	Lewis	Smith, Tex.
Bonynge	Glass	Lloyd	Smyser
Bowers	Goebel	Loudenslager	Snapp
Brantley	Graff	Lovering	Southard
Broocks, Tex.	Graham	McLachlan	Southwick
Broussard	Greene	McLain	Sparkman
Brown	Griggs	Marshall	Sperry
Buckman	Gronna	Maynard	Stanley
Burleigh	Gudger	Meyer	Steenerson
Calderhead	Hale	Moore	Sterling
Campbell, Ohio	Hardwick	Morrell	Sulloway
Candler	Hayes	Mouser	Sulzer
Capron	Hedge	Murdock	Talbott
Chaney	Heflin	Murphy	Taylor, Ohio
Chapman	Hermann	Nevin	Thomas, N. C.
Clark, Fla.	Higgins	Page	Thomas, Ohio
Cole	Hill, Miss.	Patterson, N. C.	Tirrell
Conner	Hoar	Patterson, S. C.	Trimble
Cooper, Wis.	Hogg	Pearre	Tyndall
Currier	Hopkins	Pou	Van Winkle
Cushman	Howell, N. J.	Powers	Watkins
Darragh	Hubbard	Ransdell, La.	Webb
Davey, La.	Hughes	Reid	Webber
Davidson	Humphreys, Miss.	Rhinock	Weems
Dawes	Hunt	Richardson, Ala.	Wiley, Ala.
Dickson, Ill.	James	Richardson, Ky.	Wiley, N. J.
Dovener	Johnson	Rives	Wood, Mo.
Draper	Kelliher	Rixey	Wood, N. J.
Ellerbe	Kennedy, Ohio	Robinson, Ark.	Young
Esch	Kitchin, Wm. W.	Rodenberg	

ANSWERED "PRESENT"—6.

French	Gilbert, Ky.	Longworth	Wachter
Garrett	Goulden		

NOT VOTING—128.

Adams, Wis.	Barchfeld	Bradley	Burke, Pa.
Aiken	Bingham	Brooks, Colo.	Burton, Del.
Alexander	Bishop	Brownlow	Cassel
Allen, N. J.	Bowie	Brundidge	Castor
Cockran	Hay	McCreary, Pa.	Robertson, La.
Cocks	Hearst	McDermott	Ruppert
Cousins	Henry, Tex.	McGavin	Schneebeli
Cromer	Hitt	McKinlay, Cal.	Scott
Davis, Minn.	Holliday	McKinley, Ill.	Sherley
Dawson	Howard	McKinney	Sherman
Deemer	Huff	McMorran	Sibley
Denby	Hull	McNary	Slemp
Dixon, Mont.	Humphrey, Wash.	Mahon	Smith, Cal.
Dresser	Jenkins	Martin	Smith, Pa.
Dunwell	Jones, Va.	Michalek	Southall
Dwight	Jones, Wash.	Minor	Speight
Ellis	Kahn	Mondell	Stafford
Fassett	Kennedy, Nebr.	Moon, Pa.	Stevens, Minn.
Field	Kinkaid	Mudd	Sullivan, N. Y.
Fordney	Kitchin, Claude	Olcott	Towne
Foster, Ind.	Landis, Frederick	Otjen	Van Duzer
Foster, Vt.	Le Fevre	Overstreet	Vreeland
Fowler	Legare	Padgett	Wadsworth
Garber	Lever	Parker	Wallace
Gardner, Mich.	Lilley, Pa.	Parsons	Watson
Gillett, Mass.	Lindsay	Patterson, Pa.	Weeks
Goldfogle	Little	Patterson, Tenn.	Weisse
Granger	Littlefield	Perkins	Welborn
Gregg	Lorimer	Prince	Wharton
Hamilton	Loud	Pujo	Williamson
Haskins	McCall	Reynolds	Woodyard
Haugen	McCarthy	Rhodes	Zenor

So the motion was lost.

The following pairs were announced:

On this vote:

Mr. PATTERSON of Pennsylvania with Mr. PADGETT.

Mr. BROOKS of Colorado with Mr. PUJO.

Mr. DAVIS of Minnesota with Mr. MCKINNEY; Mr. DAVIS in favor of the bill. Mr. MCKINNEY against it.

Mr. MARTIN with Mr. DAWSON; Mr. MARTIN for the bill, Mr. DAWSON against it.

Mr. GILLETT of Massachusetts with Mr. MUDD; Mr. GILLETT for the bill, Mr. MUDD against it.

Mr. STAFFORD with Mr. OVERSTREET; Mr. STAFFORD in favor of the bill, Mr. OVERSTREET against it.

Mr. KAHN with Mr. TOWNE.

For this day:

Mr. MAHON with Mr. HOWARD.

Mr. HITT with Mr. FIELD.

Mr. WACHTER with Mr. LEGARE.

Mr. SCHNEEBELI with Mr. WALLACE.

Mr. ALEXANDER with Mr. LINDSAY.

Mr. BISHOP with Mr. GOLDFOGLE.

Mr. FASSETT with Mr. HEARST.

Mr. GARDNER of Michigan with Mr. HENRY of Texas.

Mr. HAMILTON with Mr. JONES of Virginia.

Mr. FRENCH with Mr. GREGG.

Mr. SCOTT with Mr. MCNARY.

Mr. HULL with Mr. GARBER.

Mr. HUFF with Mr. CLAUDE KITCHIN.

Mr. BROWNLOW with Mr. WEISSE.

Mr. MCCREARY of Pennsylvania with Mr. COCKRAN.

Mr. CASSEL with Mr. AIKEN.

Mr. JENKINS with Mr. BOWIE.

Until further notice:

Mr. BINGHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. ZENOR.

Mr. RHODES with Mr. GRANGER.

Mr. LE FEVRE with Mr. HAY.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. HASKINS with Mr. LEVER.

Mr. MCKINLEY of Illinois with Mr. MCDERMOTT.

Mr. DWIGHT with Mr. SOUTHALL.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. BARCHFELD with Mr. LITTLE.

Mr. WATSON with Mr. SHERLEY.

Mr. OLCOTT with Mr. SULLIVAN of New York.

Until February 15:

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BRADLEY with Mr. GOULDEN.

Mr. GARRETT. Mr. Speaker, I desire to withdraw my vote of "no" and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GARRETT, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. THOMAS of North Carolina. Mr. Speaker, I move to reconsider the vote and to lay that motion to reconsider on the table.

The SPEAKER. It occurs to the Chair that that motion is not in order. In the opinion of the Chair it is like unto a

motion to adjourn. The Chair reads from the House precedents:

The Speaker decided that a motion to adjourn might not be reconsidered——

Mr. THOMAS of North Carolina. Mr. Speaker, I shall withdraw that motion and move to lay the bill on the table.

The SPEAKER. The bill is not before the House; it is on the Union Calendar.

Mr. PAYNE. Mr. Speaker, the gentlman need not be worried; the bill will come up some other day. [Laughter.] The House will understand it finally, and he need not be worried about it.

Mr. THOMAS of North Carolina. Oh, I am not worried at all.

The SPEAKER. The gentleman withdraws his motion to reconsider?

Mr. THOMAS of North Carolina. I do. Will the gentleman from New York [Mr. PAYNE] give us notice when this bill is coming up again?

Mr. PAYNE. I shall give no notice. I will get it up when I think the time is proper, and in the meantime I shall try to get the facts before the House and let gentlemen know what they are voting upon.

The SPEAKER. Debate is not in order. The Clerk will call the committees. The call lies with the Committee on Banking and Currency.

The Clerk proceeded with the call of committees.

REGISTRY OF REPAIRED FOREIGN WRECKS.

Mr. GROSVENOR (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I call up the bill (S. 1007) to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 4136 of the Revised Statutes, as amended, reading as follows: "The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired," is hereby repealed.

Mr. SULZER. Mr. Speaker, I would like to have some explanation about this bill.

Mr. GROSVENOR. Mr. Speaker, this is a Senate bill and comes to the House of Representatives with a unanimous report from the Committee on Merchant Marine and Fisheries. The proposition in the bill is as follows: Under the existing law there are some four or five subdivisions or sections of the law by which foreign and wrecked ships may be admitted to American registry. One of the provisions is that the Department of Commerce and Labor on its own motion may have that jurisdiction, and at the request of the Department, and upon unanimous report of the Senate committee and of the House committee, we introduced this bill repealing the single section of the old law that confers upon the Bureau the power to admit to American registry one of these reconstructed ships. That is all there is of the bill. I have in my hand, if gentlemen desire to know it, a long list of ships that have thus been admitted to registry without any action of Congress, upon the mere ex parte hearing of a bureau officer of the Treasury Department heretofore and now of the Department of Commerce and Labor.

Mr. UNDERWOOD. Mr. Speaker, there has been so much confusion that I have not heard distinctly what the gentleman from Ohio said. I would like to know whether this bill proposes to repeal the entire law that allowed a wrecked ship to be rebuilt and have American registry.

Mr. GROSVENOR. On the contrary, it leaves the present law exactly as it is, so that under three subdivisions of the law the registry may be had, but it repeals simply so much of the law as authorized the Bureau of Commerce and Labor, without any hearing by Congress or anybody else, to admit these wrecks to registry.

Mr. UNDERWOOD. Who does permit a wrecked ship, rebuilt, to registry?

Mr. GROSVENOR. It retains all that we have acted under; simply repeals that which seems to have furnished a great deal of abuse in the Department, and it is recommended by all the Departments of the Government.

Mr. UNDERWOOD. Do I understand that if we pass this bill, for a wrecked ship to get American registry it has to come to Congress?

Mr. GROSVENOR. It has to come to Congress, as it does now.

Mr. UNDERWOOD. I do not understand that it does now. I understand that the Department of Commerce and Labor, if three-fourths of the ship is new and built in America, can give it American registry.

Mr. GROSVENOR. And it simply proposed on their own recommendation that that power be taken from them, but all the other rights and privileges are retained in the law.

Mr. UNDERWOOD. But there will be no rights and privileges left.

Mr. GROSVENOR. They are all left except that one privilege.

Mr. UNDERWOOD. That is the privilege of American registry?

Mr. GROSVENOR. No; I have stated that there are four ways that a ship can get American registry, and this takes away only one of them and leaves all the others exactly as they are now.

Mr. UNDERWOOD. There was so much confusion I could not hear the gentleman.

Mr. GROSVENOR. There has been no opposition to this bill either in the Senate or in the House.

Mr. UNDERWOOD. Let me ask the gentleman, so I can understand the proposition, if 75 per cent of a wrecked vessel is rebuilt in this country, can that ship obtain an American registry under the present law without the consent of Congress?

Mr. GROSVENOR. No; it can not.

Mr. UNDERWOOD. Well, I understood it would.

Mr. GROSVENOR. Mr. Speaker, I will have this report on the Senate bill read if the House desires to hear it.

Mr. WILLIAMS. I think that is a good idea.

The SPEAKER. The report will be read in the time of the gentleman.

The Clerk read as follows:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (S. 1007) to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks, having considered the same, make a unanimous report in favor of the passage of the bill without amendment.

The bill has the approval of the Department of Commerce and Labor, and we have adopted the entire Senate report as giving full information in regard to the propriety of passing the bill and the necessity of its passage. It is believed that it is not desirable that the power heretofore vested in the Commissioner of Navigation by section 4136 of the Revised Statutes ought longer to rest in that officer, and so we report the bill back with the foregoing recommendation.

[Senate Report No. 114, Fifty-ninth Congress, first session.]

The Committee on Commerce, to whom was referred the bill (S. 1007) to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce and Labor, as will appear by the following letter and extracts from the report of the Commissioner of Navigation, which present the facts and considerations actuating the committee:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 14, 1905.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, transmitting S. 1007, a bill to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks, and requesting me to furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

Section 4136 of the Revised Statutes embodies the provisions of the act of December 23, 1852. At that time there was relatively little difference in the cost of building wooden sail vessels, in general use, here and abroad. The act, accordingly, originally did not materially injure and, in some cases, may have aided American shipbuilding. In the present time of steel steamers, when the cost of construction abroad is much less than in this country, the general operation of section 4136, Revised Statutes, is disadvantageous to American shipbuilding. Even if the privilege of American registry were not extended to them in most instances, these wrecks would necessarily be repaired in American shipyards.

Only in the few instances where the damages are relatively inconsiderable could such wrecks be partially repaired in the United States and then sent abroad for completion of repairs. In such cases the vessels would not be entitled to registry unless a large salvage account has been incurred and is included in the repairs put upon the vessel. Under a ruling of the Attorney-General contemporaneous with the passage of the act the allowance of such salvage for half a century has been permitted.

The Department recommends the direct repeal of section 4136 of the Revised Statutes, as proposed by this bill. The reasons for this recommendation are further set forth in the report of the Commissioner of Navigation for 1905, a copy of which is inclosed herewith.

Respectfully,

V. H. METCALF, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

[Extracts from the Annual Report of the Commissioner of Navigation, 1905.]

REPEAL OF SECTION 4136, REVISED STATUTES.

There are five ways by which a foreign-built vessel may be entitled to documents as a vessel of the United States—(1) by act of Congress;

(2) by lawful condemnation as a prize of war; (3) by judicial forfeiture for breach of our laws; (4) by annexation of territory carrying subsequent to it legislation by Congress for the registry of vessels belonging to annexed territory; (5) by wreck and repair in the United States under the act of 1856, now incorporated in section 4136 of the Revised Statutes as amended. Some of these processes date back close to the beginning of the Government, and the latest is about half a century old. Accordingly, it seems worth while to consider at this time only vessels afloat.

Appendix O contains a list of the foreign-built vessels admitted to American register from time to time and afloat on June 30, 1905. The total comprises 113 vessels, of 212,681 gross tons; of these 36, of 88,171 gross tons, were admitted by act of Congress; 24, of 38,996 gross tons, were admitted through the annexation of Hawaii, and 5, of 8,673 gross tons, were prizes of war. The remainder, 48, of 76,101 gross tons, were admitted under section 4136 of the Revised Statutes, which reads:

"The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired."

Since 1856 the Attorneys-General of the United States have construed nearly every phase in the ambiguous act just quoted, and in consequence the literal words above are far from conveying the precise meaning of the operation of the act. Furthermore, it was passed at a time when nearly all of the world's shipping was of wood, and the difference in the cost of building in this country and abroad was practically inconsiderable. An iron or steel steamer wrecked in the United States under ordinary conditions would be repaired here whether or not she obtained the privileges of the flag. Accordingly, the act is a deviation from the ancient policy of this country to restrict the use of the flag to vessels built in this country.

The Bureau perceives no considerable objection to the plain repeal of the entire section.

Mr. LACEY. Mr. Speaker, I would like to ask my friend, the chairman of the committee, if it is not true in the absence of this law there would be forty-eight less vessels with the American flag flying over them?

Mr. GROSVENOR. No, sir; they are nearly all of them sunk long ago.

Mr. LACEY. The report indicated forty-eight.

Mr. GROSVENOR. Here they are.

Mr. LACEY. We were interrupted during the reading of this report by a report from the Senate of the passage of a bill to put our flag on more ships. Now, if those ships have to be repaired in the United States and 75 per cent of their value is put into them, why should we lose the advantage of having our flag over those ships?

Mr. GROSVENOR. There is not a particle of objection to it. On the contrary, we favor it. On the contrary, if the gentleman will look at this report, he will find of the forty-eight more than half of them have been admitted by act of Congress, but it is stated by the Department we have no system by which they can ascertain the facts in regard to these vessels, and therefore they propose to remit the whole power to Congress and not permit a bureau officer to admit one of these ships without any action of Congress.

Mr. LACEY. Then, if I understand the gentleman, the policy of allowing our flag to float over a ship three-fourths American cost is not objected to by the committee, but it is merely a method of getting at it?

Mr. GROSVENOR. That is all; it is to get rid of a cumbersome and in many cases a fraudulent process.

Mr. WILLIAMS. Mr. Speaker, the gentleman has said this Department says that they have practically no way to ascertain, and yet I notice here in the extract from the annual report of the Commissioner of Navigation of 1905, this language:

> The remainder, forty-eight—that is, forty-eight ships—of 76,101 gross tons, were admitted under section 4136 of the Revised Statutes.

Which is the section you propose to repeal.

Mr. GROSVENOR. Yes.

Mr. WILLIAMS. It would appear from that in forty-eight cases the Department did think that it had the means to ascertain and admit the ship to enrollment.

Mr. GROSVENOR. The great share of these ships were of a certain class about which a full investigation was made, but I can only cite the language of the Department itself that recommends the passage of this bill. This is the first suggestion in opposition to it we have had from the time it was introduced in the Senate down to the present time. I am now trying to yield some time to the gentleman from New York [Mr. GOULDEN].

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Ohio a question. Will the passage of this bill facilitate putting the American flag on foreign-built ships wrecked on our coasts or would it not? If it will, I favor it; if it does not, I am against the bill.

Mr. GROSVENOR. If they were wrecked here and had an honest case the facilities are quite sufficient for them to get in, but it will put them to a good deal more trouble than to operate all the year round upon bureau officers of the Government. I have not an expert knowledge of this matter. I am stating the unanimous opinion of every officer connected with the service in this country.

Mr. SULZER. Will this bill, if it becomes a law, facilitate or not the present policy prevailing in this Government to allow a ship built in a foreign country and wrecked in this country to be admitted to our registry and fly the American flag or not?

Mr. GROSVENOR. If it had an honest case, it would come without the slightest delay. If it did not have an honest case, it would give it a great deal more of trouble that it has now.

Mr. SULZER. The object of the bill, I take it, then, is really to throw obstacles in the way of the registration of a foreign-built ship wrecked in American waters?

Mr. GROSVENOR. The gentleman probably knows that some of the most rascally performances that have come to our knowledge in the last ten years have been the fraudulent introduction of these ships that have pretended to be wrecked and very often had not been wrecked at all. In one case it is believed that the contract price was put $60,000 above the value of the ship at the time, with a condition that it should get one of these registers.

Mr. SULZER. Is not the Department capable of ascertaining the facts in a case of this kind?

Mr. GROSVENOR. The Department comes and asks Congress to relieve them of that duty.

Mr. SULZER. Then hereafter every case of this kind will have to be submitted to the Congress of the United States.

Mr. GROSVENOR. If the gentleman will look at the list he will find that over three-fourths have been already.

Mr. SULZER. The true object of this bill is to make the securing of American registration of foreign-built ships wrecked here more difficult. I am opposed to doing that, and I think the bill is open to serious objections. I would not make it more difficult; but less difficult.

Mr. GROSVENOR. Possibly in some cases more difficult and in some cases much less difficult.

Mr. ADAMS of Pennsylvania. As I understand it, the object of this is to relieve the Department of Commerce and Labor of this extra work?

Mr. GROSVENOR. Not only that, but to assure that the work will be done faithfully and carefully by Congress itself.

Mr. Speaker, I now yield to the gentleman from New York [Mr. GOULDEN].

Mr. McNARY. Mr. Speaker, I would like to ask the gentleman from Ohio if the real purpose of this is not the demand of some of the shipbuilders to prevent any of these ships coming under American registry?

Mr. GROSVENOR. Not at all, because if they did they would have to repeal the whole law.

Mr. McNARY. Is it not a practical repeal of the law to bring these wreck cases before Congress?

Mr. GROSVENOR. Certainly not.

Mr. McNARY. I would like to ask the gentleman from Ohio whether his notion is not the same as mine, based upon request from the shipbuilding interests, that this wreck law be repealed and, by taking the business out of the hands of the Department of Commerce and Labor, making it necessary for every man to come to Congress and there have his case thrashed out? That a complaint is made that a very large number of ships——

Mr. GROSVENOR. Mr. Speaker, I have not yielded to the gentleman from Massachusetts [Mr. McNARY] to make a speech.

Mr. McNARY. I am not making a speech. I am simply asking the gentleman whether or not his information is not the same as my own?

Mr. GROSVENOR. We have no such information. On the contrary, not a shipbuilder in the United States, so far as I know, has asked for the passage of this bill. It merely came as a request of the Department of Commerce and Labor. It was introduced by Senator FRYE in the Senate, the report made upon it, and then it came before the Committee on Merchant Marine and Fisheries and received the unanimous report, and nobody has opposed it and nobody has asked for it except the Department.

Mr. McNARY. Mr. Speaker, let me ask the gentleman from Ohio another question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. If it is a question; yes.

Mr. McNARY. It is a question. Let me ask him whether or not he knows what agency prompted the Department of Commerce and Labor to ask to be relieved of this work?

Mr. GROSVENOR. I know nothing about it. I assume that the Department of Commerce and Labor is an honest bureau of the Government, and I have no reason to suspect, by the insinu-

ation of the gentleman, that there is under cover a system of fraud and rascality that is being perpetrated here by the distinguished Secretary of the Department of Commerce and Labor.

Mr. McNARY. Mr. Speaker, let me ask the gentleman——

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Well, if it is a question, I will.

Mr. McNARY. Let me ask the gentleman if there is any intimation of mine of fraud or rascality in the shipbuilders of this country asking this amendment in their interest, and let me ask him whether he did, when the Committee on Marine brought in bills of this character, oppose or favor the granting the right to register wrecked vessels, on the Colombian or Panaman coast, in the last session of Congress?

Mr. GROSVENOR. What has that got to do with this question?

Mr. McNARY. I merely ask the gentleman if he recollects his own words.

Mr. GROSVENOR. I recollect that I have opposed every fraudulent scheme to bring one of these ships in, and supported every honest claim that has come before the committee, and shall continue to do so.

Mr. McNARY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. McNARY. I would like to ask the gentleman if he favors absolutely prohibiting the repair and giving American register to these vessels wrecked on the American coast?

Mr. GROSVENOR. I do not. I favor it; and, on the contrary, I am glad that the gentleman made the suggestion. The report of the Department of Commerce and Labor informs us that the making of repairs in this country will cut no figure under this bill, because if they have come within the jurisdiction of the United States, they will be repaired here, and the question of labor to the American mechanic does not enter into this question—not a single cent whatever. Now, I will yield to my colleague on the committee, the gentleman from New York. How much time does the gentleman want?

Mr. GOULDEN. I do not know; not long.

Mr. GROSVENOR. I yield to the gentleman such time as he desires.

Mr. GOULDEN. Mr. Speaker, this proposed legislation simply amounts to repealing clause 5 of section 4136 of the Revised Statutes. In other words, it takes out of the hands of the Department of Commerce and Labor the right to grant American register to foreign-built ships. In the committee, of which I am a member, we had the matter discussed fully, and came to the agreement, that inasmuch as the majority of the steamers and sailing vessels in the last forty years were granted American register through a special act of Congress, that it was better to repeal that section. Congress should be the judge in each case and it should be decided on its merits. We find from 1865 to 1905 that twenty-five steamers were granted American register by act of Congress and only twenty-two were granted the same privilege by the Secretary of the Treasury and Department of Commerce and Labor since its creation. I am not here, nor are the minority of this committee, to grant special privileges to American shipbuilders, but we are willing to do all we can to encourage American shipbuilding if it is possible to do so without a direct subsidy. Inasmuch as a strong pressure was frequently brought to bear upon the Secretary of Commerce and Labor—so strong that at times American registers might have been granted when the better judgment of the Secretary of Commerce and Labor would have called upon him to refuse to grant it. The law as it stands does not compel vessels thus wrecked to have the necessary repairs made in American shipyards. We believe that it is to the advantage of commerce and in the interest of shipbuilding of the country to repeal that section known as clause 5, which reads:

> By wreck and repair in the United States, under the act of 1856, now incorporated in section 4136 of the Revised Statutes, is granted.
> Some of these processes date back since the beginning of the Government, and the latest about half a century old; accordingly it seems worth while to consider only vessels afloat.

I want to say this amendment has received the approval of the committee of the Senate as well as the committee of this House, and we believe it to be a proper amendment and that it should pass. We therefore ask that it receive favorable consideration at this time.

Mr. GROSVENOR. I ask for a vote.

Mr. WILLIAMS. Mr. Speaker——

Mr. GROSVENOR. I will yield to the gentleman from Mississippi.

Mr. WILLIAMS. I ask to be recognized in my own right.

The SPEAKER. Unless the gentleman from Ohio yields the floor, the gentleman can not be recognized in his own right.

Mr. GROSVENOR. I will yield to the gentleman such time as he says he desires.

Mr. WILLIAMS. If the gentleman has not yielded the floor, I will wait until he does. I want to be recognized in my own right in opposition to the bill.

Mr. GROSVENOR. I ask for the previous question on the passage of the bill.

The SPEAKER. The gentleman from Ohio demands the previous question.

Mr. WILLIAMS. I want to be heard in opposition to the previous question.

The SPEAKER. But the gentleman can not be recognized for that purpose while the gentleman from Ohio has the floor. The gentleman from Ohio having the floor, has the right and demands the previous question.

Mr. WILLIAMS. I understand that; but after it is demanded there is an opportunity to debate the proposition.

The SPEAKER. Not in this case.

Mr. WILLIAMS. If the previous question should be ordered then we would have an opportunity to discuss the proposition.

Mr. GROSVENOR. I am quite willing to yield to the gentleman such time as he desires, but I want to get along.

Mr. WILLIAMS. Yield me three minutes and I will make a statement.

Mr. GROSVENOR. I will, certainly.

Mr. WILLIAMS. Mr. Speaker, this is a very important bill. It is a bill that is going very much further in principle and in effect than this House realizes, and one side of this debate ought not to control it. There ought to be opportunity to be heard in opposition to it in one's own right and not by the free grace of those who are in favor of the bill.

I hope, therefore, that the House will vote down the previous question, so that this bill can be debated.

Mr. GROSVENOR. Mr. Speaker, I demand the previous question.

Mr. DE ARMOND. Will the gentleman yield to me a few minutes?

Mr. GROSVENOR. I yield to the gentleman from Missouri five minutes.

Mr. DE ARMOND. Mr. Speaker, it seems to me this measure is one of sufficient importance, notwithstanding the committee has reported it unanimously, to receive consideration in the House before it is voted on.

As the law now stands, a foreign vessel wrecked in our waters and repaired under certain conditions stated in the law may become, by registry, an American vessel. The proposition is to repeal that provision of law, so that there will be no possibility of turning a wrecked foreign ship into an American ship, no matter how great the repairs may be, no matter how small the original value left in the wreck may be, compared with the addition made by the repairs, except through special legislation of Congress.

I am one of those who believe that whenever provision can be made by general law for accomplishing a desired object, it is better to accomplish it in that way than by special legislation; by special appeal to Congress in special cases.

It seems to me, therefore, that this bill ought not to pass; that upon the contrary we ought to permit the registry of these wrecked foreign ships upon terms more liberal, instead of absolutely prohibiting it by general law. Gentlemen will understand that the general law now permits it. The proposition is to repeal that law and to leave no way of securing registry for these wrecked and repaired ships, except by special act applying to each special case. Now, if special laws ought in any case to be passed, it seems to me that this law is wholesome and ought to remain on the books. The practical effect will be that when effort is made in the future to obtain registry by special act, we shall be confronted with the same kind of opposition to the putting of foreign ships, under any circumstances, under American registry, which I am afraid prompted the reporting of this bill, although the report is said to be unanimous. It seems to me that this bill is in the interest of a comparatively few shipbuilders; in the interest and in perpetuation of a policy which has well-nigh driven the American merchant marine from the seas. It appears to me that the slight increase in our shipping which may come in this most legitimate way, a way entirely harmless and unobjectionable as it seems to me, ought to be permitted.

We talk about rehabilitating the American merchant marine. Some people talk about the necessity of a subsidy for that purpose, and here we are about solemnly to repeal the only provision of general law by virtue of which a wrecked foreign-built ship may come under American registry. Certainly we are not very anxious to legitimately increase the American merchant marine when we are ready to repeal the only existing law by virtue of which it can be recruited from foreign wrecked ships. I think the bill, instead of passing, ought to fail of passage.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. DE ARMOND. Certainly, if I have the time to answer it.

Mr. CLAYTON. I could not quite catch all the gentleman's remarks; but am I to understand from what you have said that you have given an examination to this bill, given it at least some consideration, and you are of the opinion that, instead of encouraging and enlarging the growth of the American merchant marine, it is a step toward restricting the growth and building up of the American merchant marine?

Mr. DE ARMOND. Undoubtedly I think so, Mr. Speaker.

Mr. CLAYTON. And it ought not to pass?

Mr. DE ARMOND. There is a law by which foreign wrecked ships may obtain American registry, and the proposition is to repeal it, and leave no door open to that registry except by special act of Congress in each special case. That is certainly restriction, and not encouragement.

Mr. McNARY. Mr. Speaker, I would like to ask the gentleman from Ohio if he will yield me five minutes.

Mr. GROSVENOR. I will.

Mr. McNARY. Mr. Speaker, it seems to me that if this matter comes in at all, it ought to come in in such a way as to give us opportunity for full and fair debate on the question. There may be good reasons for this unanimous report of the committee, but it seems to me that at present it is not satisfactory to the House that these reasons for the repeal of this law are clear; it may be that they have good reasons. As I understand it, they report this measure because such a large number of vessels are brought in for registry. I want to call the attention of the House to the fact that on the list of foreign-built steamers admitted to American registry, presented in the report of the committee, there are in all only two that number exceeding 10,000 tons, and the rest run from about 195 tons to as large as 5,000 tons. The latter class are small vessels. Those are not as large as our coastwise steamers, not to speak of those engaged in the foreign trade. The report of the Commissioner of Navigation shows that only forty-eight vessels, of 76,101 gross tons, were admitted under section 4136, Revised Statutes, since the passage of this wreck act in 1852; this is a period of fifty-three years and amounts to 1,500 tons a year. This is no real damage to American shipbuilders.

I am not quite sure that in passing this legislation we are not injuring the American shipyards more than we are benefiting them because, as the law now stands, three-quarters of the cost of one of these wrecks on our coast must be expended in repairs on that vessel in the American shipyard.

Mr. GROSVENOR. Will the gentleman from Massachusetts yield to me?

Mr. McNARY. Certainly.

Mr. GROSVENOR. I understand the gentleman as saying, as others have been saying, that the present law requires that repairs shall be made in American shipyards. There is no such provision in the law as it stands, and that is one of the troubles and one of the reasons why this remedy is proposed—to get rid of it.

Mr. McNARY. Let me ask the gentleman a question in answer to that. Whether it is possible in a wreck which occurs on an American shore, at Cape Cod or Cape Hatteras or Florida or the Pacific coast—whether it is possible for a wreck of that kind to be hauled off to a British shipyard or an Asiatic shipyard and repaired there? Would it not be repaired in an American shipyard as a matter of necessity?

Mr. GROSVENOR. They have been taken off a great many times, and frauds of that character have been perpetrated.

Mr. McNARY. Where wrecks occurred on an American shore?

Mr. GROSVENOR. Oh, not in New England.

Mr. McNARY. I understand that repairs have been made in foreign yards when the wrecks did not occur on the American shore, as in the case of the wreck on the Colombian or Venezuelan coast.

Mr. GROSVENOR. The law does not fix the place where the repairs shall be made.

Mr. McNARY. The repairs made on a wreck which occurs on the American coast must of necessity be made in American shipyards if the vessel is to be enrolled or registered as American. I know that when a wreck occurred on the Panama or Colombian coast it was not made in an American shipyard; but this law practically does not apply to that case, and it came in under a special act of Congress. I do not know of any vessel given American registry where the repairs were made in foreign shipyards under the wreck act.

As a matter of fact, I am not sure that the committee, in proposing this law as a remedy, is not going to injure the American shipyard in the matter of building up and repairing facilities. I come from a shipbuilding district myself, and I say that one of the important parts of the business, and one that we are anxious to build up in the port of Boston, is the facilities for repairs of vessels as well as the facilities for building these vessels. We need there a commercial dry dock for the repairing and refitting of vessels, and thus give employment to additional American labor.

Now, it seems to me that this matter, instead of coming in under a demand for the previous question, ought to be debated fairly and squarely, so that we may see where we are and that we may all be informed about it.

It may be that after fair and free debate Members who are now opposed to it may be inclined to favor it. For one, as it stands now, I am not satisfied, and therefore I must vote against this summary motion. Why not recommit? I believe that if sufficient protection is not given shipbuilders because of the cheaper cost of steel ships abroad that it could be accomplished by amending the act by providing that the cost of repairs shall equal the purchase cost of the wreck.

Mr. WILLIAMS. Mr. Speaker, I understood the gentleman from Ohio to move the previous question.

Mr. GROSVENOR. I did.

Mr. WILLIAMS. Does the gentleman still persist in it and thereby cut off debate?

Mr. GROSVENOR. I think the bill has been sufficiently debated.

Mr. WILLIAMS. It has not been debated at all.

Mr. GROSVENOR. Mr. Speaker, I have no great interest in the bill. I will submit it to a vote of the House, and if the House wants to kill it it can do so.

Mr. WILLIAMS. Mr. Speaker, I hope the House will vote down the previous question. I think it can be shown that this is a very dangerous bill.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. GROSVENOR) there were—ayes 51, noes 80.

Mr. GROSVENOR. Mr. Speaker, I demand the yeas and nays.

The question was taken on ordering the yeas and nays; and 41 voted in the affirmative.

Mr. WILLIAMS. Mr. Speaker, I demand the other side.

Seventy-four gentlemen voted in the negative.

So (more than one-fifth of those voting being recorded in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 109, answered "present" 13, not voting 139, as follows:

YEAS—123.

Adams, Pa.	Currier	Hinshaw	Payne
Alexander	Curtis	Hogg	Pollard
Allen, Me.	Dale	Howell, N. J.	Reynolds
Allen, N. J.	Dalzell	Howell, Utah	Roberts
Andrus	Davidson	Hubbard	Rodenberg
Bannon	Davis, Minn.	Huff	Samuel
Bates	Dawes	Hughes	Scott
Bede	Dawson	Humphrey, Wash.	Sibley
Beidler	Deemer	Jones, Wash.	Slemp
Bennet, N. Y.	Draper	Keifer	Smith, Cal.
Birdsall	Edwards	Kinkaid	Smith, Ill.
Bishop	Ellis	Knowland	Smith, Samuel W.
Bonynge	Esch	Lafean	Smith, Pa.
Boutell	Flack	Landis, Chas. B.	Smyser
Brick	Foss	Law	Southard
Brown	French	Lilley, Conn.	Southwick
Brownlow	Fuller	Littauer	Sperry
Burke, S. Dak.	Gaines, W. Va.	Loudenslager	Sterling
Burleigh	Gardner, Mass.	Lovering	Sullowway
Burton, Del.	Gardner, N. J.	McCleary, Minn.	Tawney
Burton, Ohio	Gilbert, Ind.	McLachlan	Taylor, Ohio
Butler, Pa.	Goebel	Miller	Thomas, Ohio
Calder	Graff	Mondell	Townsend
Calderhead	Graham	Moon, Pa.	Van Winkle
Campbell, Kans.	Grosvenor	Mouser	Wachter
Campbell, Ohio	Hamilton	Needham	Webber
Capron	Hayes	Nevin	Weems
Chaney	Henry, Conn.	Olmsted	Wilson
Cocks	Hepburn	Otjen	Wood, N. J.
Cole	Higgins	Parker	Woodyard
Cousins	Hill, Conn.	Patterson, Pa.	

NAYS—109.

Aiken	Chapman	Gronna	Lee
Bankhead	Clark, Mo.	Gudger	Lester
Bartlett	Clayton	Hardwick	Lewis
Beall, Tex.	Cooper, Pa.	Hedge	Livingston
Bell, Ga.	Davey, La.	Heflin	Lloyd
Blackburn	De Armond	Hopkins	McLain
Bowers	Dixon, Ind.	Houston	McNary
Bowie	Fitzgerald	Howard	Macon
Brantley	Flood	Hunt	Madden
Broocks, Tex.	Floyd	James	Mann
Broussard	Gaines, Tenn.	Johnson	Meyer
Burgess	Garner	Kellher	Moon, Tenn.
Burleson	Garrett	Kitchin, Wm. W.	Moore
Burnett	Gill	Kline	Murdock
Butler, Tenn.	Gillespie	Lacey	Murphy
Byrd	Glass	Lamar	Page
Candler	Griggs	Lamb	Palmer

Patterson, N. C.	Rucker	Snapp	Watkins
Pou	Russell	Stafford	Webb
Prince	Ryan	Stephens, Tex.	Welborn
Rainey	Shackleford	Sullivan, Mass.	Wiley, Ala.
Ransdell, La.	Sheppard	Sulzer	Wiley, N. J.
Reid	Sims	Taylor, Ala.	Williams
Rhinock	Slayden	Thomas, N. C.	Williamson
Richardson, Ala.	Small	Trimble	Young
Richardson, Ky.	Smith, Ky.	Tyndall	
Rixey	Smith, Md.	Volstead	
Robinson, Ark.	Smith, Tex.	Waldo	

ANSWERED "PRESENT"—13.

Adamson	Goulden	Knapp	Smith, Iowa.
Bennett, Ky.	Hull	Knopf	
Bowersock	Humphreys, Miss.	Lever	
Gilbert, Ky.	Jenkins	Powers	

NOT VOTING—139.

Acheson	Fletcher	Legare	Randell, Tex.
Adams, Wis.	Fordney	Lilley, Pa.	Reeder
Ames	Foster, Ind.	Lindsay	Rhodes
Babcock	Foster, Vt.	Little	Rives
Barchfeld	Fowler	Littlefield	Robertson, La.
Bartholdt	Fulkerson	Longworth	Ruppert
Bingham	Garber	Lorimer	Schneebeli
Bradley	Gardner, Mich.	Loud	Scroggy
Brooks, Colo.	Gillett, Cal.	McCall	Shartel
Brundidge	Gillett, Mass.	McCarthy	Sherley
Buckman	Goldfogle	McCreary, Pa.	Sherman
Burke, Pa.	Granger	McDermott	Smith, Wm. Alden
Cassel	Greene	McGavin	Southall
Castor	Gregg	McKinlay, Cal.	Sparkman
Clark, Fla.	Hale	McKinley, Ill.	Spight
Cockran	Haskins	McKinney	Stanley
Conner	Haugen	McMorran	Steenerson
Cooper, Wis.	Hay	Mahon	Stevens, Minn.
Cromer	Hearst	Marshall	Sullivan, N. Y.
Crumpacker	Henry, Tex.	Martin	Talbott
Cushman	Hermann	Maynard	Tirrell
Darragh	Hill, Miss.	Michalek	Towne
Davis, W. Va.	Hitt	Minor	Underwood
Denby	Hoar	Morrell	Van Duzer
Dickson, Ill.	Holliday	Mudd	Vreeland
Dixon, Mont.	Jones, Va.	Norris	Wadsworth
Dovener	Kahn	Olcott	Wallace
Dresser	Kennedy, Nebr.	Overstreet	Wanger
Driscoll	Kennedy, Ohio	Padgett	Watson
Dunwell	Ketcham	Parsons	Weeks
Dwight	Kitchin, Claude	Patterson, S. C.	Weisse
Ellerbe	Klepper	Patterson, Tenn.	Wharton
Fassett	Landis, Frederick	Pearre	Wood, Mo.
Field	Lawrence	Perkins	Zenor
Finley	Le Fevre	Pujo	

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. DOVENER with Mr. SPARKMAN.

Mr. DAWSON with Mr. PADGETT.

Mr. POWERS of Maine with Mr. PUJO.

For the day:

Mr. SMITH of Iowa with Mr. TOWNE.

Mr. LAWRENCE with Mr. HUMPHREYS of Mississippi.

For the balance of the day:

Mr. JENKINS with Mr. WEISSE.

Mr. MCKINNEY with Mr. DAVIS of West Virginia.

Mr. VREELAND with Mr. LINDSAY.

Mr. DRESSER with Mr. GREGG.

Mr. MUDD with Mr. JONES of Virginia.

Mr. HAUGEN with Mr. HILL of Mississippi.

Mr. BURKE of Pennsylvania with Mr. TALBOTT.

Mr. GREENE with Mr. WOOD of Missouri.

Mr. DICKSON of Illinois with Mr. SPIGHT.

For the vote:

Mr. GILLETT of Massachusetts with Mr. MAYNARD.

Mr. HALE with Mr. ELLERBE.

Mr. CUSHMAN with Mr. PATTERSON of South Carolina.

Mr. BARTHOLDT with Mr. RANDELL of Texas.

Mr. BABCOCK with Mr. STANLEY.

Mr. ADAMS of Pennsylvania with Mr. UNDERWOOD.

Mr. OVERSTREET with Mr. FINLEY.

Mr. GILLET of California with Mr. CLARK of Florida.

Mr. HOAR. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman present and giving attention when his name was called?

Mr. HOAR. Mr. Speaker, I have just come into the room, and failed to hear my name called.

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. HOAR. I think I was in the attitude of coming in when my name was called, and I failed to hear it.

The SPEAKER. That would hardly bring the gentleman within the rules.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. The previous question having been called, is there any opportunity now for debate?

The SPEAKER. Oh, it cuts off all debate. The very object of the previous question is to bring the House to a vote.

Mr. WILLIAMS. I thought I would have the Chair explain that to the House.

The SPEAKER. The Chair is always delighted to impart information to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I would like to have a reading of the engrossed bill.

The SPEAKER. The question comes first on ordering the third reading. The question is on the third reading of the Senate bill.

Mr. WILLIAMS. Mr. Speaker, I ask that the engrossed bill be read.

The SPEAKER. Well, we have not come to that point yet. When we do the gentleman will be recognized.

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Mr. Speaker, is a motion in order to recommit the bill?

The SPEAKER. Not just now.

Mr. SULZER. I would like to be recognized, Mr. Speaker, when that motion is in order.

The SPEAKER. We will cross that stream when we come to it. The question is on the third reading of the Senate bill.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will read the Senate bill for the third time.

Mr. WILLIAMS. Mr. Speaker, I ask for the reading of the engrossed bill.

The SPEAKER. The gentleman from Mississippi demands the reading of the engrossed bill. The Clerk will proceed to read it.

The Clerk read as follows:

An act (S. 1007) to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks.

Be it enacted, etc., That section 4136 of the Revised Statutes, as amended, reading as follows: "The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired," is hereby repealed.

Mr. GROSVENOR. Mr. Speaker, I move to recommit the bill.

Mr. SULZER. Mr. Speaker, on that motion I call for the years and nays.

The SPEAKER. On that motion the gentleman from New York demands the yeas and nays.

Mr. LACEY. Mr. Speaker, is not the motion to recommit debatable?

The SPEAKER. It is not debatable.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 134, answered "present" 8, not voting 137, as follows:

YEAS—105.

Aiken	Floyd	Lloyd	Sheppard
Bankhead	Gaines, Tenn.	McLain	Sims
Bartlett	Garner	McNary	Slayden
Beall, Tex.	Garrett	Macon	Small
Bell, Ga.	Gill	Mann	Smith, Ky.
Blackburn	Gillespie	Meyer	Smith, Md.
Bowers	Glass	Moon, Tenn.	Smith, Tex.
Bowie	Gronna	Moore	Stafford
Brantley	Gudger	Page	Stanley
Broussard	Heflin	Palmer	Stephens, Tex.
Burgess	Hopkins	Patterson, N. C.	Sullivan, Mass.
Burleson	Houston	Patterson, S. C.	Sulzer
Burnett	Howard	Perkins	Talbott
Butler, Tenn.	Humphreys, Miss.	Pou	Thomas, N. C.
Byrd	Hunt	Rainey	Trimble
Candler	James	Randell, Tex.	Underwood
Clark, Fla.	Johnson	Ransdell, La.	Volstead
Clark, Mo.	Kelliher	Reid	Waldo
Clayton	Kitchin, Wm. W.	Rhinock	Watkins
Cooper, Wis.	Kline	Richardson, Ala.	Webb
Davey, La.	Lacey	Richardson, Ky.	Wiley, Ala.
Davis, Minn.	Lamar	Rixey	Williams
Davis, W. Va.	Lamb	Robinson, Ark.	Wood, Mo.
De Armond	Lee	Rucker	Young
Dixon, Ind.	Lester	Russell	
Driscoll	Lewis	Ryan	
Fitzgerald	Livingston	Shackleford	

NAYS—134.

Acheson	Bede	Brown	Campbell, Ohio
Adams, Pa.	Beidler	Brownlow	Capron
Adams, Wis.	Bennet, N. Y.	Burleigh	Chaney
Alexander	Birdsall	Burton, Del.	Chapman
Allen, Me.	Bishop	Burton, Ohio	Cocks
Allen, N. J.	Bonynge	Butler, Pa.	Cole
Bannon	Boutell	Calder	Cooper, Pa.
Bartholdt	Bowersock	Calderhead	Cousins
Bates	Brick	Campbell, Kans.	Currier

Curtis	Hale	Lilley, Conn.	Smith, Samuel W.
Cushman	Hamilton	Littauer	Smyser
Dale	Hedge	Loudenslager	Southard
Dalzell	Henry, Conn.	Lovering	Southwick
Darragh	Higgins	McCleary, Minn.	Sperry
Dawes	Hinshaw	McKinlay, Cal.	Steenerson
Deemer	Hogg	McLachlan	Sterling
Denby	Howell, N. J.	Moon, Pa.	Stevens, Minn.
Draper	Howell, Utah	Mouser	Sulloway
Edwards	Hubbard	Nevin	Tawney
Ellis	Huff	Otjen	Taylor, Ohio
Esch	Hughes	Patterson, Pa.	Thomas, Ohio
Flack	Humphrey, Wash.	Payne	Townsend
Foss	Jones, Wash.	Pollard	Tyndall
French	Keifer	Prince	Van Winkle
Fuller	Kennedy, Nebr.	Reynolds	Wachter
Gaines, W. Va.	Kennedy, Ohio	Roberts	Wadsworth
Gardner, Mass.	Kinkaid	Rodenberg	Weeks
Gardner, N. J.	Klepper	Samuel	Weems
Gillett, Cal.	Knapp	Scroggy	Wiley, N. J.
Goebel	Knowland	Shartel	Wilson
Graff	Lafean	Sibley	Wood, N. J.
Graham	Landis, Chas. B.	Slemp	Woodyard
Greene	Law	Smith, Cal.	
Grosvenor	Lawrence	Smith, Ill.	

ANSWERED "PRESENT"—8.

Adamson	Gilbert, Ky.	Hardwick	Lever
Dixon, Mont.	Goulden	Jenkins	Smith, Iowa

NOT VOTING 137.

Ames	Fowler	Littlefield	Powers
Andrus	Fulkerson	Longworth	Pujo
Babcock	Garber	Lorimer	Reeder
Barchfeld	Gardner, Mich.	Loud	Rhodes
Bennett, Ky.	Gilbert, Ind.	McCall	Rives
Bingham	Gillett, Mass.	McCarthy	Robertson, La.
Bradley	Goldfogle	McCreary, Pa.	Ruppert
Broocks, Tex.	Granger	McDermott	Schneebeli
Brooks, Colo.	Gregg	McGavin	Scott
Brundidge	Griggs	McKinley, Ill.	Sherley
Buckman	Haskins	McKinney	Sherman
Burke, Pa.	Haugen	McMorran	Smith, Wm. Alden
Burke, S. Dak.	Hay	Madden	Smith, Pa.
Cassel	Hayes	Mahon	Snapp
Castor	Hearst	Marshall	Southall
Cockran	Henry, Tex.	Martin	Sparkman
Conner	Hepburn	Maynard	Spight
Cromer	Hermann	Michalek	Sullivan, N. Y.
Crumpacker	Hill, Conn.	Miller	Taylor, Ala.
Davidson	Hill, Miss.	Minor	Tirrell
Dawson	Hitt	Mondell	Towne
Dickson, Ill.	Hoar	Morrell	Van Duzer
Dovener	Holliday	Mudd	Vreeland
Dresser	Hull	Murdock	Wallace
Dunwell	Jones, Va.	Murphy	Wanger
Dwight	Kahn	Needham	Watson
Ellerbe	Ketcham	Norris	Webber
Fassett	Kitchin, Claude	Olcott	Weisse
Field	Knopf	Olmsted	Welborn
Finley	Landis, Frederick	Overstreet	Wharton
Fletcher	Le Fevre	Padgett	Williamson
Flood	Legare	Parker	Zenor
Fordney	Lilley, Pa.	Parsons	
Foster, Ind.	Lindsay	Patterson, Tenn.	
Foster, Vt.	Little	Pearre	

So the motion to recommit the bill was lost.

The Clerk announced the following additional pairs:

For this vote:

Mr. MORRELL with Mr. GRIGGS.

Mr. MADDEN with Mr. ELLERBE.

Mr. BABCOCK with Mr. BROOCKS of Texas.

Mr. DUNWELL with Mr. SPIGHT.

Mr. OLMSTED with Mr. TAYLOR of Alabama.

For the balance of the day:

Mr. GILBERT of Indiana with Mr. MAYNARD.

Mr. SCOTT with Mr. HARDWICK.

Mr. FOSTER of Vermont with Mr. FLOOD.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker! To save the time of the House, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 108, answered "present" 11, not voting 136, as follows:

YEAS—129.

Adams, Pa.	Brown	Cushman	Gardner, Mass.
Adams, Wis.	Brownlow	Dale	Gardner, N. J.
Alexander	Burke, S. Dak.	Dalzell	Gillett, Cal.
Allen, Me.	Burleigh	Davis, Minn.	Gillett, Mass.
Allen, N. J.	Burton, Del.	Dawes	Graff
Babcock	Butler, Pa.	Deemer	Graham
Bannon	Calder	Denby	Greene
Bede	Calderhead	Dovener	Grosvenor
Beidler	Campbell, Kans.	Draper	Hale
Bennet, N. Y.	Campbell, Ohio	Edwards	Hamilton
Birdsall	Capron	Ellis	Hayes
Bishop	Chaney	Esch	Higgins
Blackburn	Chapman	Flack	Hill, Conn.
Bonynge	Cocks	Foss	Hinshaw
Boutell	Cole	Foster, Ind.	Hogg
Bowersock	Cousins	French	Howell, N. J.
Brick	Currier	Fuller	Howell, Utah
Broussard	Curtis	Gaines, W. Va.	Huff
Hughes	Lovering	Rodenberg	Stevens, Minn.
Humphrey, Wash.	McLachlan	Samuel	Sulloway
Jones, Wash.	Mahon	Scott	Tawney
Keifer	Martin	Scroggy	Taylor, Ohio
Kennedy, Ohio	Mouser	Shartel	Thomas, Ohio
Kinkaid	Needham	Sibley	Tyndall
Klepper	Nevin	Smith, Cal.	Wachter
Knapp	Otjen	Smith, Samuel W.	Wadsworth
Knowland	Patterson, Pa.	Smith, Wm. Alden	Wiley, N. J.
Lafean	Payne	Smyser	Wilson
Landis, Chas. B.	Pollard	Southard	Wood, N. J.
Law	Prince	Southwick	Woodyard
Lawrence	Reynolds	Sperry	
Lilley, Conn.	Rives	Steenerson	
Littauer	Roberts	Sterling	

NAYS—108.

Acheson	Fitzgerald	Lester	Russell
Bankhead	Flood	Lewis	Ryan
Bartlett	Floyd	Livingston	Shackleford
Beall, Tex.	Gaines, Tenn.	Lloyd	Sheppard
Bell, Ga.	Garner	McLain	Sims
Bowers	Garrett	McNary	Slayden
Bowie	Gillespie	Macon	Small
Brantley	Glass	Mann	Smith, Ky.
Broocks, Tex.	Griggs	Meyer	Smith, Md.
Burgess	Gronna	Moon, Tenn.	Smith, Tex.
Burleson	Gudger	Moore	Stafford
Burnett	Heflin	Murdock	Stanley
Burton, Ohio	Hill, Miss.	Page	Stephens, Tex.
Butler, Tenn.	Hopkins	Palmer	Sullivan, Mass.
Byrd	Houston	Patterson, N. C.	Sulzer
Candler	Humphreys, Miss.	Patterson, S. C.	Taylor, Ala.
Clark, Fla.	Hunt	Pou	Thomas, N. C.
Clark, Mo.	James	Rainey	Townsend
Clayton	Johnson	Randell, Tex.	Trimble
Cooper, Pa.	Kelfher	Ransdell, La.	Underwood
Cooper, Wis.	Kennedy, Nebr.	Reid	Volstead
Crumpacker	Kitchin, Wm. W.	Rhinock	Waldo
Davey, La.	Kline	Richardson, Ala.	Watkins
De Armond	Lacey	Richardson, Ky.	Webb
Dixon, Ind.	Lamar	Rixey	Wiley, Ala.
Ellerbe	Lamb	Robinson, Ark.	Williams
Field	Lee	Rucker	Young

ANSWERED "PRESENT"—11.

Adamson	Finley	Hardwick	Lever
Dixon, Mont.	Gilbert, Ky.	Hubbard	Smith, Ill.
Driscoll	Goulden	Jenkins	

NOT VOTING—136.

Aiken	Gilbert, Ind.	Loud	Pujo
Ames	Gill	Loudenslager	Reeder
Andrus	Goebel	McCall	Rhodes
Barchfeld	Goldfogle	McCarthy	Robertson, La.
Bartholdt	Granger	McCleary, Minn.	Ruppert
Bates	Gregg	McCreary, Pa.	Schneebeli
Bennett, Ky.	Haskins	McDermott	Sherley
Bingham	Haugen	McGavin	Sherman
Bradley	Hay	McKinlay, Cal.	Slemp
Brooks, Colo.	Hearst	McKinley, Ill.	Smith, Iowa
Brundidge	Hedge	McKinney	Smith, Pa.
Buckman	Henry, Conn.	McMorran	Snapp
Burke, Pa.	Henry, Tex.	Madden	Southall
Cassel	Hepburn	Marshall	Sparkman
Castor	Hermann	Maynard	Spight
Cockran	Hitt	Michalek	Sullivan, N. Y.
Conner	Hoar	Miller	Talbott
Cromer	Holliday	Minor	Tirrell
Darragh	Howard	Mondell	Towne
Davidson	Hull	Moon, Pa.	Van Duzer
Davis, W. Va.	Jones, Va.	Morrell	Van Winkle
Dawson	Kahn	Mudd	Vreeland
Dickson, Ill.	Ketcham	Murphy	Wallace
Dresser	Kitchin, Claude	Norris	Wanger
Dunwell	Knopf	Olcott	Watson
Dwight	Landis, Frederick	Olmsted	Webber
Fassett	Le Fevre	Overstreet	Weeks
Fletcher	Legare	Padgett	Weems
Fordney	Lilley, Pa.	Parker	Weisse
Foster, Vt.	Lindsay	Parsons	Welborn
Fowler	Little	Patterson, Tenn.	Wharton
Fulkerson	Littlefield	Pearre	Williamson
Garber	Longworth	Perkins	Wood, Mo.
Gardner, Mich.	Lorimer	Powers	Zenor

So the bill was passed.

The following additional pairs were announced:

For this vote:

Mr. CONNER with Mr. WOOD of Missouri.

Mr. OLMSTED with Mr. GILL.

Balance of the day:

Mr. LONGWORTH with Mr. AIKEN.

The result of the vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. ADAMS of Wisconsin. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 345.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill H. R. 345.

Mr. PAYNE. Mr. Speaker, can we not have the title reported?

The Clerk read as follows:

A bill (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

The question was taken, and the motion to go into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. STERLING in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 345, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

Mr. ADAMS of Wisconsin. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMS of Wisconsin. Mr. Chairman, the present appropriation to the agricultural experiment stations of the United States is $15,000 each year to each station. As many of the Members of this House know, there is an agricultural experiment station in each State and Territory in the Union—forty-eight stations in all—which receive $15,000 each every year from the Federal Treasury. These stations have been established and sustained by Federal appropriations since 1887, when Congress first provided for them through the work of Mr. Hatch, of Missouri. The growth of the country has been very great and the increased demands upon these stations very great. They have done a work of as great value to the agricultural interests of the United States as that of any other single educational agricultural influence, and perhaps more. These stations deal with facts; they test theories; they do definite things; and the work which they are doing is not only valuable to the agricultural colleges which do the theoretic work and are looking for facts upon which to base the science and art which they teach, but they also teach definite things which are carried in agricultural publications of the Federal and State governments to the homes of the farmers of the United States. They have produced definite, particular results; and this Government, receiving from the agricultural population such strong support for law and order and those things which we deem desirable in this country, can well afford to extend this work at this time when the demand to further it is coming from every State and Territory of the Union.

Now, this bill provides a very moderate increase, and, in a nutshell, all there is of it is this: It adds an appropriation of $5,000 in the first year to each station, amounting in all to $240,000, and then adds $2,000 each year for five years, until the total increase shall be $15,000 annually to each station. So that at the end of five years the total appropriation to the station in each State and Territory of the United States will be $30,000.

Mr. CLARK of Missouri. The general intent of the bill, as I understand it, is to strengthen the work of these experiment stations.

Mr. ADAMS of Wisconsin. Precisely.

Mr. CLARK of Missouri. I am heartily in favor of the general purpose of the bill. Now, I want to ask you about one sentence on page 4, the beginning of line 7:

If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture.

What does that mean and what is it put in there for?

Mr. ADAMS of Wisconsin. I am very glad the gentleman calls attention to that. That is precisely the language of the Hatch Act.

Mr. CLARK of Missouri. I do not care whose language it is, but what I want to get at is the meaning of it.

Mr. ADAMS of Wisconsin. The purpose of putting it in at that time was a very wise one. It was to prevent the misapplication of funds that were provided for in that act; and several times the Secretary of Agriculture has been compelled to use the authority thus vested in him under it to prevent a misappropriation by the States of these funds.

Mr. BARTLETT. I want to say to the gentleman that I shall support this bill cheerfully. Did the original Hatch Act contain these words in the third section, third page, of the bill?

That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by the State or Territory to which it belongs.

Is that new law made?

Mr. ADAMS of Wisconsin. That is the form of the original act.

Mr. BARTLETT. It is not any new law, and you have left it in the form of the original act?

Mr. ADAMS of Wisconsin. Yes, sir; it has been in force for seventeen years.

Mr. GAINES of Tennessee. I would like to ask the gentleman if this bill would cover stations hereafter created?

Mr. ADAMS of Wisconsin. It would not.

Mr. GAINES of Tennessee. Now, we are thinking of establishing one at Nashville, Tenn. [laughter], and I would not want to leave that out of any benefit it could get from the act.

Mr. ADAMS of Wisconsin. If the gentleman wants an independent station started, he will have to bring in an independent proposition.

Mr. GAINES of Tennessee. Would you vote for it?

Mr. ADAMS of Wisconsin. I think I would, in my present frame of mind and under the circumstances.

Mr. MANN. The bill provides for stations which may hereafter be established in accordance with the original act. The gentleman's own bill says that.

Mr. BURLESON. I think the new station would get its proportionate part of the funds allotted to the different stations.

Mr. GAINES of Tennessee. If it does not, that is a defect in the bill which may be remedied.

Mr. MANN. This bill says "agricultural stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887."

Mr. GAINES of Tennessee. That is all right, then. So, as usual, Nashville is in it.

Mr. ADAMS of Wisconsin. It would only make that amount for the State of Tennessee.

Mr. GAINES of Tennessee. I understand; it only applies to the new act.

Mr. ADAMS of Wisconsin. Unless some gentleman wishes to ask some question about this bill, I will ask that it be read for amendment.

Mr. SMITH of Iowa. I should like to ask the gentleman a question about it. As I understand, this bill intends to provide a permanent appropriation, so that the amount will not have to be appropriated year by year.

Mr. ADAMS of Wisconsin. It does that, except as it comes in the regular appropriation bill. It is now carried in the agricultural appropriation bill.

Mr. SMITH of Iowa. Did not the old law provide for a permanent appropriation, and does not this bill provide the same thing?

Mr. ADAMS of Wisconsin. I do not think so.

Mr. SMITH of Iowa. The report says:

The Hatch Act of 1887 provided that each State and Territory should receive from the Federal Government $15,000 each year for the purpose of establishing therein agricultural experiment stations.

And this bill provides:

That there shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated—

And so forth.

Mr. ADAMS of Wisconsin. It is immaterial. It is always carried in the agricultural appropriation bill. It is a mere matter of form.

Mr. SMITH of Iowa. It is a permanent appropriation.

Mr. ADAMS of Wisconsin. It can be repealed at any time.

Mr. SMITH of Iowa. That is true, but I simply wanted to know whether you were adding to the number of permanent appropriations.

Mr. ADAMS of Wisconsin. I think not any more than the original act.

Mr. BURLESON. This item will hereafter be carried in the appropriation bill, just as the Hatch item now is.

Mr. ADAMS of Wisconsin. I do not wish to take the time of the House in making a speech for the mere sake of making a speech, and I shall therefore ask the Clerk to read the bill, unless some gentleman wishes to ask a question.

Mr. WILLIAMS rose.

Mr. ADAMS of Wisconsin. I yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I merely wanted to say that, in my judgment, this is an excellent bill and ought to pass the House. I believe that there is no part of the public machinery in the States or in the Federal Government doing more good than the agricultural experiment stations. Their reports are of the highest importance; the research work that they are doing has been more beneficial to the agriculture of this country

than anything else I know of; and whatever benefits the basic industry of agriculture of course benefits everything else.

This bill appropriates to the States and to the Territories $5,000 additional to the amount already appropriated, to be used by them in carrying on the agricultural experiment station work. I merely wanted to express my sympathy with the purposes of the bill and my hope that it would pass. [Applause.]

Mr. FITZGERALD. I should like to ask the gentleman a question. How did this committee arrive at the amount that should be appropriated the first year, in addition to the $15,000, and the amounts for each of the succeeding five years, when the maximum amount will be reached?

Mr. ADAMS of Wisconsin. There are 48 States and Territories, and 48 stations which receive appropriations under the Hatch Act. This appropriates $5,000 additional to each one for the first year, and, of course, 5,000 times 48 is 240,000.

Mr. FITZGERALD. The gentleman misunderstood my question. This bill provides that in addition to the amount already appropriated there shall be appropriated the first year $5,000, and thereafter, for five years, $2,000 additional in each of the five years. How did the committee arrive at these figures? Why are we asked to provide these amounts in addition to the annual appropriation?

Mr. ADAMS of Wisconsin. The question is a pertinent one, and was considered when the bill was drawn. In my judgment, they ought to have the amount increased immediately to $15,000, but we considered the condition of the National Treasury and we wanted to make this appropriation just as modest as we could make it. That is one reason. The other is that in these stations there are nearly 800 workers, some specialists requiring special fitness and training, and we thought if we doubled the appropriations at once there might be a draft for that kind of talent which we would not be able to succeed in supplying, and so we make the moderate increase of $5,000 and provide for a gradual extension.

Mr. FITZGERALD. So at the end of five years the total appropriations under the operation of this law will be over $1,000,000 a year.

Mr. ADAMS of Wisconsin. Yes.

Mr. FITZGERALD. Was it the condition of the Treasury that influenced the Committee on Agriculture, or was it the fear that the immediate appropriation of the entire amount might perhaps make it impossible to pass the bill?

Mr. ADAMS of Wisconsin. I would like to say that one theory of the committee is, and it is absolutely sound, that these experiment stations add to the material and taxable wealth of this country and thereby enhance its revenue? We believe that, and we believe that no legislation appropriating money for a public purpose can be supported on more reasonable or patriotic grounds and in the interest of economy than the appropriation which means the investment of money in order that we may get more money out of it. [Applause.]

When you put this money into an agricultural appropriation of this kind, you do not sink it in a battle ship which may be worth something or nothing [laughter and applause]; but you put it into a profitable investment that goes upon the farms of the country and makes better corn, makes better cows, bigger and fatter steers, better children [laughter], and happier homes.

Mr. FITZGERALD. Mr. Chairman, I think it would be an extraordinary thing to pass this bill, which will result in the automatic appropriation of more than half a million dollars a year additional to the amount now authorized, without there appearing in the RECORD some substantial reasons for it, and I know the gentleman from Wisconsin can, in a very few minutes, state the reasons which those of us who have not had the benefit of a large experience upon a farm do not fully understand as yet, and I hope the gentleman will continue his explanation.

Mr. ADAMS of Wisconsin. Mr. Chairman, ordinarily anybody who had an opportunity to address so distinguished a body as the House of Representatives of the United States would be tickled to death to have somebody insist on his making a speech. [Laughter.] The only reason I am not venturing upon an extended statement is because I never talk for the sake of talking. I believe that this House is in favor of this bill, and I do not see how I could improve the situation by telling them why they are in favor of it.

I want to say that these experiment stations in the various States have performed some of the most remarkable experiments ever performed in the whole history of science, notably the one in Illinois, which has taken corn, a common food for man and beast, and done something never before attempted in all history—put 2 or 3 per cent additional protein into the corn, making it more valuable for human food, more valuable for animal food, a thing which ten years ago was supposed to be absolutely impossible.

At the Wisconsin Experiment Station Doctor Babcock worked out a system of measuring the value of milk cheaply. Years ago a man who had a cow that produced milk with only 3 per cent butter fat took his hundred pounds of milk to the factory and got exactly the same price as did the man who had a cow that would produce a hundred pounds with 6 per cent of butter fat. And now all over the United States, all over Europe, Madagascar, and everywhere wherever a cow is kept the Babcock test, brought out in the Wisconsin Experiment Station, is being used.

The friends of Mr. Babcock begged of him to withdraw from the experiment station, patent his process, and become a multimillionaire, as he certainly would have done if he had yielded to their persuasions. But he gave the information to the people of Wisconsin, the farmers of the United States, and the farmers of the world, and it has been worth more to the State of Wisconsin alone than the cost of all the experiment stations of the United States for ten years. [Applause.]

I want to say to the gentleman who wants definite information that the experiment stations in the South are doing a great work for the southern farmers in teaching them to diversify their industries, to do something besides the raising of cotton. The experiment stations have saved to the farmers of the South enough money through the analysis and exposure of worthless commercial fertilizers to pay for all the battle ships we have been building in the last two years.

Mr. FITZGERALD. Oh, no; that you have been building.

Mr. ADAMS of Wisconsin. Another thing: The grain growers of Minnesota and the Northwest in their association indorsed this bill because the experiment station in Dakota and the experiment station in Minnesota had developed during the last twelve years two varieties of wheat, hard wheat, the best milling wheats in the United States, that yield on an average 2 bushels per acre more than any other variety known, and that those varieties in the last two years in the State of Minnesota and in Dakota have been worth more money to the farmers of those States and the farmers of the Northwest than the amount of all the appropriations for the entire Department of Agriculture for two years. There are any number of other things I could tell, but I do not want to weary the House, and I do not want to get tired myself, if this House agrees with me upon this bill.

Mr. PAYNE rose.

Mr. ADAMS of Wisconsin. I yield to the gentleman from New York [Mr. PAYNE].

Mr. FITZGERALD. Mr. Chairman, before the gentleman yields to my colleague I desire to call his attention to just one thing. There has been introduced in this Congress by the distinguished chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], a bill to repeal practically all of the laws under which permanent appropriations are made. As I recollect the provisions of that bill they do not exempt the permanent appropriations for agricultural stations, and that is one of the reasons why I desired to have the gentleman's statement appear in the RECORD.

Mr. PAYNE. Mr. Chairman, I am heartily in favor of this bill. [Applause and laughter.] It is true that our expenditures are running dangerously near our receipts. We would not have money to squander in any way, but we have money to appropriate for legitimate business and for the promotion of this great industry in the United States. I am in favor of it because I believe that this House, when they come to understand the question, at no distant day will reverse the vote which they took this morning upon going into the Committee of the Whole [laughter] and so cut off a number of most useless, extravagant, and unjustifiable expenses which the Government now is paying for the collection of revenue and for the collection where there is not any revenue.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to a point of order. [Laughter.] The gentleman from New York is not discussing the subject-matter of the bill.

Mr. PAYNE. Mr. Chairman, I was trying to provide ways and means to pay the appropriation carried in this bill, suggesting the cutting off of some expenses in order that we might——

Mr. GARDNER of Massachusetts. Mr. Chairman, I think the gentleman should be permitted to proceed in order.

Mr. PAYNE. One moment, Mr. Chairman, on the point of order. I do not wish to transgress the rules of the House in any particular.

The CHAIRMAN. The Chair will state that we are in Committee of the Whole House and the gentleman is not bound to confine himself to the subject-matter of the bill. [Laughter.]

Mr. PAYNE. Mr. Chairman, this bill that I tried to get up this morning is most thoroughly misunderstood in the House.

Why, gentlemen have come to me who have ports where they collect $60,000 and where the expenses are twelve or fifteen, and they have said that they voted against going into Committee of the Whole for fear they would lose their port. I expected that some of my colleagues would come to me from the city of New York and say that it gave the President power to destroy the port of New York, and that they would vote against it and would not go into the Committee of the Whole. I desired to get into the Committee of the Whole in order that the whole thing could be discussed there and the House could thoroughly understand it. Then, if they decided that the bill was a bad one, they could vote with the gentlemen who have some local considerations and who might waive their judgment on the merits of the bill and be disposed to vote against it, if there are such gentlemen in the House, and I hope there are not; and if all of them together were in the majority, of course the bill would be lost. I brought in this bill because I gave considerable attention to the subject in the last Congress. A bill similar to this was introduced and referred to our committee, and I went to work honestly and industriously to get up a bill that would name certain ports and subports that ought to be abolished, and I found that the question was not one that I could solve with the means that I had at hand. I came to the conclusion the best way to do it was to do what has been done in reference to the internal-revenue system ever since it existed, giving the President power to establish and abolish districts and consolidate them the country over, which has resulted in such great saving to the country, so that the cost of the collection of internal revenue is about 2.01 per cent as against 3.48 per cent for collecting the customs duties. I thought if that bill came before the House the House would only be too glad to consider it.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman answer a question?

Mr. PAYNE. Not just now. I am afraid the gentleman will spring a point of order on me.

Mr. GARDNER of Massachusetts. He need not be alarmed, if that is the only reason.

Mr. PAYNE. Mr. Chairman, I also found that the law for the organization of public-land districts in the United States was subject to the discretion of the President of the United States. He could abolish, he could consolidate land offices in the United States, and I learned, incidentally, from some of my colleagues, that land offices had been abolished in their districts when the office had become useless, and very much to the good of the service and very much to the relief of the Member of Congress, because he had absolutely nothing to say about it, and they could not blame him.

So the committee unanimously reported this bill. They were also induced to it because of some glaring things that took place every year in some of the so-called ports of the United States. Now, I read from page 4 of the report which I had the honor to submit with this bill, and which I trust and hope every Member of the House will read, because at some future day I shall seek the floor to move again to go into the Committee of the Whole to see if we can not go into the merits of this bill and see whether the House will pass it or not. For instance, I find that Albemarle (Elizabeth City), N. C.—why that is the State where the principal opposition came from to this bill this morning, and the gentleman from North Carolina [Mr. THOMAS] was appointed with me as teller to take the vote and afterwards called for the yeas and nays. I do not know how near he lives to Elizabeth City, but I do know, Mr. Chairman——

Mr. THOMAS of North Carolina. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. Not now.

Mr. THOMAS of North Carolina. Well, later then.

Mr. PAYNE. Mr. Chairman, receipts from that port last year were $5 and the cost of collection was $1,606.90. In other words it cost $321.38 to collect $1 at Elizabeth City, N. C. Now, how many of you are willing to stand up and vote for this graft? How many are willing to stand up and be counted? And yet it was for the purpose of getting at this matter and having it discussed in the committee that I moved to go into the Committee of the Whole. I wanted a full and free debate on this subject, and for that reason I asked that we go into the Committee of the Whole.

Mr. BLACKBURN rose.

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. Not just now, Mr. Chairman. Mr. Chairman, I go farther. At Annapolis——

Mr. BLACKBURN. I want to ask the gentleman a question.

Mr. PAYNE. I decline to yield at present. At Annapolis, Md., they collected $5, the same amount, and that cost $929.41. I only read a few of these. At Beaufort, N. C., they did not collect a nickel, and it cost $1,400.01 to collect nothing at that port. And that is the kind of graft that we are asked to indorse.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to a point of order. The gentleman only had three minutes.

Mr. PAYNE. And we can not go into the Committee of the Whole House to discuss the question. I understand the gentleman from Massachusetts has raised a point of order.

The CHAIRMAN. Will the gentleman from Massachusetts state his point of order?

Mr. GARDNER of Massachusetts. I make the point of order that the gentleman only had three minutes yielded to him.

Mr. PAYNE. The gentleman is mistaken. The gentleman from Wisconsin yielded me a few minutes.

Mr. ADAMS of Wisconsin. I said three minutes.

The CHAIRMAN. Do I understand the gentleman from Wisconsin limited the time of the gentleman from New York?

Mr. THOMAS of North Carolina. Mr. Chairman, I think some time should be yielded on this side also.

Mr. ADAMS of Wisconsin. I will yield the gentleman from New York ten minutes more.

Mr. PAYNE. Now, Mr. Chairman, I have ten minutes more. I am very sorry I have not any more time, because I will not be able to answer questions during this debate. Now, Mr. Chairman, I will pick out some other States. I have been taking the list as I went along. At Port Jefferson, N. Y., it cost $12 to collect nothing. I think that is the only instance where New York figures in this whole list. At Little Egg Harbor (Tuckerton), N. J., it cost $303.25 to collect nothing. At Kennebunk, Me., it cost $95.17 to collect nothing. I hope gentlemen from these various States will take this list and give it prayerful consideration and compare that with their vote upon the question of simply going into the Committee of the Whole to debate this bill this morning.

Mr. GARDNER of New Jersey rose.

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from New Jersey [Mr. GARDNER]?

Mr. PAYNE. I can not yield at present.

Mr. GARDNER of New Jersey. Some of these statements are gross misrepresentations of the facts.

Mr. PAYNE. Mr. Chairman, I have not yielded, but the gentleman has made a speech. I am taking them from the report of the Secretary of the Treasury, the official report to the House of Representatives. The gentleman's quarrel is with the Secretary of the Treasury and not with me.

At Nantucket, Mass., it cost $870.55 to collect not a nickel. At Natchez, Miss., an inland port, it cost $500 to collect nothing. And then we come down to Paducah, Ky. It seems to me I saw some of the war horses from Kentucky gathering their clans this morning in opposition to the House going into the Committee of the Whole on this bill. They do not want this matter exposed, I suppose. I do not know why. At Paducah, Ky., it cost $450 to collect nothing. At Vicksburg, Miss., it cost $513.65 to collect nothing. At York, Me., it cost $253.67 to collect $2.70. There is $2.50 worth of justification for that salary, anyway. At Yaquina, Oreg., it cost $1,040.75 to collect not a cent.

Now, I have picked out a few of these cases. I have noticed since I have been in Congress a good deal has been said on the other side of the House in favor of economy and reform. Economy has been the watchword always with the Democratic party, except when it is in power, and still I noticed almost a solid phalanx on the other side of the House coming up and voting against going into the Committee of the Whole on a bill that did, what? Cut off possibly a few ports in the South, where Republicans are holding down a comfortable salary for doing not a thing the whole year round. That is economy, I suppose! That is the highest standard of Democratic economy.

Mr. GAINES of Tennessee. I voted for it.

Mr. PAYNE. Once in a while there is a man who will stand up for it. I would like to look over the returns and see how near he is to any of these ports.

Mr. GAINES of Tennessee. There is one in my State, I understand.

Mr. WILLIAMS. Can I ask the gentleman from New York a question?

Mr. PAYNE. Well, how much more time have I, Mr. Chairman?

Mr. WILLIAMS. The gentleman has time enough to answer the question.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] has six minutes remaining.

Mr. PAYNE. I will answer one question.

Mr. WILLIAMS. I just wanted to ask the gentleman if he did not think it would be better ethics, at any rate, to remove

the beam from the Republican eye before he got to fooling with the mote in the Democratic eye?

Mr. PAYNE. That is the great trouble with the gentleman. He is always anticipating something. In the first place, I want to remove it from my neighbor's eye, and then I will come into my household later, and I have just about gotten to my own household.

Mr. WILLIAMS. But eloquence, like charity, begins at home. It need not end there.

Mr. PAYNE. My friend is mistaken. He never practiced that principle in the world. He always commences at the other fellow. [Laughter.] I might enlarge on this thing, but why? Is there a man on that side of the House that voted against going into the Committee of the Whole this morning that is justified and satisfied by his vote, that wants his whole district to know that he simply voted against this measure affecting a port in his district, and where a Republican official was getting some money out of the Treasury of the United States for performing no service?

Now, I am coming to this side of the House. On this side of the House we are the real economists. We do not believe in being niggardly in the Government expenses, but we always insist that the American people should get the credit and shall get the return honestly for every dollar expended out of the National Treasury. What excuse is there on this side of the House to vote against the proposition to simply go into the Committee of the Whole House to consider this bill?

Mr. WILLIAMS rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. PAYNE. I can not yield now.

Mr. WILLIAMS. One question, which I think will help the purpose that the gentleman has in view.

Mr. PAYNE. If we need the assistance——

Mr. WILLIAMS. There are a good many gentlemen in the House who seem to think that if this legislation should pass it might result in abolishing paying, what?

Mr. PAYNE. I am just going into that point now, if the gentleman will allow me.

Mr. WILLIAMS. One moment, if the gentleman please.

Mr. PAYNE. I know what the gentleman is talking about. I have just gotten to that point.

Mr. WILLIAMS. I can assure the gentleman that it will help the proposition he has in view if he will answer the question. Will the gentleman agree to accept an amendment?

Mr. PAYNE. Now, there were gentlemen, some of them, who seemed to think that the bill was of this character—that the President would go to work and destroy ports where the receipts exceeded the expenditures, ports that ought to be maintained. Why, Mr. Chairman, some of them have worked themselves up to such a fever in regard to ports in their districts—ports that no sane man would think of abolishing—that if they had lived in the city of New York they would be afraid the port of New York would be abolished under this bill.

I was willing to accept an amendment limiting the scope of this bill, so as to abolish ports where the receipts were less than the expenditures, to put in an amendment that it should not apply to any port in the United States where the receipts exceeded the expenditures, and I presume under this statement that many gentlemen would like an opportunity to reverse themselves on the vote that they gave this morning, and that we might get into a rational examination of this bill, debate it, and see what there is of it, and what amendments were necessary, and see if we can not abolish this scandalous state of things of having so many ports existing for which there is no necessity. Now, I would go a little further than that, and state that there are ports that ought to exist where the receipts do not come up to the expenditures. I think Brownsville, in the State of Texas, is one of those ports. There are fourteen men there engaged, perhaps more than that—thirty men—and the expenditures are about $40,000 a year and the receipts about $6,000 a year, with thirty-one employees. But it transpires that it is necessary to have a port there in order to prevent smuggling along the Mexican border, and of course no Administration will abolish such a port as that. All these facts and all these things should be taken into consideration in Committee of the Whole.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMS of Wisconsin. I now yield to the gentleman from Iowa.

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from New York be yielded five minutes more, outside of the time of the gentleman from Wisconsin [Mr. ADAMS], in order to answer four questions.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Wisconsin. I object. I now yield five minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I rise for the purpose of asking a question of the gentleman from Wisconsin. The gentleman has referred to the children and men of war, calling our attention to the needs of these stations and recommending giving them the $15,000. I would like to have him answer the question or enlighten the committee as to the amount of money paid to the various States out of the funds. Is it not a fact that the colleges each get the sum of $25,000 under the Morrill Act in addition to this?

Mr. ADAMS of Wisconsin. The agricultural colleges receive $25,000 each year.

Mr. HAUGEN. They each receive about $30,000 as interest money out of the land-act fund. Is not that about the average?

Mr. ADAMS of Wisconsin. I do not know; I have not figured that out. I do not know what the interest is.

Mr. HAUGEN. I think these are facts the House ought to know before we vote on this bill. I wish to ask the gentleman if it is not a fact that the representatives of the experiment stations appeared before the Committee on Agriculture and made a statement that they were not asking for this money? Is it not a fact that the representative of the station of New York made the statement that the State of New York was not asking for a dollar of it?

Mr. ADAMS of Wisconsin. Does the gentleman want me to answer? I want to say to him that the representatives of the National Association of Agricultural Colleges and Experiment Stations did not make any such statement. I want to state to him that Doctor Bailey, of New York, the head of that experiment station, and one of the best in the United States; Doctor Jordan, of the independent station, New York; President Snyder, of the Michigan Agricultural College; Doctor White, of the Georgia Agricultural College, and Mr. Curtis, of the Iowa Agricultural College, have all been here twice at this session, advocating the passage of this bill. And I want to say further that the National Association of Agricultural Colleges and Experiment Stations, which met at Washington before the meeting of Congress, favored this bill, and have given it and give it in every State of the Union enthusiastic support.

Mr. HAUGEN. I was simply asking a question as to the representatives of these several experiment stations that appeared before our committee a year ago. I have not a copy of the hearings, but I will refer the gentleman to the hearings of the Agricultural Committee a year ago.

Mr. WADSWORTH. I am heartily in favor of what is sought to be accomplished by this bill. I have always opposed this measure only on the ground that I think there is no State in the Union so poor that if the agricultural interests of that State require $15,000 more the State can afford to pay it. I think any State in this Union can afford to appropriate that amount of money for such a worthy object, and I simply object to their coming to Uncle Sam for everything. That is my only objection.

Mr. ADAMS of Wisconsin. Mr. Chairman, I move that we proceed to the reading of the bill under the five-minute rule.

Mr. UNDERWOOD. I desire to make the point of order that such a motion is not in order at this time, that the Committee of the Whole can not limit the general debate. We will have to go back into the House for that purpose, and I ask recognition in my own right.

The CHAIRMAN. The point of order is well taken, if any gentleman desires the floor.

Mr. UNDERWOOD. I ask recognition in my own right. Am I recognized, Mr. Chairman?

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. ADAMS of Wisconsin. Mr. Chairman, I move that the committee rise.

Mr. WILLIAMS. I hope the gentleman will not do that.

The CHAIRMAN. The gentleman from Alabama has been recognized.

Mr. UNDERWOOD. Mr. Chairman, I did not take the floor so much about the bill that is before the House. I believe it is a good bill, that ought to pass, and I believe a large majority of the men on this floor are in favor of it and are going to vote for it; but I did take the floor to say something about the bill that met an ignominious defeat this morning, when we attempted to go into Committee of the Whole to consider it.

I want to say that I am with the gentleman from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, in favor of the bill. The Secretary of the Treasury, for a number of years, has stated to the Committee on Appropriations that they could not wipe out the deficit in the collection of the customs revenues in this country until some legislation was taken

by Congress to reform the customs service. Last year the Committee on Appropriations, in compliance with the request of the Secretary of the Treasury, reported a bill similar to the bill offered by the gentleman from New York, and brought it in as a provision on a general appropriation bill. A point of order was made and it could not be considered. Now the Ways and Means Committee report the same thing.

The executive branch of this Government has called the attention of Congress to the fact that you are wasting from a half million to a million dollars every year by not reforming the customs collection business of the United States.

The same thing happened in the collection of the internal revenues. Internal-revenue collectors were appointed in various places over the United States and the system could not be reformed by an act of Congress because it affected too many men and too many districts. Ultimately Congress passed a general bill authorizing the Secretary of the Treasury to make new internal-revenue collection districts. It was done for the benefit of the service, and it saved hundreds of thousands of dollars every year in the collection of the revenues of the country, and the country was not hurt by it. Now, the only proposition here is a legitimate effort on the part of committees in charge of these matters. Both the Appropriations Committee and the Ways and Means Committee have brought this proposition before the Congress. It is a legitimate effort to save the people of the United States from half a million to a million dollars a year in collecting your revenue.

Mr. HEDGE. Where does the gentleman get those figures?

Mr. UNDERWOOD. I will refer my friend from Iowa to the testimony of Mr. Armstrong, the Assistant Secretary of the Treasury, in the last Congress, before the Committee on Appropriations. I did not write the report, but if the gentleman will look at Mr. Armstrong's testimony he will see that that is what Mr. Armstrong stated to the Appropriations Committee.

Mr. THOMAS of North Carolina. The Secretary has simply taken one year for the purpose of making a comparison of receipts and expenses, and his statement shows that the saving is about $109,000 a year. We insist there would be no saving whatever.

Mr. UNDERWOOD. I am going to yield to the gentleman presently, and I do not care to have him make an argument in my speech.

Mr. THOMAS of North Carolina. I think this is right in line with the gentleman's remarks, and ought to be injected here.

Mr. UNDERWOOD. All right.

Mr. THOMAS of North Carolina. In addition, I want to say to the gentleman from Alabama that Mr. HEMENWAY, chairman of the Committee on Appropriations, stated during the last Congress, in reply to a question from myself, that the saving would only be $135,000. We contend that there will be no saving, or very little, if any, as in all cases, or nearly all, deputy collectors would have to be appointed, and to get competent men the expense would be about the same as for collectors.

Mr. UNDERWOOD. Mr. Chairman, in answer to that I will say that the list is given of certain ports, most of them on the seashore, but that does not apply to all the expenses in this country. Now, there are new cities built up. There has been no reform in the collection service for many years. There are a large number of towns that have the I. T. service—that is, the immediate transportation. If goods are landed in New York they do not hold them there until the customs are paid, but they forward them, say, to Cincinnati and the merchant pays the duties there, and it is so in different towns throughout the country. Now, there are towns in the interior where they have a customs officer, and the growth of the country and the change in business has changed the character of the commerce and it has changed all that service; for instance, I can not remember the name of any particular town now, but say the town of Chillicothe, outside of Cincinnati—I do not know whether it is a fact or not—but to illustrate, business has changed so that the duties may be paid all together in Cincinnati and leaving this office there with nothing to do. The officer is left in charge and the business has gone to Cincinnati.

Now, we can not bring in a bill before Congress to reform or change every one of these offices, because, if we do, that would affect so many districts that we could not pass it in the House.

Mr. JAMES. Will the gentleman allow me?

Mr. UNDERWOOD. Certainly.

Mr. JAMES. You lodge all the power in the hands of the President?

Mr. UNDERWOOD. Yes.

Mr. JAMES. Why does not your committee go through and say what particular ports ought to be dispensed with?

Mr. UNDERWOOD. I will say to my friend from Cincinnati——

Mr. JAMES. Not Cincinnati. [Laughter.]

Mr. UNDERWOOD. I beg the gentleman's pardon; my friend from Kentucky—that the reason the committee did not do so, as far as I know, is that we thought it would affect so many States and so many districts, in a matter of that kind, that the committee did not believe we could pass the bill. [Laughter.] If it had advertised to the whole United States that this official was going to get his head cut off, and that that official was going to have his head cut off, they would all come down here with a petition, and in such a way that it would prevent the passage of this legislation; but we did believe that the House would be willing to submit it to the Secretary of the Treasury to determine how he could best and economically collect the revenues of the country.

Mr. JAMES. If I understand the gentleman correctly, he says the reason that the committee did not designate such ports as they desired to discontinue was because they didn't think they could pass it through the House?

Mr. UNDERWOOD. Yes.

Mr. JAMES. That is the indictment the gentleman brings against the House of Representatives, that if it knew the ports that they wanted to strike out, they couldn't pass the bill. Now, the gentleman from New York wants to do away with the ports in order to put Republicans out of office. I want to ask the gentleman if the President could not, if he saw fit, keep every one in office and consolidate the other ports and keep just as many Republicans drawing salaries as my friend is desirous to put out of employment?

Mr. UNDERWOOD. I will answer my friend candidly. I do not believe if we designated the ports that are to be taken out we could pass the bill, because the lobby would be so great against it it would defeat it.

Mr. JAMES. What lobby?

Mr. UNDERWOOD. The home lobby, the lobby of the friends who hold the offices.

Mr. JAMES. Does the gentleman think that the lobby he designates as the home lobby, the people, is a bad lobby for a man to consult in times when he wants to vote upon public questions?

Mr. UNDERWOOD. Not at all; not the people. I do not think there is any doubt but that the people of the district would want the economy, but the friends of the officeholder would want him kept in.

Mr. JAMES. Does not the gentleman think it is bad policy to lodge too much power in the Executive, who has already got power enough?

Mr. UNDERWOOD. Mr. Chairman, I will state to the House that I do not believe, as a rule, that it is wise to turn over the administration of matters of this kind to the Executive, but there are times that come when the legislative branch can not know all the facts. There are some reasons why you ought to continue a port even if it is not collecting enough revenue to support the port, to pay expenses, because there may be other duties required in that port—it may be necessary to sign licenses for ships, and there may be many other duties where it is important to continue that particular port.

Well, now, we can not go into all those facts. On the other hand, there might be some ports that are collecting more revenue than it costs to administer the running of the port, and yet it is not necessary to continue that port, because it may be so near to another port that it is a wasteless use of money and time. In other words, it might not be necessary to continue a port at New York and one at Jersey City. It might in that particular instance, but I am talking about where there is a river that divides two ports. One might be sufficient. Now, Congress or a committee of Congress can not stop and go into the detail, considering this question as to hundreds of ports and subports in the United States.

Mr. JAMES. Then the gentleman would force the people that he says would come as a lobby to the House of Representatives to present their case here as to why their ports ought not to be discontinued, to go to the President of the United States and there present to one man the same reasons he would deny them the right to present to the 386 men who constitute this House.

Mr. UNDERWOOD. Not at all. If we put this in the hands of the Secretary of the Treasury, I do not think we would have any lobby. They would send their officers out and determine how the revenue could be most economically administered. They would determine what ports and what subports should be continued and abolished.

Mr. JAMES. Is it not also true that even in a port where they do not collect a cent of customs duties, where there are

three or four rivers, that there are duties that have to be paid for and where it would appear the port was useless, when, as a matter of fact, it was a port very much needed?

Mr. UNDERWOOD. I have just told the gentleman that, in my opinion, there might be ports where there was not enough revenue collected to support the port that ought to be continued, but there are many that ought to be abolished.

Mr. JAMES. But the gentleman was jumping onto Paducah, Ky., when there are three or four rivers there.

Mr. UNDERWOOD. And that demonstrates right there that we can not settle this thing in the Halls of Congress.

Mr. JAMES. I would rather settle it here than have it go to the President of the United States.

Mr. UNDERWOOD. The gentleman from New York [Mr. PAYNE] thinks that we ought to abolish the port at Paducah, and the gentleman from Kentucky [Mr. JAMES] thinks that we ought to retain it, although it does not produce enough revenue to pay expenses.

Mr. SIBLEY. Mr. Chairman, I want to ask the gentleman from Alabama [Mr. UNDERWOOD] if he will yield for a moment.

Mr. UNDERWOOD. I yield.

Mr. SIBLEY. Mr. Chairman, I think there is a general desire on both sides of this Chamber to pass the pending measure, and I am going to appeal to the gentleman from Alabama, who undoubtedly has the parliamentary position and the right to the floor, but having so much at stake for the agriculturists of this country, if it might not be best to defer the discussion of an entirely different measure until some future period, and as speedily as possible permit the gentleman from Wisconsin [Mr. ADAMS] to have a vote upon his bill. [Applause.]

Mr. UNDERWOOD. I will say to my friend from Pennsylvania that I did not bring this question before the House, but it is here. I have made a statement as to my views in the matter. I am sure I am heartily in favor of the passage of the pending measure, but let me suggest one more word. There are gentlemen here on this side of the House who take an opposite position from the one which I take. As the matter has been discussed, I do not think that debate ought to close without giving them the floor, and I intend to yield the floor to them and then they can determine what they shall do.

Mr. SIBLEY. Mr. Chairman, I had hoped the courtesy the gentleman always manifests would be shown in this instance, and that the discussion of an entirely contrary measure be postponed.

Mr. UNDERWOOD. I would be glad to do it, except that I think it is just to those gentlemen that they should have the floor. I will herewith append the following as a part of my remarks:

A bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

Be it enacted, etc., That the President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the collection of revenue from customs, and for this purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may, from time to time, alter said districts: *Provided*, That there shall be no more than 120 collection districts.

[House Report No. 1297, Fifty-ninth Congress, first session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes, having considered the same, report it back with a recommendation that the bill do pass.

This bill is precisely like H. R. 7114, with the exception that the words "and for the interests of commerce and shipping" contained in H. R. 7114, lines 4 and 5, are stricken out.

Your committee adopt the report on H. R. 7114 as a part of the report on this bill.

[House Report No. 583, Fifty-ninth Congress, first session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts, having considered the same, report it back with the following amendment, viz:

On page 1, line 4, after the word "districts," insert the words "and to discontinue or consolidate ports and subports therein," and recommend that the bill as amended do pass.

The reasons given for the enactment of this measure are well stated in the accompanying memorandum from the Treasury Department, which is adopted as a part of this report.

INTERNAL-REVENUE COLLECTION DISTRICTS.

The act of July 1, 1862, establishing the Internal-Revenue Bureau (12 Stat. L., 432), authorized the President (sec. 2) to divide the States and Territories into convenient collection districts and to appoint an assesor and a collector for each collection district, limiting the number of districts in any State to the number of Representatives in the Thirty-eighth Congress.

The act of June 30, 1864, section 7 (13 Stat. L., 224), authorized the President to alter the respective collection districts as the public interests may require. A proviso in the act of July 12, 1870 (16 Stat. L., 239), authorized the President to divide the States and Territories, respectively, into convenient collection districts, or to alter the same, or unite two or more districts or two or more States or Territories into one district, and to exercise such power from time to time as in his opinion the public interests may require.

The act of July 14, 1870, section 18 (16 Stat. L., 261), authorized the President to annex to or unite with each other two or more adjoining collection districts whenever in his opinion it will reduce the expense of collecting the internal revenue without impairing the efficiency of the service.

The act of June 6, 1872, section 43 (17 Stat. L., 257) ,authorized the President to reduce the internal-revenue districts to not exceeding 80 in number, and for that purpose to unite two or more districts or States or Territories into one district. This last section was repealed before a reduction in the number of districts was made thereunder by the act of December 24, 1872 (17 Stat. L., 403). The laws were incorporated in the Revised Statutes as sections 3141 and 3142.

The act of August 15, 1876 (19 Stat. L., 152), made the maximum number of internal-revenue districts 131. The act of March 3, 1877 (19 Stat. L., 303), reduced the maximum number of districts to 126. The President, in an order of June 25, 1883, as modified by orders of June 30, October 13, and December 5, 1883, reduced the number of districts to 84, and the reestablishment of the district of Nevada by Executive order of February 13, 1884, made the number of districts 85, which was reduced by Executive order of May 21, 1887, to 63. By Executive orders of April 30, 1900, July 1, 1901, and September 1, 1902, the number of districts was increased to 66.

The bill introduced in the House of Representatives on December 13, 1905, by Mr. PAYNE (H. R. 7114), authorizes the President to establish convenient districts for the collection of the revenue from customs and for the interests of commerce and shipping, specifically authorizing the subdivision, union, and alteration of the districts, with the proviso that the number of districts shall not exceed 120.

There are now 123 customs collection districts and 6 ports of delivery not assigned to any district in the acts establishing them. The district of New Orleans embraces that city and Shreveport, in Louisiana, and Cincinnati, St. Louis, and other cities outside of that State.

Percentage of cost of collecting the internal revenue and the revenue from customs.

Fiscal year.	Internal revenue.[a]	Revenue from customs.[b]
1877	3.50	4.90
1878	3.75	4.41
1879	3.70	3.94
1880	3.63	3.18
1881	3.77	3.20
1882	3.50	2.94
1883	3.50	3.07
1884	[c]4.20	3.44
1885	3.90	3.77
1886	3.60	3.30
1887	3.40	3.12
1888	3.20	2.94
1889	3.20	2.91
1890	2.82	2.84
1891	2.88	3.04
1892	2.80	3.65
1893	2.62	3.28
1894	2.70	5.09
1895	2.81	4.23
1896	2.78	4.28
1897	2.62	3.91
1898	2.29	4.62
1899	1.68	3.47
1900	1.58	3.00
1901	1.55	3.20
1902	1.70	3.13
1903	[c]2.07	2.98
1904	1.98	3.32
1905	2.01	3.48

[a] As reported by the Commissioner of Internal Revenue.
[b] As reported by the supervising special agent to 1901. Since 1901 as reported by the warrant division.
[c] Increase due to reduction of taxes.

The percentages taken from the reports of the Commissioner of Internal Revenue and the supervising special agent are based on the revenue and expenses of collection during the respective fiscal years. The following percentages appear in the reports of the Secretary of the Treasury and are based on the revenue and expenses of collection shown by Treasury warrants.

Internal and customs revenue, and expenses of collecting, from 1858 to 1905.

Year ended June 30—	Internal revenue.			Customs revenue.		
	Revenue.[a]	Expenses of collecting.[b]		Revenue.[a]	Expenses of collecting.[c]	
			Per ct.			Per ct.
1858	(d)	(d)	(d)	$41,789,620.96	$2,903,336.89	6.94
1859	(d)	(d)	(d)	49,565,824.38	3,407,931.77	6.85
1860	(d)	(d)	(d)	53,187,511.81	3,337,188.15	6.27
1861	(d)	(d)	(d)	39,582,125.64	2,843,455.84	7.18
1862	(d)	(d)	(d)	49,056,397.62	3,276,560.39	6.67
1863	$37,640,787.95	$108,685.00	0.29	69,059,642.40	3,181,026.17	4.60
1864	109,741,134.10	253,372.99	.23	102,316,152.99	4,192,582.43	4.09
1865	209,461,215.25	385,230.52	.18	84,928,260.00	5,415,449.32	6.39
1866	309,226,813.42	5,783,128.77	1.87	179,046,651.58	5,342,469.99	2.98
1867	266,027,537.43	7,355,029.81	2.77	176,417,810.88	5,763,979.01	3.26
1868	191,087,589.41	8,705,399.36	4.55	164,464,599.56	7,641,116.68	4.65
1869	158,356,460.86	7,257,176.11	4.59	180,048,426.65	5,388,082.31	2.99
1870	184,899,756.49	7,253,439.81	3.92	194,538,374.44	6,253,747.68	3.20
1871	143,098,153.63	7,593,714.17	5.30	206,270,408.05	6,558,350.61	3.18
1872	130,642,177.72	5,694,116.86	4.36	216,370,286.77	6,950,173.88	3.21
1873	13,729,314.14	5,340,230.00	4.69	188,089,522.70	7,077,864.70	3.76

Internal and customs revenue, and expenses, etc.—Continued.

Year ended June 30—	Internal revenue.			Customs revenue.		
	Revenue.[a]	Expenses of collecting.[b]		Revenue.[a]	Expenses of collecting.[c]	
			Per ct.			Per ct.
1874	$102,409,784.90	$4,509,976.05	4.40	$163,103,833.69	$7,321,469.94	4.49
1875	110,007,493.58	4,289,442.71	3.89	157,167,722.35	7,028,521.80	4.47
1876	116,700,732.03	3,942,613.72	3.38	148,071,984.61	6,704,858.09	4.53
1877	118,630,407.83	3,556,943.85	2.99	130,956,493.07	6,501,037.57	4.96
1878	110,581,024.74	3,280,162.22	2.96	130,170,680.20	5,826,974.32	4.47
1879	113,561,610.58	3,527,956.56	3.10	137,250,047.70	5,477,421.52	3.96
1880	124,009,373.92	3,657,105.10	2.95	186,522,064.60	6,023,253.53	3.23
1881	135,264,385.51	4,327,793.24	3.20	198,159,676.02	6,383,288.10	3.22
1882	146,497,595.45	4,097,241.34	2.80	220,410,730.25	6,506,359.26	2.95
1883	144,720,398.98	4,424,707.30	3.06	214,706,496.93	6,593,509.43	3.07
1884	121,588,072.51	4,216,842.26	3.47	195,067,489.76	6,709,485.76	3.44
1885	112,498,725.54	3,853,035.94	3.42	181,471,939.34	6,494,847.29	3.58
1886	116,805,936.48	3,578,679.42	3.06	192,905,023.44	6,427,612.67	3.33
1887	118,823,331.22	3,826,507.98	3.22	217,286,893.13	6,855,801.74	3.16
1888	124,256,871.98	3,626,038.91	2.92	219,091,173.63	7,156,187.77	3.27
1889	130,881,513.92	3,770,388.72	2.88	223,832,741.69	7,030,487.00	3.14
1890	142,606,705.81	3,780,950.41	2.65	229,668,584.57	6,859,986.09	2.98
1891	145,686,249.44	4,003,485.65	2.75	219,522,205.23	6,964,367.09	3.17
1892	153,971,072.57	3,879,082.31	2.52	177,452,964.15	6,646,276.05	3.74
1893	161,027,623.93	4,144,927.02	2.57	203,355,016.73	6,756,790.98	3.32
1894	147,111,232.81	3,749,029.22	2.55	131,818,530.62	6,791,872.86	5.15
1895	143,421,672.02	3,754,935.45	2.62	152,158,617.45	6,736,690.92	4.43
1896	146,762,864.74	3,846,887.55	2.62	160,021,751.67	7,237,796.40	4.52
1897	146,688,574.29	3,906,788.85	2.46	176,554,128.65	7,075,372.05	4.01
1898	170,900,641.49	3,705,256.95	2.17	149,575,062.35	7,152,276.58	4.78
1899	273,437,161.51	4,350,543.05	1.59	206,128,481.75	7,361,582.83	3.57
1900	295,327,926.76	4,446,318.98	1.51	233,164,871.16	7,467,692.48	3.20
1901	307,180,663.77	4,404,986.68	1.43	238,585,455.99	7,713,418.82	3.23
1902	271,880,122.10	4,360,144.97	1.60	254,444,708.19	7,967,472.89	3.13
1903	230,810,124.17	4,498,479.28	1.95	284,479,581.81	8,468,710.19	2.98
1904	232,904,119.45	4,507,867.83	1.94	261,274,564.81	8,665,636.37	3.32
1905	234,095,740.85	4,338,184.70	1.85	261,798,856.91	9,115,499.44	3.48

[a] Based on warrants issued.

[b] The cost of collecting the internal revenue embraces the following items: Salaries and expenses of collectors, including pay of deputy collectors, clerks, etc., and including expenses incident to enforcing the provisions of law taxing oleomargarine; salaries and expenses of revenue agents, surveyors of distilleries, gaugers, storekeepers, and miscellaneous expenses; paper for internal-revenue stamps, and expenses of detecting and punishing violations of internal-revenue laws.

[c] The expenses of collecting the revenue from customs includes all sums drawn from the appropriation made by Congress for that purpose. The money is expended for salaries, rents, labor in weighing, gauging, and measuring imported merchandise, revenue boatmen, repairs, and other expenses incident to rented buildings, stationery, and the traveling expenses of special agents, but does not include expenditures for revenue cutters, fuel, lights, water, furniture, janitors, etc., for buildings owned by the Government, nor expenditures for erecting new buildings, all of which are paid for from specific appropriations made for those purposes.

The expenses of collecting internal and customs revenue do not include the expenditures for salaries, etc., incident to auditing these accounts in the Departments at Washington.

[d] No data.

List of ports at which customs expenses exceeded receipts for the fiscal year ending June 30, 1905.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle (Elizabeth City), N. C	$5.00	$1,606.94	2	$321.388
Annapolis, Md	5.00	929.41	2	185.882
Apalachicola, Fla	1,237.87	3,629.45	4	2.932
Barnstable, Mass	438.80	3,532.42	7	8.050
Beaufort, N. C		1,400.01	2	
Beaufort, S. C	607.85	3,278.72	4	5.394
Brazos de Santiago (Brownsville), Tex.	5,594.89	40,131.37	31	7.173
Bridgeton, N. J	491.99	1,411.01	5	2.868
Burlington, Iowa	176.44	456.15	2	2.585
Burlington, N. J	50.61	206.77	2	4.086
Cairo, Ill	47.10	382.25	1	8.116
Castine, Me	682.64	4,503.34	6	6.597
Chattanooga, Tenn	42.73	502.55	2	11.761
Cherrystone (Cape Charles City), Va	5.00	1,001.13	4	200.226
Eastern (Crisfield), Md	57.10	2,402.18	3	42.070
Edgartown, Mass	461.72	2,762.71	4	5.984
Frenchmans Bay (Ellsworth), Me	208.07	3,584.90	5	17.229
Galena, Ill	12.00	403.86	1	33.655
Georgetown, S. C	266.79	583.50	3	2.187
Great Egg Harbor (Somers Point), N. J	41.59	1,115.25	2	26.815
Humboldt (Eureka), Cal	635.86	2,806.39	1	4.414
Kennebunk, Me		95.17	2	
La Crosse, Wis	25.54	363.42	2	14.229
Little Egg Harbor (Tuckerton), N. J		303.25	1	
Machias, Me	701.98	4,390.77	5	6.125
Michigan (Grand Haven), Mich	6,470.61	9,315.81	14	1.440
Nantucket, Mass		370.55	1	
Natchez, Miss		500.00	2	
Oregon (Astoria), Oreg	13,771.24	14,198.65	12	1.031
Paducah, Ky		450.05	2	
Pamlico (Newbern), N. C	1,607.54	6,130.08	5	3.813
Patchogue, N. Y		474.90	2	
Plymouth, Mass	1,027.24	1,417.89	2	1.380
Port Jefferson, N. Y		12.00	2	
Portsmouth, N. H	537.21	4,595.19	6	8.554
Rock Island, Ill	111.09	741.60	2	6.676
Saco, Me	26.71	484.65	2	18.145
Sag Harbor, N. Y	12.95	877.22	4	67.739
St. Marys, Ga	7.23	606.81	1	83.929
Salem and Beverly (Salem), Mass	1,631.10	5,868.66	6	3.598

List of ports at which customs expenses exceeded receipts, etc.—Cont'd.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Sandusky, Ohio	$2,669.20	$4,281.02	9	$1.604
Southern Oregon (Coos Bay), Oreg	29.60	1,252.13	2	42.302
Tappahannock, Va	5.62	702.75	2	125.044
Teche (Brashear), La	87.48	3,069.20	3	35.085
Vicksburg, Miss		513.65	1	
Waldoboro, Me	2,029.21	6,891.75	7	3.396
Wheeling, W. Va	94.94	624.50	2	6.578
Wilmington, N. C	4,598.07	6,511.77	5	1.416
Wiscasset, Me	726.83	3,308.50	3	4.552
Yaquina, Oreg		1,040.75	2	
York, Me	2.50	253.67	1	101.468
Total	47,242.94	156,185.67		

Mr. THOMAS of North Carolina. Mr. Chairman, will the gentleman from Alabama permit me to say I am heartily in favor of the bill to increase the appropriation for agricultural experiment stations, the pending measure. The debate upon the question of the customs districts was not precipitated by us, but by the gentleman from New York [Mr. PAYNE]. We who oppose the abolition of the custom-houses and the bill to reorganize the customs collection districts are not responsible for the injection of that question in the debate on the pending bill.

Mr. UNDERWOOD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. WADSWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WADSWORTH. Mr. Chairman, in view of the intimate connection between these two bills, is it proper for this committee to consider them both at the same time? [Laughter.]

The CHAIRMAN. The bill is being debated under the rules of general debate.

Mr. WADSWORTH. Which bill?

The CHAIRMAN. The bill (H. R. 384) to increase the annual appropriation for agricultural experiment stations, etc.

Mr. SLAYDEN. Mr. Chairman, the gentleman from New York, chairman of the Committee on Ways and Means, was not particularly happy in his charge that this side of the House marched up in a solid phalanx in support of these nonrevenue-yielding ports. A little more than a year ago when our Republican friends, who are responsible for this Government, were doing their best to find some means of economy in civil expenditures in order that they might indulge in military extravagances, I had the honor to point out to them certain avenues for saving. I undertook to show them from the report of the Secretary of the Treasury where a considerable sum of money might be saved each year without any detriment to the commerce of the country. In that connection and at that time I submitted some observations in regard to the continued appropriation for the Porto Rican regiment, so called, which is an annex of the United States Army, that the Secretary of War on two several occasions stated to the Committee on Military Affairs should not be continued, but which was continued by the vote of this House, and then, Mr. Chairman, I gave, taking it from the report of the Secretary of the Treasury, a detailed account of all these ports where the revenues were absolutely disproportionate to the expense of their management. In order that I might not be charged with unfairness, in order that no man might say I had held up to the gaze of the country those ports which were conspicuous sinners in this respect located in the North, I began in the State of South Carolina. I mentioned Texas, I mentioned North Carolina and Virginia, and all the other ports in the country which, in the judgment of the Secretary of the Treasury, were no longer required for the discharge of the public business and the routine service of the commerce of this country. No gentleman need be uneasy about the abolition of those ports if they are needed for commerce, and I do not believe, sir, that the Secretary of the Treasury will consider solely the question of whether the expenses of the ports exceed the revenues.

If, as is undoubtedly true, there are ports where the export trade requires that an official be maintained, I have faith enough in this Administration, and in any Administration that the people will ever choose, to believe that they will be maintained no matter what the cost of the administration may be. Why, it has been pointed out by gentlemen on the floor this afternoon——

Mr. WILLIAMS. Will the gentleman from Texas forgive an interposition right there, in reenforcement of what he has said?

Mr. SLAYDEN. Certainly.

Mr. WILLIAMS. I will state on yesterday I had a conversation over the phone with the First Assistant, Mr. Reynolds, and asked him what would be the policy of the Department with

regard to this matter, and he said that no paying port would be abolished and very many nonpaying ports would not be abolished, because they would be necessary to prevent smuggling or in the interest of commerce.

Mr. SLAYDEN. Mr. Chairman, I thank the gentleman from Mississippi for the interruption. It exactly confirms what I was also told at the Treasury Department, and I do not think that any gentleman who represents a port of that sort, where its continuance is necessary for the export trade, where its continuance is necessary to protect the revenues of the country, need be uneasy for a moment. I believe that there will be just as efficient an administration after this bill shall have passed—as ultimately I believe it will be passed—as was the case following the enactment of the bill which consolidated the internal-revenue districts of the country, which reduced them, as I remember, from 187 to 66, and the tremendous cost of collecting the customs in comparison with collecting internal revenue ought at least to command the serious attention of every man on the floor of this House who professes to be interested in saving the money of the people.

It costs 1.85 per cent to collect the internal revenues of the country—and we all know that the methods of conducting the business of Government are extravagant—as against nearly 4 per cent for the collection of customs. It is altogether disproportionate to the obstacles which are in the way of the collection of those revenues, and, Mr. Chairman, I believe when the House has had time to think it over it will come to realize that the maintenance of useless officials at the expense of the Government should not outweigh the interests of the taxpayers of this country. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organization.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to certify to the House of Representatives, in compliance with its request, the duplicate engrossed copies of the bills H. R. 7085, H. R. 11045, and H. R. 11263 as they passed the Senate.

Also:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (S. 143) granting an increase of pension to James W. Calvert.

The message also announced that the Senate had passed without amendment the bill (H. R. 8773) granting an increase of pension to William H. Joslin.

AGRICULTURAL EXPERIMENT STATIONS.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. There are thirty-five minutes remaining.

Mr. THOMAS of North Carolina. Mr. Chairman, I disagree entirely with the gentleman from Texas. I believe that the longer the House takes to consider this matter——

Mr. WILLIAMS. Will the gentleman from North Carolina yield to me to ask a unanimous consent before he proceeds further?

Mr. THOMAS of North Carolina. Yes.

Mr. WILLIAMS. Mr. Chairman, I want to ask unanimous consent that the general debate close at the end of thirty-five minutes, and, if the Chair will indulge me, I want to explain why. This is call-of-committee day, and if the bill we are really considering goes over it will not go over until to-morrow, but it will go over until the next call-of-committee day, whenever that may be. I ask unanimous consent, therefore, that debate close at the end of thirty-five minutes, the gentleman from North Carolina having that much time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the general debate close at the end of thirty-five minutes. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Chairman, I reserve the right to object. I would like to say that on the affirmative side of this case there has already been an hour and a half expended. If the gentleman will ask unanimous consent that this debate close at 5 o'clock and 15 minutes, I shall not object.

Mr. WILLIAMS. We are not at the mercy of the gentleman from Massachusetts. After the time has expired the gentleman from Wisconsin [Mr. ADAMS] can move that the committee rise, and close the debate in the House. It can not be done in the Committee of the Whole.

Mr. GARDNER of Massachusetts. I understand that perfectly well. The gentleman from New York may object, if he sees fit, on the ground that without notice the advocates of this measure, which has by inference been voted down by a majority this morning——

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that at 5 o'clock and 15 minutes the committee rise and report the bill to the House.

The CHAIRMAN. The gentleman from Mississippi asks that the committee rise at 5 o'clock and 15 minutes and report the bill to the House. Is there objection?

Mr. DALZELL. The Committee of the Whole can not close general debate.

Mr. WILLIAMS. I did not ask that. I ask that the debate upon the pending bill terminate at that time. I am not calling the previous question in the Committee of the Whole. I am asking unanimous consent that the debate in the Committee of the Whole close at that time.

Mr. DALZELL. But the Committee of the Whole can not close general debate.

Mr. UNDERWOOD. I suggest to my friend, if my friend from North Carolina [Mr. THOMAS] will allow me a minute, we can discuss this bill in the House—the bill we are all in favor of. When we go into the House we can close general debate and pass the bill.

Mr. SIBLEY. This is a bill that everybody is in favor of, and one that every man knows can not come up again until the next call of the committee day.

Mr. WILLIAMS. Mr. Chairman, I would like to ask that the committee rise at 5 o'clock and 15 minutes. The other side ought to be heard on this proposition. I am opposed to the position taken by the gentleman from North Carolina, but I agree with him and with the gentleman from Massachusetts [Mr. GARDNER] that they ought to have their day in court. I therefore ask unanimous consent that the committee rise at 5 o'clock and 15 minutes. That is a proposition that can be entertained.

The CHAIRMAN. The Chair will ask the gentleman from Mississippi, if his purpose is that the committee do rise and report the bill?

Mr. WILLIAMS. Favorably to the House.

Mr. MANN. Without reading? I will object, if that is the reason.

The CHAIRMAN. The Chair desires to say to the gentleman from Mississippi that the bill will have to be read by paragraphs.

Mr. WILLIAMS. Mr. Chairman, I will modify the request. I will ask unanimous consent that at 5 o'clock and 15 minutes the bill be read, and that upon the termination of the reading thereof the committee rise and report the bill to the House.

Mr. PAYNE. I suggest to the gentleman from Mississippi [Mr. WILLIAMS], if he can get the consent of the gentleman from North Carolina [Mr. THOMAS], to let the committee rise now, with the assurance that in the House he shall have the floor when we get back——

Mr. THOMAS of North Carolina. I will say to the gentleman from New York that, inasmuch as this question——

Mr. PAYNE. Mr. Chairman, I call for the regular order.

Mr. THOMAS of North Carolina. This matter has been injected into the debate——

Mr. PAYNE. Mr. Chairman, I call for the regular order.

Mr. THOMAS of North Carolina. This matter has been injected into the debate by the gentleman from New York, and it is fair for us to ask it.

The CHAIRMAN. The regular order has been called for, and the gentleman from North Carolina [Mr. THOMAS] is recognized for thirty-five minutes.

Mr. THOMAS of North Carolina. Now, Mr. Chairman, as I was saying, I believe that the more this bill is investigated the better it is understood the more objectionable it will appear to any Member of this House. I am prepared to discuss this question and wish to give the House the benefit of whatever information I may have upon it. Now, there is no reflection whatever intended by the position which I am taking upon this question, and the position of other gentlemen who are interested in these customs ports—including gentlemen upon both sides of the Chamber—nor upon the members of the Committee on Ways and Means. Not one particle.

I want to say further, in the beginning of my speech, that there is no political question in this matter. The gentleman from New York [Mr. PAYNE] attempts to give an impression that there is some politics in it somewhere. There is not a bit.

It is a purely business proposition, and I am willing to treat it as a business proposition. There are gentlemen upon the Republican side of the Chamber and there are gentlemen upon the Democratic side of the Chamber, not only those who are interested in ports, but those who are not interested in ports, who are opposed to this bill upon general principles.

For myself, Mr. Chairman, I resent the imputation that just because I am interested, or the gentleman from Massachusetts [Mr. GARDNER] or some other Member of Congress is interested, in some customs port therefore we are opposed to the passage of the bill to reorganize and consolidate customs districts. I put it upon broader and higher grounds. Many of us have customs ports in our districts. Of course that fact somewhat influences us, but we base our opposition upon the language of the bill itself in the first place; and then, in the second place, Mr. Chairman and gentlemen of the committee, I insist, with all due respect to gentlemen on the Ways and Means Committee, that this bill is not in the interest of economy; that it is not in the interest of the public service. Now, what higher grounds could we put our opposition upon. Note the language of the bill. I will read it. Many gentlemen have not read it perhaps. The bill reads:

That the President is hereby authorized to establish convenient districts and to discontinue or consolidate ports and subports therein for the collection of revenue from customs, and for this purpose may subdivide any State or Territory within or appurtenant to the United States, or may unite two or more States or Territories within or appurtenant to the United States, or any part or parts thereof, into one district, and may from time to time alter said districts: *Provided*, That there shall be no more than 120 collection districts.

Now, Mr. Chairman, some of us contend that is in the direction of centralization and placing the power in the hands of one man, I care not how good or how great he may be, to discontinue any port in any State. Whether it is a paying port or a nonpaying port, he has the power to discontinue any port, to consolidate any two ports or make subports, or unite two or more States into one district, or subdivide a State. This power is too sweeping.

Mr. UNDERWOOD. I would like my friend to permit me to ask him a question.

Mr. THOMAS of North Carolina. Well, my time is very limited, and I have a very great deal to say——

Mr. UNDERWOOD. I gave the gentleman more time than I took myself.

Mr. THOMAS of North Carolina. I yield to the gentleman.

Mr. UNDERWOOD. Now, I want to know whether you think the President of the United States or the Secretary of the Treasury would discontinue a paying port that the Government needed to collect the revenue?

Mr. THOMAS of North Carolina. Mr. Chairman, under this bill it is apparent to every Member of the House that this is a leap in the dark. We can not tell what the President, under the recommendation of the Secretary of the Treasury, might do; and we do not want to put this great power in anybody's hands to do what he pleases with all these ports.

Mr. WILLIAMS. If I may ask the gentleman this question: Suppose we accept an amendment to the bill providing that no authority is hereby conferred to discontinue or consolidate a paying port. Would that make the bill meet the gentleman's approbation.

Mr. THOMAS of North Carolina. I should say not, because——

Mr. WILLIAMS. That amendment will be accepted.

Mr. THOMAS of North Carolina. I think the bill ought not to pass even with that amendment. I will say to the gentleman from Mississippi, for this reason, because some ports may not pay for one year, or two years, but for a series of years the receipts and the expenses will more than even up.

Mr. GAINES of Tennessee. Have you got the figures to show that?

Mr. THOMAS of North Carolina. Yes; I will get to that point in a moment.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. THOMAS of North Carolina. I really have not time now.

Mr. JAMES. All right.

Mr. THOMAS of North Carolina. I have the figures here to show that, as to one particular port in my own district, the port of Beaufort, for a series of years the total receipts were about $143,000, and the total expenses about $51,000. I think the receipts will largely exceed expenses since the establishment of this custom-house.

Mr. GAINES of Tennessee. How many ports are like that?

Mr. THOMAS of North Carolina. I can not say. I understand that in the district of the gentleman from New Jersey [Mr. GARDNER] there is a port where for a series of years the receipts are greater than the expenses. Now, at my port of Beaufort, N. C., taking that as one example, in one year the receipts from duties on imports amounted to over $50,000 on a cargo of railroad iron brought into that port, I think. In another year the receipts were over $50,000; in another year over $20,000. The expenses of the custom-house are $1,400 per annum. So these three years alone would pay the expenses of the port for many years. These figures are from a letter from the Secretary of the Treasury. It is true for some years past expenses have exceeded receipts. But this is one of the greatest ports on the South Atlantic coast as a harbor, and foreign ships may come in any time, and many will with the deepening of the harbor authorized by Congress and construction of the Panama Canal.

Now, Mr. Chairman, we say in the second place that this reorganization of customs districts is not in the interest of economy or of the public service. In the debate which occurred between the former chairman of the Committee on Appropriations, Mr. HEMENWAY, and myself in the last Congress, here is the record of what was said:

Mr. THOMAS of North Carolina. Mr. Chairman, as I have said, if I withdraw the point of order, I have no doubt it will be renewed. This whole legislation is evidently a sweeping change in existing law.

Mr. HEMENWAY. There is no doubt but that the gentleman's point of order is well taken if he insists upon it; but I urge the fact that this will furnish information by which a great reform can be brought about and large sums of money saved to the Government.

Mr. THOMAS of North Carolina. According to the gentleman's own statement in the RECORD a day or two ago, it will save the Government about $100,000 a year.

Mr. HEMENWAY. About a hundred and thirty-five thousand dollars each year.

Mr. THOMAS of North Carolina. Well, Mr. Chairman, the statement made in the RECORD was that it was about $100,000.

Now, the gentleman from Alabama [Mr. UNDERWOOD] makes the statement that it means a saving of half a million or a million dollars per year. There is Mr. HEMENWAY's statement, that it will be $135,000. We say there will be no saving.

Mr. UNDERWOOD. I am merely quoting from what the Secretary of the Treasury said; but I want to know if there is not some economy in saving $135,000 a year, and if that is not worth saving?

Mr. THOMAS of North Carolina. Well, yes; if there is a saving; but at most places you must have deputy collectors, and $135,000 is the maximum saved. According to the report of the committee, if you will read the statement of receipts and expenses, you will find that the committee took the year the Secretary selected, and that shows a saving of about $109,000 per year. We say that the $109,000 a year, according to the report of the committee, or the $135,000 a year, according to Mr. HEMENWAY's statement, is the maximum saving for the year selected by the Secretary of the Treasury; but that is not the fair way to look at this question or estimate a saving of expense. Take, for instance, the ports in North Carolina (and in the Secretary of the Treasury's report and committee's report the showing is made that not one of them pays expenses), under this Payne bill one or all of them might be abolished, or one or more made a subport of Norfolk or Charleston. I say if you will take a series of years you will find that the receipts will exceed the expenses. I have produced the letter of Secretary Shaw as to the port of Beaufort, N. C., showing that the receipts exceeded the expenses very largely in some years.

Mr. GAINES of Tennessee. How long have those four ports in North Carolina been established?

Mr. THOMAS of North Carolina. Why, almost since the foundation of the Government. Wilmington, Newbern, and Beaufort are very old towns, date back to colonial days. They go back to the very beginning of the Government, and that is true as to ports in New England and other ports.

But, Mr. Chairman, to offset any saving, if there is any saving, you propose by this bill to put this great power in the hands of one man, and to inconvenience all the citizens of the country who are interested in commerce, and to inconvenience the commerce of the country upon the Atlantic coast, the Pacific coast, the Gulf coast, the Mexican and northern borders. Why, gentlemen, look at this list of ports, 142 customs districts shown here in this document from the Bureau of Statistics. And those ports, paying and nonpaying ports, are all to be placed in the power of the President to discontinue or abolish, or consolidate, just as he sees fit.

Mr. UNDERWOOD. My friend overlooks the fact that where there is no revenue collected there is no business done, and where there is no business done how is anybody to be inconvenienced? What do you want to keep a port for when there is no business done in it?

Mr. GARDNER of Massachusetts. I will point out to the gentleman from Alabama that the business done in these ports is not exclusively the collection of revenue.

Mr. UNDERWOOD. Of course I recognize that; but the

other is small business; and if it was important the port would not be discontinued.

Mr. JAMES. Not if you have a good political pull.

Mr. THOMAS of North Carolina. I will say to the gentleman, you may take any one of these ports, and while some years there are no receipts, the receipts for other years will be very large. And then, as my friend from Massachusetts [Mr. GARDNER] suggested—I was coming to that—these customs districts are for the convenience of the citizens and the commerce of the country. There are many agencies of the Government which do not pay expenses. We insist that these ports will pay in the long run; but the duties of collectors of customs are manifold beside the mere collection of duties upon imports. I have collated here from Andrews's Manual of the Customs Laws the various duties that have to be discharged by collectors of customs, not only at the large ports, but the small ports. Here is a long typewritten list, and I am going to read what these various duties are:

DUTIES OF COLLECTORS.

To take merchandise into custody whenever the entry is imperfect for want of bills of lading or other cause.
To examine invoices and see that no goods subject to duty, except $100 worth of personal effects, are landed.
To take possession of merchandise when invoice is not correct.
To certify to the correctness of the invoices upon entry which is proved in any court of the United States.
To act as shipping commissioner in ports where there is no shipping commissioner.
To see that no goods are unloaded until the estimated duties have been paid.
To see that merchandise is not unloaded at places where the health laws of the State do not permit.
To attend to the unloading of foreign importations by day or by night.
To examine carefully all manifests of merchandise.
To attend to the unloading of vessels in distress.
To protect the rights of shippers where there is a lien for freight.
To sell unclaimed merchandise.
To make a record of merchandise subject to duties and examine the same at port of destination, and appraise the same.
To enforce fines, penalties, and forfeitures as to smuggling, etc.

I remember the gentleman from New York [Mr. PAYNE] said last year that the customs ports ought not to be abolished because that would be an invitation to smugglers.

Many duties in connection with goods imported in bond to be exported when manufactured without sale in American markets.
To license vessels and receive and file the oaths of masters.
To record bills of sales and mortgages.
They have charge of transfers of owners of vessels and changes of masters.
The powers of deputy collectors are very limited.

Now, along this same line the collector of customs of the port of Newbern states in the letter which I hold in my hand that "in addition to collecting duty on foreign merchandise we have to issue licenses and enrollments to 262 vessels. These are renewed every year and a record kept in this office. All vessels have to be admeasured and bills of sale and mortgages recorded, etc." He says: "The duty on goods imported into this district by the British-American Tobacco Company for the fiscal year ending June 30, 1905, amounted to $33,728.36; but not a cent of this duty collected by reason of the fact that the goods were imported in bond to be manufactured and exported immediately. We have the same amount of work as would be necessary if the receipts from duty amounted to $75,000 a year. Your position that the collection of duties on foreign imports is a very small part of the work of the collector's office is true, so far as this office is concerned."

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. THOMAS of North Carolina. Yes.

Mr. GAINES of Tennessee. I have listened carefully to all of these legal duties imposed upon the collector which the gentleman has read, and every one of them, as I remember, presupposes that goods are shipped into the district. There are lots of ports where there are no goods shipped in at all.

Mr. THOMAS of North Carolina. No. At all ports certain duties must be performed, imports or no imports, by collectors, namely:

To license vessels and receive and file the oath of masters.
To record the bills of sales and mortgages.
They have charge of transfers of owners of vessels and changes of masters.
They must make a record of merchandise subject to duties and examine the same at port of destination and appraise the same.

Mr. GAINES of Tennessee. The gentleman has read four items, and there are about twenty on the page that he has already read, and all the others presuppose the goods come into the port.

Mr. JAMES. That makes no difference.

Mr. THOMAS of North Carolina. That cuts no figure, as my friend from Kentucky suggests. The duties of collectors at all ports are many besides collecting duties on imports.

Now, Mr. Chairman, I have shown, or endeavored to show, that this bill to reorganize and consolidate customs districts is placing too much power in the hands of any one man. I have endeavored to show that it means no real economy, certainly a small saving per annum, if any, to the inconvenience of the citizens and the commerce of the country. I have shown that the collector of customs at the various ports have many other duties to perform besides the collection of duties upon foreign imports.

Now, I want to add this much further, that if you put this power under the Payne bill in the hands of the President, who will be governed by the recommendation of the Secretary of the Treasury, you will be obliged necessarily to put at most, if not all, the ports a deputy collector of customs. You must have a deputy anyhow to prevent smuggling and discharge numerous duties.

Now, where is the saving of expense when you put the deputy in the place of the collector? You can not get a competent deputy collector to discharge the duties of the office for very much less than the pay of a collector. You will have to keep up your force; you will have to keep the boatman and his boat there to board vessels and examine the manifests and cargoes and to discharge the duties in connection with the enforcement of the navigation laws. You have to keep going all the expenses of the ports, except you may possibly save the small difference between the pay of the deputy collector and a full-fledged collector of customs. To get a competent man you will have to pay very nearly as much as the small salary of the collector of the port.

Now, Mr. Chairman, there is another consideration. These collectors of customs not only have many duties to perform besides the collection of duties on imports, but also at every one of these ports the most of them have an export trade that is to be taken into consideration. If you are going to proceed upon the basis that you are to make subports or abolish every port where expenses exceed receipts, which would include every port in North Carolina and some in Maine and Massachusetts and South Carolina and Florida and California and New York and other States, then you would abolish ports where these collectors of customs look after not only the interests of commerce in regard to the duties on imports, but also with regard to exports. The city of Wilmington, N. C., where it costs $1.41 to collect a dollar, had last year an export trade of seventeen and a half million dollars, while the port of Norfolk, where the receipts exceed the expenses, has an export trade with European and foreign countries of only $7,000,000.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman how many ports there are in North Carolina?

Mr. THOMAS of North Carolina. Four—Wilmington Newbern, Beaufort, and Elizabeth City.

Mr. UNDERWOOD. Does the gentleman think they are going to abolish all the ports there? Does the gentleman seriously contend if this power is placed in the hands of the President he would abolish all of them?

Mr. THOMAS of North Carolina. With this extensive power in the hands of the President I would say that we can not tell what would be done.

Mr. UNDERWOOD. But does the gentleman really contend or make the argument seriously to this House that he would abolish all the ports?

Mr. THOMAS of North Carolina. What we object to, of course, is the power. But I say this in reply to the gentleman, that there would be the possibility of making those ports—if you are going to proceed on this basis of receipts and expenses—mere subports of the port of Norfolk, Va.

Mr. UNDERWOOD. Well, if they collected the revenue and covered the purpose, why not do it? What objection would there be, if you collect the revenues? Is the gentleman contending this merely to keep a certain number of men in office, or does the gentleman want the best means of collecting the revenue?

Mr. THOMAS of North Carolina. Certainly not to keep anybody in office. That rule operates both ways. If we have a Democratic Administration—and I hope we may have—if we have it some time in the near or distant future, these same officials will be Democrats.

Mr. UNDERWOOD. But the gentleman and myself would not vote merely to keep a Democrat in office if he was not needed?

Mr. THOMAS of North Carolina. Oh, no. I am not arguing the matter on any such ground. I repudiate the suggestion that I am against the Payne bill simply for the purpose of keeping my ports and custom-houses. Of course, that influences my action somewhat, but I am fighting the Payne bill on the high and broad and general grounds that I have already stated.

Mr. JAMES. Mr. Chairman, they are talking about political influence, and I would ask the gentleman from North Carolina if it is not true that political influence could be brought to bear for the purpose of establishing one port and discontinuing another port?

Mr. THOMAS of North Carolina. Certainly, that is true.

Mr. JAMES. Could not political influence further be brought to bear to discontinue a port that possibly had some ancient Democrats in it and establish a new port and put in new Republicans?

Mr. THOMAS of North Carolina. Certainly.

Mr. JAMES. So there is, perhaps, politics being played wisely on the other side of the House on this question?

Mr. THOMAS of North Carolina. Why, I do not know about that; but I do know this—that, on the part of any party or any Administration I believe such a piece of legislation as this bill will have a reactionary effect. I believe, so far as the Republican party is concerned, if you enact this piece of legislation, and abolish or discontinue or consolidate ports all over the country, on the Atlantic coast, the Gulf coast, and the Pacific coast, the effect of it will be to raise a howl against the Republican party; and, so far as the Democrats are concerned, we believe that this bill ought to be defeated—that is, many of us do, with all due respect to the gentleman on the Ways and Means Committee—because we believe it places too much power in the hands of the President, is no great economy, if any, and not in the interest of commerce.

Mr. ADAMS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of North Carolina. Yes.

Mr. ADAMS of Wisconsin. Mr. Chairman, I do not like to transgress the gentleman's good nature or that of any other gentleman, but we have been discussing a question not before the House for some time, and I want to say to him that for two years I have tried to obtain consideration for the pending measure in the House of Representatives. It has been reported by two committees, and very generally supported by the House. It is becoming very late, almost time to adjourn, and I want to ask him and the other gentlemen who have been discussing another question for unanimous consent to close debate at this time and proceed with the reading of the bill under consideration.

Mr. THOMAS of North Carolina. Mr. Chairman, I am very glad the gentleman has given me the opportunity to say that I am just as much in favor of the pending bill in regard to the agricultural experiment stations as he is, but I am also opposed to this bill to abolish the customs ports. We did not start this discussion. It was injected by the gentleman from New York [Mr. PAYNE], and it is fair to gentlemen on both sides of the House, Republicans and Democrats, that what the gentleman from New York said should be replied to, and replied to to-day, because it ought to go into the RECORD. We can not agree, therefore, to the gentleman's request.

Now, Mr. Chairman, I have said about all that I desire to say on this subject. I believe this Payne bill a false economy; I do not believe there is any economy in it, and I believe if there is any economy in it, that it is putting too great a power in the hands of the President. I believe that the effect of it is going to be to inconvenience the citizens of the country and the commerce of the country more than the value of the little picayune saving which this bill may effect. Economize in some other way.

Mr. GILBERT of Kentucky. Here is a suggestion I want to make.

Mr. THOMAS of North Carolina. Certainly.

Mr. GILBERT of Kentucky. The argument made by the gentleman from New York is predicated entirely upon the proposition that a port ought to be closed because its receipts were not as great as the expenditures.

Mr. THOMAS of North Carolina. Entirely.

Mr. GILBERT of Kentucky. Now, if we pass the bill based upon that argument and present those figures to the President would not he be justified in closing ports upon precisely the same basis?

Mr. THOMAS of North Carolina. I think that would be the result at many ports where the expenditures were in excess of receipts. These ports ought not to be closed. That is exactly what gentlemen on both sides of the House are objecting to as well as the general principle of the bill. Now I yield to my friend from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, as the gentleman from New York [Mr. PAYNE] pointed out, the House is not at the mercy of the Member from Massachusetts on the question of closing this debate. Under the rules, after the time of the gentleman from North Carolina has expired, the House is at the mercy for the next hour of the first Member who gets to his feet and meets the Chairman's eye, whether he wears a red carnation or not. [Applause.] Now, Mr. Chairman, the gentleman from New York, who demanded the regular order a little while ago, has no one but himself to blame if the discussion does not suit him. I have, I confess, a great feeling of sympathy for the gentleman from Wisconsin, who wishes to get to a vote on this most meritorious proposition. [Applause.] But if the gentleman from New York is willing to take the consequence of his own action, he will permit this debate to run on and move a recess instead of an adjournment. This will enable the parliamentary situation under which the bill of the gentleman from Wisconsin came up to continue in the morning, and will give a chance to be heard to those of us who are in opposition to the measure which by indirection we voted on this morning. The gentleman from New York is correct in saying that the House is not at my mercy. If we choose to prolong this fight, he will get on his feet immediately when the hour has expired, he will be recognized, and he will move that the committee rise. When the committee has risen he will move that the debate be closed, and then he will move that we come back into Committee of the Whole to complete this agricultural bill. He may cut off our debate, but not a whole phalanx of gentlemen from New York can deprive forty Members of this House of their constitutional right to have roll calls on the motion to limit debate and the motion to come back again into Committee of the Whole. [Applause.]

Now, I do not mean to threaten the gentleman with obstruction of that kind, but I wish him to understand that if we choose to obstruct the passage of the bill brought up by the gentleman from Wisconsin, its enactment could be postponed for two hours by the cooperation of forty Members. I do not propose to do so, but I am going to ask the gentleman from North Carolina to yield to the gentleman of my name from New Jersey, if he is still in the House, and if not, I am willing to reserve my remarks on the merits of this bill for another occasion.

Mr. THOMAS of North Carolina. I will be glad to do that, Mr. Chairman, but I promised to yield to the gentleman from North Carolina [Mr. BLACKBURN].

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. THOMAS of North Carolina. I yield first to the gentleman from North Carolina.

The CHAIRMAN. How much time?

Mr. THOMAS of North Carolina. Two and a half minutes.

[Mr. BLACKBURN addressed the committee. See Appendix.]

Mr. THOMAS of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. GARDNER].

[Mr. GARDNER of New Jersey addressed the committee. See Appendix.]

Mr. ADAMS of Wisconsin. Mr. Chairman, I ask that general debate be closed and the bill be read under the five-minute rule.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that debate be now closed. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887, the sum of $5,000 in addition to the sum named in said act for the year ending June 30, 1906, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of $2,000 over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be $15,000, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

Mr. ADAMS of Wisconsin. Mr. Chairman, I offer the following amendment. I simply offer this amendment for the purpose of perfecting the section, making the language short and answer its purpose.

The Clerk read as follows:

Amend section 1 by striking out the word "fifteen," in line 3, on page 2, and insert the word "thirty."

Mr. HAUGEN. Mr. Chairman, I will ask the gentleman if this does not increase the appropriation by thirty thousand, making it forty-five thousand. If the gentleman will turn over to page 1 he will find that the appropriation is made in addition to the other appropriation, and that would increase the appro-

priation to $45,000 instead of $30,000, as contemplated by the gentleman from Wisconsin.

Mr. ADAMS of Wisconsin. The purpose of the amendment is to state in the bill itself exactly what is intended to be paid. Under the original act they received $15,000, and this increase is $15,000, and on the completion of this period they will get $30,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury.

Mr. GRAFF. Mr. Chairman, I desire to ask the gentleman from Wisconsin a question. Is this bill simply a reenactment of the Hatch Act in every respect except the additional amount which is granted to experimental stations?

Mr. ADAMS of Wisconsin. It is.

The Clerk read as follows:

SEC. 4. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

Mr. UNDERWOOD. Mr. Chairman, I rise to ask unanimous consent of the committee to extend the remarks I made this afternoon in the RECORD, as I want to place some figures in the RECORD to accompany what I said.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. ADAMS of Wisconsin. If it is proper, Mr. Chairman, I ask unanimous consent that all gentlemen who spoke may have an opportunity to extend their remarks in the RECORD.

The CHAIRMAN. The Chair will state that the leave asked for by the gentleman from Wisconsin is not proper at this time. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent that the committee may return to section 3 of the bill for the purpose of offering an amendment.

Mr. ADAMS of Wisconsin. I object to that, Mr. Chairman; it is very late.

Mr. GARRETT. I should like to state the amendment to the gentleman from Wisconsin, if he will withhold his objection.

Mr. ADAMS of Wisconsin. I withhold the objection.

Mr. GARRETT. Section 3 of the bill reads:

That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost—

Now, I want to move to amend, in line 9, on page 3, by striking but the words "by any action or contingency" and insert therefor the words "through any fault of such officer." It seems to me that such an amendment would be well.

Mr. ADAMS of Wisconsin. I want to state for the information of the committee that this is the language of the original act, and it has worked satisfactorily for seventeen years. I do not think any good would result from the amendment the gentleman says he would offer.

Mr. GARRETT. I was not aware that it was the language of the original act.

Mr. ADAMS of Wisconsin. Now, Mr. Chairman, I move that the committee rise and report the bill with the amendment to the House, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 345 and had instructed him to report the same back with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. ADAMS of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;

H. R. 1201. An act granting an increase of pension to Edward Maxwell;

H. R. 4708. An act granting an increase of pension to William T. Wiley;

H. R. 5597. An act granting an increase of pension to Oscar Williamson;

H. R. 7302. An act granting an increase of pension to James G. Head; and

H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan.

ADJOURNMENT OVER TO MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 173, noes 39.

So the motion was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until Monday, February 19.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for an additional copyist in the Bureau of Immigration—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of proposed legislation to enable the Bureau of Fisheries to continue an exchange of fish eggs with foreign governments—to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Bayou Teche, Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Huldah*, John H. Riggs or Robert Strong, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bills of the House (H. R. 4533, 4452, 8104, 6014, and 8465, reported in lieu thereof the bill (H. R. 14968) to amend the internal-revenue laws so as to provide for publicity of its records, accompanied by a report (No. 1339); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bills of the House H. R. 449, 3013, 3086, 3087, and 13294, reported in lieu thereof the bill (H. R. 14972) for the relief of tobacco growers, accompanied by a report (No. 1340); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BIRDSALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 395) concerning foreign-built dredges, reported the same with amendment, accompanied by a report (No. 1341); which said bill and report were referred to the House Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3814) for the relief of acting (volunteer) officers of the United States Navy in the civil war, reported the same with amendment, accompanied by a report (No. 1342); which said bill and report were referred to the House Calendar.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, reported the same without amendment, accompanied by a report (No. 1343); which said bill and report were referred to the House Calendar.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8761) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, reported the same without amendment, accompanied by a report (No. 1344); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LONGWORTH, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 9979) to authorize the acquisition of land or buildings for the United States embassies and legations in foreign capitals, reported the same without amendment, accompanied by a report (No. 1345); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga., reported the same without amendment, accompanied by a report (No. 1346); which said bill and report were referred to the House Calendar.

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13398) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels, reported the same without amendment, accompanied by a report (No. 1347); which said bill and report were referred to the House Calendar.

Mr. KLEPPER, from the Committee on the Territories, to which was referred the House joint resolution (H. J. Res. 97) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska, reported the same without amendment, accompanied by a report (No. 1348); which said joint resolution and report were referred the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 484) granting a pension to William Mayer, reported the same with amendment, accompanied by a report (No. 1300); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1440) to increase the pension of Matilda E. Lawton, reported the same with amendment, accompanied by a report (No. 1301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1977) granting a pension to Emma C. Anderson, reported the same with amendment, accompanied by a report (No. 1302); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pension, to which was referred the bill of the House (H. R. 2705) granting an increase of pension to H. W. Perkins, reported the same with amendment, accompanied by a report (No. 1303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4219) granting an increase of pension to John C. Keener, reported the same with amendment, accompanied by a report (No. 1304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5724) granting an increase of pension to William O. Gillespie, reported the same with amendment, accompanied by a report (No. 1305); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5727) granting an increase of pension to William T. Harris, reported the same with amendment, accompanied by a report (No. 1306); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7984) granting a pension to Henry R. Hill, reported the same with amendment, accompanied by a report (No. 1307); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8218) granting an increase of pension to Mary C. Spangler, reported the same with amendment, accompanied by a report (No. 1308); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9190) granting a pension to Ida Carty, reported the same with amendment, accompanied by a report (No. 1309); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9216) granting an increase of pension to Catherine R. Mitchell, reported the same with amendment, accompanied by a report (No. 1310); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9705) granting a pension to George W. Robinson, reported the same with amendment, accompanied by a report (No. 1311); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10920) granting a pension to May Edna Cammeron, reported the same with amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11335) granting a pension to Thomas J. Chandler, reported the same with amendment, accompanied by a report (No. 1313); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12584) granting an increase of pension to William R. Guion, reported the same without amendment, accompanied by a report (No. 1314); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13005) granting an increase of pension to Robert R. Wilson, reported the same with amendment, accompanied by a report (No. 1315); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13035) granting an increase of pension to Maggie D. Russ, reported the same with amendment, accompanied by a report (No. 1316); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13038) granting an increase of pension to Rebecca Ramsey, reported the same with amendment, accompanied by a report (No. 1317); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13018) granting an increase of pension to Orren R. Smith, reported the same with amendment, accompanied by a report (No. 1318); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13082) granting an increase of pension to Herbert Williams, reported the same with amendment, accompanied by a report (No. 1319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13083) granting an increase of pension

to Mordical B. Borbee, reported the same with amendment, accompanied by a report (No. 1320); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13138) granting an increase of pension to Eada Lowry, reported the same with amendment, accompanied by a report (No. 1321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13151) granting a pension to Christopher C. Harlan, reported the same with amendment, accompanied by a report (No. 1322); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13230) granting an increase of pension to Elizabeth Webb, reported the same without amendment, accompanied by a report (No. 1323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13231) granting an increase of pension to Gatsy Mattucks, reported the same with amendment, accompanied by a report (No. 1324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13310) granting an increase of pension to James McKee, reported the same without amendment, accompanied by a report (No. 1325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13311) granting an increase of pension to John Wilkinson, reported the same with amendment, accompanied by a report (No. 1326); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13505) granting an increase of pension to Martha E. Chambers, reported the same with amendment, accompanied by a report (No. 1327); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13712) granting an increase of pension to Caroline D. Scudder, reported the same with amendment, accompanied by a report (No. 1328); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13891) granting an increase of pension to Hugh G. Wilson, reported the same with amendment, accompanied by a report (No. 1329); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13976) granting an increase of pension to John R. Stallcup, reported the same with amendment, accompanied by a report (No. 1330); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14425) granting an increase of pension to Robert Henderson Griffin, reported the same with amendment, accompanied by a report (No. 1331); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14426) granting an increase of pension to Thomas S. Menefee, reported the same with amendment, accompanied by a report (No. 1332); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4029) granting an increase of pension to Martha G. Archer, reported the same without amendment, accompanied by a report (No. 1333); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3537) granting an increase of pension to Anthony W. Presley, reported the same without amendment, accompanied by a report (No. 1334); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3291) granting an increase of pension to Matthew D. Raker, jr., reported the same without amendment, accompanied by a report (No. 1335); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2377) granting an increase of pension to Clara T. Leathers, reported the same without amendment, accompanied by a report (No. 1336); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1744) granting an increase of pension to Joseph B. Papy, reported the same without amendment, accompanied by a report (No. 1337); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1731) granting an increase of pension to William O. Colson, reported the same without amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 71) granting leave of absence to Maj. Cassius E. Gillette, reported the same adversely, accompanied by a report (No. 1349); which said joint resolution and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILEY of New Jersey: A bill (H. R. 14967) for the improvement of Twentieth street NE. from Franklin street to Evarts street, and Evarts street from Twentieth street to Mills avenue—to the Committee on Appropriations.

By Mr. DALZELL, from the Committee on Ways and Means: A bill (H. R. 14968) to amend the internal-revenue laws so as to provide for publicity of its records—to the Union Calendar.

By Mr. CLAYTON: A bill (H. R. 14969) to establish a United States court and a recording district in the town of Weleetka, Ind. T.—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14970) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Pennsylvania: A bill (H. R. 14971) to revise, codify, and amend the laws relating to the judiciary—to the Committee on Revision of the Laws.

By Mr. DALZELL, from the Committee on Ways and Means: A bill (H. R. 14972) for the relief of tobacco growers—to the Union Calendar.

By Mr. COCKS: A bill (H. R. 14973) authorizing the Secretary of War to accept for the United States Government all the improvements at the entrance of Peter Neck, or Long Beach Bay, Long Island, New York, and making an appropriation to maintain and extend existing channel between said bay and Orient Harbor, Long Island, New York—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: A bill (H. R. 14974) fixing the compensation of the laborers in the customs service at the port of New York—to the Committee on Ways and Means.

By Mr. BRICK: A bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large—to the Committee on Naval Affairs.

By Mr. BROWN: A bill (H. R. 14976) to amend an act approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin"—to the Committee on Indian Affairs.

By Mr. ANDREWS: A bill (H. R. 14977) making an appropriation of $20,000 to construct an additional building to the Indian school at Santa Fe, N. Mex.—to the Committee on Indian Affairs.

By Mr. HEFLIN: A bill (H. R. 14978) to provide for separate compartments for white and negro passengers in sleeping cars in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: A bill (H. R. 15065) providing for the registration of vessels built in foreign countries—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: A bill (H. R. 15066) to promote civic education through reprints at private expense of public documents—to the Committee on Printing.

By Mr. COCKS: A joint resolution (H. J. Res. 99) directing the Secretary of War to submit plans and estimates for the dredging of Stirling Basin, Suffolk County, Long Island, New York—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 100) directing the Secretary of War to submit plans and estimates for the improvement of the channel between Three Mile Harbor and Gardiners Bay,

Suffolk County, Long Island, New York—to the Committee on Rivers and Harbors.

By Mr. TRIMBLE: A resolution (H. Res. 272) for the investigation of the tobacco trust—to the Committee on the Judiciary.

By Mr. OLMSTED: A resolution (H. Res. 273) authorizing the appointment of W. R. Householder as a special messenger—to the Committee on Accounts.

By Mr. WEBBER: A memorial of the general assembly of the State of Ohio, relative to national aid for public highways—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 14979) giving the Court of Claims jurisdiction to adjudicate two claims for Indian depredations of the estate of Blas Lucero, late of Albuquerque, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 14980) granting an increase of pension to Matthew H. Bellamy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14981) granting an increase of pension to John C. Patterson—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 14982) granting an increase of pension to Isaac N. Long—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 14983) granting an increase of pension to R. T. D. Zimmerman—to the Committee on Pensions.

Also, a bil (H. R. 14984) to increase the pension of widows of deceased soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 14985) granting an increase of pension to Mary Gramberg—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 14986) granting a pension to Alice B. Stowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14987) to correct the military record of Martin Cummings—to the Committee on Military Affairs.

By Mr. BURGESS: A bill (H. R. 14988) granting an increase of pension to James B. Cox—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 14989) granting an increase of pension to Arcatie E. Thompson—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 14990) granting an increase of pension to Lucius D. Whaley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14991) granting an increase of pension to A. H. Bash—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14992) for the relief of William H. Pink—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 14993) granting an increase of pension to Riley M. Smiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14994) granting an increase of pension to Daniel C. Joslyn—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14995) granting an increase of pension to James H. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting an increase of pension to John F. Smith—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 14997) for the relief of Capt. E. St. John Greble and other officers and enlisted men of the United States Army—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 14998) for the relief of John Shuffelbarger—to the Committee on Pensions.

Also, a bill (H. R. 14999) granting a pension to Martha L. Fort—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15000) granting an increase of pension to J. F. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15001) granting an increase of pension to James M. Scott—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15002) granting an increase of pension to George E. Wood—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15003) granting an increase of pension to James Gray—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 15004) granting an increase of pension to W. J. McAtee—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 15005) to correct the military record of William Sibel—to the Committee on Military Affairs.

Also, a bill (H. R. 15006) to correct the military records of the United States Army as to muster-in service of John A. Brimmer—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 15007) granting an increase of pension to Henry Hares—to the Committee on Invalid Pensions.

By Mr. ELLERBE: A bill (H. R. 15008) for the relief of the heirs of Lucy Breeden, deceased—to the Committee on War Claims.

By Mr. FLACK: A bill (H. R. 15009) granting a pension to Efner C. Brand—to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 15010) granting a pension to Hansford G. Gilkeson—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 15011) granting an increase of pension to John Eldridge, jr.—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 15012) granting an increase of pension to Oliver Curry—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 15013) for the relief of F. M. Rhineheardt—to the Committee on Military Affairs.

Also, a bill (H. R. 15014) granting a pension to Edward Smith Tennent—to the Committee on Pensions.

Also, a bill (H. R. 15015) to correct the military record of H. R. Cook—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 15016) granting an increase of pension to J. M. Dick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15017) granting an increase of pension to Joseph Strope—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15018) providing for the issuance of an honorable discharge to Eugene M. Rush, alias James M. Dunn, late of Company D, One hundred and first Regiment, New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 15019) granting a pension to Fannie F. Clark—to the Committee on Pensions.

Also, a bill (H. R. 15020) granting a pension to Martha M. Harrier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15021) granting an increase of pension to Alfred K. Rouzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15022) granting an increase of pension to James R. Stroup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15023) granting an increase of pension to John C. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15024) granting an increase of pension to Henry C. Keyser—to the Committee on Pensions.

Also, a bill (H. R. 15025) granting an increase of pension to John V. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15026) to remove the charge of desertion from the military record of William Thomas—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan—to the Committee on Naval Affairs.

By Mr. KLINE: A bill (H. R. 15028) granting an increase of pension to Anthony Emes—to the Committee on Invalid Pensions.

By Mr. KNOPF: A bill (H. R. 15029) granting an increase of pension to Sabine Van Curen—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 15030) granting to the city of Hot Springs, Ark., land for street purposes—to the Committee on the Public Lands.

By Mr. LAW: A bill (H. R. 15031) for the relief of Stewart J. Donnelly, late lieutenant and captain, Thirteenth Regiment New York Heavy Artillery Volunteers—to the Committee on Military Affairs.

By Mr. CHARLES B. LANDIS: A bill (H. R. 15032) granting a pension to Milton Diehl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15033) granting an increase of pension to Isaac M. Martz—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15034) for the relief of Mrs. S. C. Gober—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 15035) granting an increase of pension to John E. W. Glidden—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 15036) granting a pension to Margaret F. Hogan—to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 15037) granting an increase of pension to Oliver M. Allen—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15038) granting an increase of pension to Edward F. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15039) granting an increase of pension to A. F. Salisbury—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15040) granting an increase of pension to Joseph T. Abram—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 15041) granting an increase of pension to Adam Leonard—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 15042) granting an increase of pension to Samuel H. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15043) granting a pension to Annie Dinan—to the Committee on Invalid Pensions.

By Mr. RUSSELL A bill (H. R. 15044) for the relief of the estate of John T. Henderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15045) for the relief of the estate of H. West, deceased—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 15046) granting an increase of pension to Isaac Mordan—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 15047) to pension the survivors of the company of Indian scouts known as the Forsythe Scouts—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 15048) granting an increase of pension to Jacob H. Rogers—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 15049) granting a pension to Elizabeth M. Hardacre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15050) granting an increase of pension to William H. Near—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting an increase of pension to Charles A. Garlick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Alonzo Wertz—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 15053) granting a pension to James Waldrup—to the Committee on Pensions.

Also, a bill (H. R. 15054) granting a pension to Thomas E. Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15055) granting an increase of pension to Joseph E. Stines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15056) granting an increase of pension to James Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15057) granting an increase of pension to James Pain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15058) granting an increase of pension to Enoch Rector—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 15059) granting an increase of pension to Alfred W. Morley—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 15060) granting an increase of pension to Margaret A. McPheeters—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 15061) granting an increase of pension to Ethan Allen—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 15062) granting an increase of pension to Thomas Sparrow—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15063) granting a pension to Henry W. Brown—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 15064) granting an increase of pension to Jacob Wagenknecht—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4387) granting a pension to Charles H. Bunge—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9444) granting a pension to Arthur W. Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Emanuel Adams et al., for an appropriation to pay depositors in the Freedman's Savings and Trust Company—to the Committee on Claims.

Also, petition of the Coulson Poultry and Stock Food Company, for control of freight rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Margaret A. Howland et al., for a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. ACHESON: Petition of Allenport Council, No. 367, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania State Federation of Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania State Federation of Women, for Appalachian forest reserves—to the Committee on Agriculture.

Also, petition of the Pennsylvania State Federation of Women, against repeal of the Norris law—to the Committee on Agriculture.

By Mr. ADAMS of Pennsylvania: Petition of the National Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, against repeal of national bankruptcy law—to the Committee on the Judiciary.

Also, petition of the National Board of Trade, relative to traffic between the United States and Europe—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDRUS: Petition of the Katonah Times, the New Rochelle Paragraph, and the Michigan Patron, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of the Lyceum of the Second Baptist Church, relative to the rights of colored people in the United States—to the Committee on the Census.

Also, paper to accompany bill for relief of Mary Gramberg—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of B. B. Putnam, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of the Maine State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of the San Antonio Humane Society, against extension of time relative to live-stock shipment—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Delaware: Paper to accompany bill for relief of Arcate E. Thompson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: Petition of George T. Edwards, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Mercury, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of Mrs. C. S. Bronson and Mrs. O. G. Franks, against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of the Pennsylvania State Federation of Women, for establishing a forest reservation—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of East End, Pittsburg, against extending time for transportation of cattle by railway—to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Pittsburg, favoring the McCumber-Sperry bill—to the Committee on the Judiciary.

Also, petition of L. B. Nebb Lodge, No. 225, Brotherhood of Railway Trainmen, for employers' liability bill—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petitions of the Chilton Times, the Rolink, the Press, the Omro Herald, and the Wisconsin Christian Advocate, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Wisconsin Dairymen's Association, for making the Dairy Division a distinct bureau of the Government—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, against the Grosvenor bill to reduce the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, favoring the President's position on railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, favoring bill H. R. 345—to the Committee on Agriculture.

By Mr. DEEMER: Petition of Granges Nos. 1017, 1255, and

1095, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of General W. S. Hancock Camp, No. 44, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Renovo Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DENBY: Petition of the Horseshoers' Journal, the Detroit Law Journal, and D. N. Harper, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FINLEY: Paper to accompany bill for relief of Henry Langley—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the legislature of New York, for improvement of the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislature of New York, for bills S. 30 and H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLACK: Petition of Parishville (N. Y.) Grange, No. 928, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petition of the National Federation of Civic Rights, relative to the rights of colored people—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of Local Union No. 477, of Boise, Idaho, Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Stephen D. Huntley, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Andrew J. Baker—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: Petition of the Item, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Union No. 799, Brotherhood of Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Wisconsin State board of agriculture, for revision of the tariff schedules on certain lines—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of the Amherst (Mass.) Mountain Club, in favor of establishing forest reserves in the White Mountains—to the Committee on Agriculture.

By Mr. GLASS: Petitions of the Messenger, the Charlotte Gazette, the Register, Martin's Magazine, the Times, Register, and Sentinel, the Virginia Law Register, the Times, and the Organizer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Old Hickory Council, No. 168, Junior Order United American Mechanics; Brotherhood of Railway Trainmen of Roanoke; citizens of Virginia, and Halifax Council, No. 41, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of Oliver Curry—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of the Saugatuck and Ganges Pomological Society, Michigan, to regulate private car lines by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of citizens of New Britain, Conn., favoring the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Christian Endeavor Society of the First Baptist Church, against liquor selling in public buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL of Connecticut: Petition of the Brotherhood of Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOUSTON: Petition of citizens of Alexandria, Tenn., for repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition for a public building, by the Burlington (N. C.) Chamber of Commerce—to the Committee on Public Buildings and Grounds.

By Mr. KLINE: Petition of the Preachers' Assistant, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNOPF: Paper to accompany bill for relief of Sabine Van Curen—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of the International United Brotherhood of Leather Workers, Branch No. 182, of Arcadia, Ind., against the proposed legislation reducing duties on manufactured articles—to the Committee on Ways and Means.

Also, petition of the Hamilton County (Ind.) Farmers' Institute, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the board of directors of the Citizens' National Bank, of Attica, Ind., against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Local Union No. 95, of the International United Brotherhood of Leather Workers on Horse Goods, located in New York City, against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Josephine D. McNary—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of 314 citizens of Mount Hermon, Mass., and other places, relative to the situation in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LILLEY of Connecticut: Petition of Lynn Grange, favoring the Calderhead bill (H. R. 7079)—to the Committee on Ways and Means.

Also, petition of leading Connecticut newspapers, urging enactment of bill H. R. 11027—to the Committee on the Judiciary.

By Mr. LINDSAY: Joint resolution of the legislature of New York, against compulsory employment of State pilots—to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the legislature of New York, relative to improvement in the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONGWORTH: Petition of citizens of Lockland, Ohio, favoring the Hepburn-Dolliver bill, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the University of Cincinnati, against a tariff on art works—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of Friesburg Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of the State Federation of Women of Pennsylvania, against destruction of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. MANN: Petition of the Chicago Medical Society, for a pure-food law—to the Committee on Agriculture.

By Mr. MARSHALL: Petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAYNARD: Paper to accompany bill for relief of Dr. Oliver M. Allen—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of the National Business League, favoring reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Nebraska Academy of Science, for extension of experiment stations—to the Committee on Agriculture.

Also, petition of the Nebraska Academy of Science, for the Mesa Verde National Park—to the Committee on the Public Lands.

Also, petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Joseph Springal et al., against bill H. R. 7067—to the Committee on Indian Affairs.

Also, petition of citizens of Milwaukee, Wis., against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. PAYNE: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Henry C. Carr—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Paper to accompany bill for relief of Annie Dinan—to the Committee on Invalid Pensions.

By Mr. RIVES: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. RUSSELL: Paper to accompany bill for relief of John T. Henderson—to the Committee on War Claims.

By Mr. RYAN: Petition of the legislature of New York, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL: Petition of Bloomsburg Council, No. 146,

Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Iowa: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Paper to accompany bill for relief of Henry W. Brown—to the Committee on Invalid Pensions.

By Mr. SMYSER: Petition of the Wooster Brush Works, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Express Printing Company, the Courier Printing Company, and the New Philadelphian Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of F. E. Bose and 19 others, W. H. Baker and 172 others, and J Grange, Patrons of Husbandry, by Fred E. Belnap, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the Ruggles Street Baptist Church, against bill H. R. 7043—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the Alcock Manufacturing Company, relative to fraudulent trade-marks—to the Committee on Patents.

By Mr. THOMAS of North Carolina: Petition of Goldsboro Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of Ohio: Petition of J. O. Morrison, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the Free Press and Times and Augustus Edwards, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry Butterfield—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petitions of Margaret Schanfele and 26 others, William J. Young and 46 others, and Clinton Grange, No. 750, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WADSWORTH: Joint resolution of the New York legislature, for improvement of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the New York legislature, against compulsory employment of pilots by the State—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEBBER: Paper to accompany bill for relief of John F. Moulton—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of citizens of Needham, Mass., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILEY of Alabama: Petition of Sophie Bibb Chapter, United Daughters of the Confederacy, of Montgomery, Ala., for a military park at Petersburg, Va.—to the Committee on Military Affairs.

SENATE.

MONDAY, *February 19, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. WARREN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SALE OF FUEL IN THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the draft of a bill to regulate the sale of fuel to commissioned officers on the active list of the United States Army; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

ANCHORAGE OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters in the State of Virginia; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF FISHERIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a clause, submitted in the form of a proviso, to be inserted in the act making appropriations for the maintenance of the Bureau of Fisheries for the next fiscal year, authorizing the Secretary of Commerce and Labor to donate to foreign governments living fish and other water animals and their eggs, etc., when in his opinion the efficiency of the Bureau of Fisheries will be increased thereby; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of Department letter of the 16th instant, together with inclosures addressed to the Speaker of the House of Representatives, relative to the disposition of useless papers as provided for by the act of February 16, 1889, together with the draft of a proposed bill which is designed to take the place of the present law; which, with the accompanying papers, was referred to the Select Joint Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Huldah*, master, John H. Riggs or Robert Strong; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Lebanon Union Church, of Lincolnia, Fairfax County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Round Hill Church, of King George County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Vestry of the Zion Protestant Episcopal Church, of Fairfax, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Old School Presbyterian Church at Helena, Ark., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Baptist Church of Crab Orchard, Ky., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Wilderness Baptist Church, of Spottsylvania County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Marshall, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of

the Trustees of the Methodist Episcopal Church of Middletown, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Board of Deacons of the First Baptist Church of Memphis, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1007) to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885;

H. R. 7. An act to provide a seal for United States commissioners; and

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;

H. R. 1201. An act granting an increase of pension to Edward Maxwell;

H. R. 4708. An act granting an increase of pension to William T. Wiley;

H. R. 5597. An act granting an increase of pension to Oscar Williamson;

H. R. 7302. An act granting an increase of pension to James G. Head; and

H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry business firms of the United States, praying for the adoption of an amendment to the interstate-commerce law, providing for the organization of a transportation department of the Government for the purpose of settling the transportation problem, and for the speedy remedying of all traffic abuses; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the American Institute of Architects, of Los Angeles, Cal., praying for the enactment of legislation to remove the duty of works of art; which was referred to the Committee on Finance.

He also presented a petition of Captain Kingsworth Post, No. 463, Department of Kansas, Grand Army of the Republic, of Argentine, Kans., praying for the enactment of legislation to amend, modify, and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

Mr. PLATT presented a memorial of Local Union No. 132, Cigarmakers' International Union of America, of Brooklyn, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of Steuben Division, Order of Railway Conductors, of Hornellsville, N. Y., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of New York City, N. Y., and a petition of the East Buffalo Live Stock Association, of East Buffalo, N. Y., praying for the passage of the so-called "Hepburn railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Erasmus Council, No. 99, Junior Order United American Mechanics, of Flatbush, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the State Charities Aid Association, of New York City, N. Y., praying for the enactment of legislation to create a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

Mr. WARREN. I present a large number of letters, 578 in number, from certain railroad employees in the State of Wyoming, protesting against the enactment of legislation proposed by the Esch-Townsend bill, as, in the opinion of the writers, the result would be a reduction of the wages of railroad employees. I move that the memorials be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. GALLINGER presented the petition of McIntosh Brothers, of Dover, N. H., praying for the enactment of legislation relating to postal regulations for second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Marine Engineers' Beneficial Association, of Chicago, Ill., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of New York City, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of J. R. Turnbull, of Hobart, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to Statehood; which was ordered to lie on the table.

He also presented a petition of the Gaddis & Perry Company, of Kingman, Ariz., and the petition of J. H. Sullivan, of Kingman, Ariz., praying for the admission of the Territories of Arizona and New Mexico into the Union as one State; which were ordered to lie on the table.

Mr. CRANE presented a petition of sundry citizens of Greenfield, Mass., and a petition of sundry citizens of Newton Center, Mass., praying for an investigation of existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. DRYDEN presented a petition of Local Council No. 68, Junior Order United American Mechanics, of Jersey City, N. J., and a petition of Local Council No. 185, Junior Order United American Mechanics, of Paterson, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Morris County Society for the Prevention of Cruelty to Animals, of New Jersey, praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. BURNHAM presented a petition of the New Hampshire Audubon Society, of Manchester, N. H., and a petition of the Oregon Audubon Society, of Portland, Oreg., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BULKELEY presented a petition of the legislature of Connecticut, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1905.

House joint resolution (No. 378) concerning pure foods, drugs, and medicines.

Resolved by this assembly, That the general assembly of the State of Connecticut, having heretofore enacted laws for the protection of the people against adulterated, misbranded, and deleterious foods, drugs, and medicines, realizing the necessity for adequate legislation by Congress to protect the States against interstate commerce which is beyond the control of the State in such prohibited articles, does hereby memorialize the Representatives and Senators in the Congress of the United States from this State to urge the speedy enactment of efficient legislation prohibiting interstate commerce in adulterated, misbranded, and deleterious foods, drugs, and medicines to the end that the laws of our State relative thereto may be more effective.

Approved May 11, 1905.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Theodore Bodenwein, secretary of the State of Connecticut, and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning pure foods, drugs, and medicines with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 13th day of May, 1905.

[SEAL.] THEODORE BODENWEIN, *Secretary.*

Mr. BULKELEY presented a petition of the legislature of Connecticut, praying for the enactment of legislation to secure uniform laws on the subject of marriage and divorce; which

was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY GENERAL ASSEMBLY,
January Session, A. D. 1905.

Resolution indorsing the recommendations of President Roosevelt concerning marriage and divorce.

Resolved by this assembly, That this assembly heartily indorses the action of President Roosevelt in his recommendation to Congress in the interest of securing uniform laws on the subject of marriage and divorce, and commend to our Representatives at Washington action in furtherance of that purpose in the safeguarding and sanctity of the marriage relation.

Passed house of representatives June 28, 1905.
Senate concurs June 29, 1905.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Theodore Bodenwein, secretary of the State of Connecticut, and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution indorsing the recommendations of President Roosevelt concerning marriage and divorce with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 26th day of August, 1905.

[SEAL.] THEODORE BODENWEIN, *Secretary.*

Mr. BULKELEY presented a petition of the common council of Hartford, Conn., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Liberty Bell Council, No. 3, Junior Order of United American Mechanics, of New Haven, Conn., and a petition of Local Union No. 15, Bridge and Structural Iron Workers, of New Haven, Conn., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry tobacco growers of East Hartford; of Local Union No. 42, of Hartford, and of Local Union No. 282, of Bridgeport, all of the Cigar Makers' International Union of America, in the State of Connecticut, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. BURKETT presented a petition of the Commercial Club, of Grand Island, Nebr., praying for the enactment of legislation providing for the holding of a United States court at that city; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Club of Omaha, Nebr., praying for the enactment of legislation to investigate the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Hoof and Horn Lodge, No. 604, Brotherhood of Railroad Trainmen, of Omaha, Nebr., and a petition of Local Lodge No. 123, Brotherhood of Locomotive Firemen, of Omaha, Nebr., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Division No. 35, Order of Railroad Conductors, of North Platte; of Overland Lodge, No. 123, Brotherhood of Locomotive Firemen, of Omaha; of Black Hills Lodge, No. 190, Brotherhood of Railroad Trainmen, of Chadron, and of Local Division No. 98, Brotherhood of Locomotive Engineers, all in the State of Nebraska, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Academy of Science of the State of Nebraska, praying for the enactment of legislation to establish the Mesa Verde National Park in Colorado; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Live Stock Exchange of South Omaha, Nebr., and a petition of the Stockgrowers' Association of Alliance, Nebr., praying for the enactment of legislation providing for the leasing of untaken grazing lands in western Nebraska; which were referred to the Committee on Public Lands.

He also presented a petition of Local Division No. 98, Brotherhood of Locomotive Engineers, of the State of Nebraska, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 3284) granting an increase of pension to Charles B. Fox; which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 869) granting an increase of pension to Blatzar Mowan; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4112) granting an increase of pension to H. M. Swigart; which were referred to the Committee on Pensions.

Mr. KNOX presented the petition of Matilda Markoe, of Philadelphia, Pa., and the petition of E. M. Wistar, of Philadelphia, Pa., praying for the enactment of legislation providing separate statehood for the Indian Territory; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pittsburg; the Woman's Christian Temperance Union of Bradford, and of W. C. L. Dickson, Williamsport, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Lodge No. 358, Brotherhood of Railroad Trainmen, of Emporium; Lodge No. 528, Brotherhood of Locomotive Firemen, of Galeton; Lodge No. 159, Brotherhood of Railroad Trainmen, of Latrobe; Lodge No. 225, Brotherhood of Railroad Trainmen, of Pittsburg; Lodge No. 174, Brotherhood of Railroad Trainmen, of Altoona; Lodge No. 655, Brotherhood of Railroad Trainmen, of Pottstown; Lodge No. 142, Brotherhood of Railroad Trainmen, of Meadville; West Philadelphia Division, No. 162, Order of Railway Conductors, of Philadelphia, and Lodge No. 338, Brotherhood of Railroad Trainmen, of Renovo, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Carlisle, Pa., and a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Second National Bank of Brownsville; the Farmers' National Bank, of Butler; Harrisburg National Bank, of Harrisburg; First National Bank of Braddock; the First National Bank of New Bethlehem; Citizens' National Bank of Johnstown, of Johnstown; First National Bank of Johnstown; the German National Bank of Allegheny, of Allegheny; Diamond National Bank, of Pittsburg; the First National Bank of Allegheny; First National Bank of Clarion; the Farmers' National Bank, of Beaver Falls; Central National Bank, of Wilkinsburg; First National Bank of Marysville; the Citizens' National Bank of Connellsville, of Connellsville; the Union National Bank of Huntingdon, of Huntingdon; the Standard Sanitary Manufacturing Company, of Pittsburg, and of Thomas Walker, of Braddock, all in the State of Pennsylvania, praying for the enactment of legislation providing that banks be allowed to loan 10 per cent of their capital and surplus; which were referred to the Committee on Finance.

He also presented memorials of the Farmers' National Bank of West Chester, of West Chester; the Belleville National Bank, of Belleville; the Farmers' National Bank, of Montrose; New Castle Savings and Trust Company, of New Castle; the Royersford Trust Company, of Royersford; Second National Bank of Pittsburg, of Pittsburg; Union National Bank, of Johnstown, and the First National Bank of Marysville, all in the State of Pennsylvania, remonstrating against the enactment of legislation establishing a postal savings-bank system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the National Board of Trade, of Philadelphia, Pa.; the Philadelphia Credit Men's Association, of Philadelphia, Pa., and the Trades League of Philadelphia, of Philadelphia, Pa., remonstrating against the repeal of the present bankruptcy law; which were referred to the Committee on the Judiciary.

He also presented petitions of the Chamber of Commerce of Pittsburg; Paintersville Council, No. 211, Junior Order United American Mechanics, of Paintersville; Washington Council, No. 1, Junior Order United American Mechanics, of Germantown; Yough Council, No. 132, Junior Order United American Mechanics, of Broadford, and of S. K. Jennings, of Cokeville, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 65, Order of Railway Conductors, of Pittston; Local Division No. 210, Order of Railway Conductors, of McKees Rocks, and of Local Lodge No. 511, Brotherhood of Railroad Trainmen, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented petitions of 23 school children of Philadelphia; of Anna E. King, of Germantown, and of Rev. J. C. Strubel, of Buffalo, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Rev. John H. Prugh, of the Grace Reformed Church, of Pittsburg; of Elizabeth W. Garrett, of Philadelphia; of Everett Stewart, of Moylan; of Rev. George H. Bickley, of the Arch Street Methodist Episcopal Church, of Philadelphia; of S. W. Ashhurst, of Philadelphia; of sundry members of the First Baptist Church of Washington; of Reade W. Bailey, of Pittsburg; of Rev. S. B. McCormick, of Pittsburg; of Conrad Klein, of Erie; of M. Anderson, of Allegheny; of J. B. Jackson, of Pittsburg, and John C. Nissley, of Harrisburg, all in the State of Pennsylvania, praying that an investigation be made into the conditions existing in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Homewood and Pittsburg and of the congregation of the First Methodist Church of Allegheny, all in the State of Pennsylvania, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented memorials of Gettysburg Camp, No. 112, Sons of Veterans, U. S. A., of Gettysburg; Colonel Ellsworth Camp, No. 87, Sons of Veterans, U. S. A., of Middletown; S. Hepburn Pollock Camp, No. 121, Sons of Veterans, U. S. A., of Milton; Captain C. B. Brockway Camp, No. 270, Sons of Veterans, U. S. A., of Bloomsburg; General J. F. Reynolds Camp, No. 4, Sons of Veterans, U. S. A., of Philadelphia; Winfield Scott Camp, No. 114, Sons of Veterans, U. S. A., of Philadelphia; Fort Steadman Camp, No. 52, Sons of Veterans, U. S. A., of Newmanstown; Theodore Hooker Camp, No. 236, Sons of Veterans, U. S. A., of Frankford; Colonel James Crothers Camp, No. 89, Sons of Veterans, U. S. A., of Tyrone; Colonel M. S. Quay Camp, No. 59, Sons of Veterans, U. S. A., of Murrysville; General D. B. Birney Camp, No. 13, Sons of Veterans, U. S. A., of Philadelphia; Corporal Weaver Camp, No. 295, Sons of Veterans, U. S. A., of Hellertown; Captain D. K. Duff Camp, No. 55, Sons of Veterans, U. S. A., of Dayton; General Welsh Camp, No. 68, Sons of Veterans, U. S. A., of Columbia; General Thomas J. Stewart Camp, No. 72, Sons of Veterans, U. S. A., of Shamokin; S. G. Potts Camp, No. 12, Sons of Veterans, U. S. A., of Altoona; H. F. Beardsley Camp, No. 168, Sons of Veterans, U. S. A., of Montrose, and Anna M. Ross Camp, No. 1, Sons of Veterans, U. S. A., of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation prohibiting the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry Methodist Episcopal ministers of Philadelphia, of the Presbyterian Ministers' Association of Philadelphia, and of Philip Reed, Harrisburg, all in the State of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented memorials of Bernard Fischer, of Philadelphia; L. W. Walker, of Pittsburg; The Wm. H. Holmes Company, of Pittsburg; The Ph. Hamburger Company, of Pittsburg, and Max Klein & Sons, of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of the clause in the so-called "pure-food" bill requiring the formula to be printed on packages containing blended liquor; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

Mr. KEAN presented a petition of the Federated Trades Council of the Oranges of Orange, N. J., and a petition of General U. S. Grant Council, No. 168, Junior Order of United American Mechanics, of Jersey City, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Plainfield, N. J., praying for the enactment of legislation providing separate statehood for the Indian Territory; which was ordered to lie on the table.

He also presented a petition of Vineland Grange, No. 11, Patrons of Husbandry, of Vineland, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Plainfield, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Union No. 230, Cigar Makers' International Union of America, of Millville, N. J., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Jersey Central Division, No. 307, Order of Railway Conductors, of Somerville, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. GAMBLE presented the petition of C. M. Caborn, of Ipswich, S. Dak., praying for the removal of the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Retail Implement Dealers' Association of South Dakota, praying for the enactment of railway rate legislation as recommended by the President in his last annual message; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Rev. E. G. Underwood and sundry other citizens of Tyndall, S. Dak., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented sundry papers to accompany the bill (S. 3598) granting an increase of pension to Charles D. Brown; which were referred to the Committee on Pensions.

Mr. PATTERSON presented memorials of sundry citizens of Eaton, Greeley, and Windsor, all in the State of Colorado, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

Mr. BRANDEGEE presented a petition of sundry citizens of Connecticut, praying for the investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Current Events Club, of Bethel, Conn., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented the petition of F. L. Arnold and sundry other citizens of Norwich, Conn., and a petition of sundry citizens of Redding and Weston, Conn., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Lyme Grange, No. 147, Patrons of Husbandry, of Lyme, Conn., praying for the passage of the bill (H. R. 7079) to permit the industrial uses of alcohol and to enlarge the domestic market for foreign products; which was referred to the Committee on Finance.

Mr. OVERMAN presented a petition of Goldsboro Council, Junior Order United American Mechanics, of Goldsboro, N. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. PENROSE presented a petition of Renovo Lodge, No. 338, Brotherhood of Railroad Trainmen, of Renovo, Pa., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation for the establishment of neutral pathways for merchant ships on the high seas; which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying for the removal of the duty on alcohol used in the arts; which was referred to the Committee on Finance.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 3032) for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington; which were referred to the Committee on Public Lands.

Mr. LONG presented a petition of the Woman's Christian Temperance Union of Iola, Kans., praying for an investigation

of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Division No. 396, Brotherhood of Locomotive Engineers, of Argentine, Kans., praying for the passage of the so-called "employers' liability bill," and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented petitions of the Seattle Branch of the Sailors' Union of the Pacific of Washington, of the Marine Cooks and Stewards' Association of the Pacific of San Pedro, Cal., and of the Marine Cooks and Stewards' Association of the Pacific of San Francisco, Cal., praying for the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

Mr. NELSON presented a memorial of sundry citizens of Tyler, Minn., and a memorial of sundry citizens of Lake Benton, Minn., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a petition of the Montana Horticultural Society, praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Gallatin Valley Club, of Bozeman, Mont., remonstrating against a revision of the tariff as affecting sugar imported from the Philippine Islands or other countries; which was referred to the Committee on the Philippines.

He also presented a petition of sundry stock growers and business men of Meagher County, Mont., praying for the enactment of legislation providing for the opening up of foreign markets, especially those of Germany and France, for American grain, live stock, dressed meats, etc.; which was referred to the Committee on Foreign Relations.

Mr. McCUMBER presented a petition of the Atlantic State Packers and the Western Packers' Canned Goods Association, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table and be printed in the RECORD, as follows:

Resolution.

The Atlantic States Packers and the Western Packers Canned Goods' Association, assembled as a joint convention at Atlantic City, N. J., on the 14th day of February, 1906, after having heard with great interest an address by Prof. H. W. Wiley, of the United States Department of Agriculture, resolve that—

Whereas the fruit and vegetable packers of the United States are conscious that there is probably no other form of food product sold which is so pure and free from adulteration as canned fruits and vegetables; and,

Whereas it is for the interest of both the canners and the consumer to have any and all adulteration done away with; and,

Whereas vexation and damage result from a multiplicity of partial, inadequate, and conflicting State regulations:

They hereby petition the Congress of the United States to forthwith pass such a pure-food law as the best judgment of the Congress shall determine, which law shall at the same time be stringent and capable of rigid enforcement.

GEO. G. BAILEY,
President Atlantic States Packers' Association.
A. C. FRASER,
President Western Packers Canned Goods' Association.
HENRY P. CANNON,
Secretary Atlantic States Packers' Association.
IRA S. WHITMER,
Secretary Western Packers Canned Goods' Association.

Mr. SMOOT presented sundry affidavits of R. C. Allen, of Washington County, Utah, in support of bill granting him an increase of pension; which were referred to the Committee on Pensions.

Mr. PERKINS presented the petition of Mortimer Levering, president of the Lafayette Humane Society of the United States, praying for the enactment of legislation relating to the operation of the present twenty-eight hour interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

SENATOR FROM UTAH.

Mr. PERKINS. Mr. President, I desire to submit to the Senate a petition signed by several thousand representative women of the State of California, expressing their wishes concerning the exclusion of Hon. REED SMOOT from the United States Senate.

They also request me, in presenting the petition, to accompany it with a few remarks defining my position in relation to their demand. Therefore permit me to say:

The right to petition Congress on any subject is one guaranteed by the Constitution, and will ever be held sacred, and I do not think any member of this body would consider that any circumstances whatever would justify him in refusing to submit a respectful appeal made by any body of citizens.

The signers of the petition which I here submit are among the religious, cultured, and most public-spirited women of the State of California. They are to be commended for the interest in public affairs which their action in this case demonstrates, and I think it would tend to the betterment of politics were the earnest, intelligent, and conscientious women of the land to study carefully great questions and give to the country the benefit of their unselfish opinions.

There can be no doubt that whenever public-spirited women express their wishes in this or in a similar way, they are actuated by the best and most pure motives, which must and do command our sincere respect.

But in petitioning this body in a manner like that here referred to, a fact is sometimes lost sight of that we do not stand toward it in the relation which we bear to almost all other questions which come before us.

In this we occupy the position of both judge and jury, whose sworn duty it is to hear impartially the evidence adduced, to weigh it carefully, to admit for consideration only such as is relevant and of undoubted impartiality, and to render a verdict solely on the merits of the case as thus brought before us. We all fully realize the responsibility under which we act. The question that is to be determined, as I understand it, is simply whether a member is a good citizen, an honest man with character and all the attributes which command confidence and respect.

These sterling qualities of citizenship should, I think, be demanded of all who aspire to the great honor which a seat in this body confers. What may be his private belief in religious matters should have no weight in making up public opinion regarding him.

The same section of the Constitution that provides for the right of petition to Congress also prohibits Congress from making any law respecting an establishment of religion or prohibiting the free exercise of the same. We should not regard a Huxley disqualified for a seat in the United States Senate because of his attitude toward questions of religion. However much we might regret that attitude, we should still acknowledge his great qualities of mind and heart, and willingly accord to him that profound respect which devotion to truth exacts.

So with the numberless shades of religious opinions which exist among mankind. Were we to take note in politics of simple religious beliefs, we should, in my opinion, retrace our steps to the period when religious differences gave rise to the most cruel of all the wars which have devastated the earth, and which reversed the spirit of Christianity in efforts to exterminate certain forms of religious belief.

Our noble system of government is built upon a foundation which is the more secure because it takes no account of religious opinion. Freedom of conscience is one of the surest guaranties of the Republic, and I am sure no action can be taken which will abridge in the slightest degree that right. In my opinion, eligibility to a seat in either House of Congress in no way depends on religious belief, and objections on that score seem to me to be barred both by the spirit and letter of the Constitution.

In case of opposition to the seating of a member of either House, it seems to me that the governing consideration should be as I have stated—whether or not a man is a good citizen, of unimpeachable character, honest and conscientious in the performance of his duty as an American citizen, and with no obligation to church or other organization that can interfere or conflict with his fealty to the Constitution and laws of our country.

I have offered these thoughts on the subject at this time that my position may be understood by the good women of California, for whom I have the most profound respect, and whom I have also the honor in part to represent in this honorable body.

I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. PATTERSON. Mr. President, I present a petition from several thousand of the women of Colorado, expressive of their wishes with reference to the exclusion of Hon. REED SMOOT from the Senate of the United States.

I was requested to say something in connection with it. All I desire to say, Mr. President, is that there are grave constitutional questions connected with the disposition of the matter that is involved in the proceedings against Mr. SMOOT, and, as far as I am concerned, I intend, by any vote I shall give, to be governed by the constitutional rights of the individual against whom the proceedings are being had.

The VICE-PRESIDENT. The petition will be referred to the Committee on Privileges and Elections.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, 7, 8, 20, 24, 25, 31, 35, 36, 37, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 9, 10, 11, 13, 14, 15, 16, 22, 23, 26, 28, 30, 32, 34, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 58½, 59, and 60; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Add after the word "years," at the end of said amendment, the following: "but if her death shall occur during this period this provision shall terminate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That the office of captain of engineers in the Revenue-Cutter Service of the United States is hereby abolished from the date of the death of the late incumbent thereof, and that on and after the passage of this act the President may select and appoint, by and with the advice and consent of the Senate, a Chief Engineer of said Service, who has served not less than three years in that grade, as Engineer in Chief of the Revenue-Cutter Service, for a period of four years, and no longer unless reappointed or sooner retired by reason of age or disability: *And provided further*, That the Engineer in Chief thus appointed shall thereafter receive the rank, pay, and allowances, while holding said appointment, that are now or may hereafter be prescribed for a captain of the Revenue-Cutter Service, but nothing herein shall operate to increase the number of chief engineers now in the Revenue-Cutter Service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 15 of the bill, in line 20, after the word "herein," insert the words "and hereinafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: After the word "cents," at the end of said amendment, insert the following: ", to be paid from the appropriations herein made for the isthmian canal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: After the word "cents," at the end of said amendment, insert the following: ", to be paid from the appropriations herein made for the isthmian canal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out from the matter inserted by said Senate amendment the word "presenting" and insert in lieu thereof the word "transmitting;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: After the word "grounds," in line 7 of said amendment, insert the following: "under the supervision of the commission on the Senate office building created by the sundry civil act approved April 28, 1904;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "cents," insert the following: "From the appropriations for the support of the Flandreau Indian School for the fiscal year 1904;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the employment of three hundred additional clerks with compensation at the rate of six hundred dollars per annum in post-offices of the first and second classes during the fiscal year 1906, sixty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"Additional, to meet the demands for more meat inspection and for microscopic inspection of pork, sixty-three thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the name "Peter Riley" and insert in lieu thereof the name "Peter Reily;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12614) to change the name of a portion of T street to California street;

A bill (S. 4046) to incorporate The Edes Home; and

A bill (S. 4302) to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2623) for the extension of Euclid street, in Meridian Hill, D. C., reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4303) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance, by any person, of his wife or of his or her minor children in destitute or necessitous circumstances, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 4159) granting an increase of pension to Mary P. Johannes, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4685) granting an increase of pension to Jacob Rich;

A bill (H. R. 4962) granting an increase of pension to William J. Sturgis;

A bill (H. R. 4741) granting an increase of pension to Stephen Dickerson; and

A bill (H. R. 8918) granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2142) granting an increase of pension to Adella D. Irwin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10269) granting an increase of pension to Andrew Ricketts;

A bill (H. R. 12027) granting an increase of pension to Nathan C. Bradley;

A bill (H. R. 8216) granting an increase of pension to Philipp Cline, alias Francis Klein;

A bill (H. R. 9234) granting an increase of pension to William A. McDonald; and

A bill (H. R. 10175) granting an increase of pension to Matthew A. Knight.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom

were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1470) for the relief of the Chickasaw Nation or tribe of Indians;

A bill (S. 1468) for the relief of the Cherokee tribe or nation of Indians;

A bill (S. 1469) for the relief of the Choctaw tribe or nation of Indians;

A bill (S. 1471) for the relief of the Creek tribe or nation of Indians; and

A bill (S. 1893) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 4286) granting an increase of pension to Thomas J. Davis, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3751) granting an increase of pension to Daniel D. Nash, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1979) granting an increase of pension to Amanda L. Hill;

A bill (H. R. 9795) granting an increase of pension to Emory Edward Patch;

A bill (H. R. 1978) granting an increase of pension to Harry C. Thorne;

A bill (H. R. 1975) granting an increase of pension to William House; and

A bill (H. R. 2954) granting an increase of pension to Chauncey P. Dean.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 861) granting an increase of pension to Thomas O'Connor;

A bill (S. 162) granting an increase of pension to David D. Griffith;

A bill (S. 2393) granting an increase of pension to John L. Clark;

A bill (S. 3242) granting an increase of pension to Daniel Woolley; and

A bill (S. 555) granting an increase of pension to Henry H. Hill.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 859) granting an increase of pension to Richard T. Fried; and

A bill (S. 165) granting an increase of pension to Henry Russell.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1251) granting an increase of pension to Peter Burns; and

A bill (S. 1246) granting an increase of pension to William F. Wilson.

Mr. CRANE, from the Select Committee on Industrial Expositions, to whom was referred the bill (S. 4412) to enable the Government to take official part in the international exposition to be held in Milan, Italy, during the year 1906, reported it without amendment.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4957) granting an increase of pension to Elijah J. Snodgrass;

A bill (H. R. 3966) granting an increase of pension to Samuel Jester;

A bill (H. R. 2108) granting a pension to Mattie Settlemire;

A bill (H. R. 2116) granting an increase of pension to Daniel Hays;

A bill (H. R. 2114) granting an increase of pension to Benjamin F. Bibb;

A bill (H. R. 8939) granting an increase of pension to Sarah A. Chauncey;

A bill (H. R. 2156) granting an increase of pension to Rachel E. Ware;

A bill (H. R. 1889) granting an increase of pension to William M. Shultz; and

A bill (H. R. 1902) granting an increase of pension to Gilbert Ford.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4381) granting an increase of pension to John T. McGarraugh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4280) granting a pension to Amelia Cotten;

A bill (S. 446) granting an increase of pension to Mary C. Duane;

A bill (S. 3472) granting an increase of pension to Lena Sherman; and

A bill (S. 4006) granting an increase of pension to Charles S. Parrish.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2216) granting an increase of pension to David W. Magee;

A bill (S. 3640) granting an increase of pension to Oliver Brenton;

A bill (S. 2473) granting an increase of pension to Charles L. Noggle; and

A bill (S. 2182) granting an increase of pension to John J. Buffington.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1585) granting an increase of pension to George N. Dutcher;

A bill (H. R. 1485) granting an increase of pension to Susan J. Williams;

A bill (H. R. 1483) granting an increase of pension to Josephine E. Quentin;

A bill (H. R. 1484) granting an increase of pension to John L. Lovell;

A bill (H. R. 6085) granting an increase of pension to Jacob C. Rardin;

A bill (H. R. 5692) granting an increase of pension to Henry G. Gardner;

A bill (H. R. 13536) granting an increase of pension to Peter Cline;

A bill (H. R. 2478) granting an increase of pension to Asa M. Foote;

A bill (H. R. 2595) granting an increase of pension to Peter D. Sutton;

A bill (H. R. 3502) granting a pension to Morris Osborn; and

A bill (H. R. 3500) granting an increase of pension to William M. Martin.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 187) granting an increase of pension to James H. Kane;

A bill (H. R. 3475) granting an increase of pension to Everett S. Fitch;

A bill (S. 1889) granting an increase of pension to Arthur Thompson;

A bill (S. 17) granting an increase of pension to Levi A. Tripp;

A bill S. 1011) granting an increase of pension to John E. Woodsum;

A bill (S. 4096) granting an increase of pension to Norman W. Lombard; and

A bill (S. 784) granting an increase of pension to George L. Cooley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1418) granting an increase of pension to Levi E. Cross;

A bill (S. 3036) granting an increase of pension to John O. Thorn;

A bill (S. 2344) granting an increase of pension to Albert C. Andrews;

A bill (S. 716) granting an increase of pension to Theodore H. Hanson;

A bill (S. 836) granting an increase of pension to Charles A. Fay;

A bill (S. 3575) granting an increase of pension to Sargent R. Emerson;

A bill (S. 4097) granting an increase of pension to Julius T. Williamson; and

A bill (S. 712) granting an increase of pension to Lizzie M. McLaughlan.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3043) granting an increase of pension to Henry D. Hall;

A bill (S. 842) granting an increase of pension to William A. Eggleston; and

A bill (S. 1665) granting an increase of pension to John C. Estes.

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3224) granting a pension to Nancy A. Teeters, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3187) granting a pension to John Harper, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11320) granting an increase of pension to Adam Cook;

A bill (H. R. 11561) granting an increase of pension to Egbert P. Shetter;

A bill (H. R. 10297) granting an increase of pension to Nicholas Hercherberger;

A bill (H. R. 3483) granting an increase of pension to Lemuel P. Williams;

A bill (H. R. 3552) granting an increase of pension to David F. McDonald;

A bill (H. R. 3544) granting an increase of pension to Josiah M. Grier; and

A bill (H. R. 3193) granting an increase of pension to James R. Todd.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 4337) granting an increase of pension to Barney McGirl, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3588) granting an increase of pension to James Lebo, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 13308) to authorize the construction of a bridge across the Arkansas River at Pine Bluff, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2243) to acquire certain ground for a Government reservation, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3315) granting an increase of pension to Henry V. Hamenstaedt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3973) granting an increase of pension to Isaac P. Knight;

A bill (H. R. 2306) granting an increase of pension to James W. Stell;

A bill (H. R. 2897) granting an increase of pension to Rufus G. Childress;

A bill (H. R. 2949) granting an increase of pension to George W. Adamson;

A bill (H. R. 5909) granting an increase of pension to William H. Bynon;

A bill (H. R. 6400) granting a pension to Harry W. Omo;

A bill (H. R. 6399) granting an increase of pension to David Hanna;

A bill (H. R. 6398) granting an increase of pension to George W. Henry;

A bill (H. R. 2307) granting an increase of pension to Joseph Jones Martin; and

A bill (H. R. 9530) granting a pension to Catherine B. Casey.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4479) granting an honorable discharge to James Knight, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1565) to remove the charge of desertion from the military record of James A. Knight, reported adversely thereon, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 2296) restoring to the public domain certain lands in the State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2950) granting an increase of pension to Joseph E. Stines;

A bill (H. R. 12640) granting an increase of pension to Augustus Walker;

A bill (H. R. 4192) granting an increase of pension to John C. Cavanaugh, alias John Carpenter;

A bill (H. R. 6408) granting an increase of pension to Isaiah Queman;

A bill (H. R. 3679) granting an increase of pension to Albert M. Hunter; and

A bill (H. R. 2849) granting an increase of pension to Jesse Harrison.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 2844) to prohibit gambling in the Territories of Arizona, New Mexico, Oklahoma, and Indian Territory, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1695) legalizing the removal of the county seat of Washita County, Okla., reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 4485) granting an increase of pension to Walter S. Eldridge; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4486) granting a pension to Hiram K. Choate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 4487) granting to the State of Oregon certain lands, to be used by it for the purpose of maintaining and operating thereon a fish hatchery; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4488) granting an increase of pension to J. F. Amis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4489) to establish a weather bureau observatory at Sheridan, Wyo.; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PENROSE introduced a bill (S. 4490) granting a pension to Josiah Gill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4491) granting a pension to Hattie G. Carter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4492) granting an increase of pension to George W. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4493) to renew and extend certain letters patent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. PLATT introduced a bill (S. 4494) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Wilbur, deceased, with the United States, and to pay to the legal representatives or the heirs of the said James M. Wilbur such sum of money as they may be justly and equitably entitled to; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 4495) to correct the naval record of Archie Montgomery; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PILES introduced a bill (S. 4496) granting an increase of pension to Alphonso Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4497) granting an increase of pension to Augustus McDowell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4498) for the removal of the charge of desertion from the military record of George Abbott, alias Andrew C. Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4499) to remove the charge of desertion from the military record of Michael Buzzard; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4500) granting an increase of pension to James M. Rusk;

A bill (S. 4501) granting an increase of pension to Horatio S. Brewer; and

A bill (S. 4502) granting an increase of pension to Edwin Howes.

Mr. GALLINGER introduced a bill (S. 4503) to amend the internal-revenue laws so as to provide for publicity of its records; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 4504) concerning foreign-built dredges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 4505) to amend chapter 15 of the Code of Law for the District of Columbia, relating to condemnation of land for public use; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4507) granting an increase of pension to Joseph Chandler, jr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4508) granting an increase of pension to A. U. Moore; and

A bill (S. 4509) granting an increase of pension to Anna M. Loomis.

Mr. SMOOT introduced a bill (S. 4510) granting an increase of pension to Rufus C. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4511) granting an increase of pension to William Hoaglin; and

A bill (S. 4512) granting an increase of pension to Alpheus E. Kinney.

Mr. PETTUS introduced a bill (S. 4513) to authorize the Mobile Railway and Dock Company to construct and maintain bridges across Dog River and Fowl River in Mobile County, State of Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4514) for the relief of J. C. Irwin & Co. and Charles A. Perry & Co.; and

A bill (S. 4515) for the relief of Charles H. Sloan.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4516) granting a pension to Reuben Vermillion;

A bill (S. 4517) granting an increase of pension to Theodore M. Burge;

A bill (S. 4518) granting an increase of pension to Van Buren Beam;

A bill (S. 4519) granting an increase of pension to John Black;

A bill (S. 4520) granting an increase of pension to Albert L. Callaway;

A bill (S. 4521) granting an increase of pension to Josiah U. Luyster;

A bill (S. 4522) granting a pension to Lois D. Moon;

A bill (S. 4523) granting an increase of pension to W. C. M. Bishop;

A bill (S. 4524) granting an increase of pension to George J. Batzell;

A bill (S. 4525) granting an increase of pension to David Oglevie;

A bill (S. 4526) granting an increase of pension to Charles Hammond;

A bill (S. 4527) granting an increase of pension to Daniel M. Walker;

A bill (S. 4528) granting an increase of pension to Mary E. Walley;

A bill (S. 4529) granting an increase of pension to Mary J. Voris;

A bill (S. 4530) granting an increase of pension to George W. Tilman;

A bill (S. 4531) granting an increase of pension to L. M. Stephenson;

A bill (S. 4532) granting an increase of pension to William N. Hyatt;

A bill (S. 4533) granting a pension to Robert D. Walkinshaw;

A bill (S. 4534) granting an increase of pension to Isaac Van Peet;

A bill (S. 4535) granting an increase of pension to Orson A. Warren; and

A bill (S. 4536) granting an increase of pension to Isaac N. Vaughan.

Mr. MARTIN introduced a bill (S. 4537) for the relief of the heirs of James Bowles, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4538) for the relief of the estate of William P. Nuchols, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4539) to provide for acquirement by condemnation of lands at Cape Henry, Va., for the purpose of fortifications and coast defense; which was read twice by its title, and referred to the Committee on Coast Defenses.

Mr. BLACKBURN introduced a bill (S. 4540) for the relief of George W. Landram and H. M. Henson, only surviving heirs of Hubbard Landram and Hugh Henson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 4541) granting an increase of pension to Benson H. Bowman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 4542) granting an increase of pension to Aaron Daniels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 4543) allowing settlers with permanent improvements on town sites to buy the lots on which said improvements are located at an appraised price for cash; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LA FOLLETTE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4544) granting an increase of pension to Charles L. Noggle; and

A bill (S. 4545) granting an increase of pension to Charles E. Weeks.

Mr. LA FOLLETTE introduced a bill (S. 4546) for the relief of M. G. McGeehan; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER introduced a bill (S. 4547) for the relief of Washington Bowie; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4548) granting a pension to Hannah Elizabeth Wilmer, widow of Edwin Wilmer, and to the orphan children of said soldier; and

A bill (S. 4549) extending the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indians wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

Mr. BULKELEY introduced a bill (S. 4550) granting an increase of pension to Henry Moody; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 4551) granting an increase of pension to John F. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4552) for the relief of William Fletcher; and

A bill (S. 4553) for the relief of Israel Blagg (with accompanying papers).

Mr. HANSBROUGH introduced a bill (S. 4554) for the relief of Abram Gravelstein; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 4555) granting a deed of quitclaim and release to John W. Sweeney of certain land in the town of Westerly, R. I.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CRANE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4556) granting an increase of pension to William Jandro; and

A bill (S. 4557) granting an increase of pension to John R. McCrillis.

Mr. MILLARD introduced a bill (S. 4558) to provide for macadamizing Fort Crook military boulevard, from Fort Crook, Nebr., to the south city limits of South Omaha, Nebr., and appropriating money therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4559) granting an increase of pension to John A. Wagner; and

A bill (S. 4560) granting an increase of pension to Daniel Lewis (with an accompanying paper).

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4561) granting a pension to Emma K. Smiley; and

A bill (S. 4562) granting an increase of pension to Henry Stegman.

Mr. BAILEY introduced a bill (S. 4564) establishing a United States court and recording district at Duncan, Ind. T., and conforming other districts therewith; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 4565) for the relief of the heirs at law of George H. Giddings, deceased; which was read twice by its title, and referred to the Committee on Claims.

CONTRIBUTIONS BY CORPORATIONS IN POLITICAL CAMPAIGNS.

Mr. TILLMAN introduced a bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections; which was read twice by its title.

Mr. TILLMAN. Mr. President, I should like to have permission to make a brief explanation of the bill.

The VICE-PRESIDENT. Without objection, the Senator from South Carolina will proceed.

Mr. TILLMAN. It will be recalled that in the early days of the session I introduced a couple of resolutions, one of which went to the Secretary of the Treasury, making inquiry in regard to certain contributions by national banks, and the other was referred to the Committee on Privileges and Elections.

The Secretary of the Treasury answered in a letter which has been published as a Senate document, and as I expected. The condition disclosed was that as far as was known at the Treasury Department nothing of that sort had taken place.

The other resolution is resting quietly with the Committee on Privileges and Elections, with an understanding between myself and its chairman that should at any time any facts come to my knowledge he will call his committee together and give me an opportunity to show why this legislation should be had.

I wish to say in regard to the bill I have just introduced that it is an exact copy of a bill introduced five years ago by the then Senator from New Hampshire, Mr. Chandler; that it was reported favorably by the unanimous vote of the committee, placed on the Calendar, and died there, the Senator from New Hampshire going out of the Senate shortly afterwards.

There have been several similar bills introduced at this session—some in the other House and a couple in this body, I believe. I have not taken the trouble to examine them, but I know by their titles that they refer to the same subject-matter.

I want to say now to the Senator from Michigan [Mr. BURROWS], who is chairman of the Committee on Privileges and Elections, that I think I am in a position to give him or his committee some information which will warrant an investigation, and at such a time as will suit the convenience of the committee I shall be glad to appear before it and present some facts.

Mr. BURROWS. Mr. President, the matter to which the Senator from South Carolina [Mr. TILLMAN] refers has been a subject of consideration with the Committee on Privileges and Elections. In view of what the Senator states, however, I will say to him that whenever he shall desire to make a statement to the committee I shall be very glad to comply with his request and call the committee together and hear what statement he may have to make in support of the resolution for an inquiry.

Mr. TILLMAN. I will take pleasure, if I am well, to appear before the committee and let the committee know on what I base this bill and also upon what I shall base a request that the Senate authorize an investigation of this matter.

The VICE-PRESIDENT. The bill will be referred to the Committee on Privileges and Elections.

AMENDMENTS TO BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate $6,320 for payment to fifteen Sioux Indians of the Pine Ridge Agency, South Dakota, for property taken from them in 1876 by the United States military authorities, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. DUBOIS submitted an amendment directing the Commissioner of Indian Affairs to prepare a schedule of the improved lands in the Lemhi Reservation, of Idaho, ceded by the agreement of May 14, 1880, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $50,000 for increasing the facilities for the repair of seacoast armament, field artillery, and general stores at the Benecia Arsenal, Benecia, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897; which was ordered to lie on the table, and be printed.

REPORT ON EDUCATION IN PORTO RICO.

On motion of Mr. FORAKER, it was

Ordered, That there be printed, in addition to the usual number, 400 copies of Senate Document No. 60, Fifty-ninth Congress, first session, being the report of the commissioner of education of Porto Rico for the year 1904–5, for the use of the commissioner of education of said island.

HEARINGS BEFORE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use, such stenographer to be paid from the contingent fund of the Senate.

IMPORTATION OF IMPURE AND UNWHOLESOME TEA.

Mr. STONE. Mr. President, during the consideration the other day of the bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, the senior Senator from Iowa [Mr. ALLISON] and the senior Senator from Wisconsin [Mr. SPOONER] suggested that the provisions of the bill were not sufficient to guard against the fraudulent use or misuse of teas which might be imported under it. I have prepared an amendment to the bill, which I now offer and ask that it may be printed and lie on the table.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Missouri will lie on the table and be printed.

POSTAGE ON PERIODICAL PUBLICATIONS.

Mr. STONE. I offer a resolution which I ask may be read and lie on the table, subject to my call.

The resolution was read, as follows:

Whereas it appears from an official communication by the Postmaster-General to the Senate, in response to a resolution of the Senate of date December 15, 1905, and also from other official communications of the Post-Office Department, that certain periodical publications published by alumni associations of colleges and universities are not entitled, under the construction given the postal laws by the Post-Office Department, to the privileges of the mails as matter of the second class; and

Whereas it has been charged in the public press that certain periodical publications published by regularly incorporated institutions of learning are denied admission to the mails as second-class matter, under the construction of the postal laws by the Post-Office Department, contrary to the law itself; and

Whereas it appears from said communications of the Postmaster-General that, notwithstanding the construction thus placed upon the postal laws, numerous periodicals of the class held by the Department not to be admissible to the mails as second-class matter have in fact been admitted as second-class matter, and for years have, with full knowledge on the part of the officials of the Post-Office Department, enjoyed uninterruptedly the privileges of the mails as second-class matter, while at the same time similar publications have been denied the like privilege, thus discriminating in favor of particular periodicals as against other periodicals of like character; and

Whereas notwithstanding protests and remonstrances have been made to the Post-Office Department by the publishers of excluded periodicals against the injustice of such discriminations, the Post-Office Department officials continue the discriminations and favoritism complained of as aforesaid: Therefore, be it

Resolved, That the Committee on Post-Offices and Post-Roads be, and hereby is, instructed to make inquiry to ascertain and determine whether, in the opinion of said committee, the construction placed upon existing law by the Post-Office Department is a correct construction thereof, and, second, to ascertain in what cases and to what extent discriminations and preferences have been authorized or permitted in allowing favored periodicals admission to the mails as second-class matter, while denying the like privileges to other publications of the same character.

Resolved, That said Committee on Post-Offices and Post-Roads be, and hereby is, authorized and empowered to send for persons and papers, and compel the attendance of witnesses; and said committee is hereby directed to report to the Senate at as early a day as practicable by bill or otherwise.

The VICE-PRESIDENT. The resolution will lie on the table and be printed.

TESTS OF FUELS AND STRUCTURAL MATERIALS.

Mr. HEMENWAY. I ask an order for the printing of 10,000 copies of Document No. 214. The 5,000 additional copies heretofore authorized have been exhausted, there being quite a demand for the document. For that reason I ask for an order that 10,000 extra copies of the document may be printed.

Mr. CULBERSON. What is the document?

Mr. HEMENWAY. It is the report on fuel and structural material tests made at St. Louis.

The VICE-PRESIDENT. The Chair would inquire of the Senator from Indiana whether the expense for printing the extra copies of the document referred to will exceed the sum of $500?

Mr. HEMENWAY. It will not. It consists of only 14 pages.

The VICE-PRESIDENT. The Senator from Indiana asks for the adoption of the order, which will be read.

The Secretary read the order, as follows:

Ordered, That 10,000 additional copies of Senate Document No. 214, Fifty-ninth Congress, first session, "Fuels and structural materials," be printed for the use of the Senate.

Mr. KEAN. May I ask the Senator from Indiana whether there was not an order made the other day for the printing of an additional number of copies of that document?

Mr. HEMENWAY. Yes; for the printing of 5,000 copies, but, as I have just stated, that number has been exhausted, there being quite a demand for the document.

Mr. KEAN. That document seems to have quite a circulation.

Mr. HEMENWAY. I will state to the Senator that there is no effort being made to circulate it, but the requests come from all over the country for this document.

The VICE-PRESIDENT. Is there objection to the present consideration of the order submitted by the Senator from Indiana? The Chair hears none. The question is on agreeing to the order.

The order was agreed to.

THE PANAMA CANAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith the letter of the Secretary of War, transmitting the report of the Board of Consulting Engineers on the Panama Canal and the report of the Isthmian Canal Commission thereon, together with a letter written to the chairman of the Isthmian Canal Commission by Chief Engineer Stevens. Both the Board of Consulting Engineers and the Canal Commission divide in their report. The majority of the Board of Consulting Engineers, eight in number, including five foreign engineers, favor a sea-level canal, and one member of the Canal Commission, Admiral Endicott, takes the same view. Five of the eight American members of the Board of Consulting Engineers and five members of the Isthmian Canal Commission favor the lock canal, and so does Chief Engineer Stevens. The Secretary of War recommends a lock canal pursuant to the recommendation of the minority of the Board of Consulting Engineers and of the majority of the Canal Commission. After careful study of the papers submitted and full and exhaustive consideration of the whole subject, I concur in this recommendation.

It will be noticed that the American engineers on the Consulting Board and on the Commission, by more than two to one majority, favor the lock canal, whereas the foreign engineers are a unit against it. I think this is partly to be explained by the fact that the great traffic canal of the Old World is the Suez Canal—a sea-level canal—whereas the great traffic canal of the New World is the Sault Ste. Marie Canal—a lock canal. Although the latter, the Soo, is closed to navigation during the winter months, it carries annually three times the traffic of the Suez Canal. In my judgment, the very able argument of the majority of the Board of Consulting Engineers is vitiated by their failure to pay proper heed to the lessons taught by the construction and operation of the Soo Canal. It must be borne in mind, as the Commission points out, that there is no question of building what has been picturesquely termed "the Straits of Panama"—that is, a waterway through which the largest vessels could go with safety at uninterrupted high speed. Both the sea-level canal and the proposed lock canal would be too narrow and shallow to be called with any truthfulness a strait, or to have any of the properties of a wide, deep water strip. Both of them would be canals pure and simple. Each type has certain disadvantages and certain advantages. But, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal substantially as proposed in the papers forwarded herewith; and I call especial attention to the fact that the chief engineer, who will be mainly responsible for the success of this mighty engineering feat, and who has therefore a peculiar personal interest in judging aright, is emphatically and earnestly in favor of the lock canal project and against the sea-level project.

A careful study of the reports seems to establish a strong probability that the following are the facts: The sea-level canal would be slightly less exposed to damage in the event of war; the running expenses, apart from the heavy cost of interest on the amount employed to build it, would be less, and for small ships the time of transit would probably be less. On the other hand, the lock canal at a level of 80 feet or thereabouts would not cost much more than half as much to build and could be built in about half the time, while there would be very much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less. After being built it would be easier to enlarge the lock canal than the sea-level canal. Moreover, what has been actually demonstrated in making and operating the great lock canal, the "Soo," a more important artery of traffic than the great sea-level canal, the Suez, goes to support the opinion of the minority of the consulting board of engineers and of the majority of the Isthmian Canal Commission as to the superior safety, feasibility, and desirability of building a lock canal at Panama.

The law now on our statute books seems to contemplate a lock canal. In my judgment, a lock canal as herein recommended is advisable. If the Congress directs that a sea-level canal be constructed, its direction will of course be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including, possibly, the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 19, 1906.*

HOUSE BILLS REFERRED.

H. R. 4. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, was read twice by its title, and referred to the Committee on Finance.

H. R. 7. An act to provide a seal for United States commissioners was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof was read twice by its title, and referred to the Committee on Agriculture and Forestry.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I should like at this time to call the attention of the Senate to the consideration of Senate bill 88. I ask that it be laid before the Senate.

The VICE-PRESIDENT. The Senator from Idaho asks that Senate bill 88, the title of which will be stated, be now laid before the Senate.

The SECRETARY. A bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. Mr. President, I shall not undertake again to present primarily the questions involved in Senate bill 88, but there have been several amendments proposed to the bill, and the time for its final determination being near at hand, it seems to me that, in the interest of avoiding any haste in the consideration or disposition of those amendments, it would be well to take them up for such consideration as may be given them during the remainder of the morning hour.

Mr. President, there was some confusion when I rose to ask unanimous consent for the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulte-

ated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, and I do not know that the record is plain in that regard. Therefore I ask that the bill may be formally taken up.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. Now, Mr. President, I will resume.

It is my purpose this morning to take up for brief consideration some of the amendments that have been suggested, in order that any Senator who has proposed an amendment or who desires to propose one may, if he so choose, have it taken up for consideration at this time in order that the consideration of amendments may not be crowded into the last hours of the consideration of this measure.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. Certainly.

Mr. FORAKER. If it will not interrupt the Senator—and I presume it will not, for I understand he desires to know what amendments are to be offered to the bill—I will say that I have been requested by a great many of my constituents to offer an amendment which I will send to the desk in order that it may be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Ohio will be stated.

Mr. LODGE. Mr. President, I rise merely to make an inquiry. Is not the amendment that I offered to the bill on page 8 now the pending amendment?

The VICE-PRESIDENT. The Chair understands that it is.

Mr. LODGE. I do not want to interfere with the reading of the amendment proposed by the Senator from Ohio.

Mr. GALLINGER. Let the amendment be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Ohio [Mr. FORAKER] will be read for the information of the Senate.

Mr. FORAKER. I offer the amendment so that the Senator in charge of the bill may be advised of it. I think the Senator is familiar with it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 10 of the bill, line 8, before the word "ingredient," it is proposed to strike out the word "added," and after the word "substances," in line 13, to strike out the following words:

> And such fact is not plainly stated on the package in which such liquor is offered for sale—

And insert—

> And the label on the package in which such liquor is offered for sale does not contain the words "blended" or "rectified" or "vatted."

The VICE-PRESIDENT. The proposed amendment will be printed.

Mr. KEAN. Perhaps the Senator from Idaho will accept the amendment now.

Mr. HEYBURN. I understand the Senator from Massachusetts suggests that his amendment is the first one to be considered.

Mr. LODGE. I moved the amendment, and I suppose it is pending in the regular course.

The VICE-PRESIDENT. It is the amendment pending before the Senate.

Mr. HEYBURN. The first amendment was offered by the Senator from Illinois a few days prior thereto.

Mr. LODGE. He did not move it.

Mr. HEYBURN. I think not.

Mr. President, perhaps it is not the regular order of presenting matters of this kind, but inasmuch as there are a number of amendments, it has occurred to me that I would call attention to all of them briefly this morning, so that we might get a general idea of the standing of the bill, and then we can proceed to a consideration of the amendments perhaps in a more orderly way.

Mr. PENROSE. I should like to ask the Senator from Idaho when he expects to take up for consideration the amendment just offered by the senior Senator from Ohio [Mr. FORAKER]? I have a very large number of constituents in Pennsylvania who are violently opposed to the provisions of the bill as the Senator from Idaho has reported it, and I desire to support and to be present in the Chamber when the amendment of the Senator from Ohio is reached.

Mr. HEYBURN. It was my purpose at this time to take up, together with other amendments, the amendment offered by the Senator from Ohio.

Mr. PENROSE. In view of my duties elsewhere in the building, I do not want to stay in the Chamber all afternoon while other matters, in which I may not be so greatly interested, perhaps, are being discussed.

The VICE-PRESIDENT. The Chair is of opinion that no amendment can properly come up for a vote until Wednesday, after the routine morning business.

Mr. PENROSE. I want to know when the amendment of the Senator from Ohio is to be taken up for consideration.

Mr. HEYBURN. I am now proposing to take it up.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. In the matter of the unanimous-consent agreement, I do not think under this form of agreement, where no specific hour is named, voting on amendments can be held to be confined to the hour fixed for taking a vote on the bill, because there is no hour.

The VICE-PRESIDENT. The Chair is of opinion that it would be out of order to vote upon the amendments prior to the close of the routine morning business on Wednesday.

Mr. LODGE. Do I understand the Chair to construe the unanimous-consent agreement as meaning that we are to vote upon the bill immediately after the routine morning business on Wednesday?

The VICE-PRESIDENT. Yes.

Mr. HEYBURN. Before adjournment.

Mr. LODGE. We are to vote upon it before adjournment on that day, as I understand.

The VICE-PRESIDENT. The language, it seems to the Chair, is clear. It is provided that the bill shall "be taken up for consideration on Wednesday, February 21, 1906, after the routine morning business, and [the Senate shall] proceed to vote upon it and all amendments now pending or hereafter offered."

Mr. LODGE. I see the language as the Chair quotes it, but certainly the understanding was that that day was to be devoted to the bill, to the discussion of the bill and amendments, and that we were to vote upon it before adjournment. As it is worded, the strict letter of the agreement would require that we begin to vote immediately after the routine morning business.

Mr. ALLISON. And not debate it.

Mr. LODGE. I think the understanding was that we should vote before adjournment; and when the agreements are to vote before adjournment, I think the voting on the amendments occurs all through the day or at any time before the final vote. I do not think we are confined as to voting on the amendments unless an hour is fixed for taking a vote on the bill.

Mr. HEYBURN. I would suggest that the unanimous-consent agreement provides that the bill shall be taken up for consideration on Wednesday, February 21, 1906, after the routine morning business. It shall be taken up for consideration at that time and the Senate shall proceed to vote upon it—that is, at the end of the consideration of the measure. That certainly was the intention, and I think it is the general understanding.

Mr. ALLISON. If that be true, then the first amendment may be debated during most of the day.

Mr. LODGE. Yes; precisely.

Mr. ALLISON. And there would be no opportunity to discuss, briefly or otherwise, by way of explanation, any of the amendments. I think it would be wise now to modify the unanimous-consent agreement, without impairing its main object, which is to vote on Wednesday, by providing in some way for the discussion of these amendments, so that we may all understand them. As that can not be done in a single day devoted to that purpose, it seems to me that to-morrow we should take up these amendments and have an understanding as to the length of the debate on each amendment and provide for a brief debate upon each amendment.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I desire to ask if the construction of the unanimous-consent agreement would not be that after the morning hour the bill is to be taken up, and we are to proceed to discuss the amendments and vote on them, and there is no limitation as to when the final vote shall be taken? Will not that continue until there is full debate on each amendment, and then the vote will come on the bill itself——

Mr. HEYBURN. Not beyond the day.

Mr. HOPKINS. Whether it takes all of Wednesday or all of the week?

Mr. ALLISON. I suggest to the Senator that the agreement provides that the bill shall be taken up for consideration. (Of course it must be taken up or it would not be considered.) Then we proceed to vote.

Mr. HEYBURN. Yes.

Mr. ALLISON. That means that there is to be no debate. When we proceed to vote upon the amendments and the bill, we are not to proceed to debate it—that is the necessary conclusion—but we are to proceed to vote on it.

Mr. FRYE. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. FRYE. The construction put upon an order like that has always been that the amendments, without discussion on them, wait until we commence to vote.

Mr. ALLISON. Very well.

Mr. FRYE. Hence there would be no opportunity after we commence to vote to debate the amendments.

Mr. ALLISON. So I understand. Therefore I think there should be a modification of the unanimous-consent agreement—not to impair its main purpose, which is to vote on the bill on that day—by which we would dispose of the time to-day, to-morrow, and Wednesday so that there will be opportunity for brief debate upon the effect of the amendments proposed.

Mr. HEYBURN. It was in view of the condition of the unanimous-consent agreement that I gave the notice before adjournment on Thursday that after the routine business of the morning hour to-day I would ask the Senate to consider the amendments. I think it was the purpose—I know it was my intention at the time I asked for the unanimous-consent agreement—that the morning hour might be devoted, for the nine days intervening between the time I asked for the unanimous-consent agreement and the date fixed, to the consideration of this bill and amendments, up to the time fixed for taking a vote, which was on the 21st.

I may say that at that time I had an understanding that the statehood bill would be the unfinished business, but that that would leave the morning hour, after the routine morning business, free for the consideration of this measure. It is because of the necessity of giving more thorough consideration to this bill and to the amendments than could possibly be given to them on the day fixed for voting that I have called it up this morning, and I shall call it up to-morrow morning and the next and ask that the time be devoted to the consideration of these amendments.

Mr. ALLISON. The Senator from Idaho, in charge of the bill, has moved to take up the bill, and it is now under consideration?

Mr. HEYBURN. Yes.

Mr. ALLISON. Suppose some Senator takes the floor and discusses the bill till 2 o'clock to-day, and to-morrow another Senator takes the floor and discusses the bill till 2 o'clock, then this unanimous consent is ended, so far as debate is concerned.

Now, I ask unanimous consent, with the permission of the Senator, that on to-morrow and Wednesday the regular order of business shall be informally laid aside, without losing its place, and that there shall be a ten-minute debate upon any and every amendment offered by any Senator.

Mr. LODGE. The amendments to be disposed of in turn.

Mr. ALLISON. They might be disposed of then or disposed of later, but that the debate shall be a ten-minute debate on to-morrow and Wednesday.

Mr. LODGE. The Senator very well knows that it is very difficult to debate an amendment and then pass to another without action on the first amendment.

Mr. ALLISON. Very well. I shall be very glad to have the Senate pass upon each amendment after it is debated.

Mr. LODGE. I think the advantage of this agreement, which was substantially to vote before the adjournment on Wednesday, as the Senator from Idaho intended it, is that the amendments can be taken up and disposed of one by one in turn, just as we dispose of amendments to a tariff bill.

Mr. MONEY. May I ask the Senator from Massachusetts when he proposes to do this?

Mr. LODGE. I think it would be wise to agree to the modification suggested by the Senator from Iowa, and devote to-morrow and the next day to this question.

Mr. HEYBURN. I should like to make a suggestion.

Mr. MONEY. With the leave of the Senator from Idaho I should like to say a word.

I wish to take the floor on this bill at 2 o'clock to-day to explain the substitute I have offered in the way of an amendment. As it is the time is not limited, but I do not propose to take a great deal, because I am under a physical disability, and I may not take five minutes. But I want to have the opportunity to speak to-day because of the unanimous-consent agreement to vote on Wednesday. That was offered on the 13th. I did not object to the unanimous-consent proposition, nor did anybody else, because no one wants to delay the final disposition of the bill. There should be some more extended explanation at least of the substitute I have offered than can be had under an agreement that debate shall be limited to ten minutes. For that reason——

Mr. SCOTT. We can not hear what the Senator from Mississippi is saying.

Mr. ALLISON. I ask unanimous consent that this bill may be considered under the ten-minute rule, after the Senator from Mississippi shall have had the opportunity of explaining the substitute, and that the regular order be informally laid aside, if the Senator from Indiana will agree to it, until the final disposition of the bill on Wednesday.

Mr. SPOONER. Does the Senator intend by that that all observations on this bill from the time the Senator from Mississippi finishes shall be confined to ten minutes?

Mr. ALLISON. On amendments.

Mr. SPOONER. What about the bill itself?

Mr. ALLISON. I think Senators ought to have an opportunity to discuss the bill, and if ten minutes is not long enough to explain the different provisions in the bill, I suppose additional time will be given by unanimous consent.

Mr. SPOONER. It never has been customary, in fixing a time for a vote, to limit general debate to ten minutes.

Mr. ALLISON. I am not speaking of general debate, but of debate on the amendments.

Mr. HEYBURN. Before the suggestion of a modification of the unanimous-consent agreement is taken up for consideration I should like to inquire whether there is anything in the practice or the rules of this body which would prevent it from taking up and disposing of amendments, notwithstanding the fact that a day has been fixed for the final vote? The bill is now before the Senate regularly, as any other bill would be, and we now have time to consider amendments and to vote upon them by unanimous consent after the arguments have been concluded. We may vote upon these amendments at any time, as I understand the rule, without waiting for the arrival of the day fixed to take a final vote, because the matter is regularly before the Senate.

Mr. ALLISON. I understand the Chair rules that under the unanimous-consent agreement voting begins on Wednesday; but, of course, that can be modified by unanimous consent. So, if we want to take up the amendments and vote on them to-day, after a little debate, it can be done. I do not wish to interfere with the plans of the Senator from Idaho. All I desire is that we shall have some intelligent, short debate upon these amendments—some of them, I am sure, are of great importance—before we are called upon to vote finally on Wednesday, which, I think, under the agreement, we are required to do after the routine morning business.

Mr. HEYBURN. Without disturbing the existing unanimous-consent agreement as to the final vote being taken on the 21st, I think the suggestion of the Senator from Iowa that debate on the amendments be limited to ten minutes is a good one, because I think the amendments are of such a character that they could readily be disposed of with such consideration. I am perfectly willing that a unanimous-consent order may be entered now, without disturbing the unanimous-consent order for the final vote, fixing the hour on the 21st, say at 5 o'clock, leaving the time up to 5 o'clock for the consideration of this bill and the amendments. That would be agreeable to me.

Mr. ALLISON. The Senator from Wisconsin, under such an arrangement, would not have an opportunity, with other Senators, for general debate on the bill; and I wish to guard that as it should be guarded. Therefore I ask unanimous consent that the consideration of the bill be continued to-day, to-morrow, and on Wednesday, until disposed of, under the ten-minute rule.

Mr. HEYBURN, Mr. BURROWS, and others. Fix an hour.

Mr. ALLISON. I shall be glad to fix the hour at 5 o'clock.

Mr. HEYBURN. Or before adjournment.

Mr. BURROWS. No; 5 o'clock.

Mr. NELSON. I suggest to the Senator from Iowa that he add to that request that the unfinished business be temporarily laid aside for that purpose.

Mr. ALLISON. I wish to include in the unanimous-consent agreement the condition that the unfinished business shall not be disturbed, except for this purpose, and that it shall continue to be the unfinished business.

The VICE-PRESIDENT. The Secretary will read the request for unanimous consent.

Mr. MONEY. I desire to make an inquiry. I do not understand clearly whether the Senator from Iowa intended that the ten-minute debate should begin to-day or whether the general debate will proceed to-day and the ten-minute debate on Wednesday, the day fixed by the unanimous-consent agreement for the consideration and disposition of the bill.

Mr. ALLISON. My purpose was that the Senator from Mississippi should have an opportunity unlimited to explain his substitute, and then that the ten-minute rule should follow to-day and to-morrow and on Wednesday until the final vote is to be taken at 5 o'clock.

Mr. MONEY. That does not anticipate that there will be a vote upon any amendment until Wednesday?

Mr. ALLISON. I should prefer to have the amendments voted on as they are considered under the ten-minute rule.

Mr. MONEY. There is an objection to that request in this respect: When the request for unanimous consent was made, it was for a vote on Wednesday. That was consented to, because nobody wanted to delay the bill. It may be, while I do not know that it is the case, that some Senators are absent who would like to be here when amendments are voted upon. It is a sort of foreclosure of them, depriving them of their right to vote, because they have no right to expect a vote until the time agreed upon by the whole Senate.

Mr. ALLISON. Then I will again modify my suggestion, which is that the bill shall be considered to-day under the general rule of debate, and that to-morrow and Wednesday the ten-minute rule for debate shall apply, and that amendments be voted on as they are reached. That gives every Senator notice that there will be no vote to-day.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent——

Mr. MONEY. Mr. President, I do not think I could give my consent to an arrangement which includes beginning to vote on the amendments prior to the time fixed in the unanimous-consent agreement. There may be Senators who are absent with the understanding that the voting will begin on Wednesday; and I can not see that we are going to gain any particular time by adopting the suggestion. There is certainly time enough to vote on Wednesday. That was the unanimous-consent agreement. I want to say that I think the unanimous-consent agreement would not have been made except with the idea of voting on Wednesday.

Mr. ALLISON. Will the Senator allow me?

Mr. MONEY. Certainly.

Mr. ALLISON. If there is no change in the agreement, on Wednesday, immediately after the routine business, all voting must take place, and no debate.

Mr. MONEY. Yes.

Mr. ALLISON. So as the agreement stands now, the debate can only be had to-day and to-morrow. If Senators do not want to have any ten-minute debate either to-day or to-morrow, the amendments will be voted on without debate.

Mr. MONEY. As I understand the request for unanimous consent, it was that all amendments pending or that might be offered would be voted upon on Wednesday, under the five-minute rule for debate.

Mr. HEYBURN. The ten-minute rule.

Mr. MONEY. No. Your original proposition was for five-minute debate, was it not?

Mr. ALLISON. That is not embodied in the agreement.

Mr. HEYBURN. It is not a part of it.

Mr. LODGE. Under the original agreement, as it stands printed on the Calendar, you would have to vote immediately after the routine morning business on Wednesday without debate. The Senator from Iowa by his proposition extends the debate for one day, practically.

Mr. ALLISON. It extends it.

Mr. MONEY. It does not make a particle of difference to me——

Mr. BACON (to Mr. MONEY). Speak louder. We can not hear what you say.

Mr. MONEY. As I said, it does not make a particle of difference to me when the voting begins; but I want to protect those who are absent. Of course, there is a general desire that the vote shall take place on the amendments as they are debated. I am ready to begin at any time. I am only speaking in behalf of those who otherwise would not have consented to the unanimous-consent agreement.

Mr. ALLISON. I will restate my proposition, which is that after the Senator from Mississippi shall have concluded his remarks, during to-day, to-morrow, and Wednesday we proceed to debate the amendments to the bill under the ten-minute rule, and take a vote on the bill by 5 o'clock on Wednesday.

Mr. TELLER. Mr. President——

Mr. HEYBURN. I believe I have the floor. I have not yielded the floor. I will yield to the Senator from Colorado, however.

Mr. TELLER. Mr. President, all I wanted to say is, that it seems to me if any Senator wants to debate this bill he has to-day and to-morrow to do it, and he ought to have the right to do it on those two days without any limitation. I do not want to debate it at all. I understand the Senator from Iowa proposes to limit the right of debate to-day and to-morrow. Is there any necessity for doing that?

Mr. ALLISON. I do not know that there is.

Mr. TELLER. Then do not do it.

Mr. ALLISON. I will suggest, then, that to-morrow and Wednesday be set apart for ten-minute debate, and that at 4 o'clock, instead of 5, we begin to vote upon the amendments and the bill.

Mr. BACON. Mr. President, I wish to make a suggestion to the Senator from Iowa, and that is that a particular hour be not designated. The effect when a particular hour is designated for a vote is simply that the debate is participated in by a handful of Senators. Other Senators do not hear that debate, and come in at the designated hour and vote on the question without having heard what has been said pro or con. On the contrary, if we simply say we will vote that day, then, of course, no specific hour is fixed, and there is some chance that Senators will hear something of the debate. I am sure that has been our experience in the past.

Mr. HEYBURN. Before the request for unanimous consent is put, I should like to suggest to the Senator from Iowa, inasmuch as there are pending a substitute for the entire bill, proposed by the Senator from Mississippi, and other amendments, which go very largely to the substance of the bill, those having the bill in charge would not want to be limited to ten minutes in meeting the arguments of Senators who favor the substitute. It was my purpose in addressing the Senate this morning to anticipate somewhat the argument in favor of the substitute and the amendments.

I understand the Senator from Mississippi desires to take the floor at 2 o'clock, and it might be that after the remarks of the Senator from Mississippi, he would be in a better position to take up any question of changing the unanimous-consent agreement, which, of course, stands in the absence of any change.

Mr. ALLISON. I withdraw my suggestion.

Mr. HEYBURN. I will then proceed to explain somewhat the objections to the substitute.

Mr. PILES. If the Senator from Idaho will permit me, I wish to submit a proposed amendment to the pending bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 9, line 20, after the word "section," insert the following:

In case of evaporated milk, or so-called evaporated cream, if the same shall contain 25 per cent solids, of which solids 28 per cent shall be butter fat.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. HEYBURN. Mr. President, the substitute offered by the Senator from Mississippi, to which he will address his remarks at 2 o'clock, as I understand it, eliminates the manufacturer from the consideration of this measure and provides, in substance, that the goods shall not be introduced into the jurisdiction of a State other than that in which it is manufactured, thus making the introduction the only offense under the law.

At the last session of Congress the principal objection, and, in my judgment, the strongest objection, which was urged against the measure was that its provisions were not directed specifically enough against the manufacturer of the goods of the character prohibited or intended to be prohibited by the act.

The substitute offered by the Senator from Mississippi is a very radical departure from the plan of legislation presented by the bill reported by the committee. It provides that it shall be unlawful for any person, firm, or corporation to ship, transport, or deliver for shipment or transportation from one State to another, etc., making that the prime offense.

I merely make these suggestions that the Senator from Mississippi in supporting his substitute may be advised as to the manner in which it presents itself to the minds of the committee or to my mind.

Then, again, in section 14 of the substitute offered by the Senator from Mississippi, in the definition of drugs it is provided that—

The term "drug" as used in this act shall mean all drugs, medicines, and preparations intended for medicinal purposes and recognized in the United States Pharmacopœia or the National Formulary as drugs or medicines for internal or external use.

And that is the limit of the prohibition. That, of course, does not include patent medicines or the many nostrums that are sold as drugs.

So the substitute offered by the Senator from Mississippi excepts, first, the manufacturers out of its provision, and, second, the patent-medicine men, two of the principal sources of evil at which this legislation is directed.

There are other objections to the substitute offered by the Senator from Mississippi that will be referred to after he has presented his views in support of it.

Now, as to the amendment offered this morning by the Senator from Ohio [Mr. FORAKER]. It is the one referred to by the Senator from Pennsylvania [Mr. PENROSE]. It is supported by what is known or may be denominated as the "liquor interests." It is an attempt to take out of the bill which your committee has reported every element of protection against the very evil, so far as that trade is concerned, to which the bill is directed. It is proposed, in line 8, on page 10, to strike out the word "added." That represents a controversy between what is known as the "strict whisky men" and the blenders or rectifiers. The paragraph reads:

In the case of liquors, an article shall be deemed adulterated if it contain any added ingredient of a poisonous or deleterious character.

The word "added," after very mature consideration by your committee, was adopted because of the fact that there is to be found in nature's products, as she produces them, poisonous substances, to be determined by analysis. Nature has so combined them that they are not a danger or an evil—that is, so long as they are left in the chemical connection in which nature has organized them; but when they are extracted by the artificial processes of chemistry they become a poison. You can extract poison from grain or its products, and when it is extracted it is a deadly poison; but if you leave that poison as nature embodied it in the original substance it is not a dangerous poison or an active agency of poison at all.

So, in order to avoid the threat that those who produce a perfectly legitimate article from a natural product might be held liable because the product contained nature's poison it was thought sufficient to provide against the adding of any new substance that was in itself a poison, and thus emphasizing the evils of existing conditions in nature's product. That is the reason the word "added" is in the bill. Fusel oil is a poison. If you extract it, it becomes a single active agency of destruction, but allow it to remain in the combination where nature has placed it, and, while it is nominally a poison, it is a harmless one, or comparatively so.

As to the amendment proposed in the next paragraph, commencing on line 11, it has been sent doubtless to every member of this body. I have hundreds of them that have been received, of course, at the instigation of some common center of movement, but all emanating from what is known as the "distillers" or "liquor interest" of the country, which proposes to strike out on line 13 the words "and such fact is not plainly stated on the package in which such liquor is offered for sale."

What fact? The fact that "it is blended or rectified or consists of an admixture of different grades of the same liquor"—now, mark you—"or contains, or is mixed with, other substances." Those are the words they want to modify, not to strike them out. They were too wily for that.

Mr. HOPKINS. Where is that in the bill?

Mr. HEYBURN. In lines 12 and 13, on page 10. They were too wily to propose to strike those words out; but under the advice of shrewd counsel as to the interpretation the court would place upon certain words of limitation they have suggested that the words "and the label of the package in which such liquor is offered for sale does not contain the word 'blended' or 'rectified' or 'vatted.'" Those are the words of limitation that they desire substituted, so that under the well-established rule of interpretation of the words and phrases it will be held to limit the scope and intent of the entire paragraph. So that unless liquor comes within one of those three classes it will not come under the purview or within the scope and intent of any part of the paragraph. They become words of limitation.

Every lawyer knows and must see the effect of the objection. It would be very easy for these rectifiers or blenders or concoctors of bogus liquors to invent a new name for their process and leave all reference to it off of the bottle, and if they were before the court upon the charge of violating this law they would say, "We have not violated the law; these are not blended goods, these are not rectified goods, these are not vatted goods; these are goods under some other process that was not mentioned or forbidden by the provisions of the statute." That is what they are after. They want to leave the field open to themselves, so they may change the name of the process and yet perform the same act and work the same evil against this trade.

I at first looked at these words and saw that they had practically repeated the words contained in the first line of the paragraph, and I was almost thrown off my guard, until, upon a closer inspection and viewing it in the light of the interpretation the court would place upon it, I saw what they were after. I suspected them, then, when they came here with such an amendment.

Now, I desire to place all Senators upon guard against that amendment—plausible on its face, insidious in its power for harm to this bill. So much for that. We must not adopt those words of limitation. If we do, we might as well strike out that provision of the bill. If I am not right, why do they want it?

The bill provides as follows——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. I ask the Senator to allow me a moment. The bill provides as follows:

First, if it is blended or rectified, or consists of an admixture of different grades of the same liquor, or contains or is mixed with other substances, and such fact—

That is, those enumerated facts—

is not plainly stated on the package in which such liquor is offered for sale.

What objection can there be to stating those facts upon the package unless the avoidance of doing so is to work them some gain in avoiding the pains and penalties of this statute?

Now I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I rose because the Senator, as I understood him, had concluded his remarks, so far as the amendment I offered is concerned. I rose only that I might inquire what is the programme. I supposed when I offered my amendment that I would be allowed to address the Senate in support of it before anyone attacked it. But the order is reversed by the action of the Senator. I do not complain of that, but at some time or other, of course, I want to answer what the Senator has said about the amendment. I will do it now, or do it later, if it suits the Senator's pleasure that he should go on to the discussion of some other points.

Mr. HEYBURN. In reply to the Senator, I would say that when I gave notice on the day of adjournment last Thursday that I would call this bill up at the end of the routine business this morning for discussion it was suggested that the discussion of these amendments would probably not be taken up until the day fixed for the vote, and it was my intention this morning, I will not say to draw the fire of Senators, but to bring up these questions and at least present my views as chairman of the committee in regard to the amendments at this time, and thus invite the attention of Senators offering the amendments, that they might be taken up now.

I would be very much pleased, indeed, to yield the floor in order that the Senator from Ohio might present his views. I want to say before doing so that when we take up again the question, if we do take up the question, of readjusting the unanimous-consent agreement I shall ask that the Senators in charge of the bill may not be confined to ten minutes in replying to those who have practically an unlimited time, because when attacks are made and remarks are made in support of amendments we must meet them fully in order to sustain the bill which your committee has presented to the Senate.

Mr. FORAKER. Mr. President, I recognize fully what the Senator has said as to the necessity of his having an opportunity to meet amendments that may be offered and that which may be said in their support, and I certainly have no disposition to interfere with the Senator's pleasure in that regard.

I offered this amendment this morning after I had some days ago told the Senator that I was requested by many of my constituents to do so unless he would accept it, only because I understood from the Senator's remarks that when the bill was taken up this morning he desired that at this time we would offer our amendments and take them up for discussion. However that may be, I will waste no more time upon it.

I only want to call the Senator's attention to the fact that I offered this amendment without pretending to know as much about it as I perhaps should know. I offer it because I am in receipt not of a few letters and telegrams, nor scores, but hundreds from constituents living in my State, engaged in the liquor business in one form or another, asking me to offer the amendment. I do not know who prepared it. I know nothing about it. I know I did not prepare it. I never saw it until it was sent to me through the mail. I know some of the men who have written to me, but most of them I do not know. Those whom I do know I can vouch for, at least so far as I shall

make any reference to them here this morning, as men of honorable and good standing in every way in the community where they live and where they do business. I do not think they are men who would engage in an effort to get into a bill in a sly way something that would give them an unjust advantage, something that Senators would not understand, something that would be an imposition in the results which would flow from it upon those who would be interested in this legislation.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. DICK. Mr. President——

The VICE-PRESIDENT. The junior Senator from Ohio.

Mr. MONEY. Mr. President, I will ask the junior Senator from Ohio if under the agreement he will consent to waive his right to the hour and allow me to take the floor on the measure that has just been under consideration.

Mr. DICK. Mr. President, with the understanding that the unfinished business shall be temporarily laid aside I will be very glad to yield to the Senator from Mississippi, it being understood that the unfinished business shall be resumed at the conclusion of his speech.

Mr. MONEY. I thank the Senator.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. FORAKER. If the Senator will allow me, I will occupy only a very few minutes.

Mr. MONEY. Certainly; just as much time as you wish.

Mr. FORAKER. I will occupy only a very few minutes in answering the remarks made by the Senator from Idaho, in charge of the bill, and then I will yield the floor. I will be very much obliged to the Senator if he will allow me to conclude my remarks at this time. I have some other engagements that will take me out of the Chamber.

I was speaking of the character of men who have written to me. I was saying that they are not men who would undertake to do anything in a sly and improper way. I can not vouch for those whom I do not know, but I want to read the character of letters I have been receiving, and I read only from those of whom I have a personal knowledge and for whom I can vouch as being honorable men who would not act except in an honorable, legitimate, and straightforward way. Addressing me, this writer, H. F. Corbin & Co., of Cincinnati, Ohio, says:

H. F. CORBIN & CO., WHISKIES DISTILLERS,
425 East Pearl Street, Cincinnati, Ohio, February 9, 1906.

Hon. J. B. FORAKER, *Washington, D. C.*

DEAR SIR: You will be receiving inclosures similar to the one we send herewith—

Which is this amendment—

as this idea embodies the sentiment and desire of every upright wholesale whisky and liquor merchant in the United States, as evidenced by resolutions of the National Wholesale Liquor Dealers' Association and also the various independent State organizations, our own Ohio Wine and Spirit Association among the number.

There is no objection on the part of the liquor trade to a pure-food bill, in fact it is something which the better element of the trade has desired for years; but while that is a fact it does not seem just to impose such an unfair, unreasonable, and uncommercial requirement as is embodied in the original bill.

When the trade gracefully acquiesced to every requirement excepting this one, because of its unfairness, it certainly seems that this injustice should not be permitted, and we trust you will use your best endeavors and stand out against it for the welfare of those who are necessarily obliged to place their faith, reliance, and confidence in you.

Yours, respectfully,

H. F. CORBIN & CO.

I submit, Mr. President, that does not read like it was written by a man who was wanting to perpetrate an imposition on the public by getting in a sly and improper way something into a bill that should not be there. It impressed me as coming from an honorable man just by the character of the letter; but aside from that I knew it was from that character of a man.

Here is another letter from the Star Distillery Company, of Cincinnati, Ohio, one of the most reputable of the business houses of that character in our city. They say:

THE STAR DISTILLERY COMPANY,
Cincinnati, Ohio, February 10, 1906.

Hon. J. B. FORAKER, *Washington, D. C.*

DEAR SIR: We desire to address you in regard to the provisions of the pending Heyburn pure-food bill. We inclose herewith a copy of page 10 of said bill, showing what words we would like to have left out, for if these words should be in the final bill, it would act detrimentally to the interests of our business.

In the labeling of a barrel or a package containing blended whisky, we do not consider it objectionable to use the words "blended" or "vatted," but it would be directly against the interest of our blended business to be compelled to brand or print the formula of such a blend on each package, as it would be publishing to our competitors the exact contents of such a blended article upon which we have used many years' knowledge and experience in successfully introducing such an article to the trade. You will no doubt agree with us that anything which would compel us or any other firm in the liquor business to publish the secret knowledge of our different formulas would be unfair.

In this connection we wish to say that we are heartily in favor of the provisions which prohibit the sale of any liquors adulterated, or which contain any ingredient of a poisonous or deleterious character, and we shall always be ready to assist the Department in prohibiting the sale of such liquors.

Thanking you in advance for your careful consideration of our communication, we remain,

Respectfully, yours,

THE STAR DISTILLERY COMPANY.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. Certainly.

Mr. McCUMBER. Right there it might be well to ask the Senator the question, What portion of the Heyburn bill requires that the formula for blended whisky should be published?

Mr. FORAKER. I was about to come to that. I will speak of it right away, if the Senator will allow me to do so.

Mr. McCUMBER. My understanding I may say of the bill is that there is not a single thing that requires it, but on the contrary the bill is so drawn that it prevents any attempt to compel a disclosure unless there are impure ingredients put into the liquors themselves in addition.

Mr. FORAKER. Mr. President, that may be true, but it is not clearly the proper construction of the language that has been employed. I spoke to the Senator having the bill in charge about this matter a few days ago. I asked him to interpret the language that had been employed, for I understood it was claimed that there was a provision in the bill which would apply to these goods that exempted the sellers of them from putting on their label the formula which the writer of this letter called my attention to particularly. My attention, when I made inquiry about it, was called to the following language at the top of page 10, preceding the amendment:

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods which contain no unwholesome added ingredients to disclose their formulas of production, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

That was the language to which I was pointed as exempting the dealers in blended whiskies from putting on the label words showing what the formula for the blend was.

But when I made inquiry as to the exact meaning of "proprietary" goods (and I made inquiry of quite a number of my brother Senators) I was told by every one of them that that had relation solely to patent medicines.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FORAKER. Certainly.

Mr. HEYBURN. The Senator will remember that I called his attention, upon his making inquiry of me, to line 13 on page 10, which prescribes what shall be stated on the label, and that being the requirement and the only requirement, and being one made to specifically apply to the label, the law would so construe it that no other thing than that prescribed would be required to be upon the label.

Mr. FORAKER. So the Senator did call my attention to it, or I called his attention to it, I am not sure which did it first. We both saw it. I had read the bill repeatedly; I was not ignorant of the language there, but I was in doubt as to what the language meant, and I wanted to get from the Senator who had charge of the bill and who had employed this language a true construction of it, that I might know whether there was any basis for the alarm which these constituents are manifesting.

Mr. HEYBURN. Will the Senator permit me?

Mr. FORAKER. Certainly; but if the Senator will allow me I would like to get through.

Mr. HEYBURN. I will promise to detain the Senator but a moment. Inasmuch as I yielded to the Senator before I reached this point, which I will proceed to take up, I would like to call the Senator's attention to the language to which I have just referred. It says:

If it is blended—

Referring to the liquor—

or rectified, or consists of admixture of different grades of the same liquor, or contains or is mixed with other substances, and such fact is not plainly stated—

The word "fact" relating to the enumerated conditions that

are specified in the former part of the paragraph; and the word "fact" would never be construed to go beyond them. It would be sufficient to state that fact in the language of the statute itself under any rule of construction.

Mr. FORAKER. I agree with the Senator's proposition, generally stated; but when you come to construe that language and apply it to a particular case, then the trouble begins. If they blended whisky, there is no question but that the printing of the word "blended" would meet the requirements of the statute. If it be vatted goods, using that word——

Mr. HEYBURN. Vatted goods are not there.

Mr. FORAKER. I know; not there. Or if it would be rectified goods, the use of the word "rectified" would be sufficient. But now the Senator introduces into the bill other language. It is, after passing by blended or rectified goods, "or consists of an admixture of different grades of the same liquor, or contains or is mixed with other substances." Now, that fact must be stated also. But how would the Senator state it?

Mr. HEYBURN. In the words of the statute.

Mr. FORAKER. Put all this on?

Mr. HEYBURN. There are only five or six words.

Mr. FORAKER. We will say "mixed goods." Would that answer the requirement of the statute?

The gentlemen who write me say they are afraid the construction of that language would be such as to require them to put their formula on the label, and they do not want to put their formula on.

If the bill intends nothing more than to require them to say "mixed goods" or "blended goods" or "rectified goods" or "vatted goods," there is no objection to it; but I submit the Senator owes it to an important trade, addressing us as they do—I mean the trades who are interested in this proposition—addressing us unanimously from all over the country, to make his bill plain.

If one of these gentlemen were to ask me for a construction, I would not have any trouble about the blended goods; I would not have any trouble about rectified goods; I would not have any trouble about vatted goods. I do not know exactly what vatted goods mean.

Mr. HEYBURN. I did not use the term, because it does not mean anything.

Mr. SPOONER. What does it mean?

Mr. FORAKER. I do not know what it means. If some one will bring me a dictionary, I will find out. I would be obliged to some Senator if he will look at it while I proceed.

When I come to this last clause I find where I would have trouble. If the Senator were appealed to by one desiring to label goods which had been made up of an admixture of goods, what would he advise him to put on the label as a sufficient compliance with the statute?

Mr. HEYBURN. I will reply to the Senator. I would advise him to state in the language of the statute that this package contains an admixture of liquor or other substances.

Mr. FORAKER. That the Senator thinks would be sufficient?

Mr. HEYBURN. I should like to give the Senator the reason for the incorporation of that language. Upon the analysis of a large number of samples they were found to contain sometimes as low as 5 and 10 per cent of liquor, and the balance was made up of various substances of anything other than liquor. Now, it was intended to cover that class of cases.

Mr. FORAKER. I have no objection to the Senator having on the label all he wants to have there, if he will omit the formula, which is, of course, a trade secret. I do not understand that the gentlemen who are writing me have any objection to his having there all that he thinks ought to be there, as he has now explained himself; but what they want is that the bill will tell them what ought to go there. They have no objection to putting on that their goods are blended, or that their goods are rectified, or that their goods are mixed goods; but there ought to be some general term, like the term "blended," that would satisfy the law, and they should not be required by an uncertain statement that might be so construed to require them to expose on the label the formula by which they mix their goods. That is all that I think they want.

Now, I wish to speak of this particular amendment, as the Senator did, answering first as to the word "added," which the amendment provides shall be stricken out in line 8. I listened to the Senator's explanation of it with much interest and appreciation. I thought when the amendment came to me and I read it and saw the word "added" stricken out that that was a very proper amendment. Now, listen to what the language is that is to be thus amended:

> In the case of liquors, an article shall be deemed adulterated if it contain any added ingredient of a poisonous or deleterious character.

Why should it be an "added" ingredient of a poisonous or deleterious character before it is required to be published to the world as an adulterated mixture? It seems to me that every kind of ingredient that is deleterious or poisonous ought to be stricken out.

The Senator speaks of fusel oil. I do not know much about it. I only have heard that it is a dangerous oil, and it may be that the Senator's explanation is sufficient. I did not realize, however, that there was the kind of difficulty to be met with which he suggested; but it does not seem to me that the explanation he gives is such that the word "added" should be left in the bill.

Mr. HEYBURN. I should like to state to the Senator that on Saturday a representative of a number of the largest combinations of importers in the United States came over from New York to confer with me in regard to the amendments to which the Senator from Ohio is directing his attention, and after explaining them as I have explained them here to-day, this representative of these importers told me that my explanation was entirely satisfactory and that he was prepared to say for those whom he represented that they would no longer press the amendments. Their objection was simply because they did not understand the legal import of those words. As to the word "added," he admitted, from his personal knowledge of the manufacture of liquors, that it was wisely inserted in the bill, because the liquors in their natural condition already contain poisons that might be extracted from them, but which unextracted did no harm.

Mr. FORAKER. Mr. President, I have not heard from the gentleman whom the Senator converted to indifference as to this amendment, if not actual hostility to it, much less of his desire to have the amendment withdrawn. So I must be excused for having offered it, for I have heard only one request from my constituents, and that is that this kind of amendment should be offered to this bill and should be put into this bill if we could succeed in doing so, and the request is founded, as it seems to me, on just grounds.

I do not know that there is much more that I want to say. If the word "added" serves any good purpose there, I do not object to its remaining; but gentlemen who are entirely familiar with this business do not think that it does; and to the average layman it would seem that any kind of an ingredient ought to be stricken out, whether it might be added or not, that was poisonous or deleterious in the alcohol in its natural state before it was rectified, blended, or vatted.

I will now tell the Senator what "vatted" means, as I have been informed by the dictionary.

I read the definition of the word "vatted:"

> *Vatted.*—Stored or treated in a vat. *Vatting.*—The process of being vatted.
>
> *Vat.*—1. A large vessel, tub, or cistern, especially for holding liquids or for treating something in liquid during a manufacturing process, as in brewing or in tanning; usually named from the operation that it serves, as heating vat, dipping vat, draining vat. 2. A liquid or dry measure used especially in The Netherlands. 3. Metal. (1) A wooden tub in which to wash ore. (2) A chamber connected with a calcining furnace for drying tin ore.

I think I have read enough.

Mr. HEYBURN. I will say to the Senator that on Saturday I asked this man what "vatted" meant, and he said, "Being put into a vat for the purpose of doctoring." That was his definition, and I think it a very good one.

Mr. HALE. Does the Senator think that this word "vatted" is at all essential to what he seeks in this bill?

Mr. HEYBURN. The bill does not use the term. That was in an amendment which has been offered.

Mr. HALE. It seems to me that should be stricken out. I do not know what force there is in it. What does the Senator from Ohio say about it?

Mr. FORAKER. If the Senator from Maine will allow me, I will answer it as I understand it. The bill, as drawn, provides in the section that is to be amended, according to this proposition, that if the liquor "is blended or rectified, or consists of an admixture of different grades of the same liquor, or contains, or is mixed with other substances," that such fact shall be stated on the package in which such liquor is offered for sale; that fact shall be stated on the label—that is to say, if it be blended, it must say "blended;" if it be rectified, it must say "rectified." There is no trouble down to that point.

Mr. HEYBURN. Mr. President——

Mr. FORAKER. If the Senator will allow me only a minute, I wish to answer the Senator from Maine. The trouble arises in construing the language which follows after the word "rectified." That relates to an admixture; and the word "vatted" is employed in the amendment I have offered to indicate that it is an admixture. If the liquor be blended, the label must have on it "blended;" if rectified, the word "rectified" must

appear; and if vatted, that must appear. If, as the Senator suggests, the word "vatted" means "being doctored," it would notify everybody to steer clear of vatted goods.

Mr. HALE. I will say the impression made upon the ordinary mind is that that word is entirely unnecessary in the Senator's amendment. He does not need that.

Mr. FORAKER. What word would the Senator suggest, I ask him?

Mr. HALE. It seems to me that word is not at all essential.

Mr. FORAKER. The only reason I think it to be essential is that I have learned from letters that have been written to me that the men engaged in this business are of the opinion that the language employed would require them to print on their labels the formula by which they manufacture their goods; and that is all they want to escape.

Mr. HALE. Does the Senator refer to the word "added?"

Mr. FORAKER. No; "vatted," not "added;" I have passed that; but in reference to the blended or rectified goods the bill says that the fact must be put upon the label. It says the fact must also be stated if the goods consist "of an admixture of different grades of the same liquor," etc. They claim that that would be done, I suppose, by a vatted process; they want the word "vatted" to indicate that the goods had been treated in that way.

Mr. HEYBURN. I will say, if the Senator will indulge me, that the word "vatted" is so broad that it means that they may put the liquor in a vat and do anything to it. They would know liquor had been vatted for some unholy purpose. Let me call the attention of the Senator to an instance which actually occurred, as I understand——

Mr. FORAKER. Mr. President——

Mr. HEYBURN. If the Senator will permit me to encroach upon his time but a moment further, I wish to call his attention to an instance of very recent date. I would say that I take this from a New York paper, a dispatch that is undoubtedly authentic, because I called the attention of the gentleman who was here on Saturday to it, and he said it was undoubtedly true:

WOOD ALCOHOL FOUND IN COMMUNION WINE—NEW YORK HEALTH COMMISSIONER FINDS IT A CONCOCTION OF POISON, ANILINE DYE, AND CIDER.

NEW YORK, *February 14, 1906.*

Health Commissioner Darlington will begin at once ordering arrests for adulteration of food and drinks sold in New York. One of the cases will be brought against a concern from which a sample was bought of communion wine, which upon analysis proved to be a combination of wood alcohol, aniline dye, and a poor quality of cider.

Many of the arrests will be of sellers of adulterated sirups such as are used in soda water.

"One of the most general forms of adulteration," says Dr. Darlington, "is that of sirups, many of which have been found to be nothing but chemical products. As to the communion wine in which wood alcohol was found, I understand that it was purchased in the regular way at a large establishment and was sold as a superior article.

"Arrests will be made at first, as test cases, one in each of the principal classes of food and drinks. In the case of the adulteration of drugs, we shall wait until the law is amended by the legislature, a bill for that purpose having been already introduced."

Mr. FORAKER. Mr. President, what the Senator has read does not add anything to what we are discussing, nor does it help anything.

Mr. HEYBURN. I was going to suggest, if I may, that that is the kind of a decoction or concoction that is made in vats; and that is the product to which the provision of this bill that is proposed to be stricken out, or so limited as to be ineffective, is directed.

Mr. FORAKER. Then the word "vatted" would be notice of that fact. I am just as much opposed to the preparation of such goods and the selling of them in the market as the Senator can be. I will go as far as he will go in order to correct any such imposition as that on the public. But that is not the point at issue at all. The men who are engaged in blending and rectifying goods are not all making decoctions of that kind, and those who are in that business in a legitimate way want to be protected against such a thing as that.

Mr. HEYBURN rose.

Mr. FORAKER. If the Senator will allow me to proceed I will be obliged, but if he is going to interrupt me every time I speak a sentence I shall never be able to get through.

Mr. HEYBURN. If the Senator will indulge me——

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Ohio declines to yield.

Mr. FORAKER. No; I do not decline to yield. I only requested the Senator to allow me to conclude the sentence.

Mr. HEYBURN. I was only going to say that if the gentlemen the Senator is speaking for—pursuant to these letters, I presume—are not interested in men who are doing this, I do not know why they should put this amendment to the Senate to protect men who are doing this kind of business.

Mr. FORAKER. I was about to tell the Senator why I understand they want this amendment. "Blended" would indicate such goods as they are dealing in. "Rectified," the same. But "vatted goods" would indicate, if the Senator be right—and I do not know anything about it—the kind of goods they are not manufacturing, and that term "vatted" would protect them and the public from that sort of injury. But the reason they wanted the word "vatted," as I understand from their letters—I do not know anything else about it and have not talked with any of them on the subject—is that they do not want to be required, if that be the meaning of the statute, to print their formula on the label. I asked the Senator what was required, and he said that was not required. If that be not required, it occurred to me it might be made plain by inserting another word, and I was about to call his attention to that, leaving out what they have suggested:

That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary medicines or goods, etc.

The Senator from Idaho interrupted me to say that this provision against requiring the formulas to be printed applied to this class of goods that these people write to me about. The only question is whether or not the words "proprietary goods" will be construed to mean only patent medicines, or whether they will be construed to mean any kind of goods for which a man has acquired the right to use a label. If that word should go in, there would be no trouble.

Mr. McCUMBER. On page 9, just before that, the Senator will observe that—

In the case of mixtures or compounds, which may be now, or from time to time hereafter, known as articles of food sold under their own distinctive names.

All of those blended goods have their own distinctive names.

Mr. FORAKER. My correspondents are perfectly satisfied, as I understand from all these letters, to put on the labels any general words short of the formula that will indicate the character of their goods. They do not object to that. If the Senator can think of some word that will suit better than "vatted," there would not be any objection, I am sure. Any one word would give as much information as to the character of the admixture as the words employed by the Senator in the bill—and he has had it before him—would give. They would be perfectly satisfied to put on the label that the mixture is of a different grade or the same grade. That is the language of the statute. That would not give anybody information as to the formula.

Mr. TILLMAN. Mr. President, I was absent from the Chamber for a few moments, and I do not know exactly what point in the bill is being discussed, but I have heard some mention made here of adulterated liquors in vats and tanks, and all that sort of thing. I should like to have the Senator tell me just what is proposed to be done here.

Mr. FORAKER. I am at a great loss to know how to make a satisfactory answer to the Senator, because this is a matter which I have taken up from a sense of duty to my constituency and those appealing to me for what they think would be only fair treatment in this bill. I have exhibited a great many letters here—I have received hundreds of them—asking me to offer an amendment to this bill.

Mr. TILLMAN. At what point?

Mr. FORAKER. To change the language employed on page 10 so as to strike out the word "added," in line 8, thereby prohibiting any ingredient of a poisonous or deleterious character, instead of prohibiting the "added" ingredient. The Senator who has the bill in charge has explained why the word "added" was employed, and he may be right about it.

Mr. TILLMAN. Possibly I can explain to the Senator what is meant. I have studied this whisky question a little. I used to be head barkeeper, as they called me in South Carolina, when the dispensary was inaugurated there, and I know a good deal about it.

The added ingredient would be some adulterant for the purpose of coloring or to give it some flavor. There might be a more dangerous ingredient that would be in the spirits as they come from the still, and that is fusel oil, the most deadly of poisons. The mean liquor—what is known as the "meanest of mean liquor"—is due to the fusel oil that is in the crude alcohol instead of deodorized alcohol from which fusel oil has been extracted. That would not be added, because it comes from the corn.

Mr. FORAKER. I do not think that ought to be used as a beverage under any circumstances.

Mr. TILLMAN. Neither do I.

Mr. FORAKER. I would so amend the bill, if whisky in its natural state has a poisonous ingredient in it that is dangerous to life and health, as to prohibit the sale of it. I wish the Senator, out of the abundant knowledge that he has of this

trade, would frame an amendment prohibiting the sale of liquor that has any fusel oil in it. Such an amendment would not do anybody any harm and might do a great deal of good.

Mr. TILLMAN. I will explain further what little I know about it. The bulk of the whisky sold in the United States has, as the basis of its manufacture, spirits—that is, alcohol carried to the highest point of distillation, which is 95 per cent of alcohol and 5 per cent of water. If you carry it any higher, it ignites. There are two kinds of alcohol. One has fusel oil in it, which comes with the grain and gives the flavor; the other has the fusel oil taken out and is known as "deodorized alcohol," and is the basis of every fine blended whisky in the world.

Mr. HALE. What is fusel oil?

Mr. TILLMAN. Fusel oil is that chemical property which rests mainly in the hull of the grain and in the peeling of the fruit. It gives flavor, and it is a deadly poison. Therefore, new liquors, fresh from the still, are very dangerous to health and very injurious. You have to wait and age them for a year or two or three or five years before the fusel oil that is left in the liquor changes to ether of one kind or another and gives the nutty flavor of which connoisseurs are so fond. I am not an expert in the taste of whisky, but I know a little about how it is made. I never could tell whether whisky was good or bad or indifferent by the taste. The only guaranty I can offer as to purity is to have the man who wants pure whisky get it from the Government bonded warehouse before any rectifiers or blenders have tampered with it.

Mr. FORAKER. Further answering the Senator's question, the other part of the amendment I offered relates to lines 13 and 14, to strike out the words "and such fact is not plainly stated on the package in which such liquor is offered for sale" and to insert what follows in quotations. The Senator perhaps has not the same print of the bill that I have.

Mr. TILLMAN. Let us go back to line 8, if the Senator will permit me.

Mr. FORAKER. I have got through with that.

Mr. TILLMAN. I have not got through with it, however.

Mr. FORAKER. The Senator can discuss it with the Senator who has the bill in charge.

Mr. TILLMAN. No; I want to discuss it with the Senator from Ohio, whose constituents are pleading with him to try and protect them.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I will see how much the Senator wants to say about it. I was about to conclude my remarks on that point after I had secured the reading at the desk of a letter from a Cleveland manufacturer.

Mr. TILLMAN. The Senator can put the letter in at any time.

Mr. FORAKER. I do not know this gentleman, but he wrote me a very intelligent letter. He presents the argument much better than I can. I do not know much about the matter. I ask the Secretary to read the letter. It will give better information than I can give.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read the letter, as follows:

CLEVELAND, OHIO, *February 3, 1906.*

Hon. J. B. FORAKER, *Washington, D. C.*

DEAR SENATOR: I again address you in reply to your esteemed favor and documents sent me under date January 20.

As stated in my previous letter, I knew nothing about the amendments; but I have since investigated the matter, and I learn they were recommended by Mr. Warwick M. Hough, of St. Louis, Mo., who is, as you no doubt know, the attorney for the National Wholesale Liquor Dealers' Association of America, for reasons as follows:

Amendment 1 was suggested in the interests of the health of the whisky consumers, who ought to be protected against too large a percentage of fusel oil in their whisky. The amount of fusel oil which is contained in any straight distillate depends entirely upon the care which the distiller exercises in watching the fermentation and then in stopping the distillation when the vapor temperature rises above the boiling point of ethyl alcohol; and when any straight distillate contains a large percentage of fusel oil it always represents the efforts of the distiller to get the largest possible yield from a bushel of grain.

For this reason also the word "added," in line 8, is asked to be erased, because, although the fusel oil has not been added, still it is contained in the whisky.

By leaving the word "added" the whisky consumer is not protected against the fusel oil. I believe you will see the point.

In regard to amendment 2, it seems perfectly plain that the words "such fact," line 13, relate to the word "substances," same line, under which a statement of ingredients or formula could be required, and for this reason it is asked that line 13, beginning after the word "substances," and all of line 14 be erased; and as a safeguard, and to make it perfectly plain that all that is required is to have the mixture labeled as to indicate blended or rectified goods, we ask the amendment be added.

The third amendment, to strike out lines 15, 16, 17, 18, is asked, because the object intended to be covered by that provision is already covered by section 3449, Revised Statutes, United States, and do not think it best to have two laws applying to same subject, as the enforcement would be under different departments and officials.

I wish to thank you for calling my attention to the amendments, as it gave me the opportunity to explain them.

I am heartily in favor, as are all reputable wholesalers, that a pure-food bill be passed, but we want it just to ourselves as well as to the public.

I feel that if a proper food bill is passed by Congress it will give the different States a guide to go by, hence the importance of this matter being thoroughly looked into before passed.

I wish to add in connection I learn that Mr. Wiley is working to have the name "whisky" apply only to goods at 100 per cent. If for no other reason than to form temperate habits this should be defeated, as it would have a tendency to prejudice people against lower-proof whisky, and to drink the goods at 100 per cent and higher, which is too strong, in my opinion. I think for the health of the consumer the lower the proof the better.

Mr. Hough is well versed on these matters, and if it is not asking too much I would like you to give him an interview at your convenience, and I have informed Mr. Hough of my request to you.

Again thanking you, I am, yours, very truly,

S. BUHRER.

Mr. FORAKER. In view of the discussion we have had and the conference I have just now had with the Senator in charge of the bill and other Senators, while the letter was being read, I move to amend on page 10, in line 3, of the bill, after the word "proprietary," by striking out the word "goods" and inserting the words "foods, drugs, or liquors;" so that it will read:

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, drugs, or liquors which contain no unwholesome added ingredients to disclose their formulas of production, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

Mr. MONEY. I understood that there would be no vote today on any of the amendments.

Mr. FORAKER. No.

Mr. MONEY. Does the Senator want a vote on his amendment now?

Mr. FORAKER. I offer the amendment now to have it voted on when it is reached, if there be any objection.

Mr. MONEY. Very well.

Mr. FORAKER. Then I will let the other amendment stand.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The SECRETARY. On page 10, line 3, after the word "proprietary," it is proposed to strike out the word "goods" and to insert "foods, drugs, or liquors;" so as to read:

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, drugs, or liquors which contain no unwholesome added ingredients to disclose their formulas of production except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

Mr. FORAKER. Let the amendment be printed and lie on the table until it is voted on.

The PRESIDING OFFICER. Without objection, such will be the order of the Senate.

Mr. MONEY and Mr. TILLMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. MONEY] is recognized.

Mr. TILLMAN. The Senator from Mississippi will yield to me for a moment, I hope, as I "butted in," as the phrase is, and I desire to explain my position a little more clearly.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. MONEY. Certainly.

Mr. FORAKER. I want to say that I was a little bit hurried because I was speaking in the time of the Senator from Mississippi.

Mr. TILLMAN. I will get through as soon as I can. I may take some time a little later on. I will address such remarks as I want to make now to the word "added," in line 8, which the correspondents of the Senator from Ohio want stricken out.

I will explain that so far as my investigations went—and I tried to go very thoroughly into the matter—I discovered that pure whisky is very rare. Most people do not like it for the reason that it has, as is stated in the letter just read, too much alcohol in it. Whisky ought to be distinguished into two classes. There is whisky that comes from the still and is never tampered with at all, except to add distilled water to get the necessary percentage of alcohol by reduction; and whisky that is manufactured or rectified. All blended and rectified whiskies, as I said a moment ago, have, as a basis, spirits—that is, alcohol, either deodorized or not. The deodorized alcohol is the purest form of alcohol in the world. It has no poison in it at all; but it has no flavor, and people will not drink it. You may reduce it to the necessary strength by the addition of distilled water and it is a pure, colorless fluid like clear water. It has no color at all; it has no taste; it simply burns you and intoxicates; that is all; and people do not want

to drink, at least those I have seen have never been willing to drink, for that purpose alone.

The added ingredient referred to in the bill I take to mean coloring matter, which is put in the water-white alcohol to give it color and also to give it smoothness, or make it a little less biting on the throat.

Mr. HALE. What is put in it?

Mr. TILLMAN. Well, they use burnt caramel, various dyestuffs, and one thing and another to give color to it. They also use what is known as "beading oil." I do not know exactly what it is. It is a chemical. I got a sample of it and carried it home to South Carolina for our chemist to try to investigate.

Mr. HALE. Is it pernicious?

Mr. TILLMAN. It is poisonous, of course. Beading oil is added to the alcohol to make the bubbles come. If you take pure alcohol and pour it out from one glass into another it simply drops down to the level without a solitary bubble on it; but if you take pure whisky and pour it out, there is always a nice bead there. The fellow who wants to get rich selling cheap alcohol for fine whisky will put this beading oil in the poorest form of alcohol, and he will put burnt caramel in it, and will make gin, rum, brandy, or whisky, and sell it in the market.

Pure alcohol, as I said, is the basis of fine blended whisky, and the other things added to this alcohol are the old pure whiskies that have never been carried above 60 per cent in their distillation, and water added. They are put in Government warehouses as whisky and left there in charge of the Government to age.

Of course men take it out and carry it to their own stores or cellars and warehouses, but so long as the stuff stays in the wood it will change very little, and no chemical reactions will change the contents of the barrel. But as soon as you put it in glass and seal it and the atmosphere is excluded, there is said to be no change whatever, and whisky that is bottled before it has aged in wood is considered by those who are experts never to get any better, whereas if it is left in the barrel it improves up to six or seven years, and then they say there is doubt whether it gets any better or not. There is very little of it that old, unless you find some man who buys it and lays it away with the idea of tickling the imagination of some one by saying, "It is thirty or forty or fifty years of age," and so on.

There is another strange peculiarity about whisky. You may put it in a barrel and seal it hermetically. It will go there, say, at 100 proof, which is the full Government standard—that is, one-half alcohol and one-half water—the difference being that whisky is regarded as proof when it is one-half or 50 per cent, and alcohol is only pure when it is 95 per cent—that is, full strength.

You take a fine alcohol and pour it into a vat and add some two-stamp whisky, as it is known, or straight whisky, that has come out of the Government warehouse and been aged by natural process, with its aroma and flavor increasing every year. As I say, you add a certain percentage of this two-stamp whisky to your pure alcohol, and by adding some coloring matter and some sugar in the way of burnt caramel, you get what are known as the finé blended whiskies of commerce, selling for five or six dollars a gallon. But they all have at the bottom the deodorized alcohol, which is worth $1.27 a gallon, I believe. To take out the word "added" would simply destroy the opportunity of punishing the adulterator for adding coloring matter and sweetening matter and bead oil to the product in order to bamboozle his customers.

I do not care to trespass longer on the time of the Senator from Mississippi.

Mr. MONEY. There is plenty of time.

Mr. HEMENWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. For what purpose?

Mr. HEMENWAY. I desire to offer an amendment to the bill.

Mr. MONEY. I yield.

Mr. HEMENWAY. I submit an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. MONEY. Mr. President, there is no doubt that there is a general demand everywhere for some reform in the manufacture and preparation of food, drinks, drugs, etc. There is no doubt that a great many frauds are practiced which not only enrich very hastily the people who are guilty of such practices, but rob the people of health and strength. And therefore, I assume, there is not a Senator here who does not sincerely desire that there should be a pure-food bill of some sort. The trouble mainly has been, however, that pure-food bills have been brought in to serve some special purpose rather than to effect any general reform, and it is also true that some of the ablest Senators in this body have been unable to accept the pure-food bills which have been offered, because they authorized the General Government in some measure to infringe upon the police powers of the several States.

This is a consideration which I know has operated in my own mind frequently, because these bills formerly went to the Committee on Agriculture and Forestry, of which I have the honor to be a member, and I know, also, that others were troubled by it exceedingly and could not reconcile themselves to the passage of measures which would seem to encroach or give room for any sort of encroachment upon the police powers of the States.

The police power of the State or of any municipality, of any organized or unorganized society, is one of those inherent and inalienable powers that is necessary for the preservation of society itself. Therefore, it is very wise, indeed, that Senators should be careful in considering propositions that may tend in any manner to give a color to any pretension on the part of the Federal Government to encroach upon the powers of the States.

I have never before, in a long legislative experience, had the courtesy extended to me of a gentleman offering to launch me into the discussion—in other words, be a sort of curtain raiser to my speech; and I must thank the Senator from Idaho [Mr. HEYBURN] for his kind and thoughtful consideration in taking the floor for the purpose of making a few anticipatory remarks in order that I might be fairly put into the discussion.

I also, I suppose, should thank the Senator from North Dakota [Mr. MCCUMBER], who said the other day that he did not impute any improper motive to me in offering this bill providing for pure drugs, drinks, and food. I had that read to me. I did not see in what kind of connection that voluntary indorsement of honesty could have been introduced. I do not suppose the Senator intended to impute any improper motives to me about this matter, because he could not do it in justice to himself.

But I will say, in order to return the courtesy, that I do not believe the Senator from North Dakota, who introduced a similar bill in a previous Congress, or the Senator from Idaho [Mr. HEYBURN], who introduced the bill in the present Congress—prepared, I believe, by somebody in the Department of Agriculture—had any improper motive whatever, nor do I impugn their motives in any way.

Mr. HEYBURN. I should not like the Senator to be under the impression that this bill was prepared by the Department of Agriculture. Neither the Department of Agriculture nor any official connected with it ever saw it until after it was introduced in this body, nor was it ever submitted to them.

Mr. MONEY. Very likely. I accept, of course, the Senator's statement; but as a general thing the Departments do prepare these bills; and I must say that if this bill has gone through that Department, it would have been a little better than it is as prepared by the Senator from Idaho.

The substitute which I introduced here is one that was prepared by the secretary of the National Food Manufacturers' Association. It was prepared with great care, and was submitted to a very eminent lawyer, a distinguished ex-Senator, as to its constitutional character. I then went over it with regard particularly to that part of it, and took particular care that there should not be a solitary line anywhere or any word that could be construed as an encroachment upon the police powers of the several States; and those who do themselves the justice, before the vote, to examine this amendment by way of a substitute, will see that this is true.

The bill has been indorsed by nearly all of the trade and commercial papers of the United States, and has met with the approval and indorsement of almost the entire food and drug industry of the United States, so far as they have read the same and expressed any opinion.

The association that has adopted and indorsed the same is composed of about 300 food manufacturers, among them being some of the leading and best known firms in the United States. The codfish industry of the Atlantic coast as well as the codfish industry of the Pacific coast want this bill; California canners and preservers and dried-fruit packers want this bill; the leading manufacturers of catsups, jellies, jams, and preserves, sweet pickles, and every other food product in which a preservative must, as a necessity, be used want this bill. The bill is acceptable to and is asked for by the reputable and honest manufacturers of foods and drugs, who want a food law that will prohibit the adulteration of foods. The association indorsing the bill represents about 22 of the leading food industries, and the members of the association are scattered from Maine to California.

I will say that most of these have expressed their disapproval of the Heyburn bill, so called, and the various canning

associations, which met last week at Atlantic City, declined to indorse a resolution favoring the Heyburn bill.

I will state further that the National Live Stock Association passed a resolution at their late meeting, only two weeks ago, in which they condemn the Heyburn bill and ask in the interest of their industry that something else shall be passed instead. I will ask the Secretary to read their resolution, as they are an important association, involving a great deal of money and a large number of people, and as they are producers of the raw material, it can not be said that they have conspired against the health and comfort of the consumers of the United States.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolution adopted by American National Live Stock Association at its annual meeting held in Denver, Colo., January 30, 31, and February 1, 1906.

While fully in sympathy with the passage of a national pure-food law explicit as to terms, definitions, and standards, and properly safeguarding the interests of the live-stock industry, it is our belief that certain bills now pending in Congress, known as "House bill 4527" and "Senate bill 88," are indefinite in terms and vague, and no standard of purity is fixed; and, not only the administration of the pure-food law, but the creation of standards and definitions, is left to the Bureau of Chemistry, thus practically delegating legislative powers to that Bureau; and inasmuch as these bills have not been, nor can they be, discussed in proportion to their importance at this session of Congress: Therefore, be it

Resolved, That the American National Live Stock Association, in annual convention assembled at Denver, February 1, 1906, is opposed to the passage of these laws in their present form, and we therefore direct the executive committee of this association to carefully investigate the provisions of said bills and to make protest against any part thereof which is injurious to the live stock and meat producing interests of this country.

Mr. McCUMBER. I regret to state that I did not listen to the reading of the entire paper. Is that from the beef trust?

Mr. MONEY. It is from the National Live Stock Association.

Mr. McCUMBER. Is that a part of the beef trust?

Mr. MONEY. I do not know whether it is or not. The members raise horses and cattle and some other things. They may be a part of the beef trust. I do not know.

Mr. WARREN rose.

Mr. MONEY. The Senator from Wyoming is competent to speak on this subject, and I yield to him.

Mr. WARREN. If the communication is from the National Live Stock Association, and I assume it is——

Mr. MONEY. It is.

Mr. WARREN. They are diametrically the opposite of the beef trust. In other words, if there are any victims of the beef trust, they are the victims.

Mr. MONEY. I so understood, but I preferred that a gentleman who is a distinguished member of the association, and a great horse and cattle raiser, should answer the question, as he could do it with much better authority and more knowledge.

One objection which the Senator from Idaho presented to me in the outset of his remarks was that I did not include the word "manufacturer" in this bill. The bill reads this way:

That it shall be unlawful for any person, firm, or corporation to ship or transport, or deliver for shipment or transportation, from any State or Territory, the District of Columbia, etc.

It follows the language of the Senator's bill. If that does not include the manufacturer, then there is nothing comprehensive enough in the English language to do so. Who is it that delivers and ships but the manufacturer? But as all these bills can relate only to what are called by the court "original packages"—whole packages—in order to bring it within the power of Congress to regulate commerce between the States, every person who offers it for shipment, or delivers it for shipment or transportation to another, comes within the inhibition of this provision. If that does not include the manufacturer, then the words do not mean anything at all, and they do not mean anybody.

The substitute preserves somewhat, I think, the right of the people who are engaged in honest manufacturing, and I do not suppose anybody ever will stand up for a minute and support any manufacturer using an adulterant, much less a poison.

The Senator says only the chemical combination creates poisons; that nature never provided any poison. That is so entirely at variance with all the information I have on the subject (and I am quite familiar with a great number of the most deadly poisons that nature has provided without the aid of man or chemistry) that I do not see how the statement could have been made. If the Senator meant it to apply simply to food, that is another question, because no man ever selected as a food a product of nature that was a poison.

There are a great many men in this country engaged in adulterating food and drink and drugs who ought to be, whether there is a law for it or not, hanged by the neck. They are the people who, for the sake of a few dirty dollars, are willing to imperil the comfort, the health, and the lives of millions of people who can not protect themselves.

I had a man, a small grocer in a very small town in Mississippi, approach me, who told me that he had received a circular from a concern—in the State of Illinois, if I am not mistaken—that proposed to sell him terra alba, or white earth, ground into an impalpable powder, not to be distinguished by appearance from flour, and notified him that he could get it at $6 a ton, for the purpose of adulterating flour, and saying that he could not afford to do without it, because all his competitors were using it.

There are a lot of men, whether they are the operators or the stockholders, who are wholesale assassins, breaking the very staff of life unto the helpless and weak, putting a stone in the mouths of those who call for bread, subjecting the feeble and infirm, the young and the aged, who need nourishment more than they do medicine, to the task of endeavoring to live a little longer on dirt—white dirt.

That is a matter which the States have undertaken to deal with generally, and what we want here is a national law that will protect the limited districts and the limited number of people who are directly under the jurisdiction of the National Government, and at the same time to afford a law so reasonable in its requirements, so efficient in its action upon these adulterators of foods and drugs and medicines, that it will not only stop the practice, so far as we can do it by regulating interstate commerce, but also so just a law that the States themselves will modify theirs, so as to have a very effective uniformity prevail throughout the United States.

There is another thing that I object to in the Heyburn bill, and that is the fact, without mentioning names at all, that a certain official, who may die to-morrow and his place be taken by another man—the present occupant of the office is a man of great ability and fine character, to whom I have no objection, but something of admiration—is made the sole arbiter of the manufacturing interests of the United States, so far as food products, drinks, and drugs are concerned. He has his aids, who are appointed by the Secretary of Agriculture. They are called agricultural chemists. They may be analytical chemists, but I do not know whether any of them are hygienic chemists.

They hold their meetings in cities convenient for trade, and anybody, I understand, can appear before them and make what defense he pleases of his preparation, but they have no record of their meetings; they have no stenographer; nothing is ever preserved. They pay more or less attention—I do not know how much—to these statements made before them. They then proceed with their work. This official—not naming him now or hereafter—under the Heyburn bill, has the power to compel the brand of "fraud" or "adulterated" to be imposed upon any sort of package of food or drink or medicine, and that immediately paralyzes that trade.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Certainly.

Mr. McCUMBER. I simply want to say that while the Senator's statement is correct, it is based upon a clerical error in the forming of the bill. That provision was intended to apply only after conviction in the courts, and it is the intention of the chairman of the committee to modify it accordingly.

Mr. HEYBURN. The amendment has already been suggested.

Mr. MONEY. I am glad to know it; and I want to say that almost any change would be an improvement.

Mr. HEYBURN. "After final judgment."

Mr. MONEY. Let us see what that means. "After final judgment" of whom?

Mr. HEYBURN. Of the courts.

Mr. MONEY. Of the courts. Do I understand the Senator to say that he has accepted an amendment to his bill that the courts can first inquire into these penal offenses?

Mr. HEYBURN. Section 4 of the bill contains the provision to which the Senator is addressing his remarks, and it provides that the Bureau of Chemistry shall ascertain facts and report them to the Department of Agriculture. They determine nothing except facts. The Secretary of Agriculture determines nothing. He reports the facts to the United States district attorney for the district in which the offense arises. The United States attorney then is authorized to commence suit in the United States court under the provisions of the proposed law. Until the court renders its final judgment the notice would not be given as to the stamp of fraud upon the goods.

Mr. MONEY. That is exactly what is provided for in my substitute, except that the Secretary of Commerce and Labor has the power to do it instead of the Secretary of Agriculture. I

am very glad the introduction of my substitute has had some effect in that direction, for it is almost the language of my substitute, except it is not the Secretary of Agriculture, but the Secretary of Commerce and Labor who is to have charge of this matter under my substitute.

Mr. HEYBURN. I should like to suggest to the Senator that this bill, of course, provides also for a hearing of the parties. When it is found that the goods which have been obtained from them are subject to the provisions of this bill or are adulterated or impure, they are given notice, and they are afforded an opportunity to be heard, and that constitutes the findings of fact. That hearing supplies the facts which are found and reported as a basis for action, and unless they are found——

Mr. MONEY. I am very glad to know there has been that much improvement.

Mr. HEYBURN. That is not a change in the bill. Section 4 of the bill as originally reported contains that provision. The only proposed change is the insertion of the words that were originally intended to be in the bill and through some mistake in transcribing were dropped out—"after final judgment."

Mr. KEAN. What line is that?

Mr. MONEY. Bills of this character, as I remarked a while ago, have been going to the Committee on Agriculture. Since this new Department was organized they have gone to the Committee on Manufactures, operating in connection with that Department. There is no necessity that I can see why this bill should go to the Committee on Manufactures unless the whole subject is transferred to that Department. I know that the way this matter has been conducted heretofore has been that the chemist of the Agriculture Department, in conjunction with those appointed by the Secretary to assist him, have never made, as far as I could ever learn, any quantitative analysis of foods, drinks, or medicines or anything else. They have made a qualitative analysis, and under that a great many evils have been done and great losses have been incurred by manufacturers who were perfectly honest in the preparation of their food products.

For instance, in undertaking to analyze a food product, the chemist desires naturally to find whether there is anything whatever of a trace of certain articles usually used in the preparation of food products and in their preservation—not so much in their preparation as in their preservation—boracic acid, salicylic acid, sulphurous acid—not sulphuric acid—and a large number of others which have been used simply in the quantity necessary to preserve, but not in a quantity generally that would injure anybody. Whenever it is used in that quantity it becomes the province of the chemist to determine it, but no such attempt has been made up to this time by the Chemist of the Agriculture Department, so far as I have learned—that is, by quantitative analysis to find out what was the proportion of the preserving article to the whole product.

For instance, you can not, so I am informed, put up meat, especially sausages and articles of that kind, without a small trace of boracic acid; and my substitute fixes the quantity beyond which they can not go without incurring the penalties of the law, which are fine and imprisonment. It permits them to use a very small percentage of preservative to the whole product, a percentage of which can do no harm to anybody taken in the quantity that is used for the preservation.

Now, a case in point happened where a carload of sausages went to Pennsylvania from Chicago. An analysis was made, and it was found that there was a trace of boracic acid. The Pennsylvania authorities said, "Boracic acid is a poison." Therefore it was stamped "poison," and that carload was sent back to the shipper at his expense. Profiting by that experience, a rival in business sent a carload of sausages not preserved by boracic acid or anything else and it was rejected because it contained ptomaine poison. Ptomaine, you know, is an alkaloid—it is a cadavaric alkaloid. It is a product of the decomposition of meat and also in one sense of particles of the structure of the human frame. So the one carload was condemned for containing boracic acid (and if a man had eaten the whole carload of sausage the boracic acid would not have hurt him) and the other carload was rejected because the manufacturer could not preserve his meat without subjecting him to the penalty of the Pennsylvania law and his meat was condemned because it contained ptomaine. Here is the injury inflicted, with no attempt, however, to determine how much could be taken with impunity or with safety.

My bill proposes to limit the amount. I say "my bill;" I introduced it at the request of these gentlemen. Here is a proportion, a percentage, that can be used of certain preservatives, and the best chemists in the world say that they are not injurious:

There is also a method by which it can be decided whether or not the manufacturer or producer or deliverer of these goods has done anything which would be deleterious to the general health. In the first place, the officers of the law will take three samples, which he is authorized to purchase. In that matter it follows the laws of pretty nearly every State in the Union, as well as those of Great Britain. Massachusetts and other States have such a law. Three samples shall be taken, one of which shall be analyzed by the chemist, not an agricultural chemist, but a hygienic chemist, the chemist in the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service, whose business it is to analyze things concerning health and life, and not an agricultural chemist merely, nor an analytical chemist merely. Before any action can be taken against a man the analysis must be shown him. He is permitted then by his own chemist to make an analysis, and then he can go to the court and appeal, and there he has his hearing; and the third package is there for analysis, if it is deemed necessary by the court, the reports being submitted from the two other chemists—the Government chemist and the chemist of the manufacturer or the preparer of these foods. So there is no danger of a man's business being broken up before he has had a hearing, as there was under the original bill, which I am glad to see has been amended in that particular.

It is not necessary to go into any general statement about the desirability of something being done. The only thing is to do it so as to protect the rights of everybody. Heretofore there has been an indifference manifested as to proprietary drugs, medicines, food products, etc.

The Senator from Idaho objected that there was nothing here that mentioned patent medicines. I use this language, "Drugs, medicines, etc., according to the standard of the National Pharmacopœia and the United States Formulary." They are the authorities to fix standards in this country. I do not know of any other, and I do not presume anybody else knows of any other. The standards are to be so fixed. We must go to them to learn exactly what is pure and what is impure. You can not expect the proprietor of a medicine that is proprietary—that means an exclusive use and monopoly, a patent, etc.—to put on a label, tag, or anything else that is going to disclose the secret of the composition, in which he is secured by the patent laws. Those laws do not simply grant a monopoly, but, to use the language of the Constitution, they are to secure the right of his invention. It is the granting of a monopoly to secure the right which already inheres in the discovery, or invention, or whatever it is, that he may have invented, discovered, or compounded, and is not in any strict sense a monopoly; but the exclusive right is secured for the purpose of encouraging invention.

There is another thing in the bill that I have offered as a substitute. Whenever there is a well-known article of food which has been used we admit it as a lawful component part of a preparation under its trade-mark or name. I have in mind right now Lea & Perrin's Worcestershire sauce, which has a world-wide use and reputation, and has had for a hundred years or more. That, under some ruling of your commission, whatever it may be in future, has been rejected, because the ingredients were not printed in their proportion upon the labels, or something of that sort. Some of the States require these to be printed; some do not. Some require that in the preparation of jelly the word "jelly" must be used; others do not. So what is good in one State is bad in another. A manufacturer sending his goods from one State to another without knowing what States they are going to or what sort of a label is to be put on, finds that what is perfectly acceptable to one State will be objectionable to the next State.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. MONEY. Certainly.

Mr. HOPKINS. The Senator was speaking about having a formula for the use of boracic acid in the preservation of meats. I understand his bill provides for a certain percentage.

Mr. MONEY. Yes; no formula, but simply a percentage.

Mr. HOPKINS. I should like to hear from the Senator on that point, as to how that is superior to the bill under consideration. As I understand the pending bill, it does not prohibit the use of boracic acid in the preservation of meats, but leaves it for the court to determine on complaint as to whether a larger quantity than is healthful to be used is used or not.

Mr. MONEY. That, as I understand, is the amendment which has been offered. It was not in the original bill, and I have been addressing myself to that.

Mr. McCUMBER. I do not understand the Senator. The original bill simply provides that a person may use anything. He may use strychnine, if he wants, as a preservative; but the

courts must determine whether or not the quantity that is used is injurious to health; nothing more and nothing less. That has been in the bill which I reported time and again, and it has not been changed. It is in the bill pending to-day.

Mr. HOPKINS. With that explanation I should like to hear from the Senator from Mississippi on the point as to whether the formula provided by him is better than the bill as presented by the committee.

Mr. MONEY. There is no formula provided. It is simply a per centum. That would be determined by the best chemists who have been engaged in the chemical work of these great manufactories.

Mr. McCUMBER. If the Senator will allow me——

Mr. HOPKINS. Is it not better not to have that in the bill at all, because under the present bill, as I understand from the reading of it, and as explained by the Senator from North Dakota, that amount of boracic acid can be used without subjecting the user of it to the penalties provided in the bill?

Mr. MONEY. Well, the advantage of mine is that the manufacturer knows exactly what to put in and is not subject to any inquiry by the courts.

Mr. HOPKINS. But the trouble with that, to my mind, is that if it should be found that a fraction over that amount is used, then the person becomes liable to the fines and penalties of the bill.

Mr. MONEY. Certainly.

Mr. HOPKINS. It might be that upon chemical analysis the proportion that was used might not be deleterious to health, and under the present bill it would not subject the user to the penalties of the bill.

Mr. SPOONER. Then, if the Senator will pardon me——

Mr. MONEY. Certainly.

Mr. SPOONER. Will we not have different standards applied in different parts of the country——

Mr. MONEY. Of course.

Mr. SPOONER. Whenever the Federal courts happen to become involved in a trial of the question?

Mr. HOPKINS. I wish to ask the Senator if we have experienced chemists who will be called upon on trial to determine it, and they say that it is not deleterious to health, is that any objection?

Mr. MONEY. I will answer the Senator by saying these cases may be tried in any number of courts and testimony may be given by any number of chemists. According to my opinion, the manufacturer has his chemical analysis and the Department can have the analysis of the Division of Hygienic Chemistry here, the Bureau of Quarantine and Public Health, and then the court can have an analysis if necessary. But here is a standard fixed, and the manufacturer knows that if he goes beyond a limit he has made himself liable to investigation and to the branding of his goods in a way which will destroy his trade. He does not have to wait until he goes before a court under arrest charged with a penal offense and subject to fine and imprisonment; but when he is preparing his goods he knows that if he puts in more than one-tenth per cent of one or one-half per cent of another, and so on, that very fact has carried him beyond the true line and he is subject to these penalties.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Certainly.

Mr. McCUMBER. Then, as I understand the Senator, he would have Congress fix the standard. The committee thought it best not to allow even the Secretary of Agriculture or his corps of chemists to fix the standard.

Mr. MONEY. I think myself it is better that they should not.

Mr. McCUMBER. They did not think it safe for any man or set of men to fix a standard, and therefore they have eliminated any provision that would indicate that any person might fix a standard. Under the bill as it is now reported there is no standard except the standard the court and jury shall determine. Suppose the court and jury should determine that twice the amount of boracic acid would not be injurious, ought the person then to be convicted for using it, even though it was greater than the amount that is stated in the Senator's amendment? I do not believe there is a Senator here who knows what should be a standard, but we can all agree that the courts shall determine with a jury what is injurious to health when used in large quantities.

Right here, if the Senator will allow me, I would refer to the statement made by the Senator from Wisconsin. We do not propose to say what percentage of alcohol there shall be in beer, for instance, to determine its intoxicating qualities, and yet in every State——

Mr. MONEY. You would be wise if you did.

Mr. McCUMBER. In every State which has a prohibition law or in every county where it may not be prohibited in the whole State, the question is submitted to the court and the jury whether or not the particular ingredient which was sold was inoxicating or whether it was not. Of course each jury might find a different standard. That is true in almost every matter under the criminal law where it is not fixed absolutely by the statute itself. It would be impossible for us, it seems to me, who know nothing about these chemicals, to fix a standard; it would be even worse than giving it to the Secretary of Agriculture.

Mr. MONEY. Of course I listen with pleasure always to the deliberate judgment of the Senator, but I do not understand yet how a jury is any more competent to tell how much boracic acid or sulphuric acid or any other acid shall go into a compesition for the public use than Congress is, with its unlimited means of getting information.

Mr. McCUMBER. I will answer the Senator.

Mr. MONEY. One moment. At last the jury must depend upon the chemist; the court must depend upon the chemist; and the provision makes three chemists testify as to the quality of the goods, whatever it may be. By chemical processes it has been definitely ascertained that the amounts named in the substitute bill, or they would never have been named in it, were not injurious to health, but preservative of the food that was offered to the public.

It is a fact that it is the qualitative analysis that has governed the practice of the Department up to this date. We know that in one of the States, and I believe, if I am not mistaken in the State of the Senator who is the sponsor of this bill, the commissioner there declared that canned fruit from California had a trace of boracic acid and he condemned it. The firm that packed the goods declared that they never had put boracic acid in it, and his reply was that he did not care whether they had put it or whether God Almighty had put it in, it had boracic acid in it, and boracic acid was a poison, and he did not want it, and therefore he condemned the whole business.

As a matter of fact, it is pretty well known, I believe, to everybody that when you get away beyond the Mississippi River in what is called the "alkali country," and to the Pacific coast, all the fruit, notably apples, have a large trace of boracic acid; and in the preparation of apples, in the main, as in making jellies or anything of that sort, one may always find a trace of boracic acid. There was a lot of goods absolutely pure and free, with not enough boracic acid to hurt anything, just what nature itself had placed there and, according to the Senator from Idaho, nature never put anything in the wrong place, and yet they were condemned.

Now, it is intended to avoid these things and to enable the manufacturer plainly to see his duty, not to violate the law, and at the same time to put in a sufficient quantity of these condemned substances, as they ought to be, to preserve his meats.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. MONEY. Certainly.

Mr. McCUMBER. The Senator's opening statement was that his bill would not interfere with the police power of the State.

Mr. MONEY. I say that yet.

Mr. McCUMBER. He said it was carefully guarded for that purpose. Now, as a matter of fact, unless my ability of construction is entirely wanting, that is exactly what it does do and what the Senator's argument leads to. Take the action of the State chemist of the State of North Dakota. North Dakota may have a law that no goods containinig boracic acid shall be sold in that State. Now, the Senator's bill is aimed against that law, and provides that if it has not to exceed one-half of 1 per cent it may be sold in that State. The effect of such a law is directly in opposition and infringes upon the laws of the State itself.

There is scarcely a State in the Union that has not got a positive law against the use of any one of the preservatives that are mentioned here. It is clear to me that the object of the Senator's bill is to override those State laws which prohibit the use of those articles and to allow them to go in.

I want to call the Senator's attention to the fact that there are nearly seven pages out of the whole number of pages of his amendment directed simply to the matter how you may obtain samples, and it so guards the use of the samples that no one on earth could ever get into court with one of those samples. You apply a new rule for the courts in the trial and determination of the matter.

The Senator finds fault with any standard that a jury may fix. The jury will have the chemist before them. The chemist will be before the court. The chemist will examine those par-

ticular articles. The chemist can be cross-examined before a court, which he can not be before a Department. So it throws every possible safeguard around the man who is accused, and he must be convicted by evidence that will establish his guilt beyond a reasonable doubt. Now, I can not imagine how he could be more safely guarded than by a provision of that character.

Mr. MONEY. Mr. President, the Senator floated off on the tide of his own talk and got away from his original proposition entirely, which was that according to his interpretation of the Constitution this infringes upon the State law, and then he adduced the instances. It is perfectly clear to my mind that it does not, just as clear as obviously the contrary is clear to the very clear mind, I will say, of the Senator from North Dakota. This applies only to shippers in original packages. The tag or label or brand is plain; it is easily discerned; it is fixed to each one of them; and under the interstate-commerce law and under the decision of the Supreme Court of the United States that original unbroken package, perfectly within the control of Congress and the National Government, can go anywhere where the Constitution prevails. When it gets into the State, if it is contrary to the State law, then when that package is broken the State authorities seize upon the contents of that original package broken, and then they punish the men who infringe the State law. If they can follow the tag back to the shipper or the deliverer of the original package and show that he has violated the national law, for instance, taking either one of these bills, then it goes to the court and he is punished.

I want to say to the Senator, what he seems to have overlooked, that here comes in the chemist, whose business it is to consider questions affecting life and health—the chemist of the division of hygiene in this bureau of public health. He is the officer to whom it comes first. Then a package goes to the manufacturer and he can employ his chemist. Both these analyses can be produced before the jury; and in addition a third package, according to my bill, is reserved for the court chemist—anyone who may be selected by the court—so the three can be compared, and the jury will have the benefit of all that.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. MONEY. Certainly.

Mr. HEYBURN. I wish to suggest to the Senator that a serious objection to the fourth provision, on page 13 of his bill, is that it fixes a standard that is not in accord with the standard in most of the States. Most of the States would not permit the sale of articles containing the percentages mentioned in that fourth paragraph. It would result in the Government permitting a manufacturer to ship into the State goods that would be contraband under the State law. That is not fair to the State. It is the object of the pending bill to aid the States in the enforcement of pure-food laws. It should be elastic enough in its provisions to conform always to the limitations of the State law. If you were to undertake to ship into our State goods containing the percentages named in that fourth paragraph, they would be contraband when they arrived in the State and the packages were broken. Now, it defeats the purpose of national legislation to do that kind of thing, does it not?

Mr. MONEY. The Senator did not do me the honor to listen to what I had to say in the beginning or he has easily forgotten. I said that one of the principal objects was to make so reasonable a bill that the State would conform to it as near as possible, and we would have a uniform system of pure-food laws throughout the United States, the States getting together around the national legislation as a sort of nucleus, or being supplemental to it, for convenience of local administration and having the right of local administration. There is not anybody here or elsewhere who would stand up more stoutly and more persistently for the right of every State to regulate its police matters than I. That is my disposition. I am antagonizing all the time every effort to centralize this Government and endeavoring to retain within the several States all that power which was reserved to them in the ninth and tenth amendments of the Constitution.

Mr. HEYBURN. But I would suggest to the Senator that nearly all the States have pure-food laws.

Mr. MONEY. I understand that. The Senator must not infer that I am entirely ignorant. This is no kindergarten, but the United States Senate.

Mr. HEYBURN. My suggestions were based upon that condition of facts; I am not attempting to criticise the Senator or to impeach his knowledge.

Mr. MONEY. As I remarked before, the Senator's State, under his own State law, rejected apples coming from California, because they had boracic acid and because boracic acid is poison, and the law says anything poisonous shall be stamped "poison." The reply to the sworn statement that there was nothing in it whatever was that he did not care whether the manufacturer or God Almighty put boracic acid in it, it could not go there. The object is to correct just such legislation as that, not by the power of Congress, because we have none, but by the persuasive power of national legislation in protecting the public health and at the same time giving an opportunity to the manufacturer of those products to eliminate anything hurtful and harmful, and to punish those who willfully transgress, so far as the Federal arm can reach them, and haul them to court and, with the proper processes, confronting them with witnesses and having the three chemists to examine into the preparation and determine its character.

Now, then, the original package must be labeled or branded or tagged so that it can be traced. It must be legible and discernible when it comes into the State, then it is broken and the State law comes in, as it should. Both Senators know very well that all the time original packages are being sent into States that have absolute prohibition of the sale. What about your liquor law and original packages going into a prohibition State? Can you stop them from going in? Yet with the perfect right in your police power, regulating health and morals, you can say, "You shall not distribute and sell, because then you come under the provision of our law."

Now, I respect the sentiments of the prohibition States, although I want to say I do not think a general prohibition law ever effects its object. We have in my State what I consider a great deal better, and that is the local-option law, enabling each county to determine for itself what it will sell and drink and use. And I want to say that out of seventy-six counties in the State only nine of them sell any kind of spirits. All the others are called "dry" counties. In all my experience as a voter I have never yet voted a "wet" ticket. I have never signed in my life a license or a petition for a license for a grocery or a saloon, and I have set the example of being a temperance man. I am not temperate, though, because I have determined to be temperate and have sworn somewhere to be temperate and wear a blue ribbon, but because I simply have enough control of myself without any such assistance as is associated with ribbons and buttons to keep myself from being a brute. In the first place, I do not care anything about any of those things, never having learned the use, and if I had I have enough confidence in my own self-control and resolution to know that I could quit any habit I might have contracted. As far as that is concerned, I do not know that I have a habit in the world, good or bad. I act every day just as I please, and I generally please to do that which I think is right, and I take the consequences. I have never charged the devil yet with any of my sins. I have not done anything because he has tempted me, but because I wanted to do it myself.

Now, the agency for the application of this law is, I think, properly in the Department of Commerce and Labor. It comes distinctively under that Department. The only thing we are concerned with particularly is the transportation question. We are doing all that we are doing to-day in any proposition that has been made here by way of bill, substitute, or amendment, because we have the power under that clause of the Constitution which enables us to regulate commerce with foreign countries, among the States, and with the several Indian tribes. That is the narrow ground on which we stand. Here is a Department specially organized to take care of commerce and transportation and manufactures. That is the proper Department to put in force these laws, whatever they may be, as we consider them and pass them. The Secretary of Agriculture is a man whom I have known for thirty years, a very honorable, industrious, and indefatigable worker. He is the best Secretary I have ever known there, I think, and there is no doubt but what he would want to do his duty.

But the Secretary can be deceived as well as anybody else. He has the particular line of work which is the duty engaging all of his attention. I can not understand why the Department of Agriculture, devoted to the product, the raw stuff, and nothing else, should be invested with the authority and power to administer laws which relate to the transportation of manufactures. I do not see the harmony of the thing. It is incongruous. It does not belong to that Department, and why should it be insisted on that the Secretary of Agriculture shall discharge those duties?

Mr. HOPKINS. Will the Senator allow me to interrupt him right there?

Mr. MONEY. Certainly.

Mr. HOPKINS. Take the subject of meats. Under laws that exist at the present time meats are inspected by agents of that Department.

Mr. MONEY. I know that.

Mr. HOPKINS. Would it not be more in harmony to have these chemical inspections proceed also from the same Department? All of our food products that go abroad must have the stamp of the Agricultural Department.

Mr. MONEY. I understand that that is true as to the raw product; but we are dealing now with articles in transportation, not with the raw product. The bill does not propose to cover the raising of cattle. It has no reference whatever, if the Senator will pardon me, to the meat product, but to meat on the car, and that is where we get in—on the transportation of the meat product from one place to another.

The States themselves have legislated very well to a certain extent on this subject. I have a list of such States here, and I have the State laws also. I had them copied, and I could read them if I had the eyesight, which I have not, but I shall ask consent to put them into the RECORD that they may be there for the information of Senators who have not taken the trouble to look into this matter for themselves.

Mr. ALLISON. I suggest to the Senator to ask permission to insert them all.

Mr. MONEY. I shall ask to put into the RECORD such matter as I consider of value toward the explanation of this subject.

The Secretary of Agriculture, as I have said, is a very useful and efficient administrative officer. I believe he will always do his level best; and yet we see his inability as we should see the inability of any other Secretary to cover his whole Department. He has a vast one. He has eight or ten laboratories; he has a great corps of scientific men who are working for the wages of day laborers, and less, simply in the cause of science—graduates of scientific institutions—some of them working for as low as $40 a month, men who have graduated from American and also from European universities, speaking half a dozen languages, and yet working for from $40 to $50 a month in the cause of science. In spite of the spirit of commercialism to-day and the great desire of people to accumulate, there are quite a number of people who pursue an intellectual pursuit, not for gain, but simply for the satisfaction which it gives them to make discoveries for the use of mankind.

That sentiment is prevalent around the German universities, where any man who has studied to become a lecturer on a certain topic or a certain science or a certain subject and who has become familiar with it, works for a very small salary, which would be contemptible in this country, devoting his entire intellectual research and knowledge to the elucidation of that question of science, philosophy, or whatever it may be. If one of that number should leave that circle to engage in any business and devote his great talents to mere money making he would incur the sneers of his former companions. We have also such people over here, but notwithstanding this the Secretary has great difficulty. His duties are every day extended as we increase and diversify our agricultural industries, particularly in stock raising.

I have the honor of being a member of the Committee on Agriculture and Forestry, to which these bills uniformly came until the last two Congresses, and I know something of what the Agriculture Department does. I know something of the requirements and duties in that Department, and I know we are always overloading it. The Department of Commerce and Labor was established for the purpose of unloading several of the other Departments of the Government. We take a bureau from one Department and a bureau from another and a division from another, and we are getting under the Department of Commerce and Labor those things which legitimately belong to that Department, and here is one of the things which, as much as any other thing, belongs there, because it is a matter of transportation alone, which brings it within Federal control and gives us jurisdiction because it is the product of labor, manufacturing labor generally. "Manufacturing labor" I say in general terms. The word "manufacture," of course, as literally construed, means made by hand, but it has now come to mean made by machinery. At any rate, this is a business that legitimately comes under the consideration of that Department and is included in these bills and these amendments. It is impossible for me to think that the Department of Agriculture can conduct this business as satisfactorily as can the Department of Commerce and Labor for the reason I have just stated.

In the amendment that I had the honor to produce here every provision is made to guard the rights of the States, which are not to be infringed and can not be under the amendment. I asked a gentleman to indicate to me where this interferes with State rights. A distinguished lawyer and an ex-Senator went over it very carefully as to the constitutional question before I overlooked it myself, and he was satisfied that it did not.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Yes; I will hear the gentleman.

Mr. McCUMBER. I thought the Senator said—I did not understand him thoroughly—that he saw nothing in the amendment which he introduced here that would interfere with the rights of the States. Am I correct about that?

Mr. MONEY. Yes; that is what I said.

Mr. McCUMBER. May I call the Senator's attention right here to page 3 and read a little portion of it?

Mr. MONEY. Yes; read it.

Mr. McCUMBER. Commencing with line 6 on page 3, I find the following:

> And no person, firm, or corporation shall be convicted under the provisions of this act for having received in any State or Territory, the District of Columbia, or insular possessions, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and delivered in original unbroken packages—

I call attention to that portion—

> original unbroken packages, for pay or otherwise, any article of food or drugs adulterated or misbranded within the meaning of this act, if said article is labeled, branded, or tagged in manner and form as required aforesaid—

That provides that they shall all be tagged, showing the name of the manufacturer—

> at the time of so receiving and delivering said article.

Then follows:

> *Provided*, That any person, firm, or corporation who shall receive in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, any article of food or drugs not labeled, branded, or tagged, in the manner and form as required herein, shall label, brand, or tag said article with their correct name and address, before delivering the same, for pay or otherwise, in the original unbroken package,

It seems to me that the real meaning of that section is that as to the person receiving, even if the State provides, as it may provide, against the sale of adulterated or misbranded articles in original packages if they are a fraud—and adulteration and misbranding is a fraud—or if they are poisonous, and therefore not commercial, it may strike the goods in the original unbroken packages, with those two exceptions.

Under the provisions of this amendment, if the retailer will put the wholesaler's name on the article he shall not be punished, no matter what the State laws may be. I can get no other construction out of that section; and if I am in error, the Senator I know, of course, will be pleased to correct me.

Mr. MONEY. Yes; I think the Senator is in error. He started out with one idea and got onto another. He started out with the idea that I was infringing upon the rights of the States and then he undertook to show that it was an infringement upon the rights of the Government.

Mr. McCUMBER. No; the State may punish while the article is in the original package; but this amendment provides that the State shall not punish—that no punishment shall be had—if the article is in original unbroken packages, though it be a fraud and though it be absolutely poisonous. I do not understand the construction of the interstate-commerce law as to original packages to mean that you can ship anything else but what is known as a "commercial article;" and that is not a commercial article which is a fraud, such as adulterating or misbranding or which is not commercial by reason of its putrescence or other reasons. The State can reach them there in the original unbroken packages; but no matter how great the fraud, under this amendment the State can not touch the article while in the original package.

Mr. MONEY. The State can not touch the article in the original package, it is true, but it can touch it whenever that package is broken; and it can not be used by the citizens until the package is broken. That is where the State steps in, when it comes to its sale and distribution. Now, I have to say to the Senator, while this matter is up, that I have endeavored in my amendment to protect the retail dealer in the State, who has been the object of a great many objurgations in connection with the sale of adulterated foods, by leaving him out entirely, because we know that the small dealer can not examine all the food in the packages that come to him. He orders by the half dozen or five dozen or gross, or whatever it may be, and he can not stop to inquire into everything that is sent him. Therefore I intended to make the original compounder or preparer of that food responsible entirely, because it is impossible to hold the retailer responsible when he has not the ability to correct any of these frauds.

Mr. McCUMBER. The point I wanted to make with the Senator was that his amendment did advance Federal law over the police power of the State and nullify the police power to that extent.

Mr. MONEY. Well, that is a different thing——

Mr. McCUMBER. That is the point I desired to make. The Senator said his amendment did not interfere with the State police power.

Mr. MONEY. I want to say to the Senator that there are very learned judges of the Supreme Court who differ upon the same state of facts, upon the same law, upon the same arguments, and the same Constitution. So it is not at all strange that two men with antagonistic views on this floor should differ a particle upon a proposition. The Senator holds to his view and I hold to mine. I think that is satisfactory to me at any rate.

Mr. President, I do not know that I am able to continue this debate, because I am suffering with a very severe physical disability. My old enemy, a neuralgic headache, has possession of me as usual, and I shall for the present conclude by asking unanimous consent to incorporate in the RECORD, as an appendix to my remarks, certain provisions taken from the food laws of Great Britain, and acts of the British Parliament and of several States in regard to a number of matters that come up in the consideration of my substitute. There are also a number of other things here that I should like to have printed. I will ask to have them all printed in the RECORD.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MONEY. Certainly.

Mr. CULBERSON. Mr. President, it has not been practicable for me to give the subject of this bill and the substitute the attention I should like. I should be glad, if it would not inconvenience the Senator from Mississippi, if in brief words he would explain the difference between the bill and the substitute which he has offered on the relative jurisdiction of the State and the Federal authorities. In other words, if either the bill itself or the substitute of the Senator from Mississippi provides for the regulation of merely manufacturing establishments within a State, irrespective of transportation from one State to another or between the States and Territories of the country, I should like to know that, because, as I understand, there is no authority on the part of the Federal Government to regulate manufactures in that sense. So far as the purpose of my present statement is concerned, it is only when those manufactures are being shipped within the meaning of the interstate-commerce clause of the Constitution that the Federal authorities or the Congress of the United States have any authority to regulate or control them. As I stated, not having much opportunity to look into these matters with reference to that question, if it would not inconvenience the Senator from Mississippi, I should be glad if he would explain the difference in that respect between the bill itself and his substitute.

Mr. MONEY. I am very sorry that I am not able to go into it any further. But I will say to the Senator that the substitute which I have offered provides only that the Government of the United States shall interfere in the matter of transportation; and if any shipper or consignor or deliverer of goods shall purchase goods in the vehicles of transportation from another State, he can do that under the Federal law, but he must tag or brand or label them so plainly that you can trace them back to the shipper or manufacturer, who will then be liable to the penalty of fine or imprisonment if the articles that he has transmitted, delivered, or shipped, or transported in original packages, contain anything that is fraudulent or deleterious to the public health. After the package has been received the State law operates in its breakage and distribution.

I want to say, Mr. President, that what the Senator said about punishment for the infringement of State laws is incorrect. He said that under this act it can not be done. The State laws can proceed. This bill provides that the dealer can not be punished, under the provisions of this act, if the goods are labeled or tagged with the name of the manufacturer. They can punish just as they could, and as they have a right to do, no matter whatever legislation we enact.

I regret, Mr. President, that I can not proceed any further; but I will ask the liberty to have the matter I have referred to inserted as an appendix to my remarks. I may later get into the debate under the ten-minute rule.

The VICE-PRESIDENT. Without objection, the matter referred to by the Senator from Mississippi will be printed in the RECORD as an appendix to his remarks.

The matter referred to is as follows:

DEFENDANT ENTITLED TO PARTICULARS OF OFFENSE CHARGED.

[English sale of food and drugs act, 1899; Law Reports 62 and 63 Vict.; Statutes 36–37, 1899.]

Page 200, section 19, paragraph 2: In any prosecutions under the sale of food and drugs act the summons shall state particulars of the offense or offenses alleged, and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the day on which it is served; and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.

PROSECUTIONS STARTED WITHIN REASONABLE TIME.

[English sale of food and drugs act, 1899; Statutes 36–37, 1899; Law Reports 62 and 63 Vict.]

Page 200, section 19: When any article of food or drugs has been purchased from any person for test purposes, any prosecution under the sale of food and drugs acts in respect to the sale thereof, notwithstanding anything contained in section 20 of the sale of food and drugs act, 1875, shall not be instituted after the expiration of twenty-eight days from the time of the purchase.

USE OF PRESERVATIVES.

[English sale of food and drugs act, 1899; Law Reports 62 and 63 Vict.; Statutes 36–37, 1899.]

Page 196, paragraph 7: *Provided*, That an article of food shall not be deemed to be adulterated by reason only of any preservative or coloring matter of such a nature and in such quantity as not to render the article injurious to health.

Michigan.—The food law of Michigan permits the use of benzoate of soda or other harmless preservative when the fact of its presence is stated on the label.

Kentucky.—The food law of Kentucky permits the use of preservatives when the fact of their presence in the food is stated on the label.

DIVIDING SAMPLES.

Delaware.—Food law requires that samples taken be divided into two equal parts, and one part offered to person in whose possession article was found, with written notice of time, place, and date, when and where said sample was taken, and that it was taken to be analyzed.

Massachusetts.—Food law requires that before sample is analyzed a portion thereof shall be reserved and sealed by the analyst, and upon complaint against any person such reserve portion shall, upon application, be delivered to the defendant or his attorney.

[English sale of food and drugs act, 1875; Law Reports, 38 and 39 Vict.; Statutes 10, 1875.]

Page 578, section 14: The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify the seller or his agent selling the article of his intention to have the same analyzed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed, or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent. He shall afterwards retain one of said parts for future comparison, and submit the third part, if he deems it right to have the article analyzed, to the analyst.

[English sale of food and drugs act, 1899; Law Reports, 62 and 63 Vict.; Statutes 36–37, 1899.]

Page 196, section 2 (a): The officer procuring the sample shall divide the same into four parts, and shall deal with three of such parts in the manner directed by section 14 of the sale of food and drugs act, 1875, as amended by this act, and shall send the fourth part to the board.

Page 199, section 10: In the case of samples of milk taken in the course of delivery, or of margarin or margarin cheese forwarded by a public conveyance, the person taking the sample shall forward by registered parcel or otherwise a portion of the sample, marked and sealed or fastened up, to the consignor, if his name and address appear on the can or package containing the article sampled.

IMPORTED GOODS.

Page 195, paragraph 4: Where the commissioners of customs take a sample of any consignment in pursuance of such directions they shall divide it into not less than three parts and send one part to the importer and one part to the principal chemist of the Government laboratories and retain one part.

Where chemists unite agencies the particular properties of each of which apart are well understood, but the combination results in producing something not previously known which has a new or superior use, it is an invention, to which, as a trade secret, a proprietary right attaches. (Eastman Co. *v.* Reichenbach, 20 N. Y. Supp., 110.)

COMPENSATION FOR SAMPLES.

Colorado.—Requires that compensation be given.
Connecticut.—Requires that market price be tendered.
Florida.—Requires tender of price of quantity required for analysis.
Idaho.—Requires tender of value of sample.
Kansas.—Requires tender of value of sample.
Kentucky.—Requires tender of market price of sample.
Massachusetts.—Requires tender of value of sample.
Michigan.—Value of sample must be paid.
North Carolina.—Requires tender and payment of full selling price of sample.
Ohio.—Requires tender of value of sample.

The Heyburn bill is a measure intended to regulate the retail sales of foods and drugs in the Territories, District of Columbia, and insular possessions, and, in addition, to regulate interstate and foreign commerce in foods and drugs.

It includes food used by man or by domestic animals.

The Heyburn bill is not a direct and complete law. It is not a law that contains all of itself within itself. It depends for its effect and operation upon rules and regulations that may be made by officials given discretionary and arbitrary powers, and these rules and regulations are not incorporated in the law so that they can be understood and the effect of the law determined.

Under section 3 of the Heyburn bill power is given to the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor to "make uniform rules and regulations for the collection and examination of specimens of foods, drugs, medicines, and liquors, etc.," and this power is not defined in any way. It does not specify what right the party has from whom the samples are to be taken; his interest in the matter is not considered. The rules and regulations these officials may make may be extremely fair; but, on the other hand, it is just as possible that they may be extremely drastic, unreasonable, and unfair. No one can determine what the effect of this section will be until after the bill has been passed and in effect and the rules and regulations have been made.

Section 4 of the Heyburn bill gives the Bureau of Chemistry of the Department of Agriculture the right to analyze samples of food and drugs and medicines and liquors for the purpose of determining whether they are adulterated or misbranded, and it goes on further

to say that if it shall appear from such examination that such specimens are adulterated or misbranded or contain any added deleterious substances or ingredients the Secretary of Agriculture shall give notice to the parties from whom the samples were taken, and also give public notice of the fact that such article is adulterated or misbranded. The effect of this is that the Bureau of Chemistry of the Department of Agriculture has the right to determine what this law means and whether an article is adulterated or not adulterated under it, and whether a substance is injurious to health or not. The courts of the land are not taken into consideration in this matter at all, but the law prescribes, in effect, that the Secretary of Agriculture, on the finding and interpretation of the Bureau of Chemistry, shall proceed at once to publicly condemn the goods and warn "all other persons, association of persons, or corporations" in whose possession like articles may be found or known to be that such article is adulterated or misbranded under this act.

Wherein does a man have "his day in court" under this section? What right has the Bureau of Chemistry of the Department of Agriculture to interpret the laws of the land to any extent, and cause citizens to be punished on that interpretation by public condemnation of their goods by the Secretary of Agriculture? Why is a man not entitled to a trial before a court and jury before his goods are publicly condemned and all people warned that his goods do not comply with the national law? Should he not be given an opportunity to defend his name and the reputation of his goods? This section nullifies the rights of the individual citizen and would permit an unwarranted usurpation of power on the part of the Bureau of Chemistry, and ignores the province of the courts of the country, whose high and noble duty it is to interpret the laws of the land and give all citizens fair and impartial hearings before they are injured, even in the slightest degree. Such arbitrary and uncontrolled power as this section seeks to confer upon the Bureau of Chemistry of the Department of Agriculture and the Secretary of Agriculture should not be tolerated in any country that boasts of freedom and equality before the law. If any official is to be given power to take steps that will injure any citizen, without going into the regular channels of justice to do it, then let that official be compelled to give a bond or some other assurance that if he makes a mistake and injures any citizen that citizen can have some redress, so that the official can not screen himself behind his official position. The proper way to enforce any law is to submit the facts, or the evidence obtained, to a court of justice, and let that court determine, from those facts and from that evidence, whether or not the law has been violated. The Bureau of Chemistry and the Secretary of Agriculture should be compelled to follow this course and no other.

The Heyburn bill also seeks to create a dangerous condition for the manufacturers of drugs when it attempts to regulate "any substance intended to be used for the cure, mitigation, or prevention of disease," and also states that a drug shall be deemed to be misbranded if it contains any statement false or misleading in any particular, and does not in any way determine what is meant by the term "false or misleading in any particular." This again leaves it in the hands of the Bureau of Chemistry to determine what is "false or misleading." Under such a law no man would dare to tell the qualifications of his drug, or that his medicine or preparation was good for the cure, mitigation, or prevention of a disease, unless he first went to the Bureau of Chemistry and consulted them and asked them if his medicine was, in their estimation, good for the cure of that disease. They would not have to prove it under this bill, because they have a far more effective way of driving the article off the market by giving publicity to what they determine and decide about the article. Such power should not be placed in any man's hands.

Section 4 also seeks to give parties accused a hearing before the officials enforcing the law, under rules established by those officials; but the food manufacturers do not ask such hearings. They want a law they can understand and abide by, and they are just as willing to take their chances in the courts as any other class of people.

The Heyburn bill is also indefinite in paragraph 4 of the definitions of adulterated food, when it says that an article of food shall be deemed to be adulterated if it contains any added ingredient which may render such article injurious to human health. Who is going to determine what is an injurious ingredient? Under this bill a manufacturer can not tell what he can use or what he can not use, and it is entirely within the power of the Bureau of Chemistry, under section 4, to determine "whether such article * * * contains any poisonous or other substance deleterious to the health of human beings or domestic animals; * * * and public notice of the facts (determined by them) shall be given by publication * * * to all other persons," etc. Who can understand the meaning of this section, and where is the fair-minded man who will say that it is right to give the Bureau of Chemistry the power to determine such a question and to give the Secretary of Agriculture the right, on the finding of the Bureau of Chemistry, to drive a man's business out of existence by publicly classing his goods as illegal on the findings of fact and their own interpretation of the law?

Again, the Heyburn bill is indefinite and dangerous when it says that proprietary preparations which do not contain any poisonous or deleterious ingredients shall not be deemed to be adulterated if they are labeled to indicate that they are mixtures, compounds, combinations, imitations, or blends, and says, further:

"*Provided*, That the same shall be labeled, branded, or tagged, so as to show that they are of such character. *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods which contain no unwholesome added ingredients to disclose their formulas of production, except in so far as the provisions of this act may be required to secure freedom from adulteration or imitation."

Who is going to determine just how far a man may be compelled to disclose his formula in order "to secure freedom from adulteration or imitation?" Is this law definite on this point? Can any man understand it? Do the owners of proprietary preparations of the United States know what the effect of this law will be on their articles?

The food manufacturers of the United States are in favor of a proper national food law, but they want a food law that they can understand, and they are unalterably opposed to placing the regulation of their business within the arbitrary power of any official. They are willing to submit to laws passed by their Congressmen and Senators after they have had an opportunity to have their Congressmen and Senators understand their side of the case, but they are not willing that those Congressmen and Senators should delegate their lawmaking power to the Bureau of Chemistry or to the Secretary of Agriculture or to anyone else, or that those Congressmen or Senators should create a law that will depend for its effect, not upon the interpretation of the courts of the land, but upon the interpretation of the individual officials.

The Heyburn bill does not prescribe any specific regulation within itself that will protect retail dealers or anyone else. It merely prescribes that any person who can establish a proper guaranty signed by the wholesaler, jobber, or manufacturer, or other person shall be exempt and the guarantor liable. But it is not mandatory and makes it necessary for the retailer or person seeking protection to demand a guaranty or see that he gets one. The bill does not directly afford him protection, and the bill of the National Food Manufacturers' Association seeks to do this in so far as possible.

The Hepburn bill in the House is almost a counterpart of the Heyburn bill, but contains another objectionable and unfair feature. It provides, in section 7, that the Secretary of Agriculture shall fix standards of food products for the guidance of officials enforcing the law and for the information of the courts and determine the wholesomeness or unwholesomeness of preservatives and other substances used in food. This means that we would have to wait for the establishment of these standards before we could tell the effect of the law. The food manufacturers of the country are decidedly opposed to giving the Secretary of Agriculture or any other official the arbitrary power to regulate the food supply of the country, and they insist that in the framing of such standards and in the determination of such issues they have a voice and a vote, either directly or through their duly elected representatives in Congress.

THE PROPOSED BILL EXPLAINED BY SECTIONS.

Title.—The bill seeks to regulate commerce in foods, drinks, confections, condiments, and drugs.

Section 1.—This section seeks to make it unlawful to do an interstate commerce in misbranded or adulterated foods or drugs. This includes commerce among the States and Territories, District of Columbia, and insular possessions, and between this country and foreign countries. It makes it unlawful to deliver for shipment or ship adulterated foods or drugs as articles of interstate or foreign commerce. It also makes it unlawful to receive adulterated foods or drugs as articles of interstate commerce and deliver them in original unbroken packages if they do not bear the name and address of the original shipper. It also makes it unlawful to introduce adulterated food into this country.

This section prescribes the penalty for a violation of the act.

Section 2.—This section is intended to further the ends for which the bill is drawn. It contains a regulation that the name and address of the person shipping any article of food as an article of interstate commerce shall be attached to every article of food or drugs transported in interstate commerce. Notice particularly that this name is only required to be attached to the package in the form in which it is delivered for transportation. This means that if there are a dozen bottles of catsup shipped in a box, the name shall only be attached to the box, and not to each bottle contained in the box; or if there are half a dozen boxes of catsup shipped in a crate, the name need only be attached to the crate. And if the article is shipped as one package in itself, without being boxed, such as a quarter of beef, then the name shall be attached to the article itself. By this regulation the original shipper can always be known by a glance at the name, and the offense of shipping adulterated or misbranded articles can be brought home to his door. And no matter who handles the goods as articles of commerce, the shipper only is responsible for their condition under this law. He is responsible, however, only while the goods remain in the original unbroken packages and as articles of interstate commerce. This regulation protects innocent dealers and places the responsibility on the man who should bear it. This section does not make it an offense to receive adulterated or misbranded goods, even though they are not labeled as required; but if a party receives any goods, whether adulterated or not, if they are not labeled as required he must at once assume the responsibility and label them with his name before he handles them as articles of interstate commerce. He can, however, take the articles out of commerce and sell them wholly within the borders of a State, in which case he would be subject only to the laws of that State. This requirement only attaches to the article as an article of commerce; and when the goods have reached their destination, and the articles cease to be articles of commerce, the requirement no longer exists, because the article is then subject only to the laws of the State in which it chances to be. Articles shipped to foreign countries are only required to comply with the laws of the foreign country to which they are shipped; but if goods are packed for export in accordance with the directions of a foreign purchaser they need not comply with any law, as the foreign purchaser is presumed to know what he wants and entitled to have the goods prepared to suit himself. He may want to use them himself; and even if he wants to sell them in a foreign country, the laws of that country should be able to deal with him successfully—at any rate he is entitled to receive from us what he asks for and is willing to pay for.

Section 3.—Places the enforcement of this bill in the Department of Commerce and Labor, and prescribes the way in which the law shall be enforced. It only gives the Secretary of Commerce and Labor power to make rules and regulations necessary to carry out the details of the work of enforcing the provisions of the law. It does not give him any power to make rules affecting citizens' property which would have the effect of law, but not incorporated in any law. It is not intended nor contemplated in this bill that any discretionary or arbitrary powers shall be granted to anyone except to a judge of a court in certain cases.

Section 4.—This section defines the manner in which samples shall be secured. It requires that a person shall be given due notice when his goods are taken for examination or analysis; that the sample be divided into three equal parts, each part to be considered as the original; that the owner receive one part, that the Government take one part, and that one part be held in reserve to be analyzed by a disinterested person in certain cases. When the owner of the article thus receives a sample of it he can defend himself; and his defense is not taken away from him by some inspector whom he never sees nor hears of until he is confronted in court with evidence wholly within the possession of the inspector, and which evidence he can not meet. This equitable method of taking samples is a feature of the English food law, and of some of our State food laws, and has long been recognized as a means of promoting justice. The defendant can offer his evidence to show what the sample contained as against the evidence of the Government, and if there be a serious dispute the judge can either let the evidence go to the jury and let them decide the matter, or, in order to arrive at a better judgment, he can order the part of the sample held in reserve analyzed and the result submitted in evidence. This will throw additional light on the issue. It will be observed, however, that while the judge may let the case go to the jury on the evidence on the first two parts of the sample, if the third part is analyzed, then he must submit the evidence on the whole three parts, whether the last-named analysis be in favor of the Government or in favor of the defendant—it is not discretionary with the judge to submit or not submit it after it has been made. This section also requires that cases shall be started

within sixty days after the sample is taken on which the case may be commenced. It does not say that the cases shall be tried within that time—only started. This gives notice to defendant that he will have to stand trial, and he can look up the record of the goods and the whole transaction, and the facts would still be fresh, both with the Government and with the defendant. Under some of the State food laws cases are brought on samples a year and sometimes a year and a half after the samples are taken, and when the defendant has lost all track of them. Such cases work great injustice. This section also prohibits any prosecution until all the requirements of this bill have been complied with—that is, until the defendant has been duly notified, given a part of the sample taken, etc., and due regard has been had for the other safeguards of justice in the bill.

Section 5.—This section places the chemical work under this bill in the Division of Chemistry of the Hygienic Laboratory of the Public-Health and Marine-Hospital Service. This laboratory is especially fitted for the line of work required to be done by it under this bill. But under this section there is nothing for this Department to do but to analyze the samples and give a certificate of the results to the Secretary of Commerce and Labor.

Section 6.—This section requires that when violations are discovered the proper steps shall be at once taken to punish the offenders.

Section 7.—District attorneys are required to carry on prosecutions under this bill. A feature of this section is that when a prosecution is commenced the defendant shall have the right to receive from the district attorney a copy of the analysis of the article upon which proceedings have been commenced. This is only fair. The defendant is entitled to know the particulars of the offense with which he is charged just as soon as the charge is made. This has long been recognized as a fundamental principle of pleading; that is, that the plaintiff must narrate his cause of action specifically so that the defendant may know with what offense he is charged. Under the English food law a copy of the analysis is required to be served with the summons. Therefore this is not a new or strange feature.

Section 8.—This section makes it the duty of every person handling goods as articles of interstate commerce to sell a sample of the same to the proper officers of the Government. This also includes jobbers, brokers, etc., or any person entitled to the possession or control of the articles.

Section 9.—This section is intended to prevent an abuse of power by anyone enforcing this bill, such as has been done by many of the State food commissioners. In the first place, the section gives the Secretary of Commerce and Labor the right to publish bulletins of his work done under this bill, the same as other bulletins of his Department; that is, he may state the amount of work he has done, the number of samples found to be pure; the number found to be adulterated; number of cases started; his method of enforcing this law, and other general and useful information; but it prohibits him from advertising the goods of some manufacturers which happen to be picked up by inspectors and found to be pure. The results of analyses may be mentioned, but no dealer should be given free advertising at the expense of the Government to the disadvantage of other dealers whose goods are just as good, but which the inspectors do not happen to pick up.

But the salient feature of this section is that the name of a dealer, or the name of a brand, shall not be published in connection with adulterated or misbranded articles until he has had a trial and been regularly convicted and the case has been finally adjudicated if appealed. If it were not for this restriction the names of dealers could be published in connection with goods alleged to be illegal on the mere finding of a chemist, when afterwards the dealer might be able to establish in court that his goods were not adulterated or misbranded and that the chemist was wrong in his finding. Some of the State food commissioners do not hesitate to publish in their annual reports a long list of foods as adulterated and illegal, and to give the names of the manufacturers of the same; and newspapers and journals all over the country do not hesitate to point out these brands and these manufacturers and warn consumers against them, where the only foundation for all this ruthless attack on a firm's goods and a firm's name is the finding of the State food chemist. Many times the cases are never brought into court, the evidence being so slight and uncertain that the commissioner does not care to undertake to prove what he has alleged to be a fact. A firm's name should be protected, and it is not right that it should be abused on the mere technical finding of a chemist. There is always an issue of fact as to whether a man's goods are adulterated or not, and every citizen of this country is entitled to have issues of fact directly affecting him and injuring him decided by a jury of the land, and no chemist has the right to take the place of a jury and decide such matters. If a man is charged with murder there is no one calls him a murderer until he has been convicted of the crime. He may be "suspected of murder," or "the supposed murderer," etc., but the fixing of the crime on him usually awaits the verdict of the jury. But under the food laws, if a chemist asserts he finds articles adulterated the formality of a trial is waived without consulting the dealer, and he is proclaimed guilty and his goods declared adulterated. This section protects a citizen against such action until he has enjoyed the privilege of a trial under the law of the land and has had "his day in court."

Section 10.—In this section the term "food" is defined, and includes drinks, confections, and condiments, and also includes substances like baking powder, spices, etc., which technically might not be classed as food.

Section 11.—This section defines what shall be considered adulterated or misbranded articles. The various paragraphs speak for themselves and need not be commented on here. Care has been taken to make them cover every possible form of adulteration.

The fourth paragraph of section 11, page 9, provides that an article of food shall be deemed to be adulterated if it contains any substance the amount of which that might reasonably or advantageously be used in food will injure health, or contains any substance which renders the article injurious to health. This means that, while large amounts of a certain substance might injure health if generally used in food, yet if a small amount only of that substance need be used in food, or would be likely to be used in food, and it is advantageous to use that substance in that amount, and the general use of that substance in that amount will not injure health, then the food shall not be deemed to be adulterated merely because it contains that substance.

The proviso on page 10, specifying what shall not be deemed to be adulterated articles, is very important and requires careful consideration:

The first exception relates to articles which are different from any recognized class of articles of food. For instance, vanilla extract is a recognized article of food and has a definite character; but there are thousands of artificial vanilla flavors on the market that are not recognized articles of food, because they have no definite character. They are made in many different ways and from different substances, and about the only thing in common among them is that they have a vanilla flavor. So with lemon extract; it has its imitations, having no quality of lemon extract except the flavor. So with maple sirup and many other food substances which are imitated. This section aims to have all such substances labeled, so as to distinguish them from every recognized class of articles of food, and also to have them labeled so that they must be sold on their own merit. Care is taken to protect valuable preparations by specifying that it shall be a sufficient compliance with this law, if they are labeled with their own distinctive names, instead of disclosing the ingredients on the label to show their character, as required in some States. The purchaser then must use his judgment as to whether he wants to buy it or not. When the law protects the buyer from injury to health and from a fraud, then he has been sufficiently protected and warned, and it is ridiculous to attempt to draft a law which will relieve him from using his own discretion and making his own bargains as he sees fit. This section also encourages manufacturers to discover and manufacture articles of real merit, because when all such articles stand on their own merit the better articles have the advantage. But under the system in vogue in some of the States, where a dealer is compelled to publish the ingredients of a proprietary article on the label, there is no encouragement to discover and use a valuable article, because in order to sell it the manufacturer must disclose the ingredients of the article to the public and other people immediately steal his discovery and make use of it.

The second exception deals with the use of colors in food.

The third exception undertakes to deal with one of the most important questions met with in connection with food laws—that is, the use of preservatives in food. That the use of preservatives in food is a necessity is demonstrated every day by actual facts, and the question would soon be settled in favor of their legitimate use if the scientists who endeavor to prove that they should not be used would only exert one-half of the energy thus spent in ascertaining the great injury which is being done every day to the human race on account of a failure to use them in food and giving such information to the public. Even without any investigation on the subject there is scarcely a day that passes in which the newspapers of the country do not contain an account of deaths from ptomaine poisoning in food, and other food poisoning, which could have been wholly prevented by the use of preservatives. That people die from eating food not properly preserved from the ravages of bacteria is a fact demonstrated every day of our lives, and if every death thus resulting were recorded the record would be astounding. On the other hand, there is not one case on record of the death of any human being from the judicious use of chemical or other preservatives. In view of actual facts open to any careful observer every day, the law should require that a preservative be used rather than prohibit its use, especially so when the use of a preservative is a commercial necessity.

The fourth paragraph fixes the amount that may be permissible of each commonly used preservative. The amount is intended to be sufficient to preserve the food and no more.

This section draws a very distinct line between food adulteration and food preservation; and it attempts only to regulate the use of preservatives.

In order to meet the objection that some preservatives do not generally reveal their presence, like vinegar, salt, etc., the proviso at the end of this section requires that the name of any substance used in food as an added substance, whether as a preservative or otherwise, shall be stated on the label, in order to give the public due notice of its presence.

A man has as much right to use a preservative in food, when he states the fact of its presence, as he has to use salt, if that preservative as used is not any more injurious to health than is salt. To try to regulate otherwise is to discriminate between substances on the same plane. If the use of salt, or the use of vinegar in certain quantities is not injurious, then the use of other substances no more injurious as used than salt or vinegar must be permitted under regulations to prevent fraud only.

It is needless to add that preservatives are never used as an adulteration. It is an additional expense to put them into food, and they are used in so small quantities that they do not serve any purpose but that of preserving the food; and as that is a legitimate purpose it should be recognized and regulated, but not prevented.

The full necessity for this regulation may not be apparent to those who are not familiar with food laws and supreme court decisions on them. The term "injurious to health" is a very broad one, and its interpretation is usually left to the whim of the official enforcing the law. We have at least one supreme court decision (Pa.) on this point, and it is important that we notice it. That decision interprets this phrase to mean that any substance which is injurious to health in any quantity can not be used at all. Under that decision it is within the power of any food commissioner to prohibit the use of almost any substance used as ordinary articles of food. Under it vinegar can not be used, for acetic acid will surely injure if taken even in moderate quantities; wine can not be sold, for anyone knows that alcohol will injure health if taken in excessive quantities; and so with the acid of lemons, and almost every other substance used every day in food. But none of these substances will injure health if taken judiciously. Therefore while these words "injurious to health" sound very well and seem to have a simple meaning, yet unless they are qualified they open the way for untold trouble and uncertainty.

Under existing food laws a manufacturer can not tell what he can use and what he can not use; and no food law is perfect that does not settle, to some extent at least, this important question.

Section 12.—This section relates to the misbranding of food. This section is very broad and is intended to prohibit every possible attempt at fraud or deception. The labeling requirements of this section relate to the labels on the articles themselves or on their containers. The various paragraphs speak for themselves and need no explanation here. Suffice it to say that they contain some features not incorporated in other food laws and are more stringent than other food-law requirements.

Section 13.—This section prevents the possibility of any specific standards for food being used and given the effect of law in prosecutions under this bill. It is not proper that the standards of any person or set of persons should be consulted to the exclusion of others just as good or better under any law. With drugs it is somewhat different, as the standard for them relates to their strength only, whereas the standards for food relate to the ingredients, methods of preparation, etc., and these are so varied that it is a far more difficult matter to adjust than it is to fix a standard for drugs. This section recognises the principle that if any standards for food are to be given

effect they should be duly considered by the representatives of the people and incorporated into a law. It is necessary to take the precaution which is taken in this section in order not to have this law misconstrued, as some of our State supreme courts have already given full effect to private standards not mentioned in any law (State v. Jennings, Mich.). This bill practically establishes standards for all articles by specifying what are below standard; and it leaves the question of whether an article is a standard article or not to be proved as any other matter of fact is proved in law, by the best evidence obtainable, and all of the best evidence obtainable, if it is desired to offer it; and it recognizes the fact that a jury of intelligent American citizens are capable of determining, under the proper evidence, whether an article of food is a standard article or not, or whether it has been prepared in a standard and proper way or not.

This proviso also protects food that contains natural preservatives, and which is now sometimes prosecuted under the State food laws.

Section 14.—This section defines what is meant by the term "drug," and makes the United States Pharmacopœia and the National Formulary the standards for all drugs recognized in those books as drugs or medicines. It will be observed, however, that this only applies to drugs that are intended to be used as medicines. Drugs that are intended for commercial purposes only are not affected by the provisions of this bill.

Section 15.—This section enumerates the cases in which a drug shall be deemed to be adulterated. This section also only applies to drugs that are intended to be used as medicines. The first two paragraphs explain themselves.

The proviso at the end of the section is relative to proprietary preparations. In this proviso the bill again recognizes the principle that when goods are sold on their own merit no fraud can well be practiced. Under this provision all articles that have distinctive names of their own, and are thus distinguished from all other articles, are not affected by the provisions of this section, and are permitted to go before the public on their own merit.

Section 16.—This section aims to prevent fraud and deception in the branding of drugs and medicines as far as possible. One difference between this section and the sections of other food laws defining misbranded drugs is that this section contains nothing regarding claims made in behalf of medicines telling of their merits, etc. From the very nature of medicines, and considering the purposes for which they are intended to be used, it is difficult to make any other reasonable regulation. It is quite impossible to restrict the statements which may be made regarding such articles as proprietary preparations or medicines, because a medicine may be an excellent cure for a certain disease under certain conditions and accomplish all that is claimed for it, but under other conditions it might have no effect whatever, through no fault of the medicine. It does not follow that a statement to the effect that a certain medicine will cure a certain disease is false when the medicine fails to cure the disease in all cases and under all conditions. Therefore, to incorporate into a national food law a provision the violation of which could never be proved with any degree of certainty would be very unwise and open the way for endless and hopeless litigation.

Section 17.—Exempts common carriers as such from the provisions of this bill.

CONCLUSION.

A great deal more might well be said in explanation of what a proper food law should contain, as the subject is a very broad one, and the more it is duly considered the more apparent its magnitude and importance becomes, and a great deal more might be said in explanation of points which will undoubtedly occur to a careful reader of this bill. It is hard to cover such a field in one law; but taken all in all, it is hoped that in this bill the most important features of such legislation have been taken up and given careful consideration, favoring no interests or substances, and discriminating against none; but regulating all on principles that will promote justice to all.

MEMBERS OF THE NATIONAL FOOD MANUFACTURERS' ASSOCIATION.

Illinois.—National Starch Company, The Rookery, Chicago; Glaser, Kohn & Co., Randolph and Green streets, Chicago; Sterling Supply Company, Chicago; Heberling Baking Powder Company, Havana, Ill; Semrad Chemical Company, 32 Michigan avenue, Chicago; German Oil and Chemical Company, 416 Bowen avenue, Chicago; E. K. Pond Packing Company, 69 Twenty-fourth place, Chicago; Squire Dingee Company, Chicago; William Cordes, 272 North Curtis street, Chicago; Eagle Sausage Works, 469 North Ashland avenue, Chicago; David Berg & Co., 731 Thirty-seventh street, Chicago; John J. Wolf, 798 West Lake street; Spielman Brothers Company, 99 East North avenue, Chicago; Hussa-Edler Preserve Company, 75 West Kinzie street, Chicago; Fred A. Eklund, 355 West Chicago avenue, Chicago; Stafford Richardson Company, Carroll avenue and Wood street, Chicago; Layton Pure Food Company, East St. Louis, Ill.; J. C. Grant Chemical Company, East St. Louis, Ill.; Triumph Catsup and Pickle Company, East St. Louis, Ill.; B. Heller & Co., 249 South Jefferson street, Chicago; Wolf, Sayer & Heller, Fulton and Peoria streets, Chicago; Sherer-Gillett Company, 1705 South Clark street, Chicago; W. D. Stein, 2597 Archer avenue, Chicago; Adam C. Orr, 1725 Wabash avenue, Chicago; The Liquid Carbonic Company, Chicago; M. H. Shaw Company, Chicago; William H. Bunge Company, Chicago; Western Cider and Vinegar Company, Chicago; Barrett & Barrett, Chicago; S. T. Mather, care of T. Thorkildsen & Co., Union Stock Yards, Chicago; Warner Sugar Refining Company, Waukegan, Ill.; Eugene O. Reed Company, Wellington and Clybourn avenues, Chicago.

New York.—E. Pritchard, 331 Spring street, New York City; E. S. Burnham Company, New York City; Charles Pfizer & Company, 84 Maiden Lane, New York City; Pacific Coast Borax Company, New York City; Woerner Preserving and Packing Company, Syracuse, N. Y.; Max Ams, New York City; Frank C. Rex, 66 West Broadway, New York City; F. X. Kuchler & Son, 248 Park avenue, Brooklyn, N. Y.; Erie Preserving Company, Buffalo, N. Y.; McMonagle & Rogers, Middletown, N. Y.; The Birkett Mills, Penn Yan, N. Y.; The Stern & Saulberg Company, New York City; Smyrna Fruit Company, New York City; W. H. Montayne & Company, Barclay and Greenwich streets, New York City; The Heyden Chemical Works, 135 William street, New York City; American Condiments Company, 178 Fulton street, New York City; Columbia Egg and Provision Company, 74 Wall street, New York City; W. Zinsser & Company, New York City; A. C. Soper & Company, New York City; Harrison & Company, New York City; A. Klipstein & Company, New York City; Fritzsche Brothers, New York City; Berlin Aniline Works, New York City; Aiart & McGuire, New York City; C. K. Sherwood Company, New York City; E. R. Durkee Company, New York City; E. C. Rich Company, New York City; Crandall & Godley, New York City; Thurston & Baaidich, New York City; Thos. F. Lucas & Company, New York City; Seeman Brothers, New York City; R. C. Williams & Company, New York City; Clark, Chapin & Bushnell, 177 Duane street, New York City; Hildreth & Segiekie, 265 Greenwich street, New York City; O. J. Weeks & Company, 91 Murray street, New York City; E. C. Hazard & Company, 117 Hudson street, New York City; Jaburg Brothers, New York City; Wm. G. Dean & Son, New York City; Farrington & Whitney, 376 Greenwich street, New York City; S. A. Lagrassa, 125 Maiden Lane, New York City; H. A. Netz & Company, New York City; Eureka Chemical Company, 175 South street, New York City; Geigy Aniline and Extract Company, 69 Barclay street, New York City; Knowles Brothers & Company, 181 Pearl street, New York City; Croton Chemical Company, 20 Cedar street, New York City; A. H. Schultz Company, New York City; M. Calm & Brother, 41 Warren street, New York City; Schoellkoff, Hartford & Hanna Company, 100 William street, New York City; American Fruit Products Company, Rochester, N. Y.; R. T. French Spice Company, Rochester, N. Y.; Albion Cider and Vinegar Company, Rochester, N. Y.; The Webster Canning Company, Webster, N. Y.; Curtice Brothers Company, Rochester, N. Y.

Maryland.—Gibbs Preserving Company, Baltimore; Ottenheimer Brothers, Baltimore; Kidwell Brothers, Baltimore; Martin Wagner Company, Baltimore; S. J. Van Lill Company, Baltimore; The National Preserving Company, Baltimore; J. P. Pfeiffer & Sons, Baltimore; The Booth Packing Company, Baltimore; W. E. Robinson, Bel Air.

Missouri.—St. Louis Syrup and Preserving Company, St. Louis; Eddy & Eddy, Main and Market streets, St. Louis; Steinwender & Stoffregen Coffee Company, 512 South Seventh street, St. Louis; St. Louis Vinegar Company, 525 North Second street, St. Louis; James H. Forbes Tea and Coffee Company, 116 Locust street, St. Louis; William Schotten Company, 300 South Broadway, St. Louis; F. T. Kuehne Flavoring Extract Company, 323 North Main street, St. Louis; Bodenheimer Coffee and Tea Company, 402 North Main street, St. Louis; M. B. Shelley Manufacturing Company, 512 South Fourth street, St. Louis; St. Louis Coffee and Spice Mills, 407 North Main street, St. Louis; F. B. Chamberlain Company, 9 North Second street, St. Louis; Forbes Brothers' Tea and Spice Company, 511 North Second street, St. Louis; Standard Syrup Refining Company, 215 South Second street, St. Louis; Globe Pickle Company, 221 Elm street, St. Louis; St. Louis Dressed Beef and Provision Company, 3919 Pippin street, St. Louis; West India Manufacturing Company, 9 South Second street, St. Louis; Warner Jenkinson Company, St. Louis; Meyer Brothers' Coffee and Spice Company, St. Louis; Blanke-Wenneker Candy Company, St. Louis; National Candy Company, St. Louis; D. G. Evans & Co., 504 North Second street, St. Louis; J. William Pope, St. Louis; The Avis Cider and Vinegar Company, St. Louis; Stute & Co., St. Louis; George A. Bayle, St. Louis; Clarksville Cider Company, St. Louis; H. H. Kraft & Son, 316 North Main street, St. Louis.

Michigan.—A. F. MacLaren Imperial Cheese Company, Detroit; Wolverine Spice Company, Grand Rapids; J. F. Halladay & Son, Battle Creek; Hanselman Candy Company, Kalamazoo; Godsmark, Durand & Co., Battle Creek; Brown, Davis & Warner, Jackson; Grape Sugar Cereal Company, Battle Creek; Horton-Cate Manufacturing Company, Detroit; Michigan Macaroni Company, Detroit.

Massachusetts.—W. M. McDonald, 139 Blackstone street, Boston; New England Maple Syrup Company, 81 Wareham street, Boston; Arthur H. Atwood, Boston; H. A. Johnson & Co., Boston; Slade, Gorton & Co., Gloucester.

Ohio.—A. Texter & Co., Sandusky; The Frank Tea and Spice Company, Cincinnati; The Mihalovitch-Fletcher Company, Cincinnati; W. M. Spencer & Son, 324 East Second street, Cincinnati.

Wisconsin.—Lorenz Brothers Macaroni Company, Milwaukee; Ladwig & Schranck Company, Milwaukee; Jewett & Sherman Company, Milwaukee; Bodden & Bright Company, Milwaukee; The Meissner-Bergwall Company, Milwaukee; S. Birkenwald Company, 124 Fowler street, Milwaukee; American Vinegar and Pickle Company, Milwaukee; Roth Vinegar and Pickle Company, Milwaukee; E. R. Pahl & Co., Milwaukee; A. J. Hilbert & Co., Milwaukee; L. Frank & Son Company, Milwaukee.

Pennsylvania.—Pittsburg Macaroni Factory, 100 Sandusky street, Allegheny; H. Read & Co., 127 North Front street, Philadelphia; Keystone Distributing Company, Water and Arch streets, Philadelphia; B. L. Kimball, 39 South Water street, Philadelphia; Strohmeyer & Metzel, Philadelphia.

California.—Klauber Waggenheim Company, San Diego; Goldberg, Bowen & Co., San Francisco; Pacific Vinegar and Pickle Works, San Francisco; California Canneries Company, San Francisco; Union Fish Company, San Francisco; Long Syrup Refining Company, San Francisco; California Fruit Canners' Association, San Francisco; Retail Grocers' Advocate, San Francisco; Edward Pond, San Francisco; Alaska Codfish Company, San Francisco.

Miscellaneous.—Thurston & Kingsbury, Bangor, Me.; N. L. Willett Lee & Co., Augusta, Ga.; The Haynor Manufacturing Company, Norfolk, Va.; Wm. H. Easton & Co., Newport, R. I.; A. M. Wing, Bayard, Fla.; Startup Candy Company, Provo City, Utah; McFadden Coffee and Spice Company, Dubuque, Iowa; Lang & Co., Portland, Oreg.; Closett & Devers, 1 North Front street, Portland, Oreg.; Geo. W. Shaw, 424 Harrison avenue, Helena, Mont.

Mr. McCUMBER. Mr. President, right here, and for a very few moments only, I should like to reply to the Senator from Mississippi [Mr. MONEY], and to give my attention almost solely to his amendment.

The Senator made some statement here, which was not in the form of a complaint, concerning the language, possibly, that I used in opening the case the other day in reference to his substitute. What I desired to say then, and what I insist upon now, knowing the absolute sincerity and integrity of the Senator, is that I think he has been imposed upon with reference to the true motive of this proposed substitute. That is as far as I desired to go at that time, and it is as far as I desire to go at this time. I think there is such a thing as being imposed upon with reference to the motive of somebody else, and not with reference to the motive of the Senator himself.

Mr. MONEY. Will the Senator permit me to interrupt him right there?

Mr. McCUMBER. Certainly.

Mr. MONEY. Of course, I am greatly obliged to the Senator

for his good opinion of my character, but I do not feel complimented at all by his estimate of my intellect.

Mr. McCUMBER. I will let the Senator be the judge of that when he reads over, and reads carefully, his own amendment.

Mr. MONEY. That is another subject.

Mr. McCUMBER. Who compose the National Association of Pure Food Manufacturers? Does the Senator from Mississippi know? Neither he nor any Senator on this floor knows of whom it is composed. It is composed of manufacturers of certain kinds of food products; but who are they? What is the name of a single manufacturer that constitutes this body of pure-food manufacturers? Can the Senator from Mississippi give me the name of one? It is not given to the world, and the world knows nothing to-day about the personnel of that national pure-food congress, or whatever you may call it.

It is true that the National Association of Manufacturers have heretofore again and again resolved in favor of what is substantially the Hepburn bill. Now comes this other National Association of Pure-Food Manufacturers, and they say that they are in favor of a pure-food bill, although they wish something entirely different from that which the Senate has had before it for some time past.

The Senator from Mississippi says that his substitute has been carefully constructed; that it has been carefully provided for in all its details. Mr. President, that is absolutely true. It has been carefully prepared for the object for which it has been given to the world. What is that object? First, to prevent, if possible, the enactment of any pure-food law; and, second, if that is impossible, to secure the enactment of a food law which will enable those manufacturers to enter the States out of which they would be kicked to-day. It is an attempt, on their part, to get into the State, notwithstanding the particular laws of that State.

There was an association meeting in Atlantic City, N. J., from the 12th until the 14th of this month. That association consisted of the Western Canned Goods Association and the Atlantic States Packing Association. They formed the two associations that met at Atlantic City on the 12th to the 14th of February. The packers of canned vegetables and fruits of all the States east of the Rocky Mountains and north of the Gulf States, with the exception of the Pacific coast States, were represented in this body, and while they were not members of this association, California and Oregon had representatives at this meeting. They are the manufacturers of canned goods.

Mr. O. L. Deming, of Chicago, is president of the National Association of Pure Food Manufacturers, which, as I say, is opposed entirely to the Hepburn bill, and is in favor of overriding all State laws. He desired to be heard before this association at Atlantic City, N. J. Here is the statement that is given to me by the president of that association, who presided during this meeting. During those deliberations they passed a resolution in favor of these pure-food laws. Mr. Deming, of Chicago, wished to be heard, as I stated, on the floor of the convention in the interest of what is known as the "Lannan bill," which is the same as the amendment of the Senator from Mississippi. This is what Mr. Fraser, president of the Western Canned Goods Association, says:

I, as presiding officer, stated to him that if he would give me the names of the members of his association, and if they were reputable manufacturers or packers of canned vegetables or fruits, that notwithstanding the fact that he was not a member of either of the associations comprising the convention, he could speak in the interests of these reputable food manufacturers or canners. He stated to me that he would not divulge the names of their membership. He did mention the name of one manufacturer, but would not mention the others. I stated to him that so long as he would not divulge their names he could not speak. He refused absolutely to do so, and consequently was not given a hearing.

It is proper for me at this stage to state who the president of this association was. He says of himself:

I, in common with all canners in the State of Wisconsin, pack almost exclusively green peas in hermetically sealed cans. We use in our packing no other ingredients than sugar, salt, and water, in addition to the vegetables themselves. We sterilize our goods and cans by the use of heat. It costs the company that I represent from $5,000 to $10,000 for the sugar we use. In placing our goods on the market in other States they come into competition with peas packed where saccharine has been used as sweetener. Saccharine is a coal-tar product entirely, and in comparison with the price of sugar is very much cheaper. For instance, where the cost of sugar in our season's output is $10,000, in round numbers, it would cost the packer in other States where saccharine is used about $750. At the annual joint convention of the two associations above referred to resolutions were unanimously adopted indorsing pure-food legislation, this being done after a thorough discussion of the matter with Doctor Wiley. A rising vote was called for, and every man in the room got on his feet. Upon the noes being called for every one remained in his seat, so that it was a unanimous vote. While no particular bill is mentioned in these resolutions, they were meant to apply to the measures now before Congress.

Mr. MONEY. Will the Senator permit me to interrupt him right there, as I must leave the Chamber?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. Always, with pleasure.

Mr. MONEY. The Senator says that he does not know the name of a single one of the people composing this association, and he ventures to say that I do not and that nobody else does, and then he proceeds to read this statement. Here [exhibiting] is the list of membership. I never heard before that there was any secrecy about it; I never heard before that any man had ever made an effort to get the names of the members of this association and had failed to get them. Here they are by the page, and I will ask the Secretary to read them, if the Senator will permit me in his time, and the Senator will see who the men are composing this association.

Mr. McCUMBER. I do not know how long the list is, but if the Senator has the names, they can be printed probably.

Mr. MONEY. There is plenty of time.

Mr. SCOTT. Would it not do to have them printed in the RECORD?

Mr. MONEY. I suppose it would do some people just as well, but I have permitted my time to be absorbed since I have been on the floor by other Senators. I made no objection to that because I want all the light possible.

Mr. McCUMBER. I have no objection to the Senator taking all the time he wants.

Mr. MONEY. Oh, yes; the Senator has made a positive statement here that I did not know the name of a solitary man composing the association; that he did not know one, and that nobody else did. Now, it is time to hit the nail when it is in. Let us hit it right now.

Mr. McCUMBER. Let me ask the Senator how many pages he has there?

Mr. MONEY. Well, there are a good many. The members of the association are all put down there by name, their numbers are given, their streets, their cities, and their States.

Mr. McCUMBER. If the Senator will not take the time now, the list of names can be printed in the RECORD. It would take about half an hour to read them, according to his statement. I do not wish to keep the Senate waiting half an hour. But if the names are printed in the RECORD we can all get at them in the morning. That would do just as well.

Mr. MONEY. I find there is no economy of my time and a great deal of economy of the time of the Senator from North Dakota. Of course, if he does not permit me to have the names read, I shall have to ask that they be printed in the RECORD.

Mr. McCUMBER. I will object at this time.

Mr. MONEY. I think on the spot is a pretty good time to have the names read, but I am willing to have them printed, if the Senator objects to their being read.

Mr. McCUMBER. I will simply object at this time. If the Senator wishes to put them in after I have gotten through, all right.

Mr. MONEY. I ask that the list of the members of the National Food Manufacturers' Association be printed in the RECORD as an appendix to my speech.

The VICE-PRESIDENT. In the absence of objection, the list referred to by the Senator from Mississippi will be printed as requested.

Mr. MONEY. I should have preferred to have it read now if it had suited the Senator from North Dakota.

[The list of names referred to will be found in the appendix to Mr. MONEY's remarks on another page of to-day's RECORD.]

Mr. McCUMBER. I will say that I should be very glad to get the names of those manufacturers, and I wish I could get out also what they are manufacturing, before we get through with this debate.

Mr. President, I want to take up the substitute itself, and while I will not take up all of the sections, I will call attention to just a few of them. I stated some days ago that this would no more prohibit the introduction of fraudulent and spurious goods in any State than a sieve would hold water, and I say that to-day, and I will attempt to establish it by the instrument itself. Every section will assist me in proving that simple proposition. Let us take section 2:

That every person, firm, or corporation who shall ship or transport, or deliver for shipment or transportation, from any State or Territory, the Disrtict of Columbia, or insular possession, to any other State or Territory, the District of Columbia, or insular possession, for pay or otherwise, any article of food or drugs, shall securely attach, in a conspicuous place, to every such article of food or drugs, in the form in which it is thus shipped or transported, or delivered for shipment or transportation as aforesaid (whether such form be as one individual article, package, crate, or bundle of packages), a durable label, brand, or tag, upon which shall be printed or written in the English language, so as to be easily discernible, the correct name and address, in some State or Terri-

tory, the District of Columbia, or insular possession, of the person, firm, or corporation shipping or transporting the same or delivering the same for shipment or transportation.

You will see that all the section provides for is that the shipper shall label his goods; that if they will label where the goods come from, they are not compelled to do anything else with reference to them; and the section requires that there be securely attached in a conspicuous place "a durable label, brand, or tag, upon which shall be printed or written in the English language, so as to be easily discernible, the correct name and address, in some State or Territory, the District of Columbia, or insular possession, of the person, firm, or corporation shipping or transporting the same or delivering the same for shipment or transportation." The retailer, after he has broken the bundle, may destroy this entirely, and may sell all of the goods or articles in smaller packages without even that showing.

Then it provides:

And no person, firm, or corporation shall be convicted under the provisions of this act for having received in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and delivered in original unbroken packages, for pay or otherwise, any article of food or drugs adulterated or misbranded within the meaning of this act, if said article is labeled, branded, or tagged, in manner and form as required aforesaid, at the time of so receiving and delivering said articles.

In other words, all that it is necessary for the manufacturer of the spurious article to do is to brand his goods, showing the manufacturer of them, and then they may be sold in original unbroken packages in any State in the Union. After they have been so sold and have become scattered so that they can become a part of the mass of the property of the State, then if you can root them out you can do so. But he is careful to see that they shall be sold before they can possibly be reached, and with nothing but his bare name upon them.

It goes further, following right along:

Provided, That any person, firm, or corporation who shall receive in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, any article of food or drugs not labeled, branded, or tagged in the manner and form as required herein shall label, brand, or tag said article with their correct name and address before delivering the same, for pay or otherwise, in the original unbroken package.

In other words, if the seller of the articles, knowing them to be spurious, shall simply put upon them the brand of the manufacturer he may sell them in the State, notwithstanding the State has laws absolutely prohibiting their sale in that State. It looks to me as though the attempt and desire of this measure was to enable the manufacturer of questionable products to ship his goods into a State, whose laws would prohibit the introduction or the sale of those articles in that State, and to prevent any punishment whatever, if they are in original, unbroken packages bearing the name of the manufacturer.

I come now to section 3:

That the Secretary of Commerce and Labor shall organize in the Department of Commerce and Labor a bureau to be known as the Bureau of Foods and Drugs; and it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act through the said Bureau of Foods and Drugs.

How is any bureau to enforce the provisions of a criminal statute? How is the bureau to determine what evidence the court shall receive and what it shall not receive in a criminal case? What has the bureau to do with the prosecution or the enforcement of the law in any way other than the mere fact of securing samples and analyzing them?

The measure that has been introduced here and which has the support of the Committee on Manufactures simply provides that the Secretary of Agriculture shall assist in ascertaining what misbranded or fraudulent goods are shipped from one State to another, and if he finds that there are such goods being shipped, he does not enforce the provisions of the law. He gets the goods in any way he has a mind to and analyzes them, and if he finds that they do not conform to the requirements of the law, the manufacturer may be notified, and he can show, if he sees fit, that the specimens examined were not manufactured by him, or had been tampered with since, or that the analysis is an incorrect one, or anything else in defense that he can establish. Then, if the Secretary of Agriculture is not satisfied, he may still report the matter to the district attorney of the proper district, and say, "If you feel that you can convict this man beyond a reasonable doubt of the commission of a crime, you may proceed to prosecute the case." It is left finally in the hands of the district attorney. Certainly no manufacturer could object to having all those safeguards thrown around.

This section of the substitute provides for a Bureau of Foods and Drugs in the office of the Secretary of Commerce and Labor. Tell me why it should be taken away from the Department of Agriculture. Mr. President, I am perfectly willing, so far as I am concerned, if it is necessary, to change from the Bureau of Analysis of the Department of Agriculture to this other Bureau, but as yet I have not heard a solitary reason why it should be so changed. We already have a law that the Secretary of Agriculture shall examine the imports into this country, and if he finds they are fraudulently branded, that they are adulterated or misbranded as to the place where they were manufactured, he may exclude them.

Has anyone heard any complaint about the enforcement of this law? The only complaint that could be made is that it has been enforced, and justly and rightly enforced. Those who have suffered from the enforcement of it have in no instance suffered unjustly, and they are the ones who would take away this duty from the Department of Agriculture.

Again, the Agricultural Department to-day has the examining of all articles that pertain to food products. The Secretary of Agriculture has his Bureau of Chemistry for that purpose. We have had a provision in every appropriation bill, I think, since I have been here appropriating a certain sum of money for the use of the Secretary of Agriculture to determine what are proper standards of food products. Has anyone heard of that power having been abused in the slightest degree? Has it not been beneficial to the country? He determines what is the best character of flour, that it shall contain so much of starch, so much of gluten, and so much of other ingredients. There is nothing in the provision that makes it a standard.

I for one, Mr. President, stand firmly against any man or set of men fixing a standard of food until we know more than we do to-day, by chemical analysis or otherwise, with respect to the value of foods and the real effect of any food upon the system. There are too many stomachs to be affected by a particular kind of food for us to safely say what this individual or that individual may have, or what shall be excluded from commerce and what shall be included in commerce. It seems to me that it is proper for the Secretary of Agriculture to attend to the analyses of these foods.

Now, I come to section 4, which provides that—

Any inspector, agent, officer, or other person authorized by the Secretary of Commerce and Labor to procure samples, as aforesaid, shall, at the time of the taking thereof—

That is, of samples—

notify the person or firm.

I wish Senators would listen a moment to the red tape that one must go through in order to get a sample that can be used in the courts; and impliedly there is a refusal on the part of Congress to allow the courts to receive anything else except a sample that is obtained in the manner which it requires seven pages of literature to determine. They are to be taken and then analyzed under the provisions of section 4.

Then notice is to be given, and before you can even purchase an article at a store for the purpose of examining it you must send for the manufacturer and he or his agent must be present while you are purchasing that article. Then it is to be divided into two or three or four parts, and they are sent here and there. Then the manufacturer's agent analyzes his part, somebody else analyzes the other part, and then a third person is to analyze another part, and when it comes before the court the court must receive these ex parte analyses before it can proceed practically with the trial of the action.

How does the bill we have recommended provide? The Secretary of Agriculture can go into any store in this city, in any city, in any State, and he can buy 500 articles of canned goods from a certain manufacturer in 500 different cities if he wishes. He can have them analyzed. He can give notice to the manufacturer that out of the 500 analyses he finds all of the goods adulterated or misbranded. All those 500 cans may be used, or any number of cans, in the court and any new analyses be introduced, and the court would take testimony the same as it would in any other case. But under the provisions of this measuse we determine what evidence shall be received and what evidence shall not be received. We make rules for the admission of evidence and then determine the weight of that evidence. We say that the ex parte analysis in the criminal case shall be prima facie evidence of its correctness, and the analysis by another person shall also be prima facie evidence, and then if those two disagree, before you can go on with the trial, you must get a third person to analyze the third portion of the can. You can not go and get a dozen other cans from as many different places and analyze them.

That is not the worst of it. Before you get through with this matter you provide another thing:

Provided, That at any time after any proceedings have been commenced under any of the provisions of this act in any United States court the defendant shall have the right to receive from said district attorney a copy of the results of any examination or analysis which will be offered in evidence against said defendant in said proceedings.

In other words, before the defendant goes upon the stand in any way he will be entitled to have not only what evidence will be used against him, not only what witnesses will testify against him, but he must have the result of that testimony, so that he may be able to meet it in a criminal case in a trial in one of the district courts of the United States. Is not that an unheard-of provision?

Now, again, Mr. President:

SEC. 9. That the Secretary of Commerce and Labor may publish from time to time, in like manner as other publications of his Department, bulletins of the work done in enforcing this act, and such other information regarding the same as he may deem proper, to be distributed as public documents in like manner as other publications of his Department: *Provided*, That the name of any brand, or the name of any manufacturer, person, firm, or corporation, shall not be published in connection with examinations or analyses, or results of examinations or analyses, of articles of food or drugs found to comply with the provisions of this act: *And provided further*, That the examinations or analyses, or results of examinations or analyses, of articles of food or drugs found to be adulterated or misbranded within the meaning of this act shall not be published, nor the names of any person, firm, or corporation, in connection therewith, until the person, firm, or corporation so violating the provisions of this act has been regularly convicted.

We would have no objection to the second proposition, but why should you prohibit the publication of the fact that goods are pure; that goods which have been submitted to the Secretary of Commerce and Labor the analysis shows are pure; that the result of that analysis shall be held in abeyance and the public shall never know anything, except the fact that the products have been questioned, and no one who is producing an absolutely pure article shall have the right to say, "This article has been questioned; the Secretary of Agriculture has found that it is unquestionably pure." But he can not have that matter published. The object of it is this: So that we can get good goods, which would naturally interfere with and compete against poor goods, exactly on the same level with the poor or adulterated goods. In other words, that the fact of purity being established, which would enable them to compete against the poorer articles, shall not be made public and the public shall not have any knowledge of it. It can have no other meaning. It can have no other or further result.

There are a great many of these provisions. I will call attention now to a definition in section 11, I think it is. It is under the definition of "adulteration:"

Fourth. If it contains any substance or ingredient, whether added or otherwise, which, in any quantity in which it might reasonably or advantageously be used in food or drink, will injure health, or contains any substance or ingredient which, by chemical combination or otherwise, renders such article of food unwholesome or injurious to the health of the consumer.

I wish the Senator from Mississippi would explain what he means by "advantageously used." If it can be advantageously used in any food or drug, then any of these ingredients may be used under this section. I do not understand the meaning of it, and I do not know whether or not anyone else can explain it.

Again, commencing on line 25, page 12:

Second. An article of food shall not be deemed adulterated or unwholesome by reason only of being artificially colored with harmless coloring matter, if it is plainly stated on the label that said article is colored.

What is the necessity, then, if coloring is harmless, to state on the label that the product is colored? What is the use of this article? It adds nothing. There is nothing now in the law to prevent the use of any coloring matter which is not harmful.

Again:

Third. An article of food shall not be deemed adulterated or unwholesome by reason only of the addition of a harmless preservative, or by reason of the addition of any substance for legitimate purposes.

What is a legitimate purpose? In other words, it shall not be deemed adulterated if the preservative is harmless, and it shall not be deemed adulterated, though it is harmful, if it is for a legitimate purpose of preservation.

That, Mr. President, is just exactly what the manufacturers of preserves, who use boracic acid, salicylic acid, and a hundred other kinds of ingredients to preserve and to color, wish to prevent. In other words, they do not want to have the State itself enforce its laws against a food article, provided they themselves think the preservative has the legitimate purpose of preservation, or because the substance might be added for the legitimate purpose of coloring, so as to make it appear more attractive to the eye.

Again I call attention to another portion of section 4:

Fourth. That the following preservatives shall not be permissible in greater quantities than the following amounts: Boric acid, one-half of 1 per cent, or its equivalent in borax; sulphurous acid, one-twentieth of 1 per cent, or its equivalent in sodium sulphites; salicylic acid, one-tenth of 1 per cent, or its equivalent in sodium salicylate; benzoic acid, one-fifth of 1 per cent, or its equivalent in sodium benzoate; saltpeter, one-fourth of 1 per cent.

The substitute allows the use of every one of those preservatives nothwithstanding the fact that Michigan, Kentucky, Illinois, Missouri, North Dakota, South Dakota, and a dozen other States I might mention, absolutely prohibit by their laws the use of several of these ingredients in food products, claiming that it is not necessary, but that it is done for the purpose of deceiving and that in most instances they are poisons. None of us here knows how much of one of these preservatives can be safely used. But they can even avoid this by a provision found on the very next page. It says:

Provided further, That in stating the name of any added substance it shall be in compliance herewith if the trade name only of any proprietary preparation which has been added to food is plainly stated on the label of such article, if said trade name of said proprietary preparation, together with the formula of said preparation, has been placed on file with the Secretary of Commerce and Labor.

In other words, they can use any amount of boracic acid. They can use any amount of salicylic acid. They can use any other poisonous dyes or coal-tar dyes provided they will give it a proprietary name; and then the substitute provides that after the proprietary name is given, the Secretary of Commerce and Labor shall under no circumstances divulge the secret constituents of the proprietary article. It might be wholly salicylic acid or boracic acid, but the public shall get no knowledge whatever of its contents.

The whole object of this substitute carries out what was stated in the committee by a number of these people who I believe constitute this new association. They presented to the Committee on Manufactures this proposition. They said: "Certain coal-tar dyes and certain other ingredients used for preservatives in our opinion are not harmful, but the people of the States believe they are harmful. We say that glucose is better and more wholesome than honey or sirup, but the people have a prejudice against glucose as a substitute for honey or for sirup, and, therefore, as their prejudice is unfounded, we have a perfect right to deceive them. In other words, the people have no right to allow their simple prejudices to prevail against our foods, and if we put in salicylic acid, and we know that that acid, in the amount we use, is not injurious to health, then the people of the State have no right, acting upon their prejudice, to know what we put in our preserves." That is being carried out to perfection in the substitute. Again I call attention to section 13:

That this act shall not be construed by any specific standards for food not incorporated herein.

If it is not to be measured by any standard of foods I do not know how on earth you are going to measure it. It seems to be a mere negative clause intended to destroy the effect of any good to the people or of any danger there might be in the substitute to this particular class of manufacturers.

I come again to section 14:

That the term "drug," as used in this act, shall mean all drugs, medicines, and preparations intended for medical purposes and recognized in the United States Pharmacopœia or the National Formulary as drugs or medicines for internal or external use—

There they stop. In other words, it would not touch any of the patent medicines. It would not affect any of the frauds. It is perhaps true that 95 per cent of the drugs sold in the United States consist of patent medicines or proprietary medicines. It is perhaps also true that 95 per cent of the patent medicines are frauds, and thus they would leave this substitute as applying simply to about 5 per cent of the articles that are sold in the drug stores under prescription.

I call attention to section 17:

That for the purposes of this act an article of drugs shall be deemed to be misbranded:

* * * * * * *

Second. If it, or any package, bottle, or receptacle containing it, shall, by label, brand, or tag, or otherwise, be deceptive as to its weight or measure.

That is pretty important. They have determined in this good measure, which the Senator says has not in the slightest degree imposed upon him, that if a receptacle which purports to contain a quart contains only nine-tenths of a quart it shall be deemed misbranded, and the same is true of the goods. They seem to desire to concentrate the energies and the thought of the Senate and of Congress upon a matter of weights and measures, and they are perfectly satisfied that Congress shall provide that if any article of food or drug or liquor does not contain the weight or quantity that is stated on the bottle it shall be deemed misbranded and adulterated.

There is not, perhaps, a single manufactured article, drugs or otherwise, that does say it contains one quart or it contains one pint or anything of the kind. So if they were even attempting to reach that part of what might be considered an abuse, they would not do it. Everyone knows, outside of those of us who live in the prohibition States, that every champagne bottle has a false bottom which runs pretty near up to its neck, so that it does not hold more than about a pint, while it appears upon

the outside to be a quart bottle. There is nothing which requires the manufacturer of this champagne to say that the bottle contains one quart, but if he does put that on it and it does not contain a quart, then he shall be guilty of misbranding and of adulterating.

Mr. President, I have gone very hastily over the provisions of the substitute bill, not as thoroughly as I should like, but I will submit to any Senator who will read it carefully what I stated in the beginning. It is proposed by those manufacturers whose goods are under the ban of the food laws of the several States. It seeks to prevent any pure-food law. If it can not prevent that, it seeks then to have Congress pass a law which will nullify the effect of the laws of the several States so far as it is possible.

In reading a little from the National Druggist, which is a magazine published in the interests of the drug trade and especially in the interest, as I would judge, of the manufacturers of proprietary and patent medicines, there is a heading, "How to defeat pure-food legislation." Then it proceeds to state the fact of this organization, which is the National Association of Pure Food Manufacturers. It raises them as the standard bearers of the attempt to prevent pure-food legislation. But it gives them some wholesome advice. It says the only way to deal with this question is to go right at the throat of the rascals who are trying to perpetuate a pure-food law upon the States, and not to do it in any such underhand way as this national association seems to wish to carry out its project.

Now, Mr. President, I want only to say in closing that the bill which has been introduced by the Senator from Idaho [Mr. HEYBURN] is practically the same one that we have introduced for the past three or four years. It has for its object only supplementing the laws of the several States in their attempt to prevent the importation of misbranded and impure articles of food. It makes no standard of foods by anyone. It simply declares what shall be deemed misbranded, what shall be regarded as adulterated, and no one can object to those definitions. Then it further declares that neither misbranded nor adulterated goods shall be transported from one State to another.

The remedy is not by a pure-food commissioner saying upon his own opinion that this food contains boracic acid and it shall not be sold in the State of North Dakota or in the State of Wisconsin, but the Secretary of Agriculture can say to the persons manufacturing it, "We do not believe that your food product comes within the definitions prescribed in the law: you may have your hearing." They have their hearing. Then he is not compelled to report anything, but if he thinks they have not made out a defense or if they refuse to change the character of the ingredients, then he may say to the district attorney of the proper district, "Go ahead and prosecute your case if in your judgment it is proper."

Not only that, Mr. President, but I can go into a store here and buy canned goods, and if I find what is said to be potted chicken is composed of pig's jaw and calf's neck I can go to the prosecuting attorney myself and present that case and ask him to investigate it.

If we enact a criminal law we ought to make it so that any person can make his complaint, whether it is the Secretary of Agriculture, whether it is the food commissioner of any State, or anyone else who thinks that he has a grievance and ask that the law shall be enforced. To do that we do not want to have ten or fifteen pages of red tape and conditions under which we can get a sample, and then only to be used in certain cases, and never to be used six weeks, I think, after it has been procured. This red-tape business, Mr. President, what you have to do after you get hold of your sample, will take a longer time to go through than the statute of limitations as is provided in the bill, and after the lapse of sixty days, I think it is, the evidence could not be used at all.

I say, Mr. President, with all due deference to the views of the Senator from Mississippi [Mr. MONEY] I think these cases should be prosecuted the same as any other case in a criminal court. If we find that a defendant willfully and maliciously imposes upon the public and a jury of twelve men with all the evidence that either the prosecution or the defense can bring before them ascertain that he is willfully disobeying the law, then he is to be convicted; and nothing more and nothing less ought to be in a law of this character.

Mr. NELSON. Mr. President, during the early part of the debate on this bill the Senator from New Hampshire [Mr. GALLINGER] took occasion to refer to an article from the American Druggist, I believe it is called, the trade paper, about the action of the Minnesota Pure Food Commission in excluding Lea & Perrin's Worcestershire sauce from that State. I told the Senator at the time he quoted from the paper that I thought there was some mistake about it. I had no facts at my command, but I was not aware of the fact that that sauce had been excluded from our State.

Since then I have ascertained the facts in the case, and I desire to have the Secretary read first an article from the Minneapolis Tribune and, second, two letters from the manufacturers of this sauce explaining the whole thing.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

A BOOMERANG ATTACK.

The enemies of pure-food legislation are busy, and are especially active now in discrediting pure-food laws and officials, because of the fight that is on at Washington for national pure-food legislation. A sample of the literature being scattered abroad is the pamphlet headed "An example of the despotism of pure-food laws," reprinted from the National Druggist. It attacks the Minnesota dairy and food commissioner viciously for enforcing the law against a largely used proprietary food product, found to contain salicylic acid.

As Mr. Slater's interview in the Journal shows, the whole incident is misstated in the pamphlet. The product was not barred from Minnesota, and no man was injured in his business. The manufacturers were merely informed that their article was illegal in this State and must not be sold after January 1 unless it could be made without salicylic acid as a preservative. The manufacturers complied at once. They found that the product could be made to keep without any preservative, and they are now making it in strict conformity with the law.

If the enemies of pure-food regulation can not find better cases than the Minnesota one, they would help their cause by keeping still. The law barring salicylic acid from food products is based on the fact that its continued use is injurious to the health. Without confiscating any goods or injuring anyone, Mr. Slater has caused the manufacturers to reform their practice, and the consumers are no longer compelled to take doses of salicylic acid with this particular preparation.

The poor, injured manufacturer is given altogether too much sympathy by these defenders of personal liberty. The public health is a bigger thing than a maker's profits. The law against preservatives is plain, and there is no excuse for breaking it. As the case in point shows, there is a good deal of humbug in the claims that bottled and tinned food products will not keep without preservatives. If they will not keep in a natural state, the public will be better off without them, but the fact is that with careful and clean methods in the factory, nearly everything put up will remain unchanged without chemicals.

Our State law is a great protection to the consumers and should be supported by a strong national law and a staff of experts to enforce it. (Minneapolis Tribune, January 13, 1906.)

EXHIBIT A.

NEW YORK, *December 6, 1905.*

E. K. SLATER, Esq.,
Dairy and Food Commissioner, St. Paul, Minn.

DEAR SIR: Since our consulting chemist, Dr. Francis Wyatt, had the pleasant interview with you regarding Lea & Perrin's Worcestershire sauce, when you gave us permission to use a small amount of benzoic acid, and we subsequently sent you some samples, which you passed as legal, we are pleased to tell you that we have gone on experimenting, and find that we can eliminate this preservative.

We are sending you by express, charges paid, one bottle of sauce from our new makings. This is absolutely free from all preservatives, and is the sauce we are now issuing, not only to your State, but throughout the entire country.

You will remember that by your suggestion we put a special mark on the wrapper and direction label of each bottle containing benzoic acid; so, in order to avoid confusion, we have retained the red star and simply added a dash below, viz, "——." We inclose a wrapper for your inspection.

We assure you that should you find any illegal sauce on your market it will be old stock, and that any stock now shipped by us will be absolutely free from all preservatives. We thank you for your courtesy and leniency shown to us, and trust that the pleasant relations now existing will always continue.

If you feel that you can give us an analysis pronouncing the sample free from preservatives and legal in your State, we would greatly appreciate it, and we need hardly say that an announcement in your monthly bulletin would be of great benefit to us.

We beg to remain, dear sir,
Yours, very truly,
JOHN DUNCAN'S SONS.

EXHIBIT B.

NEW YORK, *January 11, 1906.*

EDWARD K. SLATER, Esq.,
Commissioner, Dairy and Food Department, St. Paul, Minn.

DEAR SIR: We are in receipt of your esteemed favor of the 8th instant, regarding an editorial which recently appeared in the pages of the National Druggist, of St. Louis. You are quite right in assuming that we did not instigate any criticism in the work of your department. This article only came to our attention a short time ago. We assure you that we are in no way responsible for its publication, and had nothing whatever to do with it; this was published without our knowledge or sanction.

We can only express our regrets, that after the very fair treatment you have accorded us any parties should have made use of the name of Lea & Perrins to write such an article. We were as much surprised and grieved to see it as you would have been yourself.

Thanking you for giving us this opportunity of explaining our position in the matter, we remain, dear sir,
Yours, very sincerely,
JOHN DUNCAN'S SONS.

Mr. GALLINGER. Mr. President, I desire simply to make a very brief observation concerning the papers the Senator from Minnesota sent to the desk. In the first place, the editorial from the Minnesota newspaper talks about what the enemies of pure-food legislation are trying to do, and of course I am placed in that category. The editor will be better able

to judge when this debate is through and when the vote is taken whether I am an enemy of pure-food legislation or not.

Again, Mr. President, it will be observed that this commissioner of Minnesota, finding salicylic acid in Lea & Perrin's sauce (he does not say whether it was in poisonous quantities or not) in his discretion permitted it to be sold in the State for a certain length of time after which it was to be barred—that is, under his administration of the pure-food laws of Minnesota the people of that State could poison themselves by using this sauce for two or three months, and they must cease to do so after that time had expired. I think that simple suggestion shows the absurdity of the entire proceeding.

I think I may take occasion before the debate closes to show that while salicylic acid and boracic acid are perhaps poisonous in the concrete sense, yet they can be used in minute quantities, as salicylic acid has been used in minute quantities in this particular preparation, without any harm whatever to the human system.

That is all I care to say about the matter at present.

Mr. NELSON. Mr. President, I am surprised at the statement of the Senator from New Hampshire. He intimates in his statement that the dairy and food authorities having that matter in charge concluded to let the people of the State use poison for a brief time. That is a very unfair statement. The facts were that they had a lot of goods manufactured containing certain preservatives which our State authorities said were not proper, and not to treat them harshly, in order that they might manufacture the product in a different way, they did not change the rule immediately. That the Senator criticises and finds fault with, while, in the first instance, he called attention to the arbitrary conduct of the dairy and food commission of Minnesota in excluding the sauce, when, as a matter of fact, they never absolutely excluded it.

Mr. ALLISON. Mr. President, I now renew the suggestion I made at an earlier hour to-day respecting the arrangement concerning the debate on the pending bill. I ask that it be read.

The VICE-PRESIDENT. The Senator from Iowa offers the following, which will be read.

The Secretary read as follows:

In lieu of the unanimous-consent agreement of February 13, 1906: It is agreed by unanimous consent that on to-morrow, Tuesday, February 20, at 3 o'clock p. m., and on Wednesday, February 21, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill S. 88 "for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes;" that debate shall proceed under the ten-minute rule; that for this purpose the unfinished business shall be temporarily laid aside on Wednesday; and that at 5 o'clock on said day (Wednesday, February 21, 1906) the Senate will begin voting without further debate upon the amendments pending or then to be offered, and will vote upon the bill itself before adjournment.

Mr. HEYBURN. I will inquire of the Senator from Iowa if he did not intend to include the amendments in the portion of the unanimous-consent rule he offered, when he proposes that the Senate shall proceed with the consideration of the bill. It should be "the bill and amendments." It is the amendments, I understand, that are to be considered under the ten-minute rule.

Mr. ALLISON. The bill and amendments. I do not object to that, of course. We can not consider the bill without considering the amendments that are offered.

Mr. HEYBURN. What I want to get at is, Does the Senator intend that only the bill itself shall be proceeded with under the ten-minute rule?

Mr. ALLISON. Well, the bill——

Mr. HEYBURN. The Senator's suggestion this morning was that the amendments should be considered.

Mr. ALLISON. I think you would eliminate the ten-minute rule if you should discuss the bill without considering amendments. I think it is necessary now that at 3 o'clock to-morrow the debate shall be confined to the amendments.

Mr. HEYBURN. That is what I understood this morning.

Mr. ALLISON. Therefore I provide for general discussion of the bill between the conclusion of the morning business and 3 o'clock.

Mr. HEYBURN. I wish to make a suggestion. As I understand the proposed agreement, in proceeding under the ten-minute rule those having charge of the bill would only be permitted to speak ten minutes on the bill itself. That is all right as to amendments. Ten minutes is quite sufficient time, I think, on each amendment, but as to the bill itself, those having charge of it would perhaps want to occupy more than ten minutes.

Mr. ALLISON. If the Senator desires to occupy more than ten minutes he will have no trouble in doing so.

Mr. HEYBURN. I do not know that those having the bill in charge would want more than ten minutes to reply to any attack that might be made upon it, but this is different from the proposition made this morning.

Mr. ALLISON. The Senator will see that I provide for general debate until 3 o'clock to-morrow and that after 3 o'clock the debate shall continue under the ten-minute rule, and that continues during Wednesday. It is in lieu of the former agreement, which would have required us to begin voting on Wednesday immediately after the conclusion of the morning business.

Mr. HEYBURN. I am in entire sympathy with the proposed rule except I want to be protected in having time enough to answer such attacks as may be made on us.

Mr. ALLISON. I should think between the morning hour to-morrow and 3 o'clock would be time enough.

Mr. HEYBURN. But it is difficult to tell what will be done after that in the way of attack on the bill.

Mr. LODGE. Nobody can speak more than ten minutes after 3 o'clock.

Mr. HEYBURN. I may not be able to speak at all. I should like to have the opportunity to meet such an attack as may be made upon the bill. I might want to reply to it; that is the idea.

Mr. HOPKINS. I suggest to the Senator to make an additional request that he be given twenty minutes to reply.

Mr. SPOONER. The Senator need not be afraid of anything unfair.

Mr. HEYBURN. I am not afraid of anything unfair; only circumstances might arise.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. HEYBURN. I have no objection.

The VICE-PRESIDENT. The Chair hears none, and it is so ordered.

Mr. HEYBURN. I am advised that the copies of the bill are exhausted, and I would ask unanimous consent that, say, 250 copies be printed.

Mr. KEAN. Let us have a reprint with the amendments agreed to printed in italics.

Mr. GALLINGER. And the amendments offered printed in brackets.

Mr. HEYBURN. I have no objection.

Mr. KEAN. Then we can readily understand what the bill really is or what it is proposed to make it.

The VICE-PRESIDENT. The Senator from Idaho asks that 250 copies of the bill, with the pending amendments in brackets, be printed——

Mr. KEAN. With the amendments that have been agreed to in italics and the amendments that have been offered in brackets.

The VICE-PRESIDENT. With the amendments offered in brackets, and the amendments already agreed to in italics. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. GALLINGER. I offer certain amendments which I ask may be printed and lie on the table.

The VICE-PRESIDENT. The amendments will be printed and lie on the table.

LIGHT VESSEL OFF NANTUCKET SHOALS, MASSACHUSETTS.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 4016) for establishing a light vessel off Nantucket Shoals, Massachusetts. It will take only a moment.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 3, before the word "thousand," to insert "and thirty;" so as to make the bill read

Be it enacted, etc., That the sum of $130,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, equipping, and outfitting complete for service a first-class light vessel, with steam fog signal, to take the place of light vessel No. 58, which foundered on December 11, 1905, while marking the station off Nantucket shoals, about 40 miles to the southward and eastward of Nantucket Island, Massachusetts, and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for said vessel when this appropriation is made and to be paid therefrom, such employment to cease on or before the date when, the plans for such vessel being finished, proposals for building it are invited by advertisement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1906.

SURVEYOR OF CUSTOMS.

William C. Kennedy, of Ohio, to be surveyor of customs for the port of Columbus, in the State of Ohio, to succeed Elmer J. Miller, whose term of office has expired by limitation.

PROMOTION IN THE NAVY.

Commander Joseph B. Murdock to be a captain in the Navy from the 22d day of January, 1906, vice Capt. Henry N. Manney, retired.

APPOINTMENT IN THE ARMY.

Maj. William P. Duvall, Artillery Corps, to be brigadier-general, vice Reed, to be retired from active service.

PROMOTIONS IN THE ARMY.

Maj. Alexander B. Dyer, Artillery Corps, to be lieutenant-colonel from February 16, 1906, vice Birkhimer, appointed brigadier-general.

Capt. Charles H. Hunter, Artillery Corps, to be major from February 16, 1906, vice Dyer, promoted.

First Lieut. John W. Gulick, Artillery Corps, to be captain from February 16, 1906, vice Hunter, promoted.

Second Lieut. William Tidball, Artillery Corps, to be first lieutenant from February 16, 1906, vice Gulick, promoted.

POSTMASTERS.

ALABAMA.

John B. Daughtry to be postmaster at Hartford, in the county of Geneva and State of Alabama. Office became Presidential October 1, 1905.

Andrew M. Steele to be postmaster at Tuscumbia, in the county of Colbert and State of Alabama, in place of Robert Cloud. Incumbent's commission expires March 14, 1906.

Archibald C. Walter to be postmaster at Union Springs, in the county of Bullock and State of Alabama, in place of Henry Harris. Incumbent's commission expired January 20, 1906.

ARKANSAS.

David F. Taylor to be postmaster at Osceola, in the county of Mississippi and State of Arkansas, in place of David F. Taylor. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

C. F. Demsey to be postmaster at Mojave, in the county of Kern and State of California, in place of William Collins, resigned.

Joseph P. Frankhouse to be postmaster at San Fernando, in the county of Los Angeles and State of California, in place of Edmund L. Brown, resigned.

Hiram L. Tripp to be postmaster at Santa Rosa, in the county of Sonoma and State of California, in place of Allen B. Lemmon. Incumbent's commission expires February 28, 1906.

GEORGIA.

Charles W. Moxley to be postmaster at Wadley, in the county of Jefferson and State of Georgia. Office became Presidential January 1, 1906.

Charles I. Robinson to be postmaster at Eatonton, in the county of Putnam and State of Georgia, in place of Charles I. Robinson. Incumbent's commission expired February 7, 1906.

ILLINOIS.

James W. Breen to be postmaster at Manteno, in the county of Kankakee and State of Illinois, in place of James W. Breen. Incumbent's commission expired December 12, 1905.

Lewis A. Castle to be postmaster at Wyoming, in the county of Stark and State of Illinois, in place of Lewis A. Castle. Incumbent's commission expires March 5, 1906.

Frank H. Greene to be postmaster at Genesco, in the county of Henry and State of Illinois, in place of Frank H. Greene. Incumbent's commission expired February 13, 1906.

Fred C. Kile to be postmaster at Blue Island, in the county of Cook and State of Illinois, in place of Fred C. Kile. Incumbent's commission expired February 10, 1906.

William J. McEldowney to be postmaster at Chicago Heights, in the county of Cook and State of Illinois, in place of William J. McEldowney. Incumbent's commission expired February 10, 1906.

Frank T. Moran to be postmaster at Belvidere, in the county of Boone and State of Illinois, in place of Frank T. Moran. Incumbent's commission expired February 5, 1906.

William Parker to be postmaster at Rock Falls, in the county of Whiteside and State of Illinois, in place of Andrew S. Goodell. Incumbent's commission expired January 13, 1906.

George S. Roush to be postmaster at Lena, in the county of Stephenson and State of Illinois, in place of George S. Roush. Incumbent's commission expired February 10, 1906.

Edward C. Watson to be postmaster at Assumption, in the county of Christian and State of Illinois, in place of Edward C. Watson. Incumbent's commission expired February 10, 1906.

INDIANA.

Thomas W. Burt to be postmaster at La Fayette, in the county of Tippecanoe and State of Indiana, in place of James L. Caldwell. Incumbent's commission expired January 9, 1906.

IOWA.

Eugene C. Haynes to be postmaster at Centerville, in the county of Appanoose and State of Iowa, in place of Eugene C. Haynes. Incumbent's commission expires March 5, 1906.

John W. Campbell to be postmaster at Preston, in the county of Jackson and State of Iowa, in place of John W. Campbell. Incumbent's commission expired January 31, 1906.

Charles M. Marshall to be postmaster at Moulton, in the county of Appanoose and State of Iowa, in place of Charles M. Marshall. Incumbent's commission expires March 5, 1906.

Samuel W. Moorehead to be postmaster at Keokuk, in the county of Lee and State of Iowa, in place of Asaph Buck. Incumbent's commission expires March 5, 1906.

Millard F. Stookey to be postmaster at Leon, in the county of Decatur and State of Iowa, in place of John Ledgerwood. Incumbent's commission expired January 21, 1906.

KANSAS.

Osborn J. Greenleaf to be postmaster at Greensburg, in the county of Kiowa and State of Kansas. Office became Presidential January 1, 1906.

KENTUCKY.

John M. Vick to be postmaster at Central City, in the county of Muhlenberg and State of Kentucky, in place of Jesse K. Freeman. Incumbent's commission expired March 20, 1904.

MARYLAND.

Robert S. McKinney to be postmaster at Taneytown, in the county of Carroll and State of Maryland, in place of Stanley C. Reaver. Incumbent's commission expired January 20, 1906.

MASSACHUSETTS.

Robert A. Beckwith to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts, in place of Robert A. Beckwith. Incumbent's commission expired February 13, 1906.

John Duff to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts, in place of John Duff. Incumbent's commission expired January 29, 1906.

Charles L. Fairbanks to be postmaster at Southboro, in the county of Worcester and State of Massachusetts. Office became Presidential January 1, 1906.

MICHIGAN.

Arthur L. Bemis to be postmaster at Carson City, in the county of Montcalm and State of Michigan, in place of Arthur L. Bemis. Incumbent's commission expired February 11, 1905.

Charles F. Brown to be postmaster at Alma, in the county of Gratiot and State of Michigan, in place of Charles F. Brown. Incumbent's commission expired February 7, 1906.

Michael H. Kern to be postmaster at Menominee, in the county of Menominee and State of Michigan, in place of Michael H. Kern. Incumbent's commission expired February 7, 1906.

Lou B. Winsor to be postmaster at Reed City, in the county of Osceola and State of Michigan, in place of Lou B. Winsor. Incumbent's commission expired January 20, 1906.

MINNESOTA.

Benjamin Borgert to be postmaster at Browerville, in the county of Todd and State of Minnesota. Office became Presidential January 1, 1906.

Minnie M. Holmes to be postmaster at Detroit (late Detroit City), in the county of Becker and State of Minnesota, in place of Edwin D. Holmes. Incumbent's commission expired January 21, 1906.

Frank H. Juergens to be postmaster at Jordan, in the county of Scott and State of Minnesota, in place of Frank H. Juergens. Incumbent's commission expired February 10, 1906.

Olaus O. Sunde to be postmaster at New Richland, in the county of Waseca and State of Minnesota. Office became Presidential January 1, 1906.

MISSISSIPPI.

Carrie D. Morgan to be postmaster at Baldwyn, in the county of Lee and State of Mississippi. Office became Presidential January 1, 1906.

Clara E. Mortimer to be postmaster at Crystal Springs, in the county of Copiah and State of Mississippi, in place of Clara E. Mortimer. Incumbent's commission expired February 7, 1906.

Daniel E. Rosser to be postmaster at Cleveland, in the county of Bolivar and State of Mississippi, in place of Daniel E. Rosser. Incumbent's commission expired February 7, 1906.

John T. Wood to be postmaster at Columbus, in the county of Lowndes and State of Mississippi, in place of John T. Wood. Incumbent's commission expired February 7, 1906.

MISSOURI.

Daniel J. Holman to be postmaster at Keytesville, in the county of Chariton and State of Missouri, in place of William C. Gaston. Incumbent's commission expires March 1, 1906.

William H. Luthy to be postmaster at Parkville, in the county of Platte and State of Missouri, in place of William B. Noland. Incumbent's commission expired January 22, 1906.

NEBRASKA.

Charles W. McConaughy to be postmaster at Holdrege, in the county of Phelps and State of Nebraska, in place of Charles W. McConaughy. Incumbent's commission expired February 10, 1906.

NEW JERSEY.

James W. Kelley to be postmaster at Tuckerton, in the county of Ocean and State of New Jersey, in place of James W. Kelley. Incumbent's commission expired February 13, 1906.

Anthony T. Woolley to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey, in place of Anthony T. Woolley. Incumbent's commission expired February 7, 1906.

NEW YORK.

George L. Bowers to be postmaster at Vernon, in the county of Oneida and State of New York, in place of George L. Bowers. Incumbent's commission expired February 10, 1906.

James H. Jennings to be postmaster at Candor, in the county of Tioga and State of New York, in place of James H. Jennings. Incumbent's commission expired February 10, 1906.

George G. Mason to be postmaster at Webster, in the county of Monroe and State of New York, in place of George G. Mason. Incumbent's commission expired February 10, 1906.

Prine Riggs to be postmaster at Sodus, in the county of Wayne and State of New York, in place of Prine Riggs. Incumbent's commission expires February 28, 1906.

Gorfield Vanderburgh to be postmaster at Florida, in the county of Orange and State of New York. Office became Presidential January 1, 1906.

OREGON.

A. F. Blackerby to be postmaster at Silverton, in the county of Marion and State of Oregon, in place of Thomas W. Riches. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

William B. McIlhenny to be postmaster at Gettysburg, in the county of Adams and State of Pennsylvania, in place of William B. McIlhenny. Incumbent's commission expired February 12, 1906.

SOUTH DAKOTA.

Nels Haugen to be postmaster at Hartford, in the county of Minnehaha and State of South Dakota. Office became Presidential October 1, 1905.

TENNESSEE.

Blanton W. Burford to be postmaster at Lebanon, in the county of Wilson and State of Tennessee, in place of Blanton W. Burford. Incumbent's commission expired February 10, 1906.

John L. Sinclair to be postmaster at Dyersburg, in the county of Dyer and State of Tennessee, in place of John L. Sinclair. Incumbent's commission expired January 13, 1906.

TEXAS.

Leonidas M. Barkley to be postmaster at Fort Worth, in the county of Tarrant and State of Texas, in place of Lon M. Barkley, nominated January 18, 1906 (confirmed February 1, 1906), to correct error in name.

Harry C. Butler to be postmaster at Anson, in the county of Jones and State of Texas, in place of Harry C. Butler. Incumbent's commission expires March 4, 1906.

Charles J. Lewis to be postmaster at Clarendon, in the county of Donley and State of Texas, in place of Charles J. Lewis. Incumbent's commission expired January 16, 1906.

UTAH.

Niels C. Poulsen to be postmaster at Richfield, in the county of Sevier and State of Utah, in place of Niels C. Poulsen. Incumbent's commission expires February 28, 1906.

VIRGINIA.

Charles Alexander to be postmaster at Boydton, in the county of Mecklenburg and State of Virginia, in place of Charles Alexander. Incumbent's commission expired February 10, 1906.

Roger G. Dyson to be postmaster at Belfield, in the county of Greenesville and State of Virginia. Office became Presidential January 1, 1906.

D. C. Thomas to be postmaster at Abingdon, in the county of Washington and State of Virginia, in place of Rosa Rose. Incumbent's commission expires March 15, 1906.

WASHINGTON.

William A. Buckley to be postmaster at Sprague, in the county of Lincoln and State of Washington, in place of William A. Buckley. Incumbent's commission expired February 10, 1906.

Millard T. Hartson to be postmaster at Spokane, in the county of Spokane and State of Washington, in place of Millard T. Hartson. Incumbent's commission expired February 5, 1906.

WEST VIRGINIA.

A. E. McDonald to be postmaster at Chester, in the county of Hancock and State of West Virginia, in place of W. C. Johnston, resigned.

WISCONSIN.

S. H. Alban to be postmaster at Rhinelander, in the county of Oneida and State of Wisconsin, in place of Frank E. Parker. Incumbent's commission expired January 20, 1906.

John F. Cole to be postmaster at Marshfield, in the county of Wood and State of Wisconsin, in place of John F. Cole. Incumbent's commission expired February 7, 1906.

Charles F. Henrizi to be postmaster at Menomonee Falls, in the county of Waukesha and State of Wisconsin. Office became Presidential January 1, 1906.

Austin R. Loveland to be postmaster at Oregon, in the county of Dane and State of Wisconsin. Office became Presidential January 1, 1906.

Arthur A. Porter to be postmaster at Portage, in the county of Columbia and State of Wisconsin, in place of Arthur A. Porter. Incumbent's commission expires April 10, 1906.

Robert C. Pugh to be postmaster at Hayward, in the county of Sawyer and State of Wisconsin, in place of Robert C. Pugh. Incumbent's commission expired February 7, 1906.

Alfred W. Trevitt to be postmaster at Wausau, in the county of Marathon and State of Wisconsin, in place of Alfred W. Trevitt. Incumbent's commission expired January 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1906.

SURVEYOR OF CUSTOMS.

Mahlon M. Garland, of Pennsylvania, to be surveyor of customs for the port of Pittsburg, in the State of Pennsylvania.

COLLECTORS OF CUSTOMS.

Frederick O. Murray, of New York, to be collector of customs for the district of Buffalo Creek, in the State of New York.

George W. Gardiner, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island.

Howard S. Nyman, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia.

REGISTERS OF LAND OFFICES.

George W. Stewart, of California, to be register of the land office at Visalia, Cal.

Charles F. Shedd, of Nebraska, to be register of the land office at Lincoln, Nebr.

RECEIVER OF PUBLIC MONEYS.

Will M. Gifford, of Nebraska, to be receiver of public moneys at Lincoln, Nebr.

PROMOTIONS IN THE NAVY.

Lieut. Clarence M. Stone to be a lieutenant-commander in the Navy from the 28th day of June, 1905.

Lieut. Douglas E. Dismukes to be a lieutenant-commander in the Navy from the 1st day of July, 1905.

PROMOTIONS IN THE ARMY.

Lieut. Col. Sedgwick Pratt, Artillery Corps (detailed inspector-general), to be colonel from February 9, 1906.

Col. P. Henry Ray, Fourth Infantry, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

POSTMASTERS.

ALABAMA.

Albert N. Holland to be postmaster at Scottsboro, in the county of Jackson and State of Alabama.

ARKANSAS.

Joseph E. Dougherty to be postmaster at Russellville, in the county of Pope and State of Arkansas.

CALIFORNIA.

Robert J. Nixon to be postmaster at Yreka, in the county of Siskiyou and State of California.

Frank L. Powell to be postmaster at Lemoore, in the county of Kings and State of California.

COLORADO.

Daniel E. Cooper to be postmaster at Lamar, in the county of Prowers and State of Colorado.

Wesley H. Ogle to be postmaster at Lake City, in the county of Hinsdale and State of Colorado.

CONNECTICUT.

Bennett C. Atwood to be postmaster at Watertown, in the county of Litchfield and State of Connecticut.

Seth Pratt to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut.

Hubert Williams to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut.

IDAHO.

Ed F. Winn to be postmaster at Idaho Falls, in the county of Bingham and State of Idaho.

ILLINOIS.

William G. Bale to be postmaster at Hinckley, in the county of Dekalb and State of Illinois.

Cornelius T. Beekman to be postmaster at Petersburg, in the county of Menard and State of Illinois.

L. A. Constantine to be postmaster at Aurora, in the county of Kane and State of Illinois.

Harry D. Hemmens to be postmaster at Elgin, in the county of Kane and State of Illinois.

Ernest G. Howell to be postmaster at Geneva, in the county of Kane and State of Illinois.

INDIANA.

Harley D. Billings to be postmaster at Williamsport, in the county of Warren and State of Indiana.

Thomas W. Burt to be postmaster at Lafayette, in the county of Tippecanoe and State of Indiana.

Charles G. Covert to be postmaster at Evansville, in the county of Vanderburg and State of Indiana.

C. D. Houchin to be postmaster at Petersburg, in the county of Pike and State of Indiana.

Hood P. Loveland to be postmaster at Peru, in the county of Miami and State of Indiana.

Wilbur U. Masten to be postmaster at Danville, in the county of Hendricks and State of Indiana.

IOWA.

Henry L. Chesley to be postmaster at Sutherland, in the county of O'Brien and State of Iowa.

Thomas P. Hollowell, jr., to be postmaster at Fort Madison, in the county of Lee and State of Iowa.

KANSAS.

John M. Garvey to be postmaster at McCune, in the county of Crawford and State of Kansas.

Mark Palmer to be postmaster at Eskridge, in the county of Wabaunsee and State of Kansas.

KENTUCKY.

William C. Harper to be postmaster at Catlettsburg, in the county of Boyd and State of Kentucky.

MAINE.

George M. Allen to be postmaster at Cherryfield, in the county of Washington and State of Maine.

Fred E. Littlefield to be postmaster at Vinal Haven, in the county of Knox and State of Maine.

Woodbury Marson to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine.

MASSACHUSETTS.

Frederick H. Fowler to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts.

Edwin D. Goodell to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts.

MICHIGAN.

George E. Adams to be postmaster at Bangor, in the county of Van Buren and State of Michigan.

Faustina M. Towle to be postmaster at Gaylord, in the county of Otsego and State of Michigan.

Joseph E. Watson to be postmaster at Bronson, in the county of Branch and State of Michigan.

MINNESOTA.

Wheaton M. Fuller to be postmaster at Little Falls, in the county of Morrison and State of Minnesota.

MISSOURI.

Frank I. Swett to be postmaster at Lebanon, in the county of Laclede and State of Missouri.

William C. Askin to be postmaster at Salem, in the county of Dent and State of Missouri.

Clarence Gardner to be postmaster at Campbell, in the county of Dunklin and State of Missouri.

NEBRASKA.

Levi M. Copeland to be postmaster at Minden, in the county of Kearney and State of Nebraska.

William A. McCool to be postmaster at Indianola, in the county of Redwillow and State of Nebraska.

Charles Miner to be postmaster at Ravenna, in the county of Buffalo and State of Nebraska.

George Olive to be postmaster at Weeping Water, in the county of Cass and State of Nebraska.

NEW HAMPSHIRE.

Charles E. Slate to be postmaster at Winchester, in the county of Cheshire and State of New Hampshire.

NEW JERSEY.

Brice P. Walling to be postmaster at Sussex, in the county of Sussex and State of New Jersey.

NEW YORK.

Michael Gleason to be postmaster at Carthage, in the county of Jefferson and State of New York.

Frank W. James to be postmaster at Naples, in the county of Ontario and State of New York.

NORTH CAROLINA.

Benjamin G. Bradley to be postmaster at Gastonia, in the county of Gaston and State of North Carolina.

Clarence W. Teague to be postmaster at West Durham, in the county of Durham and State of North Carolina.

Edwin L. Ware to be postmaster at Kings Mountain, in the county of Cleveland and State of North Carolina.

NORTH DAKOTA.

Charles Gunthorp to be postmaster at Edgeley, in the county of Lamoure and State of North Dakota.

Charles B. McMillan to be postmaster at Hannah, in the county of Cavalier and State of North Dakota.

OHIO.

Ephraim D. Killinger to be postmaster at Edgerton, in the county of Williams and State of Ohio.

Otis Sykes to be postmaster at Chicago, in the county of Huron and State of Ohio.

PENNSYLVANIA.

George W. Best to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania.

John B. Dennison to be postmaster at Jamestown, in the county of Mercer and State of Pennsylvania.

WEST VIRGINIA.

John O. Huey to be postmaster at Mannington, in the county of Marion and State of West Virginia.

WISCONSIN.

Frank M. Givens to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin.

Adelbert M. Penney to be postmaster at Waupaca, in the county of Waupaca and State of Wisconsin.

Richard Price to be postmaster at Wonewoc, in the county of Juneau and State of Wisconsin.

James T. Webb to be postmaster at Lancaster, in the county of Grant and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 19, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Thursday, February 15, 1906, was read and approved.

INDUSTRIAL ARTS AND EXPOSITIONS.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent that the Committee on Industrial Arts and Expositions may sit during the sessions of the House.

The SPEAKER. The gentleman from Virginia [Mr. MAYNARD] asks unanimous consent that the Committee on Industrial Arts and Expositions may sit during the sessions of the House. Is there objection?

Mr. PAYNE. Is there anything for that committee to do?

Mr. MAYNARD. They are having a hearing.

The SPEAKER. Is there objection?

There was no objection.

VESSELS AT CERTAIN CALIFORNIA PORTS.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3318) to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.

The bill was read as follows:

Be it enacted, etc., That the collector of customs at San Francisco is hereby authorized to depute an officer of the customs from his collection district to proceed to San Luis Obispo, Port Harford, or Monterey, in his district, for the purpose of receiving at those places the entries of vessels arriving there in ballast and of clearing them with cargoes of petroleum only in the same manner as if they had proceeded to San Francisco before entry. The actual necessary expenses of the officer shall be paid by the private persons concerned.

With the following amendment:

In line 8, page 1, after the word "petroleum," insert "and its products." Strike out all after entry in line 1, page 2.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

BOUNDARY LINES BETWEEN OKLAHOMA AND NEW MEXICO AND THE STATE OF TEXAS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 443) to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The bill was read, as follows:

Whereas the west boundary of the Panhandle of Texas and the east boundary line of New Mexico is fixed by law on the one hundred and third meridian and said line is 310 miles long; and

Whereas only 70 miles at the south end and 184 miles at the north end of said line were surveyed and marked with monuments (in the year 1859, by John H. Clark, the commissioner on the part of the United States); and

Whereas the remainder of said line, 56 miles in length, has never been run or marked on the ground; and

Whereas it is necessary that said lines be re-marked on the ground, and the 56 miles not marked be established; and

Whereas said Clark survey was made under a joint commission by the United States and the State of Texas, authorized by act of Congress approved June 5, 1858, and said survey has been approved by the United States and the legislature of the State of Texas, and conformed to by the surveyors of the State of Texas; and

Whereas a part of the south and east lines of New Mexico bordering on Texas, and all that part of the boundary line of the Texas Panhandle now bordering on Oklahoma, as run by said Clark, can not now be found and identified; and

Whereas Congress, by act approved January 15, 1901, provided for fixing a monument on Red River at the intersection of the true one hundredth meridian with said river; and

Whereas said monument has been duly fixed under said law by Arthur D. Kidder, United States examiner of surveys, and a report thereon made, in House Document No. 33, Fifty-seventh Congress, second session, and in Bulletin No. 194, Series F, of the Geological Survey, by Marcus Baker, on the northwest boundary of Texas; and

Whereas the fixing of the said Kidder monument on the one hundredth meridian properly marks that boundary, the same having been fixed under said act of January 15, 1901, and the fixing of said monument and meridian requires the resurvey of said lines between Texas and Oklahoma; and

Whereas that part of said Clark line not now known and established should be fixed on the ground by monuments erected along said line, and that part not now known should be resurveyed, established, and marked: Therefore,

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and empowered to appoint a commissioner, who, in conjunction with such commissioner as may be appointed by and on behalf of the State of Texas for the same purpose, shall run and mark the boundary between the Territories of Oklahoma and New Mexico and the State of Texas. Beginning at the point where the one hundredth degree of longitude west from Greenwich crosses Red River, and running thence north to the point where said one hundredth degree of longitude intersects the parallel of 36° 30′, north latitude, as determined by John H. Clark, the commissioner on the part of the United States, in the year 1859; thence west along said parallel, as marked by said Clark, to the point where it intersects the one hundred and third degree of longitude west from Greenwich, as determined by said Clark, and thence south with the said one hundred and third degree of longitude to the thirty-second parallel of north latitude; and thence west with the thirty-second degree of north latitude, as determined by said Clark, to the Rio Grande River.

SEC. 2. That the monument established (under authority of the act of Congress approved January 15, 1901) by Arthur D. Kidder, United States examiner of surveys, at the point of intersection of the true one hundredth meridian with Red River shall be accepted as correct, and shall be the beginning point of said survey of said line on Red River, and such other corners shall be established and landmarks erected along said boundary lines as may be agreed upon by the United States commissioner, acting by his authority, and the State of Texas commissioner, acting under his authority: *Provided*, That the part of the line run and marked by monuments along the thirty-second parallel of north latitude and that part of the line marked by monuments along the one hundred and third degree of longitude west of Greenwich, the same being the east-and-west and north-and-south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, and known as the Clark lines, and that part of the line along the parallel of 36° 30′ of north latitude, forming the north boundary line of the Panhandle of Texas, and which said parts of said lines have been confirmed by acts of Congress of March 3, 1891, shall remain the true boundary lines of Texas and said Territories of Oklahoma and New Mexico: *Provided further*, That it shall be the duty of the commissioners appointed under this act to re-mark said old lines where they can be found and identified by the original monuments, now found on the ground, or where monuments are now missing, but their original position can be shown by competent parol evidence, or by the topographical maps, or field notes made by said Clark; the monuments so found, or their position so identified, shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him; and where no survey was actually originally made on said lines, it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners, they shall thereafter form the true boundary lines.

SEC. 3. That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act: *Provided*, That the person or persons appointed and employed on the part and behalf of Texas are to be paid by the said State: *Provided further*, That no persons except a superintendent or commissioner shall be appointed or employed in this service by the United States but such as are required to make the necessary observations and surveys to ascertain such line and erect suitable monuments thereon and make return of the same.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I should like to have the object of this bill explained.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the gentleman from New York that in 1859 there was a joint commission on the part of the State of Texas and the United States appointed to run the boundary line between Texas and New Mexico. The President of the United States appointed one John H. Clark as a commissioner. Mr. Clark met the Texas commissioner, who was William Scurry, and they proceeded to run the boundary lines, beginning on the Rio Grande River a few miles above El Paso and on the thirty-second parallel of latitude. From this point the commissioners ran east to the southeast corner of New Mexico. They there established by astronomical calculations the southeast corner of New Mexico, at a point that they supposed to be the point of intersection of the thirty-second parallel with the one hundred and third meridian. From this point they run north across the Staked Plains, for the purpose of running the one hundred and third meridian, which is the boundary line between Texas and New Mexico. They proceeded 30 or 40 miles; when, on account of that year being a very dry year, they were unable to pursue the line in that direction. They then went back to the Pecos River and traveled up the river to a point opposite the northwest corner of Texas, which point is on the one hundred and third meridian. They there established astronomically the northwest corner of Texas in the east boundary line of New Mexico. They then ran south something over 120 miles along the one hundred and third meridian as located astronomically by Clark, when they were again stopped on account of the droughty season and not being able to cross the plains on account of the lack of water—that country being uninhabited at that early date.

The commissioner, John H. Clark, reported his work fully to Congress, which report was afterwards approved and adopted by act of Congress. The fact is that 59 miles had not been run or marked. Recently, in 1892, Congress passed an act ratifying the line as run by John H. Clark, and there was also an act of the Texas legislature approving the same line passed the same year. These acts absolutely and forever fix this boundary line as the true line between Texas and New Mexico, and all that now remains to be done by this bill is to re-mark the old line

as run originally by Clark and to connect the part of the line not run by a straight line and to mark this straight line.

In recent years, since the counties along that line have been settled up and organized, it has been ascertained that the two lines, if protracted, will not meet, and that the astronomical calculations were not correct, the line being located a mile or more too far west; but this old line thus run and marked by Clark has been approved by Congress and the State of Texas. This bill provides that the line shall remain as approved and as run originally and marked by the monuments found now on the ground, and that this 59 miles shall be run by a straight line between the monuments that can be found on the ground, and that these lines and monuments so marked shall constitute the true boundary line between Texas and New Mexico.

The trouble arose originally on account of the conditions of the country in 1858 and 1859, it being a wild country and no water being found on the plains at the point the lines did not meet. Mr. Clark believed that these two lines, if prolonged, would meet each other; but recently, as I have stated, the surveyors on the part of Texas and the United States have ascertained that there is a hiatus there, and that if the lines are prolonged they will not meet; hence this must be corrected by this bill. The legislature of the State of Texas has passed a bill for the same purpose. There is a comprehensive report made by the gentleman from Iowa [Mr. BIRDSALL] in its favor. There is no objection to the bill that I am aware of. The United States sent out Mr. Arthur D. Kidder last year—he is a special examiner of surveys—and he made a full and excellent report on this boundary question. I have that report here, and also the report made by Mr. BIRDSALL, from the Judiciary Committee, in favor of the bill. It was an unanimous report from that committee.

Mr. MANN. May I ask the gentleman a question.

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. So far as this bill relates to John H. Clark, it confirms that survey?

Mr. STEPHENS of Texas. Yes.

Mr. MANN. I think that is right.

Mr. LACEY. Will the gentleman allow me a question?

Mr. STEPHENS of Texas. Certainly.

Mr. LACEY. The gentleman from Texas will remember a long litigation between the United States and Texas, which finally resulted in the establishment of Greer County, Okla.?

Mr. STEPHENS of Texas. Yes.

Mr. LACEY. Does this bill affect the boundary line along Greer County touching the State of Texas?

Mr. STEPHENS of Texas. It does not, only in this way: Mr. Kidder established the one-hundredth meridian and the west boundary line of Greer County is the one-hundredth meridian——

Mr. LACEY. How much is there in controversy at the one-hundredth meridian?

Mr. STEPHENS of Texas. Very little, and Texas gains as much as she loses. Originally there was a mistake made as to the location of the one-hundredth meridian on Red River.

Mr. LACEY. The gentleman will remember—was he in Congress at the time the Greer County bill was passed? It was in the latter part of Cleveland's Administration. Judge Brown, of the gentleman's district, came here and in collaboration with him and Attorney-General Harmon I was designated to help draw the bill to settle the difficulties of the situation between Greer County and the State of Texas. There were a large number of settlers along the line, along this boundary which the gentleman now speaks of, that had bought lands from the State of Texas at $2 an acre. In the Greer County bill a new arrangement was made by which the rights of these Texans, purchasers from the State of Texas, were ratified to a certain extent, and only to a certain extent. They were given the homes they had bought of Texas at $2 an acre; they had bought land in large tracts under certain provisions, and this area was reduced. Now, it occurs to me that perhaps some of these tracts of land that have been adjudicated upon in the Greer County bill are along the boundary line, and the passage of this bill would transfer some of these purchasers back into Texas and give rise to another controversy. I would like to ask the gentleman whether or not that ought not to be provided for—that the rights of the settlers who have been holding land under the Greer County act should not be affected in any way by any further change of boundary. I will ask the gentleman if he has investigated that matter to find out whether the rights of these individuals will be affected?

Mr. STEPHENS of Texas. I will state to the gentleman that the State of Texas in that part of the State has never patented any land and that all that land is public land.

Mr. LACEY. The gentleman misunderstands my question. The State of Texas never had patented any of this land, but it sold it on long time at $2 an acre at a very low rate of interest. Since that time many of these people have obtained patents from the United States.

Mr. STEPHENS of Texas. I will state to the gentleman from Iowa that there is no trouble along that line between the citizens of Greer County and the citizens of Texas. They have all agreed upon this matter and want the line run and marked plainly along the one hundredth meridian. There is but a short distance between the old line and the new line, and after running north quite a distance from Red River the line established by Mr. Kidder as the one hundredth meridian crosses the supposed line between Texas and Oklahoma; and Mr. Kidder established the line—if I can get the attention of the gentleman from Iowa [Mr. LACEY]—under act of Congress passed in 1891. I believe the gentleman from Iowa also took some interest in that bill, and when it passed Congress it provided fully for settling the differences between the United States and Texas, and also definitely located the one hundredth meridian by the definite location by Mr. Kidder, the United States surveyor, of the one hundredth meridian. Texas is willing to accept the work done by the United States under that bill.

Mr. LACEY. I would like to ask the gentleman one further question. Has he conferred with the Delegate from the Territory of New Mexico, which would also be affected by this bill?

Mr. STEPHENS of Texas. I think Mr. Rodey understood the bill thoroughly, but I do not think that Mr. ANDREWS, the present Delegate, does understand it.

Mr. LACEY. I refer to the present Delegate.

Mr. STEPHENS of Texas. That was last year that I talked to Mr. Rodey about it, and I have given personally to Mr. ANDREWS, the gentleman representing that Territory, a copy of the bill. It is a very hard bill to understand, but I am persuaded that if he has read and fully understands the bill that he would have no objection to it. I have a recent letter from the Commissioner of the General Land Office stating that they have not made any surveys east of the old Clark line, and that none will be made east of the old Clark line until the matter is definitely settled.

Mr. SHEPPARD. May I ask the gentleman if this bill affects the boundary line between the Indian Territory and Texas?

Mr. STEPHENS of Texas. Not this bill. There is a bill pending, introduced by Mr. SHERMAN, of New York, that does settle the boundary line between the Indian Territory and Texas. The two bills might be combined and put upon this bill. This bill might properly be amended by adding that bill to it so as to have one bill and one commission for settling both boundaries.

Mr. SHEPPARD. Is there any question involved in the proper line between the Indian Territory and Texas?

Mr. STEPHENS of Texas. I understand there are probably only two or three places along Red River where there would be any controversy about that boundary, but that matter is in another bill. There is no controversy as far as that is concerned in this bill.

Mr. PAYNE. Mr. Speaker, at the suggestion of the Delegate from New Mexico, I object to this bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 659. An act granting an honorable discharge to William S. Dunn;

S. 661. An act for the relief of Levi J. Billings;

S. 1305. An act to provide for the purchase of a site and the erection of a public building thereon at Salisbury, in the State of North Carolina;

S. 2801. An act to withhold from sale a portion of Fort Brady Military Reservation at Sault Ste. Marie, Mich.;

S. 729. An act for the relief of George H. White;

S. 728. An act to correct the military record of James W. Houser;

S. 2054. An act authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge;

S. 2056. An act to correct the military record of David Horner;

S. 1304. An act for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.;

S. 2703. An act to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska;

S. 4095. An act to establish a light and fog-signal station at or near Isle au Haut Harbor, Maine;

S. 1864. An act for the relief of James H. Oliver;

S. 2705. An act to establish a light-house and fog signal on Cape Spencer, at the entrance to Cross Sound, in the district of Alaska; and

S. R. 26. Joint resolution providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 659. An act granting an honorable discharge to William S. Dunn—to the Committee on Military Affairs.

S. 728. An act to correct the military record of James W. Houser—to the Committee on Military Affairs.

S. 729. An act for the relief of George H. White—to the Committee on Military Affairs.

S. 1304. An act for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.—to the Committee on Military Affairs.

S. 1305. An act to provide for the purchase of a site and the erection of a public building thereon at Salisbury, in the State of North Carolina—to the Committee on Public Buildings and Grounds.

S. 1864. An act for the relief of James H. Oliver, a commander on the retired list of the United States Navy—to the Committee on Naval Affairs.

S. 2054. An act authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge—to the Committee on Military Affairs.

S. 2056. An act to correct the military record of David Horner—to the Committee on Military Affairs.

S. 2703. An act to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 2705. An act to establish a light-house and fog signal on Cape Spencer, at the entrance to Cross Sound, in the district of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 2801. An act to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich.—to the Committee on Public Buildings and Grounds.

S. 4095. An act to establish a light and fog-signal station at or near Isle au Haut Harbor, Maine—to the Committee on Interstate and Foreign Commerce.

S. 87. An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes—to the Committee on Irrigation of Arid Lands.

S. R. 26. Joint resolution providing for the return of certain archives now in possession of the Department of State to the State of North Carolina—to the Committee on the Library.

UNITED STATES COURTS, ALBANY, GA.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga.

Be it enacted, etc., That the word "southwestern," wherever it appears in said act be stricken out, and the word "Albany" be inserted in lieu thereof.

SEC. 2. That the counties of Tift, Turner, and Crisp be assigned to said division of the southern district of Georgia.

SEC. 3. That the county of Colquitt, now in the southwestern division of the southern district of Georgia, be detached from said southwestern division and attached to the Albany division of said district.

SEC. 4. That the county of Miller, now in the northern district of Georgia, be detached from said district and attached to the Albany division of the southern district of Georgia.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, was not a bill passed on this subject a short time ago?

Mr. GRIGGS. I will say, in answer to the gentleman from New York, that this division of courts was established a year ago, and this bill merely provides for adding certain other counties to the bill and a change of name of the division, because there happens to be in the southern district of Georgia another division of the same name.

Mr. PAYNE. Does that render necessary any other courthouse?

Mr. CLAYTON. Why, no, sir; the division is already established.

Mr. PAYNE. The court was established in the former act?

Mr. CLAYTON. Yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. GRIGGS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

TO PROHIBIT GAMBLING IN THE TERRITORIES.

Mr. LITTLEFIELD. Mr. Speaker, I move to suspend the rules and put the bill (H. R. 10858) to prohibit gambling in the Territories on its passage, and ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Maine, by the direction of the Committee on the Judiciary, moves to suspend the rules and pass the following bill.

Mr. SMITH of Arizona. Mr. Speaker, I demand a second.

Mr. LITTLEFIELD. I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. The Clerk will report the bill. Does the gentleman from Maine [Mr. LITTLEFIELD] move to suspend the rules and pass the bill without the amendments reported or with the amendments reported?

Mr. LITTLEFIELD. With the amendments reported by the committee.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That any person in any of the Territories of the United States who deals, plays, or carries on, opens, or causes to be opened, or conducts, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan tan, poker, seven and a half, twenty-one, chuck-a-luck, or any banking or percentage game, or any other kind of a game played with cards, dice, or any device, for money, checks, credit, or any other representative of value, is guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 and by imprisonment for not more than one year, or either.

SEC. 2. That this act shall take effect within sixty days after its passage.

Mr. SMITH of Arizona. Mr. Speaker, I demand a second.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman one question——

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD] has twenty minutes, and the gentleman from Arizona [Mr. SMITH] has twenty minutes in opposition.

Mr. KEIFER. Mr. Speaker, I wanted to ask, as I could not hear when the bill was read, very clearly, whether it applies to the District of Columbia as well as the Territories?

Mr. LITTLEFIELD. No; it does not.

Mr. KEIFER. Why not?

Mr. LITTLEFIELD. For this reason: The District of Columbia already has legislation on this subject, and the Territories have legislation which simply authorizes the licensing of gambling. The District of Columbia has no such legislation.

Mr. KEIFER. If the gentleman will pardon me still further——

Mr. LITTLEFIELD. I can not point the gentleman to the chapter and section, but then there is legislation, as I understand it, prohibiting gambling in the District of Columbia.

Mr. KEIFER. There is also legislation, as I understand, in the Territories, and that is the usual way of regulating the Territories, is it not?

Mr. LITTLEFIELD. No. The legislation in the Territories——

Mr. KEIFER. I wanted to ask a further question: Whether it is not unusual to pass such legislation as applicable to the Territories directly? I do not deny the power of Congress to do it, although it is denied by a great many. Does the gentleman know of any such legislation?

Mr. LITTLEFIELD. I will say to the distinguished gentleman from Ohio that I can not now point him to any specific

section of the statutes which involves exactly a proposition like this—that is, which is parallel with it from a legal standpoint. The situation is simply this with reference to the Territories: The Territories of New Mexico and Arizona, instead of having legislation prohibiting gambling, now have legislation that simply licenses gambling. We have here, of course, under the act organizing those two Territories, supervisory control over that legislation. The legislation that they enact obtains and is in full force, subject to our approval. If we do not object, it continues to be the law. Indirectly, under the circumstances, the Congress is responsible for the existence of the legislation in the two Territories that licenses gambling. I do not know that there is anyone coming from the Territory, or who is interested therein, that disagrees as to the propriety of this legislation on the whole. Now, I would like to answer any further questions the gentleman may have to ask.

Mr. KEIFER. The question I want to get at is whether we are going to open a new line of legislation for the Territories and intermingle our legislation with the State legislation? Suppose the Territories legislate on this subject, or have already legislated on it, is this to override it?

Mr. LITTLEFIELD. Certainly. The Territories have already legislated on this subject by licensing gambling. Now, then, the proposition for us is, Do we, having the supervision of the legislation in the Territories, desire to stand for a legislative proposition that licenses gambling houses in New Mexico and Arizona and other Territories so far as they have such legislation?

Mr. KEIFER. I do not know, and the gentleman does not seem to be able to say, that there has ever been such legislation. Long ago, in the Florida case, Congress passed a number of bills annulling Territorial legislation. But have they undertaken to say that the legislature should not legislate further on that subject and undertake to furnish the laws, as this will, for the Territories? It makes the legislation of Congress for the Territory.

Mr. LITTLEFIELD. It does not conflict at all—that is, we legislated upon polygamy in Utah and absolutely prohibited it against the will of the people living in Utah, and we have done it in several other Territories in virtually the same way.

Mr. KEIFER. Well, if this legislation be in conflict with the Territorial legislation, does not the law that you thus enact take the place of the Territorial legislation?

Mr. LITTLEFIELD. Certainly; and it ought to.

Mr. KEIFER. Then why not say so in the bill?

Mr. LITTLEFIELD. The bill simply prohibits it, and that wipes out the license absolutely.

Mr. GROSVENOR. Will the gentleman yield to me for a moment? I beg to call the attention of the House—while not committing myself to this particular legislation—to the fact that we have passed a bill prohibiting prize fighting in the Territories, especially aimed at Arizona, where they were about to have one; and, furthermore, we prohibited the circulation of newspapers advertising prize fighting in the Territories.

Mr. LITTLEFIELD. That was legislation on the part of Congress; so that the gentleman from Ohio has called my attention to a precedent right in line.

Mr. TAWNEY. Will the gentleman permit me to ask him this question?

Mr. LITTLEFIELD. Certainly.

Mr. TAWNEY. Do you think, as a matter of fact, that by this legislation you can prohibit gambling in the Territories; or, if you can not, is it not better to control it, as it is controlled to-day, than to attempt to prohibit it and fail to control?

Mr. LITTLEFIELD. After the gentlemen who oppose this measure suggest whatever they have in connection with it, I will have read from the desk correspondence from the Territory—there are a number of letters on the subject, and part of them in the report—in which those people ask for this legislation. The information comes entirely unsolicited, both from Arizona and New Mexico, and for that reason I believe that the legislation is necessary and important. They can not get it from their legislatures; they have not been able to get it. I have here on my desk a newspaper received this morning, showing where a town undertook to prohibit gambling, and they could not do so. If this bill is passed, the effect will be to apply it to all places in Arizona and New Mexico, and put them on a par with the balance of this country in reference to legislation in connection with gambling. I do not know that this license is given anywhere else.

Mr. TAWNEY. I want to say this to the gentleman from Maine, without reference to the merits of the proposition—for I will not oppose his bill—that at the present time the effect of the law authorizing the licensing of places of this kind has been to give to the people of these Territories absolute control over gambling, and whatever places of that kind are conducted are conducted openly and orderly. The best evidence of that is the fact that in the city of Prescott, Ariz., where in one whole block, or one side of one block, there are several saloons in which gambling is conducted, and there are only two policemen to preserve order, and that, too, in a town of 8,000 inhabitants—one in the daytime and one at nighttime. Now, if you prohibit it entirely or attempt to prohibit it entirely, my judgment is that it will require four times or ten times that force of policemen to enforce the law prohibiting gambling, and then, even, you will fail to accomplish it. You will have gambling just the same, but not under the control that you have at the present time.

Mr. LITTLEFIELD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirteen minutes remaining.

Mr. CANDLER. Will the gentleman yield for a moment?

Mr. LITTLEFIELD. Not at present. I want to say frankly about this that I do not undertake to be personally advised about the conditions in those Territories, but I should think it would have something of the same sort of operation that it has elsewhere, and I will take about three minutes on the subject in reading from a letter that came entirely uninspired as to the condition in those Territories and as to the value the people there place on this legislation, and they know more about this than I do:

PHOENIX, ARIZ., *January 22, 1906.*

DEAR SIR: You will doubtless be somewhat surprised to receive a letter from me asking aid for the suppression of gambling in Arizona, but we need help, and I believe you can help us.

This is to one of my constituents.

Gambling is conducted here in the most "wide-open" manner possible and is licensed by the Territory. Its terrible results are manifest in almost every morning's paper—suicides, forgery, defalcations, murder—all the result of gambling. Young men from good eastern homes ruined, wives and families left destitute and hungry, all through gambling. You ask, Why don't we stop it? We have in several towns and cities, but the opportunity has been given us to wipe it out of all the Territories by the introduction, by Senator BURNHAM, of New Hampshire, and Hon. CHARLES E. LITTLEFIELD, of Maine, of bills in the Senate and House, respectively, abolishing gambling in all the Territories.

This is what we want, and I write to ask you to use your personal influence with any Member of Congress whom you may know to support and "push" this bill; and if there is anyone whom you can get to use their influence to this end, please do that. An immediate action will be greatly appreciated.

Sincerely, L. W. COGGINS.

Hon. GEORGE C. WING, *Lewiston, Me.*

That comes from a man of high character, who has been living in that Territory for some considerable time.

Now, with these suggestions I will reserve the balance of my time, and will then answer all the questions that may be propounded to me as well as I can.

The SPEAKER. The gentleman has eleven minutes remaining, which he reserves.

Mr. LITTLEFIELD. I will yield to the gentleman from Mississippi [Mr. CANDLER], who wishes to ask me a question.

Mr. CANDLER. What are the penalties prescribed in this bill?

Mr. LITTLEFIELD. The penalties are a fine of not more than $5,000 or imprisonment for not more than one year, entirely within the discretion of the court.

Mr. CANDLER. Fine and imprisonment both?

Mr. LITTLEFIELD. Or either. The court can impose a fine of $1, or one day's imprisonment, or either.

Mr. CANDLER. Up to $5,000 fine and how much imprisonment?

Mr. LITTLEFIELD. Not exceeding one year. Now, I reserve the balance of my time.

The SPEAKER. The gentleman has ten minutes remaining, which he reserves.

Mr. SMITH of Arizona. Mr. Speaker, I do not wish it understood that I am here in any sympathy whatever with public gambling, or gambling of any kind, but I do protest against the gentleman from Maine, the farthest point in the United States from my home, coming in to handle our morals or domestic affairs for us, when, according to a statement made on this floor in the last Congress, in his own State—a prohibition State—there are 150 open saloons in the town of Bangor alone. It is prohibition that does not prohibit in his State; but he stretches out his phylacteries now to cover even the remote Southwest of the United States, and correct the morals there.

Mr. Speaker, there is no real pure and good motive—whatever may animate the breast of the gentleman from Maine—behind this bill. Congress insists on legislating for the Territories, and it has never put its hand on the Territory of Arizona that it has not done it injury. When you want a man who knows all about Indians, get him from the good old country about Massachusetts

Bay. If you want a man who knows all about the negro, get him from the same locality; and if you want another man who knows all about the Indians, go away down around the coast of Florida, where they have never seen an Indian.

Now, in my opinion, this bill is brought here under suspension of the rules, which prevents all amendments, for the simple purpose of getting votes in favor of joint statehood if the question shall be submitted to the people of Arizona. The purpose is to make it to the interest of the gambling fraternity to flee to the joint State with New Mexico, and thus avoid this act of Congress and take chances with the legislature of the new State.

The motive behind this bill is to lead all this vote and influence in favor of the miserable joint State bill in case the Forraker amendment passes Congress. Whether the gentleman from Maine has that purpose in mind or not I am not here to say, but I have no doubt in the world that that purpose is behind this bill.

Now, Mr. Speaker, Congress has legislated for the Territories several times. A recent Congress passed a bill legalizing the fraudulent Pima County railroad bonds in the Territory of Arizona without consulting the people of that Territory, and in that bill they put on my county alone nearly half a million dollars of indebtedness for a railroad that has not got a line as long as from here to the Speaker's desk. After the Supreme Court of the United States had declared those bonds absolutely void—void ab initio, and many of them never delivered—after the Supreme Court had decided in the case of Lewis *v.* The County of Pima that those bonds were absolutely fraudulent and void, Congress legalized them by its act and cost our county alone $400,000 at the least for a railroad, as I have said before, not as long as from here to the Speaker's desk and refuses thus far to give any redress whatever to Pima County.

Congress has legislated again and traded to the Government the denuded lands belonging to railroad companies in Arizona, giving the railroad companies scrip in return, for which they can locate better lands where they please. Congress took these lands, which had already been ruined, to make this blessed forest reserve in Coconino County, from which the timber had already been cut, and in order to make the reserve solid and homogeneous by uniting the railroad sections and the Government sections they gave scrip for the railroad lands and threw nearly all that county into a forest reserve, the result being to take from the county of Coconino alone, on which $175,000 of railroad bonded debt is also standing, the last particle of ground on which they could raise the tax to pay that imposition which Congress placed on that county.

Now, with all this experience before us, the gentleman from Maine rushes in at this hour to say that we shall here prohibit gambling in the Territory of Arizona. I want to say to him and to this House that no one man on this floor represents a constituency any higher in morals, any higher in education, any greater in everything that goes to make a great manhood in this country than the people of the Territory of Arizona; and yet we find the gentleman from Maine, after he gets a letter or so from very good men that denounces gambling in that Territory, rushing to give Congressional relief. The Territories should stop gambling, but I want them to stop it themselves. I protest against this everlasting meddling of Congress with the affairs of the people of the Territories. Gambling has been stopped in Tucson and can be stopped in the other cities whenever the people will to stop it, and I want it understood that my protest is not against the stopping of gambling, but my protest is against the gentleman from Maine acting as the legislature for the Territory of Arizona, when he confesses himself that he knows nothing about the conditions and knows nothing about the people.

Now, Mr. Speaker, this bill ought to be amended, and I shall ask unanimous consent that I be permitted to insert in this bill, after the word "Territories," in line 3, the words "under the jurisdiction of the United States;" so that it will read that any person in any of the territory under the jurisdiction of the United States, etc. Let it apply to the Panama Zone, let it apply to Alaska, let it apply to the Philippines, let it apply to Porto Rico, let it apply to Washington City. The "Territories" means nothing in the world except——

Mr. PALMER. Let it apply to the District of Columbia.

Mr. SMITH of Arizona. Yes; my amendment would include it. I shall ask unanimous consent that that may be incorporated as an amendment in the bill just to test the bona fides of the promotors of this legislation.

I am not appearing in opposition to this bill, except as I have shown the underlying purpose of it. Arizona can take care of gambling and will do it in her own good time, and quickly. I am taking this occasion to call your attention to a common and reprehensible practice here. Gentlemen who know nothing about the Territories are doing and threatening through Congress more harm to the interests of its people than can possibly be conceived by them. Note the forest reserve effect on Coconino County and the railroad bond bill on Pima County. But to return to the purpose of this legislation, let me ask: Why have we heard the threat that Congress is going to tax the railroads of Arizona? Why do you now theaten that Congress is going to tax the mines of Arizona, except to use these threats as a club to hold over those people and attempt to drive them into an alliance with New Mexico, where they can handle the legislature just as easily as you charge the Territorial legislatures are controlled? That is the whole purpose of this bill. I protest, not against the apparent purpose of this bill, but against the source from which it comes—the Congress of the United States. [Applause.]

Mr. Speaker, I have always opposed any action by Congress touching the Territories where the local legislature has power to act. I am still convinced of the wisdom of that position whether the act of Congress be well intended or not. It is wiser and safer to leave all local questions in the hands and under the direction and control of the people themselves. Morality does not come through statutes but through the exalting influence of an educated public opinion. If Congress assumes to pass good laws for the Territories where they have local self-government, they will likewise pass bad and sometimes ruinous laws. I repeat it is wiser and safer to leave all local matters in the hands of the people themselves than transfer them to a body like this, thousands of miles away from the environment, the conflicts and struggles of the parties most concerned. I have nothing more to say and yield back my time.

Mr. LITTLEFIELD. I would like to have the gentleman use the balance of his time.

Mr. SMITH of Arizona. I do not think I have anything more to say. I have not asked any of the other gentlemen here whether they desire to speak.

Mr. LITTLEFIELD. Then all the time the gentleman desires to occupy has been occupied on that side?

Mr. SMITH of Arizona. I think so, as far as I know. It is as far as I am concerned.

The SPEAKER. The gentleman relinquishes the remainder of his time.

Mr. LITTLEFIELD. Then I have, if I am correct, twenty-one minutes?

The SPEAKER. The gentleman has ten minutes.

Mr. KEIFER. May I ask the gentleman, does this bill apply to Alaska, the Philippines, and Porto Rico?

Mr. LITTLEFIELD. Well, I have different views as to the constitutional relation of the Philippines and Porto Rico to the United States from that the gentleman from Ohio has. From my point of view it does apply to all those Territories. Now, the courts might hold, possibly, that the Philippines and Porto Rico, while they were the property of the United States, are not now a part thereof and have not been made Territories.

Mr. KEIFER. But the Territories are——

Mr. LITTLEFIELD. I am answering the gentleman. I will not say whether it will apply to those or not, but it will apply to Alaska.

Mr. TAWNEY. On what theory does the gentleman contend it applies to Alaska?

Mr. LITTLEFIELD. Because it is a Territory, and we have legislated for it as a Territory.

Mr. TAWNEY. It is not so construed.

Mr. LITTLEFIELD. I say that is my opinion. The court has not so held; the court has not yet held that Alaska is a Territory of the United States.

Mr. TAWNEY. In order to remove any doubt, why not name them specifically?

Mr. LITTLEFIELD. And in order to remove any doubt that the court has so held, if the gentleman will give the case where the court held Alaska was not a Territory, I will state——

Mr. SIBLEY. To resolve the doubt that might be in the mind as to how the court would construe the language of this bill, why not incorporate after the word "Territories" the words "including Porto Rico, the Philippines, and Alaska?"

Mr. LITTLEFIELD. Well, I have no objection to that, but I want to say this: I want to say just one word in relation to the District of Columbia. As to the District of Columbia, the territory over which we legislate, there is now specific legislation prohibiting gambling in the District of Columbia. I do not know but what I might agree to an amendment for the purpose suggested by the gentleman from Pennsylvania. Now, whether I agree to an amendment suggested by my distinguished friend from Arizona may be another question. In connection with this

legislation I want to say, Mr. Speaker, that after this bill was reported from the Judiciary I conferred with the distinguished Delegate from Arizona from time to time. Before I made a report on this bill I called his attention to the documentary evidence I had received from those Territories, and at his suggestion I left out one or two letters that I had received. I have endeavored to treat him up to date with perfect courtesy, but when he rises on his feet——

Mr. SMITH of Arizona. Will the gentleman permit an interruption there?

Mr. LITTLEFIELD. Certainly.

Mr. SMITH of Arizona. What my friend says may leave an inference that he does not intend.

Mr. LITTLEFIELD. What is it?

Mr. SMITH of Arizona. I left out a letter from L. C. Hughes, and that is the only one I suggested, and the reason of that I told you I thought it was too dirty for you to handle; not in its hypocritical statements, but on account of the man who wrote it. That he was utterly abandoned and unfit to be intruded on the decency of the House of Representatives.

Mr. LITTLEFIELD. Does that impeach my statement?

Mr. SMITH of Arizona. The inference from your remarks is that I was leaving out letters that contained statements that I feared to have published to the world. This inference I deny.

Mr. LITTLEFIELD. If the gentleman will possess his soul in patience just a minute and not be so disturbed——

Mr. SMITH of Arizona. You seem to be disturbed.

Mr. LITTLEFIELD. Wait a minute and the gentleman will get a better apprehension of what I am stating. I said up to date I conferred with the distinguished gentleman from Arizona. I notified him this morning that I was going to call this up this morning for action. I have tried to treat him like a gentleman. In addition to that and in response to that the first thing he does when he rises on this floor is to meet me with a sneer as to the circumstances under which I introduced this legislation. Now, I do not propose to be swung aside in this debate for the purpose of discussing the prohibitory law in the State of Maine. The gentleman did repeat the customary sneer that I hear frequently on this floor, and he has no knowledge as to whether or not——

Mr. SMITH of Arizona. Now, my friend——

Mr. LITTLEFIELD. Do not interrupt me. I allowed the gentleman to go on with his diatribe.

Mr. SMITH of Arizona. But I desire to make peace with the gentleman.

Mr. LITTLEFIELD. No; do not interrupt me. I say the gentleman repeated what is a customary and usual sneer, and he knows as little about it as the average man does who undertakes to make the statement. I do not propose under these circumstances, when I am met with abuse from a gentleman that I have treated with courtesy and absolute frankness from beginning to end, to concede very much to what his wishes may be in connection with this legislation, especially in view of the fact that he stands up and says that this is for the purpose of affecting whom, if you please? Why, he says the gamblers down there in those two Territories are people who are very anxious not to have statehood. Now, why? They want to preserve a condition of legislation that they can control, and continue to license gambling—in what? In the States? No; but in the Territories that they now control and over whose destinies they exercise charge. Now, we are responsible for that condition. It was necessary once before, as stated by the distinguished gentleman from Ohio [Mr. GROSVENOR] when prize fighters were going into Arizona for the purpose of conducting those fights that are so offensive to the average civilized person—not perhaps in Arizona but in other sections of our country—to prohibit it by an act of Congress, and now I have my friend, having treated him fairly, having been courteous, rising here to sneer at me and the attitude I have taken in connection with this question in the interests of whom?

Why, the people that want to continue to gamble in Arizona and in New Mexico. They want the privilege of controlling legislation in those Territories. Now, it is up to this House right now for every man in it to say whether he wants those Territories, having been now advertised by their Representative on this floor, to be allowed to continue to license gambling contrary to the moral sense of the people, not only in forty-five States, but, as I will show if I have the time to have it read from the desk, the moral sense of the intelligent people in those Territories this continuing to license gambling. We are responsible for the continuance of that condition. Mr. Speaker, how much more time have I?

The SPEAKER. The gentleman has four minutes remaining.

Mr. LITTLEFIELD. Mr. Speaker, in that four minutes I want to send to the desk and have read a letter from a district attorney in New Mexico.

The Cierk read as follows:

FEBRUARY 15, 1906.

HON. CHARLES E. LITTLEFIELD,
Washington, D. C.

DEAR SIR: In regard to the antigambling law which you have introduced in Congress I wish to say that it is the best measure ever proposed by anyone for this country and that the respectable people of this section of the Territory are heartily in favor of it.

Though I have talked of it to many persons I have yet to find the man, who is not engaged in the business or running a saloon, who does not consider that it will be a godsend to the people of this country.

Open gambling is the greatest imaginable curse to a community. It is constant, insistent temptation, especially to the younger men and to the Mexican. It's simply got the Mexican on the run.

In this little town of less than 1,000 inhabitants there are five gambling houses running full blast, doing a land-office business—one gambling house for every 200 men, women, and children. The mere statement of that fact is enough to show what the business is doing for this country.

The people ought to be protected against themselves and especially the young fellows. When a young fellow comes to this country—and the greater proportion of the men who come are young—he naturally throws off restraint and does things that he would not think of doing at home, and he just naturally gravitates toward a gambling table. I have seen more fine young chaps ruined by gambling than I have by liquor in this country, and that is saying a whole lot.

The only argument I have heard even intimated against the measure is that it will raise the taxes, because a large part of the gaming licenses go to support the schools, and if Congress knocks out gambling the schools will have to—at least some of them—close. It was for this very reason that the revenue laws were so constructed in order to keep our legislatures from passing laws unfavorable to the gamblers. Things have certainly come to a sorry state when we have to depend on gamblers to rob our people of enough to educate the children. The same argument might be advanced with as good logic to justify houses of prostitution.

This is not a letter from a sky pilot at all. Personally I have no objections to a quiet little game, but I would gladly see the whole business of gambling knocked in the head, because I have seen what it does for the majority of men.

I am not writing this expecting it will have any effect either one way or another, but because when I see a man trying to do the right thing I believe in telling him so.

Yours, respectfully,

M. C. MECHEM.

Mr. LITTLEFIELD. Now, Mr. Speaker, I desire to call attention to the existing practical condition in Arizona under the legislation that now obtains there in connection with this question. The gentleman says that in his town they have undertaken to prohibit gambling. Now let me read something. This is a paper that I received this morning. I don't know but that this may be from a disreputable source, but this is the Jerome Morning News, and the gentleman did not intimate to me this morning that this was not a respectable paper. What does it say? "Judge Sloan decides that council can not prohibit gambling." That is, in that town the city council got together and undertook to wipe out that blot on civilization that exists in Arizona. It seems that it is necessary to keep it a Territory in order to enable it to continue to exist, if I get the information right from the distinguished gentleman who represents Arizona. Arizona a Territory and gambling licensed seems to be the proposition. Let me go a little bit farther——

Mr. SMITH of Arizona. If my friend will permit me——

Mr. LITTLEFIELD. I beg the gentleman's pardon, but I do not care to be interrupted by the distinguished gentleman.

Mr. SMITH of Arizona. If the gentleman persists in this, he can make it as disagreeable for himself as he wishes.

Mr. LITTLEFIELD. Oh, heavens; I am likely to be terrified or even frightened!

Mr. SMITH of Arizona rose.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Arizona?

Mr. LITTLEFIELD. Mr. Speaker, I decline to yield.

J. B. Hoover, who was arrested for running a game, is discharged, but it looks as if the end was not yet in sight.

Here is what Mr. Hoover says:

We will open all of the gambling games in the Fashion at 6 o'clock Saturday night.

Now, that is in Arizona. The News says, among other things:

The News believes, as it has from the start, that it would be better for all concerned if both sides would transfer the fight to the coming election, where it can be settled without trouble and expense, and to the perfect satisfaction of all concerned, and there is a great possibility, an almost certainty, that Congress will settle it for those concerned before even the 2d day of April comes to us.

Now, we have the simple, naked proposition, Mr. Speaker. Do we want to indorse a proposition for licensing gambling enterprises? If so, we will vote no; if we do not want to indorse it, we will vote yes.

Mr. SMITH of Arizona. Mr. Speaker, may I be recognized a moment?

The SPEAKER. The gentleman has yielded his time.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for one minute only.

The SPEAKER. The gentleman from Arizona [Mr. SMITH] asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SMITH of Arizona. Mr. Speaker, I am quite surprised at the attitude assumed by the gentleman from Maine [Mr. LITTLEFIELD], in fact, very much surprised at it. I do not want to say that in all of these years I have been misconstruing the character of the gentleman. In his absolute refusal, in his disdainful way, to submit to an interruption which I proposed to make as pleasant to him as I could he has disappointed my estimate of him. I had no idea of insulting him; I had no intention of doing it, and it seems to me if he was just about as careful of other people's opinions and would direct his conduct along the line of more decency to them, he would probably be not quite so sensitive of himself. Now, Mr. Speaker, I call this presence to witness that when he says that I rushed to the defense of the gamblers he makes a misstatement. I have said that I wanted to regulate it as much as he does. I repeated it the second time to prevent his making that statement, and I repeat it the third time. What I protested against was legislation from Congress in Territorial affairs, and disclosed the purpose of this bill in its effect on statehood. But I arose to explain the decision of Judge Sloan, which I understood from the paper account shown me was that he held that the charter of the town of Jerome gave no power to the municipality to regulate gambling or prohibit it, or that the ordinance was not passed pursuant to charter and was therefore void. The statement of the judge's decision, as quoted by the gentleman from Maine, was confessedly made to the press by the defendant in the case and may be inaccurate. However, I saw in an Arizona paper this morning that the judge decided in that case that the city did have power to prohibit public gambling, as attempted in the ordinance which was passed. But this is aside from the main question. Arizona can stop gambling and should manage her own affairs.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and (two-thirds voting for the motion) the rules were suspended and the bill was passed.

PERMANENT CENSUS OFFICE.

Mr. CRUMPACKER. Mr. Speaker, by direction of the Committee on the Census, I move to suspend the rules and pass the substitute for the bill (H. R. 12064) to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, which I send to the desk.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass a substitute for the bill indicated. The Clerk will report the substitute.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended so as to read as follows:

"SEC. 7. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of the act of March 3, 1899, entitled 'An act to provide for taking the Twelfth and subsequent censuses,' the Director of the Census is hereby authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Name, age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the Director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to life, fire, marine, casualty, and other insurance; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall, in his judgment, be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as 'Special Reports of the Census Office.' For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided. And the Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed."

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the substitute for the bill, which substitute has just been reported. Is a second demanded?

Mr. HARDWICK. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, I would like to inquire if the gentleman is opposed to the bill?

Mr. HARDWICK. No.

Mr. MANN. I think that some one opposed to the bill is entitled to demand a second.

The SPEAKER. The gentleman is correct about that. Does the gentleman from Illinois [Mr. MANN] demand a second?

Mr. MANN. I demand a second.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana [Mr. CRUMPACKER] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] also to twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the bill now under consideration provides for the amendment of section 7 of the act creating the permanent Census Office. In addition to the duties imposed upon the Director of the Census by the original section, this bill authorizes five new inquiries, each of which is of great importance.

When the bill providing for the permanent Census Office was before the House for consideration much solicitude was expressed by gentlemen respecting the wisdom of the measure. It was feared that the expense of the Office would be altogether out of proportion to the benefits to be derived from it. There was a general impression among Members of the House that statistics gathered in connection with the decennial censuses were all that the interests of the country required, and the creation of a permanent Census Office was looked upon, at best, as only a doubtful experiment. The advocates of the measure are highly gratified over the result of the permanent Office. The Office now contains a number of expert statisticians and several hundred skilled and trained clerks, and its forces have been so arranged and its methods so organized that trustworthy and reliable statistics are gathered upon all important subjects, and reports thereof are made with the greatest possible facility. The country secures the benefit of census investigation and research before the data becomes obsolete and useless.

The work of the Census Office has come to be recognized as thoroughly trustworthy and reliable. The country is coming to appreciate more and more the high importance of a trustworthy center for reliable statistical information. Thousands and thousands of inquiries are addressed to the Office every year upon all the subjects covered by its various investigations and a great many subjects in addition.

The people of the United States are generally coming to appreciate more highly the importance of statistical information and its close relation to economic and sociological development. The real history of the people is contained in the statistics of its social and economic life, and their vital bearing upon true progress is no longer a question of doubt.

The Federal Government and the several States enact laws and establish elaborate and expensive machinery for their enforcement and administration, and it is highly necessary to know the actual operation of the laws and the effect of their administration upon the country, in order that improvements may be made in laws and policies with any degree of intelligence. Statistics, however, to be of any value at all must be reliable and trustworthy. Misinformation is worse than no information at all, and reliable statistics can only be gotten by trained statisticians under a systematic organization. The chief object of the permanent Census Office was to establish such an organization and to secure the highest possible degree of accuracy in its work. Another reason for its establishment was economy in the collection of statistics. It was designed to be the great statistical office of the Government, and under the act of its creation and under the law establishing the Department of Commerce and Labor, power was given the executive officers of the Government to consolidate the numerous statistical offices and divisions in the various Departments into the Census Office. A number of divisions and bureaus have been thus consolidated and needless duplication of investigation and reports has been avoided, saving hundreds of thousands of dollars a year to the Government and securing infinitely better results to the people.

Under the old plan a census was taken once in ten years, under the provisions of the Federal Constitution, chiefly for the purpose of apportioning Representatives and incidentally for the enlightenment of the world respecting the progress of the nation along certain lines. A temporary Census Office was created by law to do the special work at each decennial period. The Office usually contained a number of thousand clerks, was of necessity crude in its organization and methods, and its work was inaccurate and unscientifically arranged, so that the chief value of the statistical information obtained was lost for want of skilled statisticians and for the lack of scientific methods of

investigation and compilation. Numerous special investigations were required with the general censuses and the work was of such an herculean character that the Office was unable to compile and make reports on many special subjects until the data contained in them had become practically valueless.

Since the Office has become a permanent institution special subjects that heretofore have been taken in connection with the decennial censuses have been investigated, and reports have been made with most gratifying results respecting quality and dispatch. It is the policy of the Office to make investigations of all the special subjects possible during the intercensal period, so that when the Thirteenth Census is to be taken only those general subjects that essentially belong to the decennial census will have to be investigated. The effect will be to greatly accelerate the work of the Thirteenth Census and to decrease its cost. I think it can be said with practical assurance that the expense of taking the Thirteenth Census, with an increased population of perhaps 20,000,000, will be as much below the cost of taking the Twelfth Census as to entirely offset the expense of maintaining the permanent Office during the period that the Office would otherwise have been discontinued.

The expense of making the inquiries and reports provided for in the pending bill will be comparatively small. No additional appropriation will be required and no additional clerks or agents will be necessary. The present clerical and field force of the Office will be able to handle all of the additional work imposed by the bill.

The bill provides, among other things, for the collection of judicial statistics of crime.

Mr. GAINES of Tennessee. What kind of statistics?

Mr. CRUMPACKER. Judicial statistics of crime; the records of courts throughout the country where crimes are punished.

Mr. GAINES of Tennessee. State and Federal?

Mr. CRUMPACKER. State and Federal.

The value of this investigation can not be overestimated. The expense of administering the criminal laws of the country is enormous, and yet nowhere can reliable information be obtained respecting the results of such administration. There is no source in this country where a seeker for information can go to ascertain the number of crimes committed, the character of the crimes, the number of convictions, the character of punishment, the period elapsing after indictment before trial, and numerous other matters that are of vital importance to a reformation and improvement of the criminal and penal laws of the country. There is no other country that makes any pretensions to a respectable standard of civilization that does not secure accurate statistics respecting the subject of crime and its punishment.

We devote much time and thought in this country to the making and enforcement of laws for the protection of life and property and the elevation of the morals of society, and yet we take no pains to ascertain with any degree of certainty the effect of such laws. We are able to determine the exact number of bushels of wheat produced in the country, the quantity consumed at home, and the number of bushels exported to foreign countries; we are provided with information respecting the exact number of tons of iron manufactured and of coal mined, but we are absolutely unable to know how many crimes have been committed, how many punishments have followed, and the character of the punishments that may have been imposed. In this connection I desire to read to the House a letter I received on the 14th instant from Hon. Andrew D. White, formerly president of Cornell University, United States ambassador to Germany, and chairman of the American delegation to The Hague peace conference. He says:

> I have for many years taken a deep interest in questions relating to crime in the United States, have collected much material on the subject, and have, from time to time, addressed various bodies upon it in this and other States. In my opinion there is no subject before the country at this moment really of such vital interest as this. I spare you the reasons for this opinion, but I hold it very tenaciously. Important as is the right solution of financial and commercial questions, they do not, by any means, cut so deep as does the question of the growth of crime and the right dealing with it in our country.
>
> Under these circumstances, I trust you will allow me to urge that the inquiry on this subject, for the purpose of the census, be made more thorough and practical. At present, strange as it may seem, the best source of information on this subject is not the census of the United States, but the statistical number of the Chicago Tribune, published every year on the 31st of December. For fifteen years past I have collected these statistics and used them, but I feel that, in the best interests of the country, we ought to have something more full, more perfect, and more authoritative. We should have not only the records of the courts as to felonies in which there are convictions, acquittals, or disagreements of juries, but also, from the sheriffs and other local officers, the complete records of crimes committed in each county, the authors of which remain undetected and unpunished. Only in this way can we understand the extent of the evil, and only upon this basis can we form any opinion as to the best methods of meeting this great evil.
>
> It is doubtless known to you, as to so many others, that the number of unpunished homicides is greater in our country than in any other civilized nation, save, possibly, Sicily and the lower parts of Italy, and that there is a looseness in dealings with high crime which is probably to be found nowhere else among nations which call themselves civilized.
>
> The reasons for this state of things undoubtedly run deep. They are connected unquestionably with the carelessness regarding human life, as shown by the statistics of our railways, and destruction of life by fire and other causes, as compared with what is to be seen in other countries. To me, as an American citizen, it has been mortifying and, indeed, exceedingly painful, to find, during extended residences in Russia, Germany, Italy, France, and England, that in every one of those countries precautions are taken and policies pursued, which seem vastly superior to our own, where safeguards to human life and property are concerned, whether from crime, greed, or carelessness. Allow me, then, dear sir, to urge most earnestly that the attention of your committee be called to this subject, in order that in future takings of the census we may have more of that exact knowledge on the subject of crime, which will be the only basis of intelligent action by the various States and by the nation on this most important subject.
>
> I remain, dear sir, most respectfully, yours,
>
> ANDREW D. WHITE.

And a letter from Amos W. Butler, of Indianapolis, Ind., secretary of the National Prison Association. He writes:

> My attention has been called to the fact that your committee has for consideration an amendment to the bill for a permanent census, providing for the question of judicial statistics. Such an amendment would be a very useful one. It will be helpful not only to individuals and charitable organizations, but to public officials who have to deal with the great problems of dependency, degeneracy, and delinquency. I shall be pleased, if you can see your way clear, to have you use your influence to secure the adoption of this amendment.
>
> Yours, very truly,
>
> A. W. BUTLER, *Secretary.*

Nothing in addition to the testimony of these eminent citizens need be said in support of this provision of the bill. Last winter Congress authorized the Director of the Census to collect statistics of marriage and divorce throughout the country. The gathering of this information will require the field force of the Census Office to inspect all the records of courts of general jurisdiction. This work will not be entered upon for a couple of months yet, and an investigation of judicial statistics of crime can be made by the same special agents in connection with the marriage and divorce investigation with practically no additional expense.

Another provision contained in the bill requires the Director of the Census to collect statistics of life, fire, marine, casualty, and other kinds of insurance. Insurance statistics were required in the Tenth and Eleventh Censuses, but the reports were made at so long a period after the investigation that they were of little or no practical value, and in order that the Twelfth decennial census might not be burdened with so many special subjects insurance statistics were omitted. In view of the vast importance of insurance in the affairs of the country and the new phases which various kinds of insurance have assumed in late years, the importance of this investigation can not be questioned. The results of recent investigations of leading life insurance companies has demonstrated to the several States the necessity of making more adequate provision for the protection of policy holders. Intelligent action can not be had along this line securing the best results without general statistical information respecting all kinds of insurance throughout the country. It would seem to be unnecessary to dwell upon the paramount importance of this particular subject. The statistics may be gotten in the main from insurance officers in the various States, where quite elaborate reports from the leading companies are required to be made annually.

Mr. FITZGERALD. Will the gentleman let me ask him this question: Would not this bill authorize some bureau merely to duplicate statistics already obtained in the different States?

Mr. CRUMPACKER. This bill does not contemplate a duplication, but a compilation, a collecting together in a single report, under proper arrangement, statistics collected by the several States upon the subject of insurance. There will be no duplication.

Mr. FITZGERALD. In every State these reports are now required. Does not the gentleman suppose that the Census Bureau will be able to get all the information from all these State reports?

Mr. CRUMPACKER. Practically.

Mr. FITZGERALD. Now, is not the purpose merely to publish these State reports as Federal reports?

Mr. CRUMPACKER. Not at all. It is the purpose of this bill to require the Director of the Census to collect and put into proper statistical form all the data contained in reports made to and by the several States so the country may have a central source of information upon this subject.

Mr. FITZGERALD. As a matter of fact are not statistical reports required by all these State insurance departments practically in this country—that is, every company doing business in more than one State must file reports in the different States in which it is doing business?

Mr. CRUMPACKER. I am not prepared to give the gentle-

man an answer to that question. I understand there is great diversity of requirement in regard to this character of reports. One of the objects of this bill is to provide a single source of information, so that it will not be necessary to apply to the forty-five different States for insurance statistics.

While each State requires reports of all insurance companies doing business within their borders they have no statistical information upon the general subject of insurance throughout the country. One State, of course, may secure reports from the other forty-four States and at considerable expense and trouble coordinate and compile the various reports into valuable statistical form, but in order that each State may have the benefit of such information it would be required to make a general collection of statistics from all the other States at its own expense. The aggregate expense would be enormous. Instead of having forty-five independent statistical censuses of insurance, one by each State, this bill requires the Director of the Census to collect and compile all this information, so that it can be supplied to the various States and individuals who may be interested in it. The result will be to put the information contained in the offices of the various State insurance commissioners into systematic, intelligent, and compact form by a central office for the benefit of the people of the entire country.

Another subject of investigation contained in the bill is that of savings institutions, including savings banks, loan and investment companies, and similar institutions. No statistics of a general character are available upon this very important subject, and the value of this investigation is readily appreciated by its simple statement. The rapid increase of wealth in this country has given concern to the minds of many people, and the tendency toward the consolidation of wealth in the hands of a few is the subject of much solicitude. The accumulation of wealth, if it is equitably distributed among all classes of people, must be a national blessing, but it is highly important to know something about the distribution of the wealth of the country. While the result of an investigation of savings institutions will not be conclusive upon the subject, it will afford a great deal of valuable information respecting the effect of laws and policies and their bearing upon the national welfare of the people.

The bill provides that the Director of the Census shall, in cooperation with the Commission of Fish and Fisheries, collect and publish statistical information upon the subject of fisheries. It is believed that all the necessary data can be procured from the Fish Commission. The reports of that Commission are valuable, but they are of a commercial and industrial rather than of a scientific and statistical character. Fisheries is one of the important industries in this country, and general industrial statistics are not complete without including that subject. The data can be secured and the reports published with very little expense. The result will be of great benefit to the country in general.

Mr. CLARK of Missouri. I should like to ask the gentleman from Indiana if the net result of this census work has not been that it has duplicated a whole lot of statistics of one sort and another?

Mr. CRUMPACKER. Oh, no; the net result of the work has been to obviate duplication.

Mr. CLARK of Missouri. Has it not been getting up the very same statistics that the Agricultural Department has been getting up?

Mr. CRUMPACKER. Oh, no, indeed.

Mr. CLARK of Missouri. One other question. If there was any reason for establishing this Bureau of Commerce and Labor, does not the work of this Census Bureau infringe on that domain?

Mr. CRUMPACKER. It does not.

Mr. CLARK of Missouri. One other question and then I will quit.

Mr. CRUMPACKER. I desire to answer a question or two as we go along.

Mr. CLARK of Missouri. All right.

Mr. CRUMPACKER. The Census Office is a Bureau in the Department of Commerce and Labor, and the Secretary of that Department has consolidated practically all of the statistical work in the Census Office. The purpose is to have one statistical office containing all the statistical information, as far as it is practicable. The Census Office does not duplicate any work in the Agricultural Department.

Mr. CLARK of Missouri. Were they not both getting up cotton statistics at once?

Mr. CRUMPACKER. No; the Agricultural Department procures estimates only, during the crop-growing season and during the ginning season, while the Census Office secures the exact results after the ginning has been done.

Mr. CLARK of Missouri. Did we not refer this whole insurance matter to the Judiciary Committee, to find out whether it was any of our business at all?

Mr. CRUMPACKER. Not the matter of statistics.

Mr. CLARK of Missouri. Wait a minute. They have not answered yet, have they?

Mr. CRUMPACKER. I do not know; I think not.

Mr. CLARK of Missouri. If they make a report that we have nothing to do with insurance, and the House sustains that report, how does it come that we ought to be getting up these insurance statistics?

Mr. CRUMPACKER. Why, Mr. Speaker, if the statistical office of the Government only entered into fields that were proper subjects of national legislation, it would have very little to do.

Mr. CLARK of Missouri. That is all it ought to enter into.

Mr. CRUMPACKER. All the Constitution requires in the way of collection of statistics is the decennial enumeration of the population for the purpose of apportioning Representatives and the imposition of direct taxes.

Another provision of the bill requires the Director of the Census to collect statistics of electrical industries once in five years. The law now requires such statistics to be collected and published once in ten years, but in view of the extraordinary development of electrical industries, statistics collected at such long intervals largely lose their value for purposes of comparison. The use of electricity for purposes of heat, light, and power have become extraordinary, and has revolutionized many lines of industry. In view of the rapid and almost sensational development of electrical industries, it is highly important to make these investigations at least once in five years. The law now requires general manufacturing statistics to be collected once in five years, and certainly the reasons for the collection of electrical statistics once in five years are fully as great as for the collection of manufacturing statistics generally that often. I quote a letter recently received by the Director of the Census from Thomas A. Edison upon the subject:

[From the laboratory of Thomas A. Edison.]

ORANGE, N. J., *October 13, 1905.*

I am in receipt of your letter, with copy of the final report on central stations, and thank you for remembering me. I have read the report with much interest and congratulate you upon the general excellence of the text and data. It is needless to tell you that I have referred with special interest to the chapters dealing with the invention and universal adoption of the incandescent lamp. Such reports as this are extremely valuable to all of us, but I think the figures would be even more useful if they could be obtained at more frequent intervals. Ten years in an electrical industry is equal to a lifetime in most others, and unless the figures are compared oftener than once in ten years they do not bear so close a relationship to each other as the specialist and the business man could desire. Please do not regard this as a criticism of a good piece of work thoroughly done.

With regards, yours, truly, THOMAS A. EDISON.

The opinion of so great an authority as Mr. Edison upon this question is well-nigh conclusive. The Government can afford to contribute the relatively small cost of collecting and publishing these statistics toward the promotion of electrical industries.

Mr. SHERLEY. Mr. Speaker, I notice here that they are to gather statistics covering transportation by water, and express business.

Mr. CRUMPACKER. Let me explain to the gentleman. That provision is in the original law, and those statistics have already been obtained. I have been undertaking to explain to the House the few additions which this bill makes to the original law. The transportation question has already been disposed of.

Mr. SHERLEY. Whether it be in the present law or not, I want to inquire whether all of those statistics ought not now to be gathered by the Interstate Commerce Commission under the enlarged powers given them?

Mr. CRUMPACKER. The enlarged powers have not yet been conferred on that Commission.

Mr. SHERLEY. Assuming that the legislation that has passed the House also passes the Senate.

Mr. CRUMPACKER. My opinion is that it does not provide for the necessary statistical information. The facts collected by the Interstate Commerce Commission are purely for purposes of administration, and they are not such as are necessary for comparison in noting the progressive development of the industry.

Mr. SHERLEY. Does not the gentleman know that they now report statistical information in regard to transportation by land, and that they will that by water, and is not this a duplication?

Mr. CRUMPACKER. I beg to be excused from a further discussion of that question, because it is not involved in the pending bill. I desire to use my time in explaining the new provisions.

Mr. SHACKLEFORD rose.

Mr. CRUMPACKER. I will yield to the gentleman from Missouri.

Mr. SHACKLEFORD. I gather that this information which is to be collected is for the next census?

Mr. CRUMPACKER. These are special investigations, and it is desired to get them out of the way so they will not be involved in the next general census.

Mr. SHACKLEFORD. Will the information be available to the public as soon as it is gathered, or will we have to wait until the next census is taken?

Mr. CRUMPACKER. It will be available as soon as it is gathered. That is the object in authorizing the statistics to be collected at this time.

Mr. FITZGERALD. Will the gentleman answer this question? Why is it this change is made in editing and publishing the Official Register with regard to the census? Why not have it under the same authority where it is now established?

Mr. CRUMPACKER. The law now requires the Secretary of the Interior to edit, index, and publish the Official Register every two years. It provides that the register shall contain a full list of all officers, agents, clerks, and other employees connected with the legislative, executive, or judicial service of the Government, or paid by the United States Treasury, including military and naval officers, cadets, and midshipmen, giving the salary and compensation and emoluments of each, the State in which he was born and the Congressional district and county in which he was a resident at the time he was appointed to office. The law also requires that the register shall contain a list of ships and vessels belonging to the United States with certain special information as to each of them and a statement of all allowances made during the preceding two years to each contractor on contracts for carrying the mails. The compilation and publication of the Official Register is essentially statistical work and it naturally should belong to the statistical office of the Government. The work should be transferred from the Interior Department to the Census Bureau for this reason if there were no others, but at the request of the Civil Service Commission, the Secretary of Commerce and Labor, by an executive order, requires the Census Office to compile quadrennially and publish in the form of a bulletin full statistics of the classified service of the United States. In compiling this bulletin it is necessary to obtain practically all the information that is included in the Official Register, excepting that in relation to ships belonging to the United States and allowances to contractors for carrying the mails.

This bulletin is required by the Civil Service Commission in order that it may note the varying phases of the executive civil service. It is important for the Commission and the country to know the number of officers in the various branches of the Federal service, the date of their appointment, the length of time they have served, the progress they have made in respect to promotions, their age, sex, the relative number of each sex in various classes, and many other things. All this information is peculiarly valuable as bearing upon the efficiency of the present civil-service system and as suggesting modifications and reforms that may improve the service. This is the purpose for which the Civil Service Commission requires the statistics.

If the compilation and publication of the Official Register is transferred to the Census Office the work can be done in connection with the civil-service bulletin now required, and much unnecessary duplication of work and expense of publication can be saved. There is no reason from any standpoint for the continuation of the compilation and publication of the Official Register by the Department of the Interior. There are many reasons from an economic and statistical point of view for the transfer of that work to the Census Office. The Census Office can easily secure the information necessary as to ships and mailing contracts, required in the publication of the Official Register. This information can be gotten by the Census Office as cheaply and as reliably as it is now gotten by the Interior Department. The transfer of this work will save the expense of the quadrennial bulletin and at the same time will systematize statistical work and tend toward its consolidation in a single office. The work can be done without the employment of any additional clerks in the Census Office, and without much, if any, expense.

I have now explained to the House the provisions that are intended to be incorporated in the original law by the pending bill. They are all of great importance to the country and the work can be done and the reports published with an inconsequential expenditure of money. Within a year or two preparation must begin for the taking of the thirteenth general census, and it is desired to have all of the special investigations made and gotten out of the way before that work is entered upon, as far as it is practicable to do so.

The present force in the Census Office ought to be kept together for the purpose of taking the thirteenth census. It consists of expert statisticians and clerks especially trained along the line of statistical work. While it is not the purpose of this bill simply to provide work for the clerks in the Census Office, as the statistics are of great value and are worth more than they will cost, yet an incidental result will be to keep the present force intact and in shape to enter upon the taking of the thirteenth census so that the work may be done with higher efficiency and greater economy. The Census Office, since it has been made permanent, has been intelligently and systematically organized and efficiently administered. Its work has been of a very high grade and it is justly entitled to the commendation of all those who have an adequate appreciation of the value of trustworthy statistics in social and economic advancement. I trust that the bill will receive the support of the House.

Mr. GAINES of Tennessee. Mr. Speaker, the supreme courts of the States and United States have uniformly decided that insurance is not commerce, State or interstate. This being so, the Federal Government is without jurisdiction to compel insurance companies to disclose the condition of their business. Hence whatever data this Bureau might collect would be such as the companies might voluntarily give to the agent of the Census Bureau. It would be natural for these companies to give out only such facts as would make it appear they were in a perfectly solvent condition when the very opposite might be shown if the whole truth or all the facts were given out and made public. Not having the power, under these decisions, to compel the companies to disclose the status of their business, it is a serious question as to whether or not we should undertake to empower this Bureau to publish any of the facts, because, as stated, the companies might give out a glowing statement that would mislead the people—cause them to continue to insure with these companies, and thus be led into a state of false security and finally cause serious loss to the insured.

If Congress had the power to compel a full and complete disclosure, some benefit might follow, but it seems to me that to simply pass this measure, coupled with no power, to compel all the facts to be disclosed, is unwise legislation, however well meaning we may be in the passage of this measure. Is it not better for us to bear the ills we have than to flee to those we know not of? The States can legislate on this subject and compel full and complete disclosures, and I dare say that in the near future the States will take aggressive action in this respect to the end that all facts concerning the business of all insurance companies will be made known and published, and thus the people will be protected and not misled.

At an early day in this session the gentleman from Indiana [Mr. CRUMPACKER], who now proposes this measure, insisted on the floor of this House that the question of insurance be referred to the Judiciary Committee to ascertain and report whether or not Congress had any power to control insurance, and this, too, because of the uniform decisions of the court that insurance is not commerce, and if not commerce Congress is without power to control insurance. And yet the gentleman reports this measure empowering the Census Bureau to investigate and report on insurance. Investigate how? By begging the insurance companies for facts concerning their business? Suppose they refuse to answer questions? Where is your power to compel them to answer? Clearly none under the existing law, but still some report will be made based upon some facts picked up here and there, which may not reach down to the bottom of the question and disclose the actual conditions of the company, and yet these facts will be printed in language not unfavorable to the companies, and thus the people would be misled. It does seem to me that this insurance provision at least is unwise, and is calculated to do great harm instead of good. We certainly should wait until the Judiciary Committee reports upon the powers of Congress to not only investigate and report on insurance, but on its powers to compel thorough investigations, that the whole truth may be known. For this reason I shall oppose including this insurance provision in this bill.

Mr. MANN. Mr. Speaker, if there is anyone in the House who could convince me that this bill is a proper measure to pass, it would be my distinguished friend from Indiana [Mr. CRUMPACKER], whose district adjoins mine at home; but I fear that he has been led away somewhat by the fact that he is chairman of the Committee on the Census and that the Census Office has reached a soft spot in his heart. This bill, while denominated a bill to amend the census laws, and while purporting to be a bill to gather statistics to be published for the benefit of the people, is in fact a bill to provide work for those now in the Census Office who otherwise would be fired from their

jobs. The Census Office has completed, practically, the great decennial census of 1900. The employees have nothing to do. Now, what would occur in an ordinary business? Why, the force would be cut down. But, no, Mr. Speaker, not when the Government is engaged in the business. The way of the Government is not to discharge employees whose services are not longer needed, but to find something to keep them busy and make an excuse for paying them money. We have heard a great deal of talk recently about cutting down the enormous amount of printing done by the Government, and the other day in the newspapers there was something said about discharging somebody from the Printing Office because there would not be work enough to do. No, Mr. Speaker; people may be discharged from the Printing Office because the new Public Printer does not like the particular men or women under his employ, but no one will ever be discharged from a public office because he has nothing to do. That office will promptly come before Congress and make some excuse for further action. We have the Department of Labor, and every time it runs out of work it brings in a resolution in some way before Congress ordering it to do something else. We now have the Census Office, and every time it runs out of work and there is danger of the employees being discharged we will have some kind of a resolution or a bill providing for something else to be learned. Now, I have no doubt that it will be of great value to the religious people of the country to have the statistical branch of the Government—the Census Office—gather statistics in reference to religious societies, and yet every religious society keeps perfect statistics of its own. It publishes it own statistics; it is not needed, and if the statistics are gathered by the Government they may be biased in some way.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Certainly I yield.

Mr. CRUMPACKER. Allow me to make a suggestion. Religious statistics are already required by existing law. This law has nothing to do with it, and I think they have already been collected. I undertook to explain the three or four items in this bill that are new. Nearly all this bill is already the law. Religious statistics are required by the law making the Census Office a permanent institution.

Mr. MANN. Very likely. Then they will gather them again. Having gathered them once under this bill, they will proceed to regather them. It is not sufficient under this bill to gather the same statistics every ten years. It is every five years. If my friend the gentleman from Indiana [Mr. CRUMPACKER] remains the chairman of that committee, as I hope he will if he is not promoted to a higher committee or a higher body, and the Census Office runs out of work, then they will want to gather statistics every two years or every six months. The point is not the gathering of statistics, but finding something for these employees to base a demand for pay on.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRUMPACKER. The enactment of this bill into law will not in anywise enforce the authority contained in the original law. If these statistics are to be collected again, it is because of the original law. We passed a law requiring certain statistics to be collected every ten years, and that law stands. This is a proposition to amend section 7 of that law in certain particulars only.

Mr. MANN. Oh, I am frank to say, Mr. Speaker, I am not entirely familiar with the statistics that are now gathered. I do not think anybody in the country pays much attention to the statistics coming from the Census Office except the matter of population. But the office is there. I was told early in this session of Congress—and I have no doubt other Members were, and for aught I know it was public property—that the Census Office either had to discharge a considerable portion of its employees or find authority from Congress to do something else. There is no legitimate employment in collecting decennial statistics, no occasion for the gathering of most of the statistics proposed here. A very large share of the gentleman's report is made up of communications from a former Member of this House, one Samuel J. Barrows, who has been engaged in various ways in criminology. I do not know whether the other distinguished man in Washington who has haunted the doorsteps of Members of the House and haunted the House itself upon the subject of criminology is also interested in the passage of this bill. Whenever somebody has a fad of some kind and an office of the Government wants authority to work, that person can get his fad ordered in the way of a resolution or bill passed through the House. For myself I believe that the Census Office has done the census work according to the present law—and I will say has done it well, exceeding well—and I can see no reason why we should make new work merely for the purpose of keeping these people employed.

While I dislike very much to disagree with the gentleman from Indiana, whom I have no doubt has better judgment upon this subject than I have, still I am not willing at any time to vote to have certain work done merely for the purpose of giving employment of somebody. We hear all the time about cutting down the publications of the Government, but that is all the Census Office is engaged in, practically, collecting information and publishing it. We hear a great deal from the other end of the Avenue and elsewhere about reducing the printing bills of the Government, and yet every proposition of this kind means an enormous increase in the public printing. For what? Not for the purpose of gathering statistics, but for the purpose of furnishing jobs. I reserve the balance of my time, Mr. Speaker. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. MANN. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the purpose of this bill is very frankly stated in the report from the committee. It is to keep the present force intact until the time comes to take the next census. The committee in its report says:

> At the same time your committee deems it proper to frankly inform the House that it is necessary to assign some additional work to the Census Office during the remaining brief interval preceding the Thirteenth Census if the present trained clerical force of the office is to be kept together, substantially intact, to assist in the work of the next decennial enumeration, in accordance with one of the purposes which actuated and justified Congress in establishing a permanent Census Office.

In other words, if this bill be not passed, there is nothing for the Census Office to do. Its work is done, and its employment of a large part of its force should cease. In order, however, not to finish up the work of the Bureau, but to keep this force employed, some ingenious gentleman has carefully scanned all the subjects which might possibly afford something for these employees to do and has compiled this bill, which will keep this force employed. Not only that, but provision is made for the employment of special agents, as provided in the original act. The gentleman from Indiana [Mr. CRUMPACKER] stated that one of the purposes was to collect insurance statistics. Whoever is familiar with the methods by which the statistics of insurance companies are now compiled knows that this is an entirely unnecessary work. Every insurance company doing business in more than one State files in the different States practically the same reports, and it is possible to get from the insurance department of any State in the country information regarding the different insurance companies; but in order that these reports may be publishd as Federal documents—in order, I suppose, that they may be sent around through the country as frankable matter—it is suggested now that this Census Bureau obtain from the different State insurance departments the information collected there and publish them as Federal reports.

If the Census Bureau is to be of any value, there should be an end some time to its work. Its statistics should cover definite periods, and it should not be, by the means of such legislation as this, indefinitely carried along. It should not be necessary to seek work for the Bureau, but when its work is finished the Bureau should dispense with the services of those officials that are no longer required. There has been for some time a very strong effort made to establish under the Federal Government a department or bureau of criminology, and perhaps the provision in this bill authorizing the collection of statistics relating to "the defective, dependent, and delinquent classes, including statistical information appertaining thereto," and to do that every two years, may eventually provide the foundation for the establishment of this bureau of criminology. It seems to me that the work already done along the line indicated in this bill should suffice until the next session.

The SPEAKER. The gentleman from Illinois has three minutes remaining.

Mr. MANN. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I simply want to call the attention of the House to the fact that this is another provision, or proposed provision, of law for the purpose of increasing the inspection force that the Government is constantly employing, traveling through the country for the purpose of collecting statistics. And I want to call attention to another fact, that the Department of Commerce and Labor now has an estimate presented to Congress for an appropriation of $200,000 to be used in the collection of statistics concerning the employment of women throughout the United States, duplicating the work that the States are doing.

Now, I do not know where we are going to stop; but I do

think it is time for Congress to commence to consider the extent to which we have already gone in the matter of the employment of special agents, inspectors, and collectors of statistics merely for the purpose of keeping people employed. That, according to the report of the committee here, is one of the primary objects of this bill. It is for the purpose of keeping a force of trained clerks employed pending the time that it becomes necessary for us to take the regular census of the United States. The departments are having considerable difficulty in continuing clerical force heretofore employed for this particular purpose. I do not think that it is any part of our duty to provide specially or to go around hunting work clearly for the purpose of keeping people employed until such time as their services may be needed for the performance of that which the law requires to be done, and I hope that the bill will not pass.

[Here the hammer fell.]

Mr. CRUMPACKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. CRUMPACKER. I yield to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I wish to say a few words in support of this bill. The gentleman from Minnesota [Mr. TAWNEY] entirely misapprehends the reason this bill is offered. It is not offered, as suggested by the gentleman from Minnesota [Mr. TAWNEY], for the primary purpose of keeping people employed—not at all, although that may be one of its results.

Mr. TAWNEY. I will say that that is one of the statements made in your report.

Mr. HARDWICK. No, sir. I will stand by my statement. Here is the statement made in the report:

> Your committee deems it proper to frankly inform the House that it is necessary to assign some additional work to the Census Office during the brief remaining interval preceding the Thirteenth Census, if the present trained clerical force of the office is to be kept together, substantially intact, to assist in the work of the next decennial enumeration.

Now, Mr. Speaker, it is false economy for the gentleman from Minnesota [Mr. TAWNEY], chairman of one of the great committees of this House, to get up and insist that the great, organized, compact, and well-drilled force in the Census Office ought to be turned out just as we are about to begin another census. To do so would be "penny wise and pound foolish." The Government would lose more money in taking the Thirteenth Census by adopting his idea and disbanding this force, if he is right about what would be the effect of not passing this bill, than would possibly be covered by any expense involved in this bill. In fact, Mr. Speaker, I want to say to the gentleman from Minnesota [Mr. TAWNEY] that if he will investigate the question he will find that the Census Bureau is one of the few branches of the governmental and departmental service that is not asking for any additional money at all.

Mr. TAWNEY. They are asking for additional work in order to keep the clerks employed that they have now in the service.

Mr. HARDWICK. If in theory the gentleman is opposed to a permanent Census Office, he ought to have expressed that opposition in his vote and voice on the floor of this House when he voted for the law making a permanent Census Office four years ago.

Now, Mr. Speaker, let us examine, for just a moment, the provisions of this bill. It proposes to amend the act of 1902, establishing the permanent Census Office, by giving to the Director of the Census authority to collect and publish information upon five great subjects, concerning which either no provision or inadequate provision is made by existing law.

First, statistics as to life, fire, marine, and casulty insurance. The subject, entirely omitted from inquiries included in the Twelfth Census, is so much before the country at present as to convince the House of its importance by a bare statement of the proposition. There is no valid reason for objecting to the collection of statistics on this great subject, in all of its branches, on the ground that the Supreme Court has held that insurance is not interstate commerce and that Congress has, therefore, no authority to regulate it. We collect statistics on many subjects over which the Congress does not even claim jurisdiction under our dual system of Government. The same answer is the obvious one to the equally illogical objection that the House ought not to collect statistics of this general subject because it has voted to instruct its Judiciary Committee to investigate the legal question as to what jurisdiction, if any, it has over insurance. Nor I am impressed with the argument of my friend from Tennessee [Mr. GAINES] that these statistics will be inadequate and only half truth. In the first place they will be largely a compilation of the State reports, and, while they may not be perfect, will be vastly better than what we now have—more reliable and more easily obtained by the people.

The second subject upon which these reports are authorized to be collected is fisheries—a most important industry of this country; one which supports many people, and one concerning which we have not now, and have never had, any adequate statictical information.

The third subject of investigation is electrical industries, and provision is made for a report every five years on this subject, just as we have a report on manufactures every five years. Considering the marvelous development of electrical science in the recent past, and the equally marvelous possibilities of its future development, as well as its potent influence upon our civilization, it seems to me that we ought to have for distribution among the people statistical information as to its development and progress.

The fourth subject is savings banks, and I submit that the people are generally interested and entitled to full information about them, as full and accurate as the Government can give.

The last general subject upon which investigation and report is contemplated is criminal and judicial statistics. There are no reports on this most important subject in the Twelfth Census, and such State reports as we have are usually woefully inadequate and incomplete. I know that from a careful personal investigation of the subject extending through several years. If we are to make any attempt to prevent, to minimize, crime, surely we must have some adequate provision for collecting the data from which we must study its causes. Every intelligent and progressive nation on earth except ours has adequate provisions and a progressive and enlightened system for the collection of these invaluable statistics, and one of the most important things that will be accomplished by the passage of this bill will be to supply this deficiency.

Now, Mr. Speaker, this bill was unanimously reported by the Committee on Census, and all of the members of that committee believe that it is a wise measure and ought to pass. Gentlemen may think little of the Census Bureau, and seek to undervalue or to underestimate the importance of its work. Of course statistical information on all the great public questions and business questions may not be absolutely necessary, in the sense that bread is necessary, or clothing is necessary, but in this intelligent, progressive, and pushing age accurate and reliable information on many subjects has become almost as necessary as bread to the hungry, or as fuel to the freezing. The man who undertakes to get along without it is at woeful disadvantage. The people of the United States realize the truth of this statement, they appreciate the splendid work of our present Census Bureau, they realize its importance, and in my judgment, so far from wishing to cripple it or to narrow its scope, would be glad to see it strengthened and the scope of its investigations and inquiries broadened along every line suggested by the progress and development of the people. I therefore earnestly hope that this bill will pass.

Mr. CRUMPACKER. My time has expired.

The SPEAKER. The time has expired on both sides.

The question is on suspending the rules and passing the bill with an amendment in the nature of a substitute, which has been read.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MANN. I demand a division, Mr. Speaker.

The House divided; and there were—ayes 72, noes 30.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HARDWICK. I make the same request, Mr. Speaker.

The SPEAKER. Without objection, leave will be given.

There was no objection.

PURCHASE OF CERTAIN COAL CLAIMS IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and consider the bill H. R. 12864 in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules and to consider immediately in the House as in Committee of the Whole the bill H. R. 12864, which the Clerk will report.

The Clerk read as follows:

> A bill (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of same and of the Batan Military Reservation for the purpose of securing a local coal supply to the United States Government in the Philippine Islands.
>
> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to purchase the coal claims owned by Messrs. Munoz and Villanueva, lying on the Island of Batan, Philippine Islands, and upon which the War Department now holds an option; and to provide for the

purchase of said claims the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the above sum is made immediately available in order that purchase may be made before the said option expires, to wit, before March 1, 1906.

Mr. TAWNEY. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota demands a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin is entitled to twenty minutes under the rule, and the gentleman from Minnesota is entitled to twenty minutes.

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. By unanimous consent can the time for debate be extended?

The SPEAKER. It can be.

Mr. COOPER of Wisconsin. I ask unanimous consent that the time for this debate be extended.

The SPEAKER. One moment. The Chair understands the gentleman's motion to be to suspend the rules and make it in order to consider this bill in this House as in Committee of the Whole at once. Now, the gentleman from Wisconsin desires what?

Mr. COOPER of Wisconsin. I ask if the time for debate on this bill can be extended?

Mr. TAWNEY. I understood the gentleman to ask for a suspension of the rules and passage of the bill.

The SPEAKER. The motion is to suspend the rules and make it in order for the House at once to proceed to the consideration of the bill in the House as in Committee of the Whole House, the same as any other matter of legislation.

Mr. TAWNEY. Under the rules, that being the motion, is debate limited to twenty minutes on a side? Now, understanding the motion, I withdraw my demand for a second.

Mr. PAYNE (to Mr. COOPER of Wisconsin). There is no objection.

Mr. TAWNEY. I withdraw my demand for a second. I thought it was on the passage of the bill.

Mr. MANN. I will ask the gentleman from Wisconsin if he will not make the request for a division of the time in the House?

Mr. COOPER of Wisconsin. I am entirely willing to have the time divided when we come to consider the bill.

The SPEAKER. The Chair will say to the gentleman that the debate will proceed under the rules of the House, and, of course, alternate.

Mr. MANN. But the gentleman can move the previous question any time he likes to.

The SPEAKER. Yes; within his hour.

Mr. COOPER of Wisconsin. I am willing that the opposition to the bill shall control one-half of the time.

Mr. FITZGERALD. Mr. Speaker, has a second been demanded on that motion?

The SPEAKER. Demanded and ordered.

Mr. TAWNEY. How much time does the gentleman from Wisconsin intend to occupy in the affirmative?

Mr. COOPER of Wisconsin. About twenty minutes.

Mr. PAYNE. In the House on the bill?

Mr. COOPER of Wisconsin. We ought to have an hour's debate?

Mr. TAWNEY. An hour on a side?

Mr. COOPER of Wisconsin. I think so. I understand there is to be opposition to the bill, and I think an hour on a side ought to suffice.

The SPEAKER. The Chair will state, for the information of the House, that under the latest ruling if this motion should prevail then the bill would come immediately before the House for consideration under the five-minute rule, without general debate, except as general debate may be had by unanimous consent.

Mr. CRUMPACKER. Mr. Speaker, I suppose general debate could be allowed by unanimous consent.

The SPEAKER. Undoubtedly.

Mr. PAYNE. I ask unanimous consent that this resolution be considered as passed, and that we have two hours for general debate in the House.

Mr. FITZGERALD. I object. We want to beat that motion.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is entitled to twenty minutes, and the gentleman from Minnesota [Mr. TAWNEY] to twenty minutes.

Mr. COOPER of Wisconsin. I reserve my time.

Mr. TAWNEY. Mr. Speaker, the demand for a second was withdrawn by myself, and I do not know now whether we are considering the motion to suspend the rules and consider the bill in the House as in Committee of the Whole or——

The SPEAKER. A second was ordered by unanimous consent, and the gentleman from Minnesota having——

Mr. TAWNEY. I reserve my time.

The SPEAKER. Both gentlemen having reserved their time, would bring the House to a vote.

Mr. TAWNEY. To a vote on the question of suspending the rules?

The SPEAKER. That is all.

The question was taken on the motion to suspend the rules and consider the bill in the House as in Committee of the Whole House on the state of Union, and the Speaker announced that in his opinion two-thirds had voted in favor of the motion.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 86, noes 4.

Accordingly (two-thirds voting in favor thereof) the rules were suspended, and the motion was agreed to.

The SPEAKER. The bill is before the House for consideration in the House as in Committee of the Whole House on the state of the Union.

Mr. OLMSTED. I wish to inquire whether it goes immediately under the five-minute rule or is open to general debate?

The SPEAKER. Except by unanimous consent, it comes before the House for immediate consideration under the five-minute rule.

Mr. OLMSTED. I ask unanimous consent that there may be two hours devoted to general debate, one hour to be controlled by the gentleman from Wisconsin and one hour by the gentleman from Minnesota [Mr. TAWNEY].

Mr. UNDERWOOD. Mr. Speaker, it seems that the gentleman from Minnesota is not opposed to this bill.

Mr. TAWNEY. Oh, yes; I am.

Mr. UNDERWOOD. There are some gentlemen on this side of the House who are opposed to the bill, and I object to that proposition.

Mr. TAWNEY. This proposition was before the Committee on Appropriations and voted down unanimously, and I am opposed to the bill just as much as the gentleman is.

Mr. UNDERWOOD. I judged from the fact that the gentleman took the negative side of the proposition and then did not debate it or place it before the House that he was not opposed to it.

Mr. TAWNEY. That was simply on the question of getting the bill considered.

Mr. UNDERWOOD. I should like to ask the gentleman from Minnesota if he intends to control the time in favor of the negative side of the proposition?

Mr. TAWNEY. I do.

Mr. UNDERWOOD. Then I withdraw my objection.

The SPEAKER. The gentleman asks unanimous consent that there may be two hours' general debate upon this bill, one-half of the time to be controlled by the gentleman from Wisconsin [Mr. COOPER] and one-half of the time by the gentleman from Minnesota [Mr. TAWNEY]. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, the object of this bill is the purchase of certain coal claims or mining rights held by Spaniards on lands in the island of Batan, in the Philippine Archipelago. The Philippine government and the United States Government together consume annually about 200,000 tons of coal in the Philippine Islands. Sixty thousand of these tons are consumed in the city of Manila, in the ice plant and for other government purposes. The balance, 140,000 tons, is consumed in coast-guard vessels, transports, small launches, etc. The two governments now pay about $5 a ton for this aggregate of 200,000 tons, making a total annual expenditure of about $1,000,000.

As originally introduced the bill contained two sections. The first section appropriated $50,000 for the purchase of these claims; the second section provided that after the Government had secured these claims, and thus acquired control of the entire island, it should have the right to lease the coal lands on the island upon such conditions that the government of the Philippines and the Government of the United States should each secure the coal it uses in the islands at not more than 10 per cent above cost. The outside cost on the boat in the harbor at Batan would be $2 a ton, and 10 per cent added would be $2.20 for a maximum.

Secretary Taft testified, as did Lieutenant Wigmore, of the Corps of Engineers, representing the Philippine Commission, that by purchasing these claims and making a lease on such terms the two Governments could save about $400,000, and perhaps more, annually from the money that now has to be expended for coal.

Secretary Taft in his testimony said—and I think it is important, because I understand that certain gentlemen oppose this bill on the ground that, as they allege, it is socialistic—Secretary Taft testified that the Philippine Commission was opposed to buying these claims and itself working the mines because it did not wish to go into the mining business. Secretary Taft also said that he himself was anxious that the Government of the United States shall not go into the business of mining. So that there never has been any intention on the part of the government of the Philippine Islands or of the Government of the United States or of Secretary Taft to have either of these Governments enter into the mining business in the Philippine Islands or elsewhere.

But in order to make assurance doubly sure the Committee on Insular Affairs have stricken out, or propose to strike out, the second section of the bill, providing for the leasing of these lands, so as to leave only the first section—the naked proposition of the purchase of these mining rights from the Spaniards.

Mr. Speaker, the Secretary of War in his testimony declared that in his judgment there is no question whatever as to the validity of these Spanish mining claims. They have been investigated for three or four years. The documents have all been looked up, and Secretary Taft says that if there had been any possible way by which these Spaniards could have been dispossessed that they would have been dispossessed and the Government not asked for this appropriation.

The Spaniards took up these claims in 1890—about eight years before we went there. They have held them ever since. They are on the only harbor in the island of Batan, and that harbor is one of the best in the Philippine Archipelago. There are 32 feet of water within 400 yards of where mines can be opened on these Spanish claims. But these claims, covering 300 acres of land, are so cunningly located that they absolutely block all access to that harbor from the other coal lands which have been reserved by the Government of the United States.

The island is a great ridge, sloping both ways to the sea.

The Government of the United States secured this option in 1903, and then sent Lieutenant Wigmore, of the Corps of Engineers, to make an inspection. His report has been printed. For a year and a half, with diamond drills, he bored thoroughly over one-half of that island. He testified before the Committee on Insular Affairs that from borings on that one half and from an inspection and a few borings made on the other half and from the outcroppings on it, in his judgment this island, 10 miles one way by 5 miles the other in area, is practically one bed of coal. And yet the Government of the United States, which has reserved all back of these 300 acres, is blocked from access to the harbor by these cunningly located Spanish claims, the perfect validity of which can not be doubted, according to the testimony of Secretary Taft, based on his own investigations and that of the mining expert, now a judge in the archipelago, who investigated these claims for three years.

Before this option was given the Spaniards had already mined some coal there, which they sold for $7 or more a ton, but, as is their custom, they had not made a careful investigation. Lieutenant Wigmore went down there under the orders of the War Department and investigated thoroughly for a year and ten months. The Government expended $37,000 in making this investigation. It satisfied Lieutenant Wigmore, satisfied the Philippine Commission, satisfied Secretary Taft, that as a pure business proposition the buying of this option would be a good investment for the United States Government. When it has this option, then it will perfectly control this coal bed 10 by 5 miles in area. Until it has the option it can not control it, because if people were to open mines on the lands back of these 300 acres they would have to build a 3 or 4 mile mountain railroad at large expense per mile, or construct very expensive tunneling in order to reach the harbor at all.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COOPER of Wisconsin. I do.

Mr. STEPHENS of Texas. The gentleman says that the Government has expended $37,000 to investigate this coal and ascertain its value.

Mr. COOPER of Wisconsin. Yes.

Mr. STEPHENS of Texas. Did the Government at that time have an option on the coal?

Mr. COOPER of Wisconsin. It did.

Mr. STEPHENS of Texas. Has the time expired?

Mr. COOPER of Wisconsin. It expires the first of next month, the 1st of March.

Mr. STEPHENS of Texas. That is what I was trying to get at. It is necessary that the bill should pass in order to take up that option?

Mr. COOPER of Wisconsin. Yes.

Mr. STEPHENS of Texas. Otherwise the Government would lose the $37,000 and the advance in price of this land which would come because of the report and investigation that it has made.

Mr. COOPER of Wisconsin. Undoubtedly.

Mr. STEPHENS of Texas. Has that investigation been made public?

Mr. COOPER of Wisconsin. Yes; and there is a printed report, with diagrams complete, by Lieutenant Wigmore, the engineer who made the investigation.

Mr. STEPHENS of Texas. Then this investigation would bring a great many bidders against the United States, and the probability is it would fall into the hands of some corporation and we would have to pay vastly more.

Mr. COOPER of Wisconsin. That is true.

Mr. STEPHENS of Texas. Then as a business proposition it is well to take up the option.

Mr. COOPER of Wisconsin. The Government to-day buys its coal in Japan and Australia and pays on an average, as I have already said $5 a ton, and sometimes more than that. If we can get these claims, some arrangement can be made by the Government so that it can secure its coal at a very small advance above cost price. That, however, is for future legislation.

Mr. STEPHENS of Texas. What is the quality of this coal, bituminous or anthracite?

Mr. COOPER of Wisconsin. Bituminous, and the coal is the best in the Orient.

Mr. STEPHENS of Texas. Of what class—first class bituminous?

Mr. COOPER of Wisconsin. No; it is not quite as good as Pocahontas, but it is better than the Japanese or Australian coal.

Mr. STEPHENS of Texas. What is the thickness of the veins?

Mr. COOPER of Wisconsin. From 2 to 13 feet in thickness, and from 12 to 23 feet.

Mr. STEPHENS of Texas. Can the gentleman tell whether it is a blanket vein, a level vein, or does it dip so that it would be hard to handle?

Mr. COOPER of Wisconsin. It goes up 500 feet above the sea and then they have drilled with diamond drills in the veins 300 feet below the sea level. The engineer said that his only regret was that they did not have drills so that they could have drilled 5,000 feet to see how deep the veins do go.

Mr. STEPHENS of Texas. Then it seems to be a good proposition, according to what the gentleman says?

Mr. COOPER of Wisconsin. Yes.

Mr. GROSVENOR. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Ohio?

Mr. COOPER of Wisconsin. Yes. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I do not desire to take any part in this debate, but I do want to state that I have a pretty good knowledge of bituminous coal. I shall only take a minute. I live in the center of the great coal fields of Ohio. Forty per cent of the coal of that State is mined in my district. I have examined this coal very carefully, and I saw specimens of the coal in the Philippine Islands, some seven or eight tons of them. I know that this is by far the best coal in the archipelago, and while I do not think it is equal to the best Pocahontas coal, it is a very fine, good quality of bituminous coal. That is all I desire to say.

Mr. KEIFER. Mr. Speaker, I desire to ask the gentleman a question. I do not understand from reading the report made that the veins slope from 500 feet above the sea level down below, but that the engineer, Lieutenant Wigmore, found a vein probably running in general like other veins, a blanket vein. He found one vein about 500 feet above the sea level and with his diamond drill went to other veins and found one as much as 300 feet below the sea level. It is not a vertical vein at all, but all of them blanket veins. Is not that so?

Mr. COOPER of Wisconsin. Here is what he says:

> With these diamond drills I found that the coal measures were two in number, separated by a thick strata of limestone, and that in the upper set of measures there was probably from 6 to 10 feet of coal, and in the lower set from 20 to 25 feet, as revealed by the drill holes. The continuity of these seams has not been developed. Our drills were not sufficiently powerful to go any further down than 300 feet. The continuity in the direction of the strike was very well proven by the outcrops which we traced from the shore to the reservation boundary line which crosses the island and will be shown in the first map in the pamphlet.

Mr. KEIFER. But I still do not get the answer. I did not mean a vein which ran practically vertically and practically on

a level with the sea, but they have found by penetrating through that another distinct vein 300 feet below.

Mr. COOPER of Wisconsin. He also says:

These coal deposits rise to about 500 feet above the sea level, which means that for a certain period of time we can run in at sea level, mining to the rise in the veins, so that the coal can be dropped by gravity methods instead of having expensive machinery for hauling it up.

I reserve the balance of my time, Mr. Speaker.

Mr. TAWNEY. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, my objection to this bill is not to the Government obtaining some way of getting its coal in the Philippine Islands. I have read this report, and from the report made I believe it is a pretty good class of coal that we can mine in those islands, but from the report I find that they do not propose to sell to the Government but 300 acres of land for $50,000. From the report it shows that a great portion of this coal land is now located on Government property. It is not on this 300 acres, but it is on property that belongs to the Government now, and the only claim that can possibly be made as to why we should pay the high sum of $50,000 for 300 acres of land, over $166 an acre for this land to these Spaniards, is that we can not mine ourselves our coal lands belonging to the Government unless we pay this hold up of these Spanish claims. Now, in the first place, they have not got but 300 acres. An acre is about 200 feet square, and if the square acres were laid along the shores of that bay it would only amount to 60,000 feet, or 12 miles, which would not possibly cover the circumference of the bay. You know perfectly well, and I do, that these claims must be broader than a mere acre square, and if they are run back as far in the interior as they front on the shore, the entire claims can only cover a mile or two of this bay, leaving a vast space for us to establish our docks and our yards to mine our own coal. It may be possible that we can not come down to the exact spot where we want to, but from the report of this gentleman I judge that the island is pretty well covered by this vein of coal, and if we can not operate at the best place that is covered by these Spanish claims, certainly for less than $50,000 we can reach a place on that bay where we can load and ship this coal.

Mr. JONES of Virginia. Will the gentleman permit me just a word there?

Mr. UNDERWOOD. Certainly.

Mr. JONES of Virginia. The gentleman makes the assertion that certainly we can find a space from which we can reach our coal?

Mr. UNDERWOOD. Yes.

Mr. JONES of Virginia. I will say in reply to that that Lieutenant Wigmore stated positively and emphatically, and he was there two years on the spot, that it would cost a great deal more than $50,000 to reach the coal which the Government owns from the shore, and I have just turned to what Secretary Taft says. He says—

There are coal claims which have been located and perfected by Spaniards according to our mining laws which cover all the mining lands directly accessible from this shore.

Mr. UNDERWOOD. Well, now, wait. I will ask my friend, as I have but five minutes, not to make a speech.

I understand that thoroughly. The outcrop of the particular lands is through this Spanish claim, but anybody that knows anything about mining lands—the gentleman from Ohio [Mr. GROSVENOR] does—knows that you do not have to reach an outcrop of coal at one particular point. If there is an outcrop on the bay there are surely outcrops in the interior, but if the drift comes out on the face of the bluff back in behind the bluff you can sink a shaft and reach the vein.

Mr. GROSVENOR. The engineers report that this is the only available access to this coal, and the probability is, it is fair to assume, it would not have been taken possession of and held all these years unless it did occupy that position.

Mr. UNDERWOOD. I have no doubt it is the most available place by which to approach this coal. I do not deny that. I have looked at the map, and find it is a large harbor, and that this island covers a large space of territory—I think about 450 square miles. These 300 acres can not—I know, because I have looked at the map—cover the face of the harbor. There are bound to be other approaches; possibly not so good. But I say on the very face of this proposition it shows that somebody is trying to hold the United States Government up. The coal does not belong to them. It belongs to the Government now. It is merely an approach, and if we want to get our coal out and can not get it in any other way, I say we should condemn a right of way to that harbor at a reasonable price and not have the Government of the United States held up to pay this enormous price for the mere privilege of landing its own coal on the shore.

Mr. GILBERT of Kentucky. Now, the information before the committee is to the effect that if we do not close this option, and have to operate the coal mines that are behind the lands that are controlled by the Spaniards, our right of way and the expense of constructing a road to our coal lands will exceed the price of this option.

Mr. UNDERWOOD. But can not my friend see that this option is worth nothing to anybody but the United States? The United States owns the coal to-day. Who is going to buy an option to enter a coal field that they can not take away from the United States?

The SPEAKER pro tempore. The time of the gentleman from Alabama [Mr. UNDERWOOD] has expired.

Mr. GILBERT of Kentucky. Why can not the mines be operated by any private corporation?

Mr. UNDERWOOD. Because the land belongs to the Government.

Mr. SLAYDEN. The Government buying an option on its own land?

Mr. UNDERWOOD. An option to get in and mine its own land.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. I am in a general way opposed to Government ownership of coal land, and particularly of Government operation of coal mines, but this is rather a condition than a theory that confronts us. The Government already owns a very large and valuable body of coal land in the island of Batan. The approach, the land between that harbor and the coal owned by the Government, is owned or controlled by two Spaniards, and, notwithstanding the statements—the conjectures—of the gentleman from Alabama [Mr. UNDERWOOD], Secretary Taft, who has been there, and who has devoted a large amount of time and study to this subject, said before our committee that the option of those two Spaniards absolutely controls the entrance to that harbor. This is his language:

As soon as we learned that the island was useful for the production of coal we reserved for the Government all the western half of it that had not already been located. On investigation it turned out that the two or three Spaniards who had these valid claims under the Spanish mining law had taken up all the claims which lay immediately along the harbor, and had pushed back, so to speak, the Government ownership beyond the line of hills or mountains, and made impossible access to the harbor from the claims which the Government could establish or reserve, and the only way of reaching those other veins of coal on the island (those already owned by the Government) was around by the sea.

This bill proposes that the Government shall buy out those intervening claims.

Lieutenant Wigmore, who was before the committee, and who has been in the islands for two years investigating the subject, stated that if the Government did not secure these 300 acres it would cost the Government many times more than the $50,000 involved to cause an opening in any other way to the land which the Government now owns from the harbor in order to get the coal which the Government owns to the harbor. The acquisition of these 300 acres will largely reduce the expense of reaching and developing the Government's own land.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. OLMSTED. Certainly.

Mr. SLAYDEN. Do I understand the gentleman to say that the option which we are probably about to buy is on land between the coal property of the Government and the harbor?

Mr. OLMSTED. That is exactly the situation. These 300 acres are right on the harbor, between the water and the Government's coal.

Mr. SLAYDEN. Then, Mr. Speaker, I want to ask another question: Then, if that is true, will not that merely be buying a right of way to the property of the Government, and is it necessary for the Government of the United States to buy a right of way at a price which some gentlemen think is unreasonable?

Mr. OLMSTED. Why, Mr. Speaker, this option is so valuable it has been held at $300,000, and the Government has secured an option at $50,000. Lieutenant Wigmore has stated that there is so much coal under that 300 acres that at the small royalty of 15 cents a ton the coal under that 300 acres would amount to $250,000, so that the $50,000 that we are to give amounts to the equivalent of an infinitesimal royalty of 3 cents per ton, and the Government gets the right of way for nothing.

Mr. SLAYDEN. Why should not the Philippine government buy this, if any government is to do so?

Mr. OLMSTED. Because the United States Government wants the coal for its own purposes, for the use of the United States, and the United States already owns the balance of the coal.

Mr. MADDEN. Will the gentleman allow me to ask him this question: Does this proposition contemplate the United States entering into the coal business?

Mr. OLMSTED. Not at all. It contemplates that the Government will lease all these lands to individuals at a reasonable, practical price, with a provision that the Government shall have all the coal it wants at the bare cost of mining, with an addition of 10 per cent.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. NORRIS. Are they working these mines now?

Mr. OLMSTED. The mines are not in operation now.

Mr. NORRIS. Why are not the mines in operation now?

Mr. OLMSTED. For the reason that the Spaniards have not the capital to operate them, and I suppose it is also true that they have not the enterprise. They know that they have the key to the situation. They are just waiting the opportunity. If we do not take this option they will sell it to somebody else. The Government has already expended $37,000 in developing and establishing this coal and making it valuable for them, and if we do not take the land somebody else will take it at a very much higher figure.

Mr. NORRIS. What has been the investment of the Government in developing this coal?

Mr. TAWNEY. The whole investment has been $30,000 for the whole of the Philippine Islands.

Mr. OLMSTED. Thirty-seven thousand dollars for the island of Batan only. Lieutenant Wigmore spent two years or more in the investigation.

Mr. NORRIS. Why should we go into the coal business here in this particular place any more than in any other place? Why not let the private parties develop this and sell it to somebody else for more, if they want to, and if you had to have the coal take your chances with the other parties?

Mr. OLMSTED. The difficulty in that proposition is that the Government itself now owns this land except the 300 acres, and the Government has made this valuable. No other people will want to work the Government's land unless they can control these 300 acres which control access to the harbor.

Mr. UNDERWOOD. If the gentleman will permit me to ask him a question. The gentleman comes from a coal country; I will ask him if he ever heard of a responsible company investing its money in 300 acres to develop a coal field?

Mr. OLMSTED. Well, I will say to the gentleman that I have known many companies that have invested their money in the development of a coal field a good deal less than 300 acres.

Mr. GILBERT of Kentucky. And I will say that only the other day I heard of an instance where parties bought 80 acres, at $800 an acre.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I yield five minutes more to the gentleman.

Mr. OLMSTED. I have known of many instances where a man has bought a very much smaller tract of land which afforded the key to his mine, buying land which lay between his mine and the railway, for instance, and paying very large figures.

This tract, Mr. Speaker, is absolutely the key to the whole situation. Both Secretary Taft and Lieutenant Wigmore say that the land of the Government can not be economically operated without control of this 300 acres. The coal would have to come through this 300 acres. It would involve not less than half a million of dollars of extra cost to get the coal to the harbor unless they used this 300 acres, because there is a mountain there, and it will cost at least $500,000 to dig a tunnel or to build a railroad necessary to get out the coal. It would cost ten times more to do that than to buy these 300 acres.

That is about all I want to say. This coal is of particularly good quality. Not as good as Pocahontas coal, but much better than the Japanese and Australian coal. It can be mined at a cost of about $2 a ton, whereas the Government is now paying an average of $5 a ton for its coal at that point.

Mr. NORRIS. Even if we do not accept this option, if coal can be mined there at a cost of $2 a ton, will not that continue to be true regardless of what we may do in the matter?

Mr. OLMSTED. It can be mined for $2 a ton, but it will not be sold to the Government for $2 a ton. If we secure control of it, we propose, whoever operates it, that they shall let the Government have it at a bare increase of 10 per cent over the cost. These Spaniards may get somebody else to operate it, but the operators in that case will not sell to the Government at cost and 10 per cent added. We will have to pay full price for coal and at the same time be cut off from the economical operation of the land the Government already owns.

Mr. MADDEN. Why have they not secured somebody to operate it heretofore?

Mr. OLMSTED. They know they have a very good thing there, but probably they have not the capital to operate it. And it may be, just as has been suggested here, that nobody would want to put the money in to open up a coal mine and transport the coal from the island to the market, on so small an acreage as 300 acres with the Government, which must always be the heaviest consumer, owning all the other coal on the island.

Mr. MADDEN. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MADDEN. It seems that there was a prior option on this land, which option expired June 11, 1905. There did not seem to be any danger then about letting that option expire.

Mr. NORRIS. What was the amount of that?

Mr. MADDEN. It was the same amount that this option is for, $50,000.

Mr. SLAYDEN. Do you find anything to indicate what that option cost?

Mr. OLMSTED. I will not yield for a speech. The Government at that time had not spent $37,000 to develop and show up this coal and its quality. There is only one-half of 1 per cent of sulphur in this coal. It is clean coal, worth a good deal more than the Japanese or Australian coal, which is being sold there now to this Government at $5 a ton.

Mr. TAWNEY. What evidence has the gentleman that this is superior to Japanese and Australian coal?

Mr. OLMSTED. I have the evidence of Lieutenant Wigmore, who investigated, who sunk a diamond drill into it, took out the core, the actual coal itself, submitted it to actual engineers in the Navy and in the Army, had it analyzed, dug out 400 tons and had it tested, and tried the actual burning, so that we know to a certainty what this coal is. It is simply a business proposition; not that the Government shall go into the coal business, but that it shall have the key to the coal that it does own. Only a few years ago we had some such question up for consideration in relation to the asphalt mines in the Uncompahgre Indian Reservation. We provided for the leasing of them. The other day we provided for the leasing of certain Government lands in the West for a buffalo pasture. We do not propose to mine this coal, but to lease the land to other people, on condition that the Government shall have all it needs at 10 per cent above the actual cost of mining.

Mr. HAY. Will the gentleman state upon what authority the Secretary of War entered into this option? What authority had he to take the option?

Mr. OLMSTED. I have not investigated so far into it as that. I assume that he had the authority. The acts of public officers are presumed to be valid until the contrary is shown. Whatever authority he had, he has entered into it.

Mr. HAY. But if he had no right to enter into the option, then these parties would not be bound by the option.

Mr. OLMSTED. The Secretary of War stated before our committee that the option had been taken. Whether he took it while he was Secretary of War or recommended it while he was governor of the Philippines I do not remember, but you may be very certain he would not have taken the option or entered into any contract without abundant authority.

Mr. MADDEN. It seems that this option was taken by a lieutenant in the Army, whose name I do not now recall.

Mr. HAY. Lieutenant Wigmore?

Mr. MADDEN. No; not Lieutenant Wigmore, but another lieutenant.

Mr. OLMSTED. In whosesoever name it was taken, the Government now has the opportunity to take this land, if it wants it, between now and a certain date in March, and if it does not take it now the opportunity will be forever gone. By taking it we can, it is believed, save to the Government some $400,000 in the cost of the coal it annually purchases for use in and about the Philippines. Shall we try to save it or shall we not? That is the whole question.

Mr. JONES of Virginia. If the gentleman will pardon me for the suggestion, the option was taken by General Davis, with the approval of the Secretary of War.

Mr. TAWNEY. Mr. Speaker, I now yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, there is no State in the Union where coal can be found in greater abundance than it can in Illinois, and there, in the best agricultural regions of the State, you can buy not only the coal lying in veins 6 to 9 feet deep, but you can buy title to the land on which vast amounts of

money can be made by agriculture, for $50 an acre. We are now called upon to vote to buy 300 acres of land on the side of a mountain to meet the demands of some Spanish freebooters and to pay for that land $166 an acre; and when we buy the land we are engaging to go into the coal business. The proposition here is not so much the question of the purchase of the land——

Mr. OLMSTED. Will the gentleman allow an interruption?

Mr. MADDEN. Yes.

Mr. OLMSTED. At what price per ton can the gentleman deliver coal from the land he speaks of to Manila?

Mr. MADDEN. I do not know at what price we can deliver the coal to Manila, but we can purchase the coal in Illinois at about a dollar a ton.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. MADDEN. Yes.

Mr. GROSVENOR. Take one of the acres that the gentleman refers to, where he says that there are 6-foot veins that he can purchase for $50. How many tons of coal is there on that acre? At 10 cents a ton royalty, would not the value be more than $300?

Mr. KEIFER. More than a thousand dollars.

Mr. GROSVENOR. Yes; more than a thousand dollars.

Mr. MADDEN. It does not at all affect the fact that you can buy the land that the coal is in for $50 an acre. If you could buy that coal in the heart of civilization at that price, there is no reason in my mind why we should go to Manila or any other place in the Philippine Islands and pay $166 an acre, not for the land or for its title, but for the doubtful claim of these Spanish freebooters, who are now demanding of the Government of the United States a fabulous price for something I do not believe they have.

Mr. OLMSTED. I would like to ask the gentleman if in Illinois or anywhere else in the United States he can buy for $50 an acre of land with two veins of coal on it, one from 6 to 13 feet wide and the other from 10 to 23 feet wide?

Mr. MADDEN. I say to the gentleman that we have bought land at the price indicated by me. I do not know what you can do in case you have two veins 6 and 13 feet, but I do know that it is not the intention of the American people to allow this Government to engage in the coal-mining business. Nor is it the intention of the American people to allow the Government to exploit coal mines for the purpose of leasing them to great contractors in California. If these men believe in the virtue of the coal underlying this property, who say they are willing to make a lease for it, why should they not expend their money in the purchase of the option and in the development of the coal? Let them enter upon the business as a commercial proposition, and not undertake to make a contract with the Government of the United States, which will give them a profitable business by enabling them to furnish the coal needed by the Navy of this country before they will enter upon the enterprise at all.

The matter was carefully considered by the Committee on Appropriations. All the testimony heard before the Committee on Insular Affairs was heard before the Committee on Appropriations, and the Committee on Appropriations voted unanimously to reject the propostion. This option which now exists is simply a renewal of an option which has heretofore existed. There is no reason to believe that if we fail to take advantage of the option, the price of this land will be increased. If there is any reason to believe that, why was not the price increased after the first option expired?

I do not believe, Mr. Speaker, that the Secretary of War or any official of the War Department was authorized to expend the money which was expended in the exploitation of this coal proposition out of the traveling expenses of the Army, as I understand it was expended. I believe the representatives of the people should be called upon for their approval of such a proposition as this before the expenditure is made, and if an option was to be had at all, it should be had by and with the consent and approval of the Congress. We ought not to go into the coal business, and if we were to go into it, we ought not to pay this kind of a price for these coal lands. We can get all the coal for all the needs of the Government on Government land. We can cross the land said to be owned by the Spaniards with little or no cost, and we ought not to be held up by them for this purchase.

Mr. COOPER of Wisconsin. How much time, Mr. Speaker, have we consumed on each side?

The SPEAKER pro tempore (Mr. CAPRON). The gentleman from Wisconsin has thirty-three minutes remaining and the gentleman from Minnesota forty-nine minutes remaining.

Mr. TAWNEY. I will yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, like the gentleman from Pennsylvania [Mr. OLMSTED], I am generally opposed to the Government engaging in commercial enterprises. Unlike him, I am specifically opposed to it also, and I believe that if this is the tempting commercial proposition which gentlemen say it is—and I presume it is, because they are honorable gentlemen and well informed—some one would be glad to employ enough capital to take up the option and develop the mines. If they did they would undoubtedly sell the Government its coal upon a reasonable basis. It is suggested in the report that the Government proposes in certain events to lease this land, if it should buy it, upon the guaranty that it is to be supplied its own coal at 10 cents a ton above the cost of production. There is nothing anywhere in the bill that I can find——

Mr. GRAHAM. Mr. Speaker, the gentleman will excuse me, but I am sure he does not intend to make that statement. It is 10 per cent, not 10 cents a ton.

Mr. SLAYDEN. I mean 10 per cent. It is 20 cents a ton on $2 a ton estimated cost of production, but there is nothing in the bill which puts any limitation upon the cost of production, and there is nothing in the report which suggests that any limitation has been put upon the cost of production, and therefore there is no limitation on the cost of the coal to the Government.

Mr. GRAHAM. That is all stricken out of the bill.

Mr. SLAYDEN. It is in the first section of the bill.

Mr. GRAHAM. The bill provides for taking up the option, but it does not provide for operating it or leasing it.

Mr. SLAYDEN. Well, it is the gentleman's idea that the Government proposes to operate it.

Mr. GRAHAM. The Government has an option, whether it leases it or works it afterwards.

Mr. SLAYDEN. Does the gentleman think the Government would have any trouble in securing a lessee when it became the owner of the property?

Mr. GRAHAM. Not if it had these 300 acres which gives us the frontage and the water facilities for boats going up to the edge of the shore drawing 15 and 20 feet of water.

Mr. SLAYDEN. The gentleman means the 300 acres that the Government has an option on for $50,000?

Mr. GRAHAM. Yes.

Mr. SLAYDEN. It is unlikely that the Government is ever able to buy anything under option more cheaply than an individual can, and if the Government can buy that land for $50,000 it is entirely probable that an individual could buy it for $50,000 or less; but, as the gentleman says, there will be no difficulty in securing a lessee in the event that the Government becomes the owner. It seems to me that the proposition is a very simple one. The Government ought not to engage in a commercial enterprise in the Philippines or elsewhere, and particularly in this case, because all it has to do is to leave it alone and let these people sell their tempting business scheme to those who have capital and who, he says, stand ready to take it off the hands of the Government as lessee.

Mr. GRAHAM. The Government now has all of the coal in all of this island of Batan—thousands of acres of coal. By the purchase of these 300 acres it obtains an access to the harbor for the mining, and therefore for the coal the Government has, and it can lease it to far greater advantage if they have this frontage. These Spaniards have this claim. It is not a bogus or a trumped-up claim. Secretary Taft tells us he has examined it and has had it examined not only by the best of Spanish authorities, but by American lawyers, and they have a bona fide claim. They not only have the coal, but have the surface, and there is much valuable timber there. Sometime ago I think this option would not have been worth $50,000, but the Government has expended $37,000 in showing that there is there good marketable coal, which can be used on the transports as well as by the Navy, provided the Navy does not desire excessive speed. If we neglect it, these other people will take up this option, and they will take it up for $50,000 and the Government will lose the $37,000 already expended.

Mr. SLAYDEN. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] suggested—and his statement seems very plausible—that what we would be buying at $50,000 was really a right of way to the Government's own coal.

Mr. GILBERT of Kentucky. And the right of way would cost us more than the coal lands.

Mr. SLAYDEN. It seems to me the Government could condemn that right of way.

Mr. TAWNEY. Certainly; we could condemn a right of way across that to our own lands, if necessary.

Mr. SLAYDEN. That is what I am stating. I don't think there is any advantage in the contention that the price of $160 an acre is excessive under the circumstances.

Mr GROSVENOR. I will say to the gentleman from Minne-

sota that there is not a State in this Union where that can be done—where you can condemn a right of way for one coal property into another coal property. It has been tried in half a dozen States of the Union and defeated everywhere.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield ten minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, when this proposition was first presented to me it did not strike me very favorably, and not until I had heard the testimony of Secretary Taft and that of Lieutenant Wigmore, who spent nearly two years upon the island of Batan investigating the extent, character, and value of its coal deposits, did I reach the conclusion that it would be a good business proposition to acquire by purchase the claims or holdings upon which the option was given to representatives of our Government. There exists a great deal of misinformation upon the subject of the proposition embodied in this bill. In the first place, gentlemen say there are only 300 acres of this land, and that $50,000 represents $166 per acre. That is far from being the whole proposition and is a most misleading statement. Then we are told by other gentlemen that they do not believe in government ownership of coal land. In reply to this last objection, let me say that the island of Batan is 10 miles long and 5 miles wide, and that the whole of it is underlaid with the finest coal thus far found in the Philippines, or, for that matter, in the entire Orient. It happens that this Spanish concession lies immediately upon the harbor of Batan, in the Gulf of Albay, and it also happens, the statement of gentlemen to the contrary notwithstanding, that this claim or holding occupies the whole frontage of the island upon the deep water of the harbor, so that it is absolutely impossible for the Government to enter and utilize its own coal deposits from the harbor without going through or over the hills, which lie immediately behind it.

Upon this point permit me to read the testimony of Lieutenant Wigmore, who, I may say, is an army officer, a member of the Corps of Engineers, and who was detailed by the Secretary of War to make the investigation. This officer may surely be regarded as an expert, and he not only investigated with great thoroughness as to the quantity of the coal on the island, but he carefully analyzed the coal itself. He also visited the coal fields of Japan, and he reports that this Batan coal is superior to any other coal in the Philippine Islands and far superior to that in Japan. Let me read what he says as to the inaccessibility of the Government coal deposits:

> In order for us to enter our own deposits, if we do not control these claims, we would be under the necessity of going around to the south, where we have to do excessive tunnel and railroad work, and where there is no harbor at all. Therefore it is a great advantage for us to decrease the first cost of coal and own around where our entrances are easiest and where the mining can be done most advantageously and most cheaply. It is better to do that than to run up your production expenses later on.

So it appears from the testimony of Lieutenant Wigmore that we are not to pay $50,000 for the mere coal that is upon this Spanish holding, but that its ownership by the United States is very necessary to the economical operation of the valuable coal deposits owned now by us and which can not be reached from deep water except over or through it, and then only at great cost. It is clear to my mind that it would cost far more to construct a tunnel to reach the coal deposits owned now by the Government than it will cost to take up this option. Now, as to this option. We are told by gentlemen that if this option were as valuable as represented private capital and enterprise would only be too glad to secure it. This option was given about three years ago. It was given to the Government before there had been made any thorough investigation and before the extent and value of the coal deposits were definitely known. The Government has spent thousands of dollars, whether properly or improperly I shall not undertake to say, and as a result of this large expenditure it has been demonstrated that this coal field is exceedingly valuable. The Government can not, under the terms of its contract, transfer the option it holds to any third party. It must be apparent to every mind that this option is now far more valuable than when it was given, and should we, after so large an expenditure of time and of money, commit the folly of permitting it to lapse?

Now, Mr. Speaker, what boots it that coal lands can be bought cheaper in Pennsylvania or in Alabama than the cost of this particular piece of land? What we want and what we may badly need in the near future is a sufficient supply of coal in the Philippine Islands of good quality to meet our needs, present and prospective. If we take up this option we shall have all the coal lands we shall need for generations to come, and they will be so well protected and so easily accessible that the coal can be mined at a cost of not more than $2 a ton. We are now paying for Japanese and Australian coal of an inferior quality all the way from $4 to $6 a ton, and that which is being carried from Newport News—Pocahontas coal—is costing, delivered at Manila, $10 a ton.

The Pocahontas coal is used almost exclusively by the ships of our Asiatic Fleet and costs $10 per ton; that used in the furnaces of our Army transports which run between San Francisco and Manila either comes from Japan or Australia and costs some $4 or $5 less.

It is not a question, as gentlemen put it, as to whether the Government will go into the coal business. The Government already owns all the coal on the island of Batan, save that which is covered by this old Spanish grant, and the purpose in acquiring this Spanish holding is to enable it to properly enjoy and utilize what we already have. To approach what we have and what we some day may have great need for, unless we acquire this claim, will necessitate costly tunneling or the construction of an equally costly railroad. This is the naked proposition.

This is the only known available supply of coal in the Philippines, and without the ownership of this Spanish grant it can not be mined except at great and needless cost.

Mr. Speaker, as I have already said, the time may come when we will need to have coal in the Philippine Islands and when this Government will be obliged to mine this coal or go without this indispensable article. And in the event of war, when the ports of Japan and of Australia and of China are closed against us, we shall have to ship every pound of coal needed by our Navy at least 7,500 miles from the United States if it can not be mined on the little island of Batan.

When this option was given us, as I have said, it had not been established to the satisfaction of anybody that there were great coal deposits in the island of Batan. Nobody knew the extent or the value of this coal. Now we are intelligently advised upon the whole subject, and the owners themselves are no longer in ignorance. If this option, which expires on the 1st day of March, is not taken up by the Government, these people can dispose of it to private individuals at probably ten times what they could have disposed of it before the Government made these costly investigations and before the fact was abundantly established that the coal supply was practically inexhaustible and of very superior quality.

When the fortifications bill was under discussion a few days ago an attempt was made to show that the harbor of Batan could not be fortified and protected in the event that a naval station should be established in close proximity to the island. The gulf of Albay is a very deep and magnificent sheet of water, and both Secretary Taft and Lieutenant Wigmore have testified that this is one of the best harbors in the Philippines. The latter is on record as saying that it could easily be fortified and protected. I am willing to accept the testimony of these two gentlemen who are familiar with the locality and entirely capable of expressing an opinion.

There is not a ton of coal near Olongapo, where you propose to establish a naval station costing $30,000,000, and there is certainly none available near Cavite. All of the coal which is to supply our Navy and our transports and the Philippine government must come from the island of Batan, unless it be purchased either in Japan or Australia or be shipped from the United States, a distance of many thousands of miles. I submit, Mr. Speaker, that it is the best possible business proposition to close this option. [Applause.]

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the course of this legislation has been very peculiar. The Philippine government was first asked to purchase this coal land, and after careful consideration it passed a resolution. The resolution was to this effect, that the Philippine government, if it did purchase these lands, would not have sufficient means with which to develop them. And the second ground upon which it refused to purchase them was that it did not deem it expedient for the Philippine government to purchase and operate coal mines.

Mr. JONES of Virginia. I will say to my friend it is not the Philippine government; it is the United States Government. If that was the testimony before the gentleman's committee, he has been entirely misled.

Mr. FITZGERALD. I think the gentleman did not understand what I said. I am stating the substance of a resolution of the Philippine government, which is to be found in the report of Colonel Edwards, with respect to the acquiring of these coal lands.

Mr. JONES of Virginia. Possibly I did not understand the gentleman.

Mr. FITZGERALD. I have not the resolution with me now, but I will put the language of it in the RECORD.

The resolution of the Philippine Commission is as follows:

Resolved, That it is deemed by the Commission inexpedient for the insular government to avail itself of the option now held by the military authorities upon said coal lands or to purchase said lands in view of the fact that it lacks the necessary funds for the development of the property, and, moreover, is indisposed to go into the coal-mining business.

The Philippine government, having exhibited more sense than most men would suppose it would, passed that resolution, and the War Department turns to the Congress of the United States, I suppose, as a much easier body from which to obtain this authority. It had come to the Committee on Appropriations and stated there the urgency and necessity and propriety of this legislation. The Committee on Appropriations, having been informed that, in the opinion of the officials of the Navy Department, this coal was absolutely unfit for use in the naval vessels of the United States, that there was some question as to whether it was a very good kind of coal for the transports of the United States under the control of the Army, without considering at all the larger question as to whether the Government of the United Statse should purchase coal mines 7,000 miles away, refused to put the authorization in the urgent deficiency bill. Then, with that peculiar persistency for which the War Department is noted, it took the next step, and went to the Committee on Insular Affairs. It is a great misfortune, Mr. Speaker, that there are some committees of this House that have so little to do that whenever an opportunity is given to those committees to do something, the merits of the proposed legislation are frequently lost sight of, and such committees, in order to get a hearing before the House, will report any kind of a scheme which has the sanction of any official in any Department of the Government.

Mr. JONES of Virginia. I will ask the gentleman if he does not think that that kind of a criticism would come with much better grace from a gentleman who had been on the Committee on Appropriations more than three months?

Mr. FITZGERALD. Well, it might and might not. Sometimes "out of the mouths of children comes wisdom," I have heard somewhere.

Mr. SHERLEY. Babes.

Mr. FITZGERALD. I have not the exact words of the quotation.

Mr. SHERLEY. You have not your Bible with you.

Mr. FITZGERALD. But it is not necessary that a man should serve ten years on the Committee on Appropriations to have a spark of intelligence, and it might perhaps be an advisable thing for some men to serve there even three months. This committee comes here and asks us to indorse a scheme of having the Government of the United States purchase a coal mine. For what purpose? In order to lease it to a very estimable and enterprising gentleman in California. That part has not been included in the bill. The object of acquiring this coal land by the United States is to lease it to Mr. Scott, the president of the Union Iron Works, so as to enable him to sell coal to the United States.

Mr. Speaker, we have had something like that in the not very recent past. The Government of the United States sold a custom-house in the city of New York to a national bank. It is paying 4 per cent interest on over $3,000,000 to the bank. The bank is not paying any taxes upon the property, because the title is still in the Government, and still it is asserted that the transaction was entirely for the benefit of the Government. And so it is with the plea that the United States should have its own coal mines in the Philippine Islands. We are asked to pass this bill. We use very much more coal in the United States than we ever will in the Philippine Islands, and it seems to me that if the Government is to acquire coal mines that it better start much nearer home, because every department of the Government has been outrageously treated here in this country by the coal companies.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. I yield five minutes more to the gentleman from New York.

Mr. FITZGERALD. I do not know that I wish much more time. Mr. Speaker, what I desire is simply to emphasize the manner in which this legislation is brought in here by the Committee on Insular Affairs; that the War Department has tried to coerce—I will not use the word "coerce," but persuade, since that is the better word—has tried to persuade the Philippine government, which is largely under the influence of the Secretary of War, to acquire these coal lands. That government refused to have anything to do with it. Then the Secretary of War came before the Committee on Appropriations; that Committee refused to do anything, and then he went to the Committee on Insular Affairs.

Mr. OLMSTED. I want to ask the gentleman whether he thinks the Committee on Appropriations would have had any authority in reference to a matter of this kind, as it is not one that the Committee on Appropriations could legislate about?

Mr. FITZGERALD. Well, a little thing like authority seldom troubles the Committee on Appropriations.

Mr. TAWNEY. I desire to state to the gentleman from Pennsylvania that this item came to the Committee on Appropriations in an estimate, with a view to obtaining an appropriation of $50,000 for this purpose, under the title "Transportation of the Army."

Mr. OLMSTED. Then it was entirely out of order if it came in that way, and the Committee on Appropriations, under our rules, had no jurisdiction over it.

Mr. MANN. The way it came before the Committee on Appropriations was just as much in order as it was to expend money in making an investigation for the same purpose.

Mr. TAWNEY. Certainly it was.

Mr. MANN. Out of the same fund.

Mr. FITZGERALD. If it had not been for the careful scrutiny given to this subject by the gentleman from Minnesota [Mr. TAWNEY] and the Committee on Appropriations, this coal land would have been purchased out of money appropriated for an entirely different purpose. That was the object. And when at last the Department was forced into daylight it went to the committee which the gentleman from Pennsylvania [Mr. OLMSTED] graces (the Committee on Insular Affairs), and to my very great surprise apparently the gentleman did not have that information regarding it which I know if he had had it would have prevented him from approving this project. This, in my opinion, is a vicious plan. It is an innovation.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. FITZGERALD. Yes.

Mr. GILBERT of Kentucky. That immaculate Committee on Appropriations, did it make any appropriation for the payment of the $37,500 that have been expended for the purpose of ascertaining the condition of this coal mine?

Mr. TAWNEY. That payment was made out of the appropriation for the transportation of the Army.

Mr. FITZGERALD. No; it did not make any appropriation for that purpose, but that did not prevent the money being spent for that purpose by the Department. The investigation was made improperly, or without authorization, and the coal lands would have been purchased in the same improper manner if it had not been for the scrutiny that the matter received from the Committee on Appropriations.

Mr. RYAN. I should like to ask the gentleman why it is the intention of the Government to buy these coal lands and then to lease them to some individual in California?

Mr. FITZGERALD. Well, there seems to be a difference of opinion in the minds of some of these gentlemen as to the propriety of the Government owning and operating coal lands, and owning and leasing them to somebody else to operate; but the Committee on Insular Affairs evidently appreciated the impropriety of that, because the proposition, if I recollect (I have no copy of the bill in front of me), originally was to have a provision for leasing incorporated in the bill, but that has been taken out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Minnesota has thirty-four minutes remaining.

Mr. COOPER of Wisconsin. I believe I have twenty-three minutes remaining.

The SPEAKER pro tempore. That is correct.

Mr. TAWNEY. I will say to the gentleman from Wisconsin that I intend to close the debate on the negative side of the question, and if the gentleman wishes to use any time now I wish he would do so.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, while it may be a piece of indefensible arrogance for the Committtee on Insular Affairs to recommend a proposition that has been turned down by the Committee on Appropriations, I nevertheless think, from a business standpoint, that this is a very wise measure. The authority contained in this bill ought to be granted. Gentlemen have wondered why, if this coal deposit is such a valuable one, private capital had not been enlisted before for its develop-

ment, and have expressed the opinion that there will be no difficulty in securing private capital for its development in the future.

Mr. Speaker, the very object of this bill is to prevent private corporations from securing control of this coal deposit. The United States Government and the government of the Philippine Islands now buy about 400,000 tons of coal a year, and they are absolutely dependent upon Australian and Japanese sources for that supply. They are required to pay from $5 to $6 a ton for an inferior quality of coal. Now, suppose a private corporation should secure control of this coal field, holding the key to the situation as it does, in what respect would the Government of the United States or the government of the Philippine Islands be benefited? The governments would be entirely at the mercy of the private corporation, and the very purpose of this bill is to give the Government of the United States and the government of the Philippine Islands relief from that situation—to put them in the situation where they can protect themselves against imposition, against monopoly, and against extortion.

Does anybody undertake to say that any private corporation would buy these coal deposits and develop them for the benefit of the Government?

The testimony before the Committee on Insular Affairs showed, as my friend from Virginia [Mr. JONES] said, that this coal is of the best quality produced in the Philippine Archipelago. It is the only coal, I think, produced in the Orient which can properly be classified as bituminous coal. It is better than the Japanese or Australian coal, because it contains more carbon and a smaller percentage of sulphur. It is better coal than can be bought elsewhere. We are now paying $5 or $6 a ton for coal used by the two governments, and if the Federal Government is authorized to buy this coal field and make a lease for its operation and development I think that there can be no doubt that they can get coal at $1.50 a ton and save $500,000 or $600,000 a year to the two governments.

Mr. COOPER of Wisconsin. I now yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I am in favor of this bill, and I want to explain why I think this appropriation is in no manner inconsistent with the position which I and others on this side have hitherto taken in opposition to appropriations for permanent works in the Philippine Islands. We have opposed all appropriations for permanent purposes that looked to a permanent retention of the Philippine Islands and were consistent with no other theory.

This little island of Batan is 10 miles long by 5 miles wide, with a splendid bay, a good harbor, and with the only good coal in the Philippine Archipelago which has thus far been discovered. Whether we stay in the Philippines or whether we release them to govern themselves according to the sweet will of their own people, we will retain in the archipelago, as we did in Cuba, certain coaling and naval stations. This place is preeminently fitted as a place to be occupied for all time as a coaling station, and as it is a good thing to have a naval station where coal is, and a coaling station and a naval station together, it is preeminently fitted to be occupied as a naval station.

I am in favor of it for another reason, because it reenforces the line of argument I have made on other occasions. If we keep this as a coaling and naval station, we are all the less apt to keep Cavite, and I would rather not keep Cavite, because if we are ever to turn the Philippines loose at all we ought not to turn them loose "with a string to them"—with a naval station overaweing their capital and threatening them all the time. It seems to me this is an eminently wise expenditure of public money.

Somebody said something about government ownership of coal mines in that connection. Why, Mr. Speaker, this is no government ownership, except in the sense in which we have been engaged in government ownership for a hundred years. The United States Government owns Fortress Monroe at Norfolk; the United States Government always has owned in fee simple its military reservations, its naval stations, in order to secure exclusive Federal jurisdiction to protect the military and naval arms of the Government from local interference.

There is no proposition in this bill to operate the coal mines, so that there is no precedent set by it in that respect, and were there a proposition to work the coal mines for the exclusive use of the Navy itself there would be no great principle violated by that, because the Government of the United States would be working, not as a Government, but as a fee-simple owner of the land, and not working the mines for coal to sell, but coal to supply itself with the necessary defense—not "going into the coal business" at all. We need not go into that view of the case, because it is not in the bill. The proposition here is simply to buy this concession which is between the Government coal lands and the water which the Government proposes to control as a part of its coaling station, so that the exclusive jurisdiction of the United States over this naval reservation may be as complete and as full as it is right down here at Fortress Monroe, or at any other Government reservation.

Mr. TAWNEY. Mr. Speaker, I want to say, in view of the remarks of the gentleman from Indiana [Mr. CRUMPACKER], that the opposition of myself and other members of the Committee on Appropriations to this bill is not because the proposition was rejected by that committee which has been considered and reported favorably by the Committee on Insular Affairs. If the Committee on Appropriations were actuated by any motive of that kind we could very easily have taken advantage of a point of order against the provision in this bill appropriating the money for the payment of the concession which it is proposed to purchase, for under the rules of the House the Committee on Insular Affairs has no jurisdiction whatever in respect to appropriations.

The opposition of myself and, I think, of my colleagues generally of the Committee on Appropriations to this measure is because the Government of the United States is not justified, on the testimony and on the facts before us, in embarking upon an enterprise which means the ultimate expenditure of several millions of dollars. You may try to cover up this proposition as much as you please, but when you get down to the last analysis it is merely a proposition to buy a coal mine—to buy coal lands in the Philippine Islands. From the standpoint of principle, there is no distinction between the purchase of coal lands in the Philippines and coal lands in the United States. The fact that these particular coal lands are in the Philippines does not change the principle at all. It would be just as competent for a committee to bring in a bill here appropriating money for the purchase of coal lands in the State of Pennsylvania or the State of West Virginia as to purchase the coal lands of the Philippine Islands. There is no distinction whatever. The fact that the Government of the United States needs coal in the Philippine Islands is no greater reason why we should embark upon this enterprise than the fact that we need coal and consume great quantities of coal in the United States. Pass this bill and you thereby establish a precedent that some day will be used in a way that will occasion serious embarrassment to the party now in power. But, Mr. Speaker, the expenditure of some $32,000 made in the investigation of the coal lands in the island of Batan was not authorized by Congress. The obtaining of the option was not authorized by Congress. It was done solely upon the motion of the head of an Executive Department, and if it were not for that act, unauthorized by law, unappropriated for by Congress, we to-day would not be considering the question of whether or not we should now appropriate this $50,000 to purchase 300 acres of coal land in the Philippine Islands.

Mr. Speaker, this proposition, when presented to the Philippine government, was rejected. There is no question about that. Are we more competent than they to determine whether or not it is wise to purchase this coal land? Mr. Wigmore was sent out there two years ago, and what kind of an investigation has he made? He investigated this coal land with diamond drills, by drilling down a certain depth, and now claims to have discovered coal equal to any coal in the Orient. The extent of that coal nobody knows. Notwithstanding the fact that these men have had this concession for sixteen years they have not yet been able to induce private enterprise to embark upon its development. If this coal land, as was said by a gentleman on this floor a moment ago, was as valuable as the gentlemen who have advocated this bill pretend or claim it is, $50,000 is altogether less than what it is worth. The fact is the investigation given by our committee to this subject led to this conclusion, that this was merely a coal prospect and we were paying, or asked to pay, $50,000 for a prospect, not for a mine. Nobody pretends to say that this coal has been developed to any extent. Now, let me read for one moment what Secretary Taft said when before the Committee on Appropriations, because I would not have the House think for a moment that the proposition was rejected by that committee without investigation. Secretary Taft said:

> I think the chance of making a profit is sufficient to justify the outlay. I have no interest in the matter; it is only a question of promoting, to begin with.

We are asked to expend $50,000 here for the purpose, Secretary Taft informed the committee, of promoting. Promoting what? Promoting the development of a coal mine for the benefit of private parties, and the justification for that statement is

in the following answer of Secretary Taft to a question put to him by Mr. LITTAUER, and I read from the hearings:

Secretary TAFT. General Davis, acting, I think, for the Secretary of War, secured options on a number of claims which had been located by Spaniards. They had taken the best claims.

Mr. LITTAUER. Under the Spanish law?

Secretary TAFT. Yes, sir. They were proven to be legal and to have been kept valid by working on them from year to year. Their claims are situate on a very fine harbor, a harbor that is only 30 or 40 miles off the main line of vessels entering the Philippines from Guam and running directly from America to Manila. The option which we have is an option to take these claims on the western part of the island, and abutting immediately upon this harbor, for $50,000.

Now, I do not think that the Government ought ever to invest its capital in a coal mine; I mean, to go into the business of excavating coal.

Mr. LITTAUER. Operating a coal mine?

Secretary TAFT. Yes, sir. We have more than we can do in the Philippines without going into that; but I do think that if we could get these mines and then lease them, reserving the privilege of taking the coal at a low price, that we could probably make a commercial arrangement which would prove beneficial. It might possibly be suggested why, if this is so valuable a mine, it is not taken up by somebody besides the Government? Why should the Government go in and expend $50,000 and lease it to somebody else? Why does not that somebody go in and buy it from the persons who now have it? Of course they can not buy it because we have an option which we paid something for, but if we give it up, somebody, perhaps, will go in; I do not know whether they will or not. I have an offer from Scott, the man who builds the ironclads in San Francisco.

He was in the islands and came back with us on the *Korea* this last trip. He sent me a written proposition which I will be glad to send to the committee if they would like to see it. They have got to send their people down there to make an investigation and be sure that what Lieutenant Wigmore states is true before they want to go into it.

Now, the Government of the United States on the testimony of Secretary Taft alone proposes by this bill to go on and pay $50,000 for this coal land, on the judgment of Wigmore, which Mr. Taft says Mr. Scott or private parties would not accept. What is the quality of the coal which has been extracted as a result of the prospecting which Mr. Wigmore has done, for there has been no development of this mine? Let me read what Admiral Manney said to the Committee on Appropriations:

Mr. LITTAUER. Has your Bureau or the Navy Department had their attention attracted to the coal on the island of Batan in the Philippines?

Admiral MANNEY. Yes; not officially. I know that it has been discovered there, and I have seen reports as to its character.

Mr. LITTAUER. No examination has been made as to whether or not its character would be fit for naval vessels?

Admiral MANNEY. Yes; and it has been reported against, but I would not lay much stress on that because the mines are not developed.

Mark you, we are not buying a mine, we are buying prospects, prospects which private individuals themselves would not invest a dollar in until they have made further investigation than the investigation made by the Government officials.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question. Does this coal come to the water's edge on the proposed purchase?

Mr. TAWNEY. I understand it does.

Mr. LACEY. What is there to hinder those owners from excavating it the same as they would in Pennsylvania, putting it on barges, or sloops, and carrying it to Manila and selling it at the high price that prevails there for coal?

Mr. TAWNEY. I do not know of any other market for that kind of coal.

Mr. LACEY. Then the fact that for the last fifteen or twenty years they have not mined this coal seems to be a circumstance against it?

Mr. TAWNEY. Pretty good evidence it was not good for anything.

Mr. GROSVENOR. What would they buy coal for in Manila?

Mr. TAWNEY. Let me continue with Admiral Manney's statement:

There have been nothing but croppings that have been tried, and it is only fair to presume that it is the same kind of coal that is found in Borneo and on the China coast and in Japan, north of us.

Mr. LITTAUER. None of those coals are properly fitted for naval use?

Admiral MANNEY. They are not. The Russians have vast coal mines at their disposal, yet they buy Welsh coal and ship it out there. You can get more speed and more steam; it is better coal.

Again, on page 272, Hearings Committee on Appropriations, Admiral Manney says:

Mr. BRUNDIDGE. If such an investigation had been made and it had been determined that the coal found in the Philippines was suitable for the use of this Government, would you have known of it?

Admiral MANNEY. Probably, unless it was made by the Army. The coal which has been taken from the croppings of the mines in the Philippines has been tested on board of our vessels in a practical way, and some of it has been analyzed chemically. That was considered not worth using. My own opinion is that those mines, like every other mine, would improve by being worked, but unless the mine is worked it is impossible to say what the value of the coal is.

My Bureau has a large book called "Efficiency of Coals," in which there is an entry made of every coal that is tested, and they have tested coal from mines all through the East and some from abroad—the chemical test and the boiler test. Many of them have been tested many times. We keep that for reference.

Every coal of any consequence that is discovered anywhere in the world is tested by our Navy Department. This coal has been tested and it has been found to be worthless for use in the Navy, and inasmuch as that is the principal use, or our Navy is the principal consumer of coal in the Philippine Islands, the judgment of the Committee on Appropriations was that it was not worth while embarking on an enterprise of this kind. We felt confident also of another fact, and that is that when we took this second step in the matter of the ownership and control of coal lands in the Philippine Islands, the first step having been taken by the War Department without authority of law, and paid for out of the appropriation for the transportation of the Army; now, when we took this second step, the actual operation of these coal mines on the island of Batan would be the third and final step. Why? They will come back to us and say we now own this concession and we have endeavored to get private capital to go in there and develop these mines, but have failed. This land is capable of producing hundreds and thousands and millions of tons of coal, we are consuming 200,000 tons of coal annually in the Philippine Islands, therefore in order to save this enormous amount to the Government we must have an appropriation to enable the Government to operate these mines. If we go into the coal business in the Philippine Islands there will be other private enterprises demanding appropriations for similar development.

Mr. WILLIAMS rose.

The SPEAKER pro tempore. Does the gentleman from Minnesota yield?

Mr. TAWNEY. Yes.

Mr. WILLIAMS. I want to ask the gentleman if he really thinks there would be any trouble in the United States, owning the land as an owner as well as a Government, in leasing the coal lands to people who would operate them so our Navy could get its coal from those lands, and leasing them at a right good figure, too?

Mr. TAWNEY. If they were leased, according to the testimony of Admiral Manney, the Navy would not consume the coal, because the test has proven that that coal was worthless, and it would not, therefore, be used. Why, during the Japanese war the Japanese navy secured their coal from Wales. They did not use their own coal.

Mr. WILLIAMS. The gentleman was just making an argument that we would be compelled to buy coal. That is the object of my question.

Mr. TAWNEY. I do not say we would be compelled, but I say that if we took this step, then the War Department will come here saying that we have already engaged in the operation and ask for an appropriation to go into the business of mining this coal.

Mr. WILLIAMS. Now, another question, in consequence of your getting off the immediate subject in your reply. Is not the evidence abundant that while this is not the coal we would want to use in time of peace, when we could get better coal from the United States, it is better coal than we can get in time of war from enywhere else out there?

Mr. TAWNEY. I will answer the gentleman's question by——

Mr. WILLIAMS. That is the testimony before the Committee on Insular Affairs. The testimony states that while it is not the best of coal, it could be used for that purpose in time of necessity.

Mr. TAWNEY. I will read from the report of the hearings before the Committee on Appropriations, as follows:

Mr. BRUNDIDGE. I think we have some information that there were sufficient tests made of this coal produced in the Philippine Islands, showing that the veins were 18 feet wide and that several hundred tons had been already taken out and are now there.

Admiral MANNEY. I have heard of that, and I have known that they have secured the control, but they will have to go deeper to ascertain the quality of the coal. Whenever the Bureau hears or knows of any coal we immediately test it. All we require is for them to send us 5 pounds for an analytical test; that is invariable, because we are as anxious to get good coal as anybody else. Then, if the test warrants it, we will take 5 tons for a boiler test, and that is tabulated and put in our book of coal efficients, which I will be pleased to send to the committee.

They say that the Government of the United States owns the island of Batan. Our information is altogether to the contrary, except in so far as it owns the Philippine Islands. It is under the control of the Philippine government, but we have there a 5-mile-square Government reservation which is underlaid, they say, with coal.

Mr. WM. ALDEN SMITH. Is that anywhere near this present piece?

Mr. TAWNEY. It is contiguous to this present piece.

Mr. WM. ALDEN SMITH. And away from the sea?

Mr. TAWNEY. Not away from the sea, but it is off on one side of this harbor. And right there let me say that Lieutenant

Wigmore himself admitted that we could gain access to our own reservation from the harbor without this reservation, provided we built a road up around the Spanish concession which it is proposed to purchase.

Mr. GAINES of Tennessee. I want to ask the gentleman this question: A few moments ago he said that Mr. Scott, who I believe is a shipbuilder in San Francisco, would not make an offer to buy this coal property until he sent his men and had it examined. Did he know that Lieutenant Wigmore had made this examination?

Mr. TAWNEY. He knew all about it, and Lieutenant Wigmore went to him and advised with him. In fact, Mr. Taft says in his testimony here that Mr. Scott returned from the Philippine Islands with him last summer on the *Korea*. Mr. Scott was fully advised of the investigation which the Government had made and of the result of that investigation, and yet Mr. Taft says Mr. Scott declined to enter upon the enterprise or take a lease of it until they had satisfied themselves that the examination, or the result of the examination as shown by Lieutenant Wigmore, was correct.

Mr. GAINES of Tennessee. Now, then, who is Mr. Scott, and what is his business?

Mr. TAWNEY. Mr. Scott is president of the Union Iron Works, of San Francisco.

Mr. GAINES of Tennessee. And he has to purchase coal to conduct his affairs?

Mr. TAWNEY. He purchases coal.

Mr. GAINES of Tennessee. Does not the gentleman value his opinion very highly in this matter as a business man?

Mr. TAWNEY. Why, I would value his opinion if he had made an investigation.

Mr. GAINES of Tennessee. I mean his judgment.

Mr. TAWNEY. But he has not made an investigation, and his judgment is that he would not invest a dollar in this enterprise on the report of the Government engineer or of Lieutenant Wigmore, who has made the investigation.

Mr. GAINES of Tennessee. Has Mr. Scott been down himself to see this coal land?

Mr. TAWNEY. I can not answer that question.

Mr. HAMILTON. The gentleman states that a railroad could be constructed from the harbor to the coal fields on that island reserved by the Federal Government. Can the gentleman state how long that road would have to be or what the probable cost would be?

Mr. TAWNEY. I can not. Lieutenant Wigmore said it was practicable.

Mr. HAMILTON. Would we have to obtain a right of way from the Spanish owners of the lands adjoining the harbor?

Mr. TAWNEY. I can not answer that question.

Mr. GILBERT of Kentucky. What was Secretary Taft's advice before the gentleman's committee as to closing the option?

Mr. GROSVENOR. There is no surface upon which a railroad can be built there. It is almost, as I understand it, a perpendicular mountain.

Mr. TAWNEY. I know nothing about the conditions.

Mr. HAMILTON. The gentleman stated we could obtain a right of way.

Mr. GROSVENOR. Your right of way would have to go through the mountains—through the land that is held under this option.

Mr. HAMILTON. The gentleman from Minnesota just stated we could have a right of way across the Spanish claim.

Mr. OLMSTED rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. TAWNEY. Certainly.

Mr. OLMSTED. Assuming that the Government had a military reservation, as the gentleman stated, of 5 miles square, and there lies between that reservation and the harbor a tract of land rendering the reservation inaccessible from the harbor, would he or would he not think it good business for the Government to acquire that, even if it did not have an ounce of coal in it?

Mr. TAWNEY. In answer to the gentleman from Pennsylvania, I would say that we will have to first determine whether or not we want to go into the coal business, to determine whether or not we should own this option or not.

Now, if you want to embark in the business of developing a coal mine in the Philippine Islands, and make that a Government proposition, then I say you want to own this option. But I say that that proposition necessarily follows this one, that when you have purchased these coal lands and are unable to lease them, then to obtain the coal the Government must enter upon the business of operating its coal mines.

Mr. OLMSTED. Let me call the gentleman's attention to this statement of Secretary Taft:

> On investigation it turned out that two or three Spaniards who had these valid claims under the Spanish mining law had taken up all the claims which lay immediately along the harbor and had pushed back, so to speak, the Government ownership beyond the line of hills or mountains and made impossible access to the harbor from the claims which the Government could establish or reserve.

Is it not a good business proposition to get that intervening strip out of the way, without any reference to the coal?

Mr. TAWNEY. That depends altogether upon the proposition whether we want to embark on the enterprise of operating coal mines.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, I regard the bill before the House as one of great importance and great merit. Gentlemen may talk about the inadvisability of our entering upon the business of mining coal, as though the conditions in the Philippine Islands were the same substantially as here. I take it that but very few Members of this House are in favor of the Government entering upon any business not absolutely necessary for the security of the Government, or in any business where individual enterprise can meet the demands of the people and of the Government. We have 7,500 miles away from our continent a group of islands; they are very near the coast of China.

The question whether we will retain permanent control of them or not has nothing to do with this question. No matter whether we shall finally give them up or not, there is not a man in the United States, in my judgment, who will not be in favor of retaining at least a coaling and naval station there. I contend, so far as I am individually concerned, speaking for myself only—I am willing to say that, in my judgment, we will never give those islands up. They will be a part of the United States as long as any of us live. [Applause.] But that question is not involved. When I was in the Philippine Islands last, I made some investigation into this coal business—not as to where it was located, but as to the price. At that time Japanese coal of the poorest quality was sold for $8 a ton. I was told it cost at least $12 a ton to purchase and take coal from Vancouver Island, the most accessible point on this continent, to the Philippine Islands; $12 a ton to lay it down at Manila. The Government of the United States is a purchaser of coal in Manila for Army transports and for the Navy. The time may come in the near future when this Government will be in a bad shape if it can not provide itself with coal for its war vessels and Army transports. It would be better, in my judgment, for this Government to secure a much better quality of coal than can possibly be purchased in Japan at less than one-half of the cost if it is purchased from Japan.

Mr. KEIFER. But suppose Japan would not be willing to sell?

Mr. HULL. The gentleman from Ohio suggests to me that Japan would not be willing to sell coal. I am hardly willing to believe that it would not be willing to sell the coal, but it is the part of wisdom for the safety of this Government in these far-away possessions to protect itself at every point, so that no matter what the future will bring to us we can stand up and defend our rights and not be compelled to depend upon any other country to maintain our power. I hope the bill will pass.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I believe that our friends of the Committee on Appropriations, in their most commendable zeal to compel the Departments to hold their payments down to the appropriations made by Congress, have been misled in their judgment in this matter. They started out by stating that perhaps the War Department had spent $40,000 improperly in exploring these coal lands, and after that the chairman finally closed up by insisting that if this $50,000 were appropriated we would go into all sorts of useless expenditures recommended by this Department and the other Departments in the business affairs of this country.

Now, Mr. Speaker, I think that this bill ought to pass. Two or three years ago we found that there was this coal land and this Spanish concession. The Department went in to explore it and see what was there. Like wise business men the first thing they did was to get this option on the Spanish concession for $50,000. They were wise to do that before they made the exploration. They got that, and have continued it down so that it expires on the first of next month.

They then went to work and made the exploration in the usual

manner made by experts who want to explore mines. They had a man there for more than two years, Lieutenant Wigmore, whom I had the pleasure of meeting last summer. I heard from him a full account of the exploration he made there. He said that there was no doubt that there was coal sufficient to run the islands for all their inland transportation and for the use of our transports and all the uses of the Government there for at least two or three hundred years. He said it was a good deal better coal than they could get in Japan, and we use Japanese coal for our transports now. It is used by the Pacific Mail Steamship Company, and by all the other lines having steamers running from this country to Japan. He said it was fully equal to any coal they had found in Australia, and up to this time Australian coal is the best that has been found in the Orient.

Here was this concession between the harbor and the rest of the coal. Owning the whole island, we own all the coal in the island except that covered by this concession of 300 acres. It was found to be a legal concession. It has been examined by good lawyers and there is no question of that. We can get it for $50,000. Would a good business man hesitate for a moment to get this concession?

Mr. TAWNEY. They have hesitated for fifteen years.

Mr. PAYNE. They have not had the $40,000 that was necessary to make the exploration. Money is not as plentiful in the islands as it is in the United States. People are not down there ready to put $40,000 into such a venture as that. The Government had to do it. They have developed it, and of course these men are not fools. When the 1st of March comes around, knowing what the Government has found, this concession, of course, will be worth three or four hundred thousand dollars, and no one will get it for less.

The gentleman says that Mr. Scott said he wanted to investigate. What man is there who would put a million dollars into a project to develop a coal mine who would not want to make an investigation to verify the Government investigation?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COOPER of Wisconsin. I yield two minutes more to the gentleman from New York.

Mr. PAYNE. Now, it is not proposed that the Government go on and open a coal mine and run the coal business. The extract read from the testimony of Secretary Taft by the gentleman from Minnesota [Mr. TAWNEY] proved the contrary of that. They do not propose that the Government shall go into the coal business. How were they to go into it? The report of the committee says that there is already an offer of a lease; that if the Government of the United States gets this concession, which now belongs to these Spanish gentlemen, there are people who will go in and open up this mine and furnish to the Government of the United States the coal they need at the cost of mining, which is supposed to be about $2 per ton, and a 10 per cent additional profit upon it. The rest of the coal they will mine for themselves. That proposition will give to the Government the coal for which it is now paying $5 a ton for about $2 a ton, or rather the Government will get a superior quality of coal. It is a proposition that pays for all the expense in a single year.

I was talking the other day to a gentleman from Pennsylvania, a large owner of coal mines, and he asked me about this proposition. I told him what Lieutenant Wigmore had said. "Why," said he, "if Congress appropriates this money and takes back this concession, I will go with some friends out there next summer and investigate this and bid upon it and see if I can not make a lease with the Government of the United States."

People will be anxious to go into it if we only have common sense enough and business sense enough to-day to vote this $50,000 and open the gateway from this deep harbor into this mine. There is not a better proposition in the Orient for coal than there is right here. Shall we let it pass? Shall our friends on the Appropriations Committee prevent us from doing this thing, which seems to be just and right and fair and a good business proposition?

Mr. Speaker, I think it is most important that Congress should pass this bill now in order that this option may be wiped out by the 1st of March.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has nine minutes remaining.

Mr. COOPER of Wisconsin. I yield two minutes to the gentleman from California [Mr. MCKINLAY].

Mr. McKINLAY of California. Mr. Speaker, I think there is a little misapprehension in regard to the parties who want to sell these claims and the parties who want to buy. For over two years the Government has had an option on these coal lands. In these two years it was not possible for any other buyer to step in and acquire title to these lands. The option expires about the 1st of March. In view of the developments in the islands since the Government took the option, after the 1st of March the price will be fully three or four hundred thousand dollars instead of $50,000. The Government of the United States is the only party that can buy these lands for $50,000. That is the reason why private parties can not step in and get them for $50,000. There is no doubt but that private parties from all parts of the Union would be anxious enough to buy the option and take it off the hands of the Government for $50,000. The advantage to the Government is that when they pay this price they have control of the harbor, they have an entry to their own coal lands, and in addition to that they will be able to make a lease so advantageous that they themselves will be able to secure coal so cheap as to make a saving to the Government of $200,000 a year for the American transports and the Government coal consumers of the Philippine Islands.

Mr. COOPER of Wisconsin. Mr. Speaker, in connection with what the gentleman from California has just said, I wish to call attention to the testimony of Lieutenant Wigmore. Lieutenant Wigmore said that Admiral Manny told him that the battle ships of the United States would not use this coal. But the testimony is undisputed that the transports, coast-guard vessels, and launches, and the ice plant at Manila, and other Government consumers of coal, taking an aggregate of 200,000 tons a year, would use it. They pay now $5 a ton for coal. As I said before, it is hoped if we get control of these claims and thus of the whole island, that the Government of the United States will be able to make a contract whereby it and the Philippine government, for purely governmental purposes, may get coal at an outside cost of not more than $2 or $2.20 a ton.

But the bill as reported does not include any proposition of this kind, nor any proposition to lease these lands.

The gentleman from Illinois [Mr. MADDEN] put up a man of straw and then knocked him down, as did also the gentleman from Minnesota [Mr. TAWNEY] when they both denounced the proposition to have the Government lease these lands, and declared that we are about entering on governmental ownership of coal mines.

Let us see the absurdity of that contention. This bill proposes simply to buy up the claims of some Spaniards which have been held there since 1890. By the way, the gentleman from Illinois [Mr. MADDEN] characterized these as "doubtful claims," although, as I said, so fine a lawyer as Secretary Taft testified that the claims are of unquestioned validity.

According to the undisputed testimony, these claims control the access to this harbor, the only harbor on the island. Now, then, after we shall have simply purchased these claims, and that is all the bill proposes to do, how will we have entered upon government ownership and working of coal mines? Suppose that we owned these claims this minute, would we be working Government coal mines? Mr. Speaker, before the Government could itself enter upon the working of coal mines there would have to be another bill come before the House embodying that proposition, and before it could lease these lands authority must be granted in another measure.

Mr. TAWNEY. It was embodied in the bill as the gentleman introduced it.

Mr. COOPER of Wisconsin. The bill, as introduced, the gentleman must know, is not the bill that we propose to pass here.

Mr. TAWNEY. I understand that, but it shows the relation of the development of the property to the purchase; it shows how close we are up against the proposition.

Mr. COOPER of Wisconsin. Mr. Speaker, I have never been able to understand that spurious kind of logic which holds that because I am in favor of one good proposition that therefore I am of necessity bound to support anything else which may subsequently be presented to the House. There is only one proposition now before the House, and it is a good one, namely, to buy up these Spanish claims, the validity of which Secretary Taft says is indisputable, claims which block access to our own coal lands from the only harbor in the island.

The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MADDEN] ask why have not these claims been worked by the Spaniards? They have been worked. They had twenty-two or twenty-three men there who got out some coal, which was sold for from $7 to $7.50 a ton. That is the way the Spaniards worked the claim. There had never been any great demand for coal in those islands until we went there. Our transports, our ice plant in Manila, our coast-guard service, and Government launches have made a demand for coal that did not exist until within the last four or five years.

Admiral Manney has been quoted as saying that this coal is worthless for naval purposes. His testimony related to battle ships and cruisers that want coal of fine quality, such as we produce in the United States, in order to generate sufficient heat to speed rapidly. But the testimony is all one way that this Batan coal is good for our transports and for our coast-guard ships in the Philippines, and the testimony of Mr. Wigmore, an expert, is that a single one of our transports could save $2,000 on a trip if it could go to Batan and load at the wharf instead of going to Nagasaki and paying $5 a ton for Japanese coal.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I move the previous question.

Mr. TAWNEY. Well, Mr. Speaker, had the bill better not be read first?

Mr. COOPER of Wisconsin. There is one amendment which I propose, Mr. Speaker. It is an amendment to the title.

Mr. PAYNE. Has the bill been read?

Mr. TAWNEY. No.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase the coal claims owned by Messers. Munoz and Villanueva, lying on the island of Batan, Philippine Islands, and upon which the War Department now holds an option; and to provide for the purchase of said claims the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the above sum is made immediately available in order that purchase may be made before the said option expires, to wit, before March 1, 1906.

SEC. 2. That the Secretary of War is hereby authorized, in his discretion, to lease the land included in the said claim, together with all or any portion of the land included, or hereinafter to be included, in the Batan Military Reservation, for a term of not more than fifty years, for coal-mining purposes: *Provided*, That the Governments of the United States and the Philippine Islands will thereby secure the right to purchase such coal as they may desire at a price not exceeding 10 per cent above the cost price of said coal.

The SPEAKER pro tempore. Also the following amendment:

On page 2 strike out all of section 2.

The SPEAKER pro tempore. The question is on the amendment striking out the section.

The question was taken; and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the committee amendment to the title of the bill.

The Clerk read as follows:

Amend the title so as to read: "A bill to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands, and for the purpose of securing a local coal supply to the Government of the United States and to the government of the Philippine Islands."

Mr. COOPER of Wisconsin. Mr. Speaker, I offer as an amendment a substitute to that, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the title so as to read: "A bill to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands."

The amendment to the title was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 121, noes 36.

So the bill was passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. TAWNEY. Mr. Speaker, I present the conference report on the bill (H. R. 12320) to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; which I ask to have printed in the RECORD under the rules.

The SPEAKER. The conference report will be printed under the rules.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. DALZELL. Mr. Speaker, I offer the following motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. DALZELL moves to suspend the rules and make it in order to consider H. R. 14396, a bill to incorporate the Lake Erie and Ohio River Ship Canal, etc., at any time after the completion of the consideration of the military appropriation bill.

Mr. DALZELL. Mr. Speaker, this is simply a motion to fix a time—not for the consideration of the bill now.

Mr. WILLIAMS. Where does this resolution come from?

The SPEAKER pro tempore. Is a second demanded?

Mr. DALZELL. I offer a resolution to suspend the rules and fix a time for the consideration of this bill.

Mr. WILLIAMS. Which bill is this? This canal bill?

Mr. DALZELL. Yes.

Mr. WILLIAMS. From the Lakes down to Pittsburg?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Why is it necessary to offer a resolution?

Mr. DALZELL. I want to fix a time for consideration—not now, but some time in the future.

Mr. WILLIAMS. What date has the gentleman fixed?

Mr. DALZELL. After the disposition of the military appropriation bill.

Mr. WILLIAMS. Then as to parliamentary rights, everything is left in statu quo?

Mr. DALZELL. Yes.

Mr. WILLIAMS. The right to call for a second and the right to the usual debate if a second is called for?

Mr. DALZELL. Everything under the rules.

Mr. WILLIAMS. Why not proceed to the consideration of this matter now? We have a pretty full House.

Mr. DALZELL. There are others who have been promised recognition to-day, and I do not care to shut them out.

Mr. WILLIAMS. Mr. Speaker, upon this bill I believe I will raise the question of consideration.

Mr. DALZELL. I think the gentleman from Mississippi does not understand the situation. It is a motion to suspend the rules and fix a time for the consideration of the bill. It involves no consideration of the bill now.

Mr. WILLIAMS. Well, the point is whether you have fixed a day certain——

Mr. DALZELL. After consideration of the military appropriation bill, to be considered under the rules.

Mr. WILLIAMS. Now, a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. If I desire to demand a second, is it necessary that I should demand it now, or if I allow this to go through will that right be cut off?

Mr. DALZELL. When this bill comes to be considered it is considered in the House like any other bill.

Mr. WILLIAMS. But your resolution is to suspend the rules, is it not?

Mr. DALZELL. Certainly.

Mr. WILLIAMS. If, instead of having introduced this resolution to suspend the rules, you had gone along in the regular course, I could have demanded a second?

Mr. DALZELL. Certainly.

Mr. WILLIAMS. I demand a second now, Mr. Speaker.

The SPEAKER. The Chair will state the motion so the House will understand it. The gentleman from Pennsylvania moves to suspend the rules and make it in order to consider the bill, namely, a bill to incorporate the Lake Erie and Ohio River Ship Canal, etc., at any time after the completion of the consideration of the military appropriation bill. Now, on the motion to suspend the rules the gentleman from Mississippi can demand a second if he desires.

Mr. WILLIAMS. Now, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. If I do not demand a second now, will I not lose the opportunity to demand a second at all?

The SPEAKER. No.

Mr. WILLIAMS. With that understanding I shall not demand a second now, but I understood if this passed the rules will be suspended and then I would not have a chance to demand a second.

The SPEAKER. Not at all.

Mr. GAINES of Tennessee. What is the purpose of this?

Mr. DALZELL. To fix a day; that is all.

Mr. DE ARMOND. Mr. Speaker, I would like to raise the question of order on this resolution submitted.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DE ARMOND. I wish to raise the question of order. The question of order is that this falls under the rules and ought to go to the Committee on Rules, because it provides for precisely the same condition of things that exists when a measure is reported from the Committee on Rules. Suspension day is to dispose of things, not to provide for their disposal at some other time, and this is really in effect a special rule without having been referred to the Committee on Rules.

The SPEAKER. The Chair will state to the gentleman from Missouri that his point of order, in the opinion of the Chair, is not well taken. This is one of the Mondays in the month when it is in order to move to suspend the rules and do anything where a Member is recognized, provided two-thirds of the Members vote for the motion. Now, then, upon that motion, if a second is waived there is twenty minutes' debate,

but upon this particular motion it is not to pass a bill, but it is to fix any time after the Army appropriation bill is passed for its consideration. In other words, under the rules, the gentleman, at any time after the consideration of the Army appropriation bill has been completed, could call up this matter, and would be entitled to call it up, and then it would be for a majority of the House to determine whether they would consider it or whether they would consider something else.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. It would not require two-thirds of the House, then, to pass the bill?

The SPEAKER. No; it would pass just as any other bill would.

Mr. BURNETT. Then I demand a second.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Alabama [Mr. BURNETT] to twenty minutes.

Mr. DALZELL. Mr. Speaker, I do not propose to occupy any time. All I have to say is embodied in my proposition. I have made a motion to suspend the rules and fix a time for the consideration of a bill that has already been reported by a committee of this House, namely, the Committee on Railways and Canals. If this resolution shall pass, then I shall be in a position to call up that bill at the time named in the resolution, to wit, after the disposition of the appropriation bill from the Committee on Military Affairs, and then the bill will be considered under the rules of the House, just like any other bill.

Mr. WILLIAMS. And, if it receives a majority vote, will pass.

Mr. DALZELL. Certainly.

Mr. WILLIAMS. Instead of a two-thirds vote.

Mr. DALZELL. Certainly. I have not anything more to say. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, I would like to ask the gentleman to explain the bill. What is the object of it?

Mr. DALZELL. The object of the bill is to create a corporation to construct a canal from a point on Lake Erie to a point on the Ohio River, in the neighborhood of Pittsburg, through the States of Pennsylvania and Ohio, not at the public expense, but as a result of private enterprise.

Mr. SIMS. A private corporation?

Mr. BURLESON. Why is it that the State of Pennsylvania can not incorporate the company?

Mr. DALZELL. The State of Pennsylvania can incorporate it and the State of Ohio can incorporate it, but there is no provision by either State for a consolidation of the two companies. Besides, this is a project which it is estimated will cost about $35,000,000, and the parties who have it in charge and who are willing to undertake it, think it necessary to have a Federal charter in order to finance the enterprise. The bill as reported from the committee protects the interests of the public and the interests of the stockholders in the most drastic way possible.

Mr. BURLESON. I would like to ask the gentleman if ultimately this company is to ask the Government to take hold of this enterprise?

Mr. DALZELL. The provision is that the Government at the end of fifty years may at its option appropriate the canal, not paying anything for the franchise or for the good will.

Mr. BURLESON. Those interests have no purpose before that time to compel the Federal Government to appropriate the canal?

Mr. DALZELL. Not at all. It is postponed for fifty years. I feel persuaded if I had an opportunity to argue the question before this House that there would be no trouble about passing the bill. That is the reason I want to have a time fixed for the consideration of the bill.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] reserve the remainder of his time?

Mr. DALZELL. I reserve the balance of my time.

Mr. BURNETT. Mr. Speaker, I wish this bill was on the desk of every Member present, because I think it is one of the most vicious pieces of legislation, as a precedent, that I have seen offered in this House for some time. The gentleman from Texas [Mr. BURLESON] well asked why they could not go to the States to get their charter for this corporation. One of the objections I have to the passage of the bill is that it will be setting a precedent here of Congress granting charters to these private corporations. There is no doubt that in the past in some cases that has been done, notably in the cases of the Pacific railway companies, but the Supreme Court in passing upon that question stated that one of the reasons why that was done was because those railroads passed through Territories and over navigable streams and across many great States. Here it is sought to commit Congress and this Government to the enactment of legislation which hereafter railroad companies may take as a precedent, as well as every canal company and every electric railway company that wants to cross State lines and escape control by State laws.

The gentlemen who were before the Committee on Railways and Canals in favor of this bill admitted that they could get from the States of Pennsylvania and Ohio all the powers they wanted except the right of merger; that is, the right of consolidation. Now, there are companies and corporations all over this country whose lines run across State lines which have gone to the States and gotten all the powers they ought to have had. I desire to especially call the attention of gentlemen from these two States of Pennsylvania and Ohio to what powers this corporation is to have under this bill. It not only grants to them, Mr. Speaker, the right of eminent domain, but if you will look at sections 11 and 12 you will find it grants to them the right of absorbing every stream that they cross, of absolutely destroying the electric-light plants and gas plants and things of that kind that are kept up by the cities and towns for their use, when they pay the value of said utilities. It may destroy a man's mill that is below on any streams the canal may cross. It may be said that they will have to condemn them and the owners will get compensation for them; but in a case where a man's mill is away below where the stream has been absorbed by the canal, how is a man going to secure damage for that? If he goes before the court, it will declare the damages were too remote and can not be allowed. I want to read section 11, which affords a precedent, in my opinion, for very vicious legislation:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals and other works of the company hereby authorized, and it shall have the authority to alter any and all highways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals and other works of the company, and whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other works can not agree as to the character, method, and terms of such alteration, and there are no laws of the State in which the alteration is proposed applicable thereto, then the same shall be determined by the district court of the United States of the district in which the alteration is proposed, and the district courts of the United States in the district through which the canal herein authorized shall run are hereby clothed with jurisdiction to hear and determine such disputes, under such rules as said courts may prescribe, and to fix the character, method, and terms upon which the alteration shall be made.

That is one of the very outrageous propositions involved in this. Section 12 is, if possible, more so:

SEC. 12. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may obtain, take, and use, for the construction and operation of the said canal, from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply, sufficient water for the purpose of constructing, maintaining, operating, and using the said canals and works hereby authorized; control and regulate the flood waters of the—

rivers that are named in section 12. The only limitation is the proviso which says that they can not diminish the water supply of any city, village, or municipality below the reasonable requirements of such city, village, or municipality, or in any manner pollute the same.

Now, as I said a moment ago, they can absorb every stream running every mill below that. They can alter the railroads, Mr. Speaker, they can pull them up and move them. The proposition embraced in the bill is that it is a matter of higher public utility, and it can destroy the other public utilities; and if the Congress of the United States decides to pass this bill, it will decide that this is a greater public utility than the other utilities along the banks of the canal and that they can be destroyed wherever the canal is to be dug.

Section 13 is little better than the other sections I have called attention to. It seems to me, Mr. Speaker, that we are entering upon a field here that we do not want to go any further into. In these two States they have canal commissions. They regulate a great many things, and there is nothing but this power of combination that this private corporation pretends that it could not get from the jurisdiction of the State laws. I have not time to discuss that further, and I yield to the gentleman from Mississippi [Mr. WILLIAMS]. [Loud applause.]

Mr. WILLIAMS. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman has fourteen minutes.

Mr. WILLIAMS. Mr. Speaker, I hope that nobody will get it into his head that there is anything in the slightest degree of

a political or partisan character about this bill just because I, who oppose it, am minority leader. I want every Republican in the House to look at it as it is, as a purely business matter. The gentleman from Pennsylvania [Mr. DALZELL] says that the only object of the resolution is "to get consideration of this bill upon its merits." There is another object of the resolution, that is to come in upon suspension day, and by resolution to get out from under the rules that require a two-thirds vote to pass a bill, and enable this bill to be passed, if this resolution is passed, by a majority vote upon some succeeding occasion.

Mr. DALZELL. The gentleman is certainly mistaken, and does not want to misrepresent me. I am not bound to call up this bill on suspension day and ask for its passage by a two-thirds vote.

Mr. WILLIAMS. In response to a parliamentary inquiry by the gentleman from Alabama [Mr. BURNETT], the Speaker said that when this matter came up, if this resolution were passed, the bill could be passed by a majority vote.

Mr. DALZELL. Why, certainly; like any other bill.

Mr. WILLIAMS. If it came up to-day it could not be passed except by a two-thirds vote.

Mr. DALZELL. I did not call it up to-day.

Mr. WILLIAMS. You do virtually call it up. You take advantage of the fact that this is suspension day, to be recognized by the Chair.

But leave that out. I want to talk about this bill upon its merits. It is absolutely wrong, gentlemen, upon general principles. If a canal ought to be dug—and I will say right here that one ought to be dug from the Lakes down to the navigable waters of the Ohio, putting the lower Mississippi Valley and the Lakes in communication with one another—it ought to be done in the regular manner. It ought to come upon a river and harbor bill. It ought to be paid for out of the Public Treasury. The canal ought to be at the service of all the people. There either ought to be no tolls upon it at all, or there ought to be tolls so low as merely to pay the cost of operation, and not tolls sufficient to pay interest upon an immense amount of money invested in the plant, and tolls besides that to pay a dividend to stockholders in a private corporation, and other tolls for officers of the corporation whose members are not stated and whose salaries are not prescribed in the bill.

If you want canals dug and rivers and harbors deepened, in the interest of the people and of interstate commerce, those things ought to be done by the Federal Government, and they ought to be operated at the very cheapest possible cost, so as to have the very utmost possible influence in keeping down freight rates throughout the United States. The precedent is wrong. Why, they say that here is an immense commerce. Turn to page 5 of the report and you will find the statistics there. The figures are astonishing of the amount of iron ore, the amount of pig iron, and the amount of coal that would come down that canal. All the more reason not to give it to any private corporation to exploit the people. Turn to the savings to commerce, on page 7 of the report. They are equally astonishing. They say the canal tolls would be 20 cents per ton, although there is not a word in this bill to force them to charge only 20 cents per ton.

Mr. DALZELL. The gentleman has not read the bill, I fear.

Mr. WILLIAMS. I have read the bill, but I may have made a mistake.

Mr. DALZELL. The tolls so far as intrastate commerce are concerned are left to be regulated by the State legislatures, and so far as interstate commerce is concerned they are to be regulated by the Interstate Commerce Commission.

Mr. WILLIAMS. I understand that; but upon page 7 of the report I find the expected canal tolls are put at 20 cents per ton. Now, I say there is not a word in the bill to compel this private corporation not to charge a higher rate than 20 cents a ton. There is no restriction upon its right to charge, except that as to interstate shipments it is to be under the general control of the Interstate Commerce Commission, and as to intrastate tolls it is put under the laws of the respective States, Ohio and Pennsylvania. We all know how little all that amounts to in the present state of the law.

The estimated canal tolls here are put at 20 cents per ton, and the vessel charges at 20 cents per ton, making a total of 40 cents per ton. The present railroad rate is 90 cents. The first two put together and substracted from the last make an estimated saving of 50 cents per ton below the present railroad rates. And yet whether there shall be this saving or not or any saving at all is left to the sweet will of the canal company. If that canal company can pay the interest upon the money invested in the plant and pay a dividend to its stockholders, and charge only 20 cents a ton, then, if the Government of the United States builds this canal, as it ought to do, it can certainly pay operating expenses—all it would have to provide for—on from 5 to 10 cents a ton.

What is the object of public works of this sort? The object is to keep down railroad freight rates by the competition of waterways, and that ought to be the object of this project.

It would be the result, if the War Department under a river and harbor bill appropriation constructed the work.

It will not be the result if the power to construct and to collect unprescribed tolls is delegated to a corporation, which may charge railroad rates or sell to a railroad or a combination of railroads.

Mr. SHERLEY. I want to ask the gentleman at what period of time he thinks we will get this canal built by the Government, judging by the present expenditure for rivers and harbors? I ask that question because I am interested in the object sought to be attained by this bill.

Mr. WILLIAMS. I do not know when, I am sorry to say. We have "gone, gone, gone" a world-powering, and hence we have got to the point where, threatened with deficits, we must delegate river and harbor work to private corporations in the United States. [Applause.]

But I say the thing to do is to build this canal by the Government, and I say it ought to be built by the Government. I say that the river and harbor appropriation bill ought to provide for it. It is of the very greatest advantage to the lower Mississippi River. It is of the greatest advantage to all the industries about Pittsburg and upon the Lakes. It is of the very greatest advantage to everybody distant from there, as a regulator of railway freight rates. But the principle of delegating these great governmental functions to this private corporation is wrong. And then the principle—even if it was going to be delegated—the principle of coming to the United States Government for a charter instead of getting a charter from either the State of Pennsylvania or the State of Ohio is wrong. What does it lead to? Now, I have only a minute, and I am compelled to speak very rapidly and not very clearly, but after enumerating the powers of this corporation in the bill, this significant sentence is added:

> And generally have—
>
> Mr. Speaker, watch this language—
>
> and exercise all the powers usually granted to and vested in corporations of the United States of America.

Will any lawyer here tell me what powers are usually granted to and vested in "corporations of the United States of America?" I can tell you what powers are usually granted and vested in corporations of the State of Mississippi, and other gentlemen can tell you what powers are granted to and vested in corporations of the State of Pennsylvania. But "corporations of the United States!" What are they? What are their usual powers? Who knows? But here we are out on a wide, wide sea when you come to the Federal charter business.

Mr. GARRETT. Let me ask the gentleman from Mississippi if this corporation would be exempt from State taxation?

Mr. WILLIAMS. It could be, but the bill does not exempt it. Now, gentlemen, I want to call your attention to this provision: Section 11—watch the language—the gentleman from Alabama [Mr. BURNETT] read it, but I want you to take it in and absorb it:

> That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals and other works of the company hereby authorized, and it *shall have the authority to alter any and all highways, railroads, and other works, either public or private*, necessary for the making, maintaining, and operating of the canals and other works of the company.

To "alter" highways, railroads, and "other works"—how broad; "public or private"—how broader!

Mr. BURNETT. I desire to state to the gentleman from Mississippi that I have followed the bill for several days, and they have actually changed the majority of the names of the incorporators. This time they are not what they were before.

Mr. WILLIAMS. Proof probable that something concealed is behind it all, with decoys in front. But I do not know who they are. They may be the best people in the world, and have the highest and most patriotic motives. But the whole principle is wrong. This doing of a public work by private corporations, and leaving the private corporations under the indefinite general restrictions of law as to "reasonable charges," to charge what they please to travel over the canal highway is all wrong—a retrograde step to old methods.

Now, later on in section 11, in lines 4, 5, 6, and 7, on page 7, the bill says:

> And whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other

works can not agree as to the character, method, and terms of such alteration, and *there are no laws of the State in which the alteration is proposed applicable thereto, then the same shall be determined by the district court of the United States.*

So that they are to operate within the State in condemnation of property in the very absence of State law and independently of it to go into the Federal courts.

Mr. BURNETT. If the gentleman will allow me one more interruption, it was also stated in the hearings that this company had a charter from Pennsylvania and also from the State of Ohio.

Mr. WILLIAMS. Yes; and they are getting this power to operate by going into the district Federal courts. What need have they for another charter? One from either State would do.

Mr. COOPER of Wisconsin. Will the gentleman from Mississippi yield for a question?

Mr. WILLIAMS. Yes.

Mr. COOPER of Wisconsin. In view of what the gentleman from Mississippi has just said I recall the terrific struggle the Wabash Railroad had to get into Pittsburg at all. Does the gentleman know whether the incorporators under this bill would have an opportunity to cripple or prevent the entrance into the city of Pittsburg by the Wabash Railroad or any other?

Mr. WILLIAMS. If they wanted to, they would have the right "to alter"—that is a pretty broad word—"any highway or railroad where they thought it was necessary for the making and maintaining and operating of the canal;" and not only for that, but where they thought it was necessary for the making and maintaining and operating of "other works of the company," whatever they are.

And whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, they can go into the Federal courts.

This is broad enough to keep anything out of anywhere.

Now, section 14 says:

That the said company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds, on or at which the said canals—

Not "canal," but "canals," for there are to be tributary canals in addition to the main canal—

may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, or other works of the company, and may also construct such works as may be necessary to improve the navigation of said rivers and to stop the waste of waters therefrom and economize and utilize the same for the uses herein provided for.

In other words, they take so much of the public beaches or beach roads as they can under the limit described here, and you may judge of how far that power would go. Practically it would be everything that was not so patently and plainly and obviously unnecessary there for the main canal or any of the little canals or any of "the other works" that the corporation would be dictators of how much of a public beach they should take. The only restraint is that they could not sell it; they could not lease it out. There is one clause in the bill that is right generous. It is well to find something in the bill that is generous. It is section 18, as follows:

SEC. 18. That the canals and other works hereby authorized shall be lawful military and post routes, which the United States may forever use for the transmission of mails, dispatches, troops, munitions of war, supplies, and public stores, at fair and reasonable rates of compensation not exceeding that paid by private parties for the same service.

How kind not to charge the Government which freely gives them this franchise worth millions not more than is to be charged private parties for equal service!

That is the only thing I see in it of an exclusively public character. Now, as to how long it is to be in being built. The gentleman from Kentucky [Mr. SHERLEY] asked me how long the Federal Government would be constructing this canal. I do not know. It depends on how crazily we are going on throwing our money away somewhere else—out oriental way—instead of devoting it to domestic developments. But how long will this corporation be at it? Here it says that they are to take fifteen years, but then there comes this significant language: "But in calculating the time aforesaid delays caused by the act of God or the act of the public enemy shall not be included." I do not know what they mean by the "delays caused by the act of God." Rains? Thunderstorms? Snows? What? I think they might commute these "acts of God," and make the whole thing twenty years or something less.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, how much time have I?

The SPEAKER. Eighteen minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Wisconsin [Mr. DAVIDSON].

Mr. DAVIDSON. Mr. Speaker, I did not expect upon the presentation of this resolution that the merits of this bill would be discussed. I am perfectly willing, however, to discuss them and go over the bill, section by section, with the Members of this House. The bill has been carefully worked over for a number of years. It has been reported to two different Congresses by the Committee on Railways and Canals. At each session we have tried to perfect the bill and to protect all public and private interests. We have given to this corporation no greater power than that possessed by any railroad corporation except in the single instance that we authorize this company to have the power to relocate or alter a railroad where it comes in contact with the canal. This is necessary, because up the Beaver River there are two or three places where the railroad as at present constructed not only crosses the river on a low bridge, but parallels it close to the bank.

The plan is to canalize the Beaver River by the construction of locks and dams which necessarily in places will raise the water, and it is apparent that in order to build the canal at all, to raise the water at all, those tracks would have to be relocated and the bridges would have to be raised. The bridges would have to have draws if not raised sufficiently high for the traffic to go under. That power is absolutely essential if the canal is to be built. We provide that all damages for changes or alterations of highways or railways, concerning which the gentleman from Mississippi [Mr. WILLIAMS] has spoken, are subject to the laws of the State wherein the change is to be made. Railroads now relocate highways or private ways or relocate private works which interfere with the construction of the railroad. It obtains that under the right of eminent domain. Now, the only additional power is that this canal company shall have the power to relocate the railroad where it comes in contact with or is so close to the river as to make it necessary, but all must be done at the expense of this company, and provision is made for the fixing of that expense in damages by the State laws, if there are State laws, and if not, we make the safety provision that jurisdiction shall extend to the local Federal court of that district to protect those interests.

Now, this is a great public work, and as the gentleman from Kentucky [Mr. SHERLEY] intimates in his remarks, it will be fifty or a hundred years, possibly, before the United States Government, under its policy of improving rivers and harbors and building canals, after completing the Panama Canal and taking care of the burden of that, will be prepared to undertake a work of this kind. The fact is that, notwithstanding there are ten railroads crossing the portage between Pittsburg and Lake Erie, there is a congestion of freight that not only interferes with the business institutions of Pittsburg, but with the business institutions up the Great Lakes—in Milwaukee, Chicago, Superior, Duluth, and all of that section—through certain portions of each season.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. DAVIDSON. Certainly.

Mr. COOPER of Wisconsin. Who are these incorporators?

Mr. DAVIDSON. They are among the best business men of the city of Pittsburg. The gentleman from Pennsylvania [Mr. DALZELL] can give a better description of each one. They have been before the committee, and they are vouched for as being men who are engaged in the great industries that center in the Pittsburg district. They propose to put in $10,000,000 cash to start the work, and then they propose to issue bonds for the balance. We have limited by very strict provisions the stock issue and the bond issue. We have safeguarded every public and private interest. The powers given are no greater than are usually given in works of this kind, and only such as are absolutely essential to the carrying out of this great enterprise.

Mr. DALZELL. Mr. Speaker, it is perfectly apparent to me from the remarks of the gentleman from Mississippi that he has never studied this bill. There never was a corporation tied down by stricter terms than this proposed corporation in this bill. There is not a single power granted to it that is not absolutely necessary in the construction of a public work. Now, with respect to the method by which this resolution comes before the House, we are simply following to-day what for many, many years, until recent Congresses, has been the method in this House in fixing time for consideration of a bill. Instead of having a special rule brought in by the Committee on Rules, as is now customary, five or six Congresses ago the custom was, on suspension day, to pass a resolution, under suspension of the rules, fixing a day for the consideration of bills, so that the gentleman is mistaken with respect to my position so far as that is concerned.

Now, what is this proposition, Mr. Speaker? Between the

Great Lakes and the Ohio River intervenes a space of about 100 miles. If that 100 miles was covered by a canal there would be a continuous waterway from the Atlantic Ocean to the Gulf of Mexico, from the port of New York to the port of New Orleans, by way of the Erie Canal, the Great Lakes, this proposed canal, and the Ohio and Mississippi rivers—a great national highway, carrying the commerce of twenty-one States of this Union. Now, what is the proposition? The proposition is that private citizens, without waiting for an appropriation from the Federal Treasury, not expecting ever to get an appropriation from the Federal Treasury, shall put up their own means to construct this great national highway, upon which, according to the testimony offered before the Committee on Railways and Canals, there would be a saving on every ton of freight carried from Lake Erie to the Ohio River of 50 cents; in other words, nearly $20,000,000 a year in the aggregate of freight between those two points.

A great national highway proposed to be constructed by private enterprise, and do you mean to tell me that this House will not permit them to enter upon such a work?

Mr. WILLIAMS. Mr. Speaker——

Mr. DALZELL. I have not the time to spare.

Mr. WILLIAMS. I just wanted to ask the gentleman one question.

Mr. DALZELL. Well, ask the question.

Mr. WILLIAMS. Does the gentleman intend the House to understand these people are not going to make a profit out of this venture?

Mr. DALZELL. I mean to have the House understand that these people expect to make nothing more than a reasonable return upon their money. Why, so far as that is concerned the bill expressly provides that tolls and freight charges within the States of Ohio and Pennsylvania shall be subject to the State legislatures. So far as tolls upon the highway as an interstate-commerce highway are concerned they are subject to the Interstate Commerce Commission. So far as the gentlemen are concerned, about whom the gentleman from Wisconsin [Mr. COOPER] asked, I would say that they are among the best and most enterprising and highly respected citizens of the city of Pittsburg. I know of no one opposed to this great measure outside of the Members on the other side of the House, but the railroads whose traffic is expected to be interferred with. I am here solely in the interest, as I say of a great national, not sectional, not local, but a great national work, and all we are asking is the poor boon of being allowed to build it.

Mr. CHARLES B. LANDIS. Is it not true this is to be made a part of a railroad system?

Mr. DALZELL. On the contrary, it is intended to be a great regulator of freights between the Lakes and the Ohio.

Mr. GROSVENOR. Is not this intended to be a complement to the great system of the 9-foot stage of the Ohio River between Pittsburg and Cairo?

Mr. DALZELL. I was just coming to that. The United States has spent millions of money on the Ohio. The harbor of Pittsburg has been extended to the mouth of the Beaver, and we now have the prospect of a 9-foot channel from Pittsburg to Cairo, and when that is completed then with this canal you would have a continuous waterway, as I have said, from the port of New York to the port of New Orleans, and eventually through the Panama Canal to the Pacific Ocean.

That is the enterprise for which I am asking from the House to-day the poor boon of a right to consider it, a right to have it debated. Are you afraid, gentlemen, to have it debated, or will you give me an opportunity to be heard upon the merits of the question? Why, I venture to say that if the gentleman from Mississippi [Mr. WILLIAMS] had not taken the floor a few moments ago there would not have been ten votes on that side of the House against this proposition. I speak with knowledge. I have discussed this measure with many men on that side of the House who have given it their heartiest approval, and who would vote to-day for this resolution if it were not—not as the gentleman from Mississippi says, not truly not a partisan measure, but the contrary—if it were not made by his selection as spokesman a party measure. Now, Mr. Speaker, let us have a vote. [Applause.]

The SPEAKER. The question is on suspending the rules and agreeing to the motion of the gentleman from Pennsylvania [Mr. DALZELL].

The question was taken, and the Chair announced that the ayes seem to have it.

Mr. BURNETT. Division, Mr. Speaker.

Thereupon the House divided; and the Chair announced that there were—ayes 153, nays 86.

Mr. DALZELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 72, answered "present" 11, not voting 181, as follows:

YEAS—120.

Allen, Me.	Dawson	Jones, Wash.	Otjen
Bannon	Deemer	Kahn	Palmer
Barthoidt	Dickson, Ill.	Keifer	Parker
Bennet, N. Y.	Draper	Kennedy, Nebr.	Parsons
Birdsall	Flack	Kennedy, Ohio	Payne
Bonynge	Fletcher	Knapp	Perkins
Boutell	Foster, Vt.	Knopf	Pollard
Bowersock	French	Lacey	Prince
Brick	Fulkerson	Landis, Chas. B	Reeder
Brownlow	Fuller	Law	Rives
Buckman	Gaines, W. Va.	Lawrence	Roberts
Burleigh	Gardner, Mass.	Lilley, Pa.	Rodenberg
Burton, Del.	Gardner, Mich.	Littlefield	Scroggy
Burton, Ohio	Graff	Lovering	Smith, Iowa
Calderhead	Grosvenor	McCarthy	Smith, Wm. Alden
Campbell, Kans.	Hamilton	McCleary, Minn.	Smyser
Campbell, Ohio	Haugen	McCreary, Pa.	Snapp
Capron	Hayes	McKinley, Ill.	Southard
Chaney	Hedge	McKinney	Southwick
Chapman	Henry, Conn.	McLachlan	Stafford
Cole	Hepburn	Madden	Steenerson
Cooper, Wis.	Higgins	Mann	Sulloway
Cousins	Hill, Conn.	Martin	Tawney
Crumpacker	Hinshaw	Miller	Tirrell
Curtis	Hoar	Mouser	Townsend
Cushman	Hogg	Murdock	Waldo
Dalzell	Howell, Utah.	Needham	Weems
Davidson	Hubbard	Norris	Wharton
Davis, Minn.	Huff	Olcott	Wilson
Dawes	Hull	Olmsted	Woodyard

NAYS—72.

Aiken	Ellerbe	Jones, Va.	Rainey
Beall, Tex.	Floyd	Kitchin, Claude	Randell, Tex.
Bell, Ga.	Gaines, Tenn.	Kitchin, Wm. W.	Robinson, Ark.
Bowers	Garrett	Lamar	Russell
Bowie	Gill	Lamb	Ryan
Brantley	Gillespie	Lee	Shackleford
Burgess	Glass	Lester	Sheppard
Burleson	Granger	Lewis	Sims
Burnett	Hardwick	Lloyd	Slayden
Butler, Tenn.	Hay	McLain	Smith, Ky.
Byrd	Heflin	McNary	Smith, Tex.
Candler	Henry, Tex.	Macon	Spight
Clark, Mo.	Hill, Miss.	Meyer	Stephens, Tex.
Clayton	Hopkins	Moon, Tenn.	Sullivan, Mass.
Davey, La.	Houston	Moore	Thomas, N. C.
Davis, W. Va.	Howard	Padgett	Watkins
De Armond	Hunt	Page	Webb
Dixon, Ind.	Johnson	Pou	Williams

ANSWERED "PRESENT"—11.

Adamson	Fitzgerald	Humphreys, Miss.	Ruppert
Bartlett	Gilbert, Ky.	Jenkins	Sherley
Finley	Griggs	Richardson, Ala.	

NOT VOTING—181.

Acheson	Ellis	Littauer	Slemp
Adams, Pa.	Esch	Little	Small
Adams, Wis.	Fassett	Livingston	Smith, Cal.
Alexander	Field	Longworth	Smith, Ill.
Allen, N. J.	Flood	Lorimer	Smith, Md.
Ames	Fordney	Loud	Smith, Samuel W.
Andrus	Foss	Loudenslager	Smith, Pa.
Babcock	Foster, Ind.	McCall	Southall
Bankhead	Fowler	McDermott	Sparkman
Barchfeld	Garber	McGavin	Sperry
Bates	Gardner, N. J.	McKinlay, Cal.	Stanley
Bede	Garner	McMorran	Sterling
Beidler	Gilbert, Ind.	Mahon	Stevens, Minn.
Bennett, Ky.	Gillett, Cal.	Marshall	Sullivan, N. Y.
Bingham	Gillett, Mass.	Maynard	Sulzer
Bishop	Goebel	Michalek	Talbott
Blackburn	Goldfogle	Minor	Taylor, Ala.
Bradley	Goulden	Mondell	Taylor, Ohio
Broocks, Tex.	Graham	Moon, Pa.	Thomas, Ohio
Brooks, Colo.	Greene	Morrell	Towne
Broussard	Gregg	Mudd	Trimble
Brown	Gronna	Murphy	Tyndall
Brundidge	Gudger	Nevin	Underwood
Burke, Pa.	Hale	Overstreet	Van Duzer
Burke, S. Dak.	Haskins	Patterson, N. C	Van Winkle
Butler, Pa.	Hearst	Patterson, Pa.	Volstead
Calder	Hermann	Patterson, S. C	Vreeland
Cassel	Hitt	Patterson, Tenn.	Wachter
Castor	Holliday	Pearre	Wadsworth
Clark, Fla.	Howell, N. J	Powers	Wallace
Cockran	Hughes	Pujo	Wanger
Cocks	Humphrey, Wash.	Ransdell, La.	Watson
Conner	James	Reid	Webber
Cooper, Pa.	Kelliher	Reynolds	Weeks
Cromer	Ketcham	Rhinock	Weisse
Currier	Kinkaid	Rhodes	Welborn
Dale	Klepper	Richardson, Ky.	Wiley, Ala.
Darragh	Kline	Rixey	Wiley, N. J.
Denby	Knowland	Robertson, La.	Williamson
Dixon, Mont.	Lafean	Rucker	Wood, Mo.
Dovener	Landis, Frederick	Samuel	Wood, N. J.
Dresser	Le Fevre	Schneebeli	Young
Driscoll	Legare	Scott	Zenor
Dunwell	Lever	Shartel	
Dwight	Lilley, Conn.	Sherman	
Edwards	Lindsay	Sibley	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The following pairs were announced.

Until further notice:

Mr. SHERMAN with Mr. RUPPERT.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.
Mr. WANGER with Mr. ADAMSON.
Mr. BEDE with Mr. RUCKER.
Mr. POWERS with Mr. PUJO.
Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
Mr. DOVENER with Mr. SPARKMAN.
Mr. BINGHAM with Mr. VAN DUZER.
Mr. CROMER with Mr. ZENOR.
Mr. BRADLEY with Mr. GOULDEN.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. DWIGHT with Mr. SOUTHALL.
Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.
Mr. BARCHFELD with Mr. LITTLE.
Mr. WATSON of Indiana with Mr. SHEBLEY.
Mr. LONGWORTH with Mr. LEGARE.
Mr. CURRIER with Mr. FINLEY.
For this day:
Mr. SIBLEY with Mr. SMALL.
Mr. ALEXANDER with Mr. HUMPHREYS of Mississippi.
Mr. STERLING with Mr. WILEY of Alabama.
Mr. MARSHALL with Mr. MCDERMOTT.
Mr. KETCHAM with Mr. SULZER.
Mr. LAFEAN with Mr. UNDERWOOD.
Mr. FOSS with Mr. JAMES.
Mr. GREENE with Mr. KELIHER.
Mr. WOOD of New Jersey with Mr. RHINOCK.
Mr. GILLETT of Massachusetts with Mr. TALBOTT.
Mr. ANDRUS with Mr. FITZGERALD.
Mr. BUTLER of Pennsylvania with Mr. BARTLETT.
Mr. COOPER of Pennsylvania with Mr. GARBER.
Mr. LILLEY of Connecticut with Mr. GARNER.
Mr. ALLEN of New Jersey with Mr. BROOCKS of Texas.
Mr. ACHESON with Mr. CLARK of Florida.
Mr. VAN WINKLE with Mr. WALLACE.
Mr. WACHTER with Mr. GILBERT of Kentucky.
Mr. VREELAND with Mr. WOOD of Missouri.
Mr. FASSETT with Mr. WEISSE.
Mr. SAMUEL W. SMITH with Mr. TRIMBLE.
Mr. SCOTT with Mr. TOWNE.
Mr. REYNOLDS with Mr. RICHARDSON of Kentucky.
Mr. PEARRE with Mr. REID.
Mr. OVERSTREET with Mr. TAYLOR of Alabama.
Mr. MUDD with Mr. RANSDELL of Louisiana.
Mr. MAHON with Mr. RIXEY.
Mr. HITT with Mr. MAYNARD.
Mr. GRONNA with Mr. LEVER.
Mr. HALE with Mr. PATTERSON of South Carolina.
Mr. DRISCOLL with Mr. HEARST.
Mr. DRESSER with Mr. GUDGER.
Mr. DARRAGH with Mr. GREGG.
Mr. CASSEL with Mr. GOLDFOGLE.
Mr. CALDER with Mr. LINDSAY.
Mr. BURKE of South Dakota with Mr. FLOOD.
Mr. BROOKS of Colorado with Mr. FIELD.
Mr. BABCOCK with Mr. COCKRAN.
Mr. LE FEVRE with Mr. STANLEY.
Mr. LITTAUER with Mr. LIVINGSTON.
Mr. WILEY of New Jersey with Mr. KLINE.
Mr. JENKINS with Mr. BROUSSARD.
Mr. ADAMS of Pennsylvania with Mr. BANKHEAD.
Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. FINLEY. Mr. Speaker, I wish to inquire if the gentleman from New Hampshire [Mr. CURRIER] has voted?

The SPEAKER. The gentleman has not voted.

Mr. FINLEY. Then I wish to withdraw my vote and answer "present."

The name of Mr. FINLEY was called and he voted "present."

The result of the vote was then announced as above recorded.

AMERICAN VESSELS IN THE COASTWISE TRADE.

Mr. LITTLEFIELD. Mr. Speaker, I make the report on the bill (H. R. 5281) to remove discriminations against American sailing vessels in the coastwise trade, and asks unanimous consent for the filing of the views of the minority to-day. Then I ask unanimous consent for the publication of the report and the views of the minority in one document with 2,000 extra copies.

Mr. WILLIAMS. Reserving the right to object, I will ask the gentleman what the bill is?

Mr. LITTLEFIELD. It is a bill to remove discriminations against American sailing vessels in the coastwise trade. This is all understood. The gentleman from Mississippi [Mr. SPIGHT] has agreed to it.

The SPEAKER. Is the minority ready to report?

Mr. SPIGHT. The minority is ready to report.

The SPEAKER. It does not require unanimous consent.

Mr. WILLIAMS. There is no objection to the request of the gentleman. I did not see my colleague present.

Mr. LITTLEFIELD. I ask unanimous consent that the report of the committee and views of the minority be printed in one document and that there be 2,000 extra copies printed.

The SPEAKER. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. The print of the bill has been exhausted, and I would like to ask for a reprint of the bill H. R. 5281.

The SPEAKER. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 9, 1906:

H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902; and

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

On February 10, 1906:

H. R. 4177. An act granting a pension to Susan H. Chadsey;
H. R. 5208. An act granting a pension to Susan J. Rounds;
H. R. 5654. An act granting a pension to Moses Eggleston;
H. R. 5779. An act granting a pension to Hannah W. Green;
H. R. 6116. An act granting a pension to John Gainsback;
H. R. 6166. An act granting a pension to Else C. Isachsen;
H. R. 7206. An act granting a pension to Nannie Frazier;
H. R. 7423. An act granting a pension to Rachel A. Dailey;
H. R. 8071. An act granting a pension to Mary Mitchell;
H. R. 8689. An act granting a pension to Frank P. Haas;
H. R. 8832. An act granting a pension to William I. Heed;
H. R. 9092. An act granting a pension to Lucy Walke;
H. R. 9382. An act granting a pension to Mariam T. Shreve;
H. R. 10365. An act granting a pension to Emeline S. Hayner;
H. R. 10573. An act granting a pension to Mariah Baughman;
H. R. 519. An act granting an increase of pension to William C. Stewart;
H. R. 520. An act granting an increase of pension to Henry C. Stern;
H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;
H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;
H. R. 1435. An act granting an increase of pension to Jason Robbins;
H. R. 1548. An act granting an increase of pension to Emma Leviness;
H. R. 1810. An act granting an increase of pension to James E. Post;
H. R. 1971. An act granting an increase of pension to Melville A. Smith;
H. R. 1972. An act granting an increase of pension to Stephen Gillen;
H. R. 2262. An act granting an increase of pension to John Seymour;
H. R. 2266. An act granting an increase of pension to George H. Hodges;
H. R. 2800. An act granting an increase of pension to Thomas Manahan;
H. R. 2959. An act granting an increase of pension to Amos H. Tenant;
H. R. 3295. An act granting an increase of pension to George W. Knapp;
H. R. 4223. An act granting an increase of pension to Frederick Schultz;
H. R. 4226. An act granting an increase of pension to William Painter;
H. R. 4392. An act granting an increase of pension to Joseph Miller;
H. R. 4393. An act granting an increase of pension to Henry Allen;
H. R. 4643. An act granting an increase of pension to Oriena F. Seaver;
H. R. 4682. An act granting an increase of pension to James Whiteman;

H. R. 4706. An act granting an increase of pension to Anna M. Gardner;
H. R. 4731. An act granting an increase of pension to Robert McMullen;
H. R. 4733. An act granting an increase of pension to John L. Files;
H. R. 4740. An act granting an increase of pension to Ransom L. Logan;
H. R. 4742. An act granting an increase of pension to Edward Coy;
H. R. 4744. An act granting an increase of pension to Thomas O'Connor;
H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;
H. R. 4991. An act granting an increase of pension to William R. Glisan;
H. R. 5158. An act granting an increase of pension to Ephraim N. R. Ohl;
H. R. 5182. An act granting an increase of pension to Robert S. Williams;
H. R. 5236. An act granting an increase of pension to Mary Greene;
H. R. 5237. An act granting an increase of pension to Rebecca Garland;
H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;
H. R. 5546. An act granting an increase of pension to James Eastwood;
H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;
H. R. 5642. An act granting an increase of pension to John W. Bancroft;
H. R. 5643. An act granting an increase of pension to Wells Briggs;
H. R. 5653. An act granting an increase of pension to Henry W. Wells;
H. R. 5831. An act granting an increase of pension to Julius Zuehlke;
H. R. 5845. An act granting an increase of pension to Robert T. Knox;
H. R. 5939. An act granting an increase of pension to James Brody;
H. R. 6113. An act granting an increase of pension to Moses Schoonmaker;
H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;
H. R. 6183. An act granting an increase of pension to Amanuel Russell;
H. R. 6186. An act granting an increase of pension to William Harvey;
H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;
H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;
H. R. 6447. An act granting an increase of pension to Mary E. Davenport;
H. R. 6544. An act granting an increase of pension to Buford P. Moss;
H. R. 6916. An act granting an increase of pension to Jacob Meier;
H. R. 6917. An act granting an increase of pension to Edmund R. Strang;
H. R. 6983. An act granting an increase of pension to Chalkley Petitt;
H. R. 7230. An act granting an increase of pension to John M. Wells;
H. R. 7237. An act granting an increase of pension to Philip Bacon;
H. R. 7509. An act granting an increase of pension to John N. Stone;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 7662. An act granting an increase of pension to Barney Shultz;
H. R. 7673. An act granting an increase of pension to Homer A. Barrows;
H. R. 7735. An act granting an increase of pension to James Hartzel;
H. R. 7755. An act granting an increase of pension to Adam Wenzel;
H. R. 7758. An act granting an increase of pension to John L. Whitman;
H. R. 7878. An act granting an increase of pension to Ann Betts;
H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;
H. R. 7889. An act granting an increase of pension to Aaron Noble;
H. R. 7950. An act granting an increase of pension to Emma M. Heath;
H. R. 7952. An act granting an increase of pension to Detrick Northrup;
H. R. 8181. An act granting an increase of pension to Martin B. Noyes;
H. R. 8237. An act granting an increase of pension to Noah Palmer;
H. R. 8374. An act granting an increase of pension to Ellen R. Graham;
H. R. 8403. An act granting an increase of pension to James L. Rector;
H. R. 8404. An act granting an increase of pension to John H. Ferguson;
H. R. 8409. An act granting an increase of pension to George H. Stowits;
H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;
H. R. 8659. An act granting an increase of pension to James Powers;
H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;
H. R. 9130. An act granting an increase of pension to John Brinkley;
H. R. 9659. An act granting an increase of pension to Abram V. Smith;
H. R. 9984. An act granting an increase of pension to Samuel McKinney;
H. R. 10142. An act granting an increase of pension to Thomas Bush;
H. R. 10218. An act granting an increase of pension to Melissa Chase;
H. R. 10352. An act granting an increase of pension to Sarah A. Boush;
H. R. 10389. An act granting an increase of pension to John W. Ellsworth; and
H. R. 10572. An act granting an increase of pension to Mary A. Hackley.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:
H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;
H. R. 1201. An act granting an increase of pension to Edward Maxwell;
H. R. 4708. An act granting an increase of pension to William T. Wiley;
H. R. 5597. An act granting an increase of pension to Oscar Williamson;
H. R. 7302. An act granting an increase of pension to James G. Head; and
H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported found truly enrolled bills of the following titles; when the Speaker signed the same:
H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;
H. R. 8773. An act granting an increase of pension to William H. Joslin;
H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river;
H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river;
H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and
H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1007. An act to repeal section 4136 of the Revised Statutes, relating to the admission of registry of repaired foreign wrecks; and

S. 2106. An act to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.

ISTHMIAN CANAL.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I submit herewith the letter of the Secretary of War, transmitting the report of the Board of Consulting Engineers on the Panama Canal and the report of the Isthmian Canal Commission thereon, together with a letter written to the chairman of the Isthmian Canal Commission by Chief Engineer Stevens. Both the Board of Consulting Engineers and the Canal Commission divide in their report. The majority of the Board of Consulting Engineers—eight in number, including the five foreign engineers—favor a sea-level canal, and one member of the Canal Commission, Admiral Endicott, takes the same view. Five of the eight American members of the Board of Consulting Engineers and five members of the Isthmian Canal Commission favor the lock canal, and so does Chief Engineer Stevens. The Secretary of War recommends a lock canal pursuant to the recommendation of the minority of the Board of Consulting Engineers and of the majority of the Canal Commission. After careful study of the papers submitted and full and exhaustive consideration of the whole subject I concur in this recommendation.

It will be noticed that the American engineers on the consulting board and on the Commission by a more than two to one majority favor the lock canal, whereas the foreign engineers are a unit against it. I think this is partly to be explained by the fact that the great traffic canal of the Old World is the Suez Canal, a sea-level canal, whereas the great traffic canal of the New World is the Sault Ste. Marie Canal, a lock canal. Although the latter, the "Soo," is closed to navigation during the winter months, it carries annually three times the traffic of the Suez Canal. In my judgment the very able argument of the majority of the Board of Consulting Engineers is vitiated by their failure to pay proper heed to the lessons taught by the construction and operation of the Soo Canal. It must be borne in mind, as the Commission points out, that there is no question of building what has been picturesquely termed "the Straits of Panama"—that is, a waterway through which the largest vessels could go with safety at uninterrupted high speed. Both the sea-level canal and the proposed lock canal would be too narrow and shallow to be called with any truthfulness a strait or to have any of the properties of a wide, deep water strip. Both of them would be canals, pure and simple. Each type has certain disadvantages and certain advantages. But in my judgment the disadvantages are fewer and the advantages very much greater in the case of a lock canal substantially as proposed in the papers forwarded herewith, and I call especial attention to the fact that the chief engineer, who will be mainly responsible for the success of this mighty engineering feat, and who has, therefore, a peculiar personal interest in judging aright, is emphatically and earnestly in favor of the lock-canal project and against the sea-level project.

A careful study of the reports seem to establish a strong probability that the following are the facts: The sea-level canal would be slightly less exposed to damage in the event of war; the running expenses, apart from the heavy cost of interest on the amount employed to build it, would be less; and for small ships the time of transit would probably be less. On the other hand, the lock canal at a level of 80 feet or thereabouts would not cost much more than half as much to build, and could be built in about half the time, while there would be very much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less. After being built it would be easier to enlarge the lock canal than the sea-level canal. Moreover, what has been actually demonstrated in making and operating the great lock canal, the Soo, a more important artery of traffic than the great sea-level canal, the Suez, goes to support the opinion of the minority of the Consulting Board of Engineers and of the majority of the Isthmian Canal Commission as to the superior safety, feasibility, and desirability of building a lock canal at Panama.

The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will of course be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 19, 1906.*

NOTE.—Papers accompanied similar message to the Senate.

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARSHALL, for two days, on account of important business.

JOHN H. LAMSON.

By unanimous consent, at the request of Mr. MCCALL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John H. Lamson, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination, with plan and estimate of cost, of construction of a bridge across the waterway between Chincoteaque Bay, Virginia, and Delaware Bay—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting a modification of estimate of appropriation for clerks in the office of Solicitor of the Treasury—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for care and custody of the insane of the District of Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill relating to the anchorage and movements of vessels in Hampton Roads and the harbors of Norfolk and Newport News, Virginia—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting a modification of estimate of appropriation for clerks in the office of Solicitor of the Treasury—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cheboygan Harbor, Michigan, with plan of improvement—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, submitting a statement as to the destruction of useless papers in the War Department and making a recommendation of legislation as to the change of the method of disposal of such papers—to the Joint Select Committee on Disposition of Useless Papers in the Departments, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a light-house tender for the sixth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a military hospital in the Moro Military Reservation, San Juan, P. R.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a response to the inquiry of the House relating to the sale of the custom-house property in New York City—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14970) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, reported the same without amendment, accompanied by a report (No. 1350); which said bill and report were referred to the House Calendar.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902," reported the same without amendment, accompanied by a report (No. 1465); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11026) to authorize the counties of Holmes and Washington to construct a bridge across Yazoo River, Mississippi, reported the same without amendment, accompanied by a report

(No. 1466); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11030) to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi, reported the same without amendment, accompanied by a report (No. 1467); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11505) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River, reported the same with amendment, accompanied by a report (No. 1468); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13190) to protect birds and their eggs in game and bird preserves, reported the same with amendment, accompanied by a report (No. 1469); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14309) to authorize the construction of a bridge across Fourche la Fave River in Perry County, Ark., reported the same with amendment, accompanied by a report (No. 1470); which said bill and report were referred to the House Calendar.

Mr. LLOYD, from the Committee on the Territories, to which was referred the bill of the Senate (S. 3522) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, reported the same without amendment, accompanied by a report (No. 1471); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRICK, from the Committee on the Territories, to which was referred the bill of the Senate (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, reported the same with amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound, reported the same with amendment, accompanied by a report (No. 1473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3045) to incorporate the American Cross of Honor within the District of Columbia, reported the same without amendment, accompanied by a report (No. 1474); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13842) to amend an act entitled "An act to incorporate the Eastern Star Home for the District of Columbia," approved March 10, 1902, reported the same without amendment, accompanied by a report (No. 1475); which said bill and report were referred to the House Calendar.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12904) to incorporate the American Institute for Drug Proving, reported the same with amendment, accompanied by a report (No. 1476); which said bill and report were referred to the House Calendar.

Mr. WOODYARD, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10067) authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the reclamation act, and for other purposes, reported the same with amendment, accompanied by a report (No. 1477); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13673) to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve, reported the same with amendment, accompanied by a report (No. 1478); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of California, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7013) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration at Paris, and to render judgment thereon, reported the same with amendment, accompanied by a report (No. 1479); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10080) to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district, reported the same with amendment, accompanied by a report (No. 1480); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14389) granting an increase of pension to Amos Hart, reported the same with amendment, accompanied by a report (No. 1351); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14086) granting a pension to Daniel Pence, reported the same with amendment, accompanied by a report (No. 1352); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7827) granting an increase of pension to William H. Uhler, reported the same with amendment, accompanied by a report (No. 1353); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7839) granting a pension to Ray E. Kline, reported the same with amendment, accompanied by a report (No. 1354); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9447) granting an increase of pension to John L. Edmondson, reported the same with amendment, accompanied by a report (No. 1355); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7412) granting an increase of pension to Isaiah L. Collins, reported the same with amendment, accompanied by a report (No. 1356); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8275) granting an increase of pension to Robert Aucock, reported the same with amendment accompanied by a report (No. 1357); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9127) granting an increase of pension to Isaac L. Rerick, reported the same without amendment, accompanied by a report (No. 1358); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7631) granting an increase of pension to Joseph W. Foster, reported the same with amendment, accompanied by a report (No. 1359); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10322) granting an increase of pension to Edgar W. Calhoun, reported the same with amendment, accompanied by a report (No. 1360); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10271) granting an increase of pension to Stephen G. Smith, reported the same with amendment, accompanied by a report (No. 1361); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8739) granting an increase of pension to Frank N. Gray, reported the same with amendment, accompanied by a report (No. 1362); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7615) granting an increase of pension to Joseph D. Tate, reported the same without amendment, accompanied by a report (No. 1363); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9617) granting an increase of pension to David A. Kirk, reported the same with amendment, accompanied by a report (No. 1364); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10217) granting an increase of pension to William A. Barnes, reported the same with amendment, accompanied by a report (No. 1365); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7815) granting an increase of pension to Thomas G. Covell, reported the same without amendment, accompanied by a report (No. 1366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7547) granting an increase of pension to George W. Allison, reported the same with amendment, accompanied by a report (No. 1367); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8917) granting an increase of pension to James Hines, reported the same with amendment, accompanied by a report (No. 1368); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7585) granting an increase of pension to Joseph Girdler, reported the same with amendment, accompanied by a report (No. 1369); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6490) granting an increase of pension to William H. Gilbert, reported the same with amendment, accompanied by a report (No. 1370); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6158) granting an increase of pension to Henry Rittenhouse, reported the same with amendment, accompanied by a report (No. 1371); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6401) granting an increase of pension to William V. Van Ostern, reported the same with amendment, accompanied by a report (No. 1372); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4809) granting an increase of pension to John W. Hatfield, reported the same with amendment, accompanied by a report (No. 1373); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4989) granting an increase of pension to Dominick Arnold, reported the same with amendment, accompanied by a report (No. 1374); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3806) granting a pension to Ena L. Martin, reported the same with amendment, accompanied by a report (No. 1375); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6988) granting an increase of pension to Seymour Cole, reported the same with amendment, accompanied by a report (No. 1376); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6395) granting an increase of pension to Daniel Ward, reported the same with amendment, accompanied by a report (No. 1377); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5616) granting an increase of pension to Edgar Schroeders, reported the same with amendment, accompanied by a report (No. 1378); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2150) granting an increase of pension to William E. Smith, reported the same without amendment, accompanied by a report (No. 1379); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2088) granting an increase of pension to Sewal A. Edwards, reported the same with amendment, accompanied by a report (No. 1380); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1058) granting an increase of pension to Alphonso H. Harvey, reported the same with amendment, accompanied by a report (No. 1381); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2080) granting an increase of pension to Sidney A. Asson, reported the same with amendment, accompanied by a report (No. 1382); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2151) granting an increase of pension to Lydia A. Wood, reported the same with amendment, accompanied by a report (No. 1383); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3284) granting an increase of pension to Jeremiah Callahan, reported the same with amendment, accompanied by a report (No. 1384); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2736) granting a pension to William Merideth, reported the same without amendment, accompanied by a report (No. 1385); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3384) granting a pension to Benjamin H. Decker, reported the same with amendment, accompanied by a report (No. 1386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10723) granting an increase of pension to Benjamin French, reported the same without amendment, accompanied by a report (No. 1387); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13136) granting an increase of pension to William Gaynor, reported the same with amendment, accompanied by a report (No. 1388); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13587) granting an increase of pension to August Frahm, reported the same with amendment, accompanied by a report (No. 1389); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11886) granting an increase of pension to Solomon R. Trueblood, reported the same with amendment, accompanied by a report (No. 1390); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13502) granting an increase of pension to John N. Buchanan, reported the same with amendment, accompanied by a report (No. 1391); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10897) granting an increase of pension to Isaac Deems, reported the same without amendment, accompanied by a report (No. 1392); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11259) granting an increase of pension to Barnes B. Smith, reported the same with amendment, accompanied by a report (No. 1393); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12403) granting a pension to Lydia Fiedler, reported the same with amend-

ment, accompanied by a report (No. 1394); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12396) granting an increase of pension to James Hutchinson, reported the same without amendment, accompanied by a report (No. 1395); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12565) granting an increase of pension to Jeremiah Kincaid, reported the same with amendment, accompanied by a report (No. 1396); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11849) granting a pension to Robert M. Young, reported the same with amendment, accompanied by a report (No. 1397); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13627) granting an increase of pension to Homer F. Herriman, reported the same with amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13238) granting an increase of pension to William Strasburg, reported the same without amendment, accompanied by a report (No. 1399); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11408) granting an increase of pension to George W. Reed, reported the same with amendment, accompanied by a report (No. 1400); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11196) granting an increase of pension to William H. Joslyn, reported the same with amendment, accompanied by a report (No. 1401); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12825) granting an increase of pension to Daniel Bloomer, reported the same with amendment, accompanied by a report (No. 1402); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14768) granting a pension to Orlando W. Frazier, reported the same with amendment, accompanied by a report (No. 1403); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14698) granting an increase of pension to William F. Drake, reported the same with amendment, accompanied by a report (No. 1404); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14287) granting an increase of pension to Martha Brooks, reported the same with amendment, accompanied by a report (No. 1405); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8208) granting an increase of pension to Eli Brainard, reported the same with amendment, accompanied by a report (No. 1406); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1427) granting an increase of pension to G. S. Scott, reported the same with amendment, accompanied by a report (No. 1407); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14089) granting an increase of pension to Martin Harter, reported the same with amendment, accompanied by a report (No. 1408); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14076) granting an increase of pension to William Sanders, reported the same without amendment, accompanied by a report (No. 1409); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13959) granting an increase of pension to Thomas B. Mouser, reported the same without amendment, accompanied by a report (No. 1410); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2763) granting an increase of pension to Anthony Sherlock, reported the same with amendment, accompanied by a report (No. 1411); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1566) granting an increase of pension to Thomas Lowry, reported the same with amendment, accompanied by a report (No. 1412); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11804) granting an increase of pension to Patrick McDermott, reported the same without amendment, accompanied by a report (No. 1413); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8) granting an increase of pension to William M. Hall, reported the same without amendment, accompanied by a report (No. 1414); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 124) granting an increase of pension to Curtis B. McIntosh, reported the same without amendment, accompanied by a report (No. 1415); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 125) granting an increase of pension to John E. Hadsall, reported the same without amendment, accompanied by a report (No. 1416); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 176) granting an increase of pension to Benjamin F. Marsh, reported the same without amendment, accompanied by a report (No. 1417); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 186) granting an increase of pension to George P. Howe, reported the same without amendment, accompanied by a report (No. 1418); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 201) granting an increase of pension to Lyman E. Farrand, reported the same without amendment, accompanied by a report (No. 1419); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 207) granting an increase of pension to Marion F. Howe, reported the same without amendment, accompanied by a report (No. 1420); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 533) granting an increase of pension to Francis M. Munson, reported the same without amendment, accompanied by a report (No. 1421); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 620) granting an increase of pension to Elizabeth S. Law, reported the same without amendment, accompanied by a report (No. 1422); which said bill and report were referred to the Privata Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 640) granting an increase of pension to Hugh P. Buffon, reported the same without amendment, accompanied by a report (No. 1423); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 717) granting an increase of pension to Charles H. Tuck, reported the same without amendment, accompanied by a report (No. 1424); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 789) granting an increase of pension to Mary E. Wolf, reported the same without amendment, accompanied by a report (No. 1425); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 853) granting an increase of pension to Charles Lander, reported the same without amendment, accompanied by a report (No. 1426); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 894) granting an increase of pension to Florence A. Sewell, reported the same without amendment, accompanied by a report (No. 1427); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 984) granting an increase of pension to William W. Benedict, reported the same without amendment, accompanied by a report (No. 1428); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 992) granting an increase of pension to Albert E. Lyon, reported the same without amendment, accompanied by a report (No. 1429); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1298) granting an increase of pension to Francis W. Usher, reported the same without amendment, accompanied by a report (No. 1430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1414) granting an increase of pension to Sidney G. Smith, reported the same without amendment, accompanied by a report (No. 1431); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1433) granting an increase of pension to Joseph W. Willard, reported the same without amendment, accompanied by a report (No. 1432); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1465) granting an increase of pension to Patrick Fallihee, reported the same with amendment, accompanied by a report (No. 1433); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1538) granting an increase of pension to Indiana A. Paul, reported the same without amendment, accompanied by a report (No. 1434); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1670) granting an increase of pension to William McNabb, reported the same without amendment, accompanied by a report (No. 1435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1753) granting an increase of pension to Waldo W. Paine, reported the same without amendment, accompained by a report (No. 1436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1798) granting an increase of pension to Robert K. Smith, reported the same without amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1799) granting an increase of pension to Henry Logan, reported the same without amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1825) granting an increase of pension to James G. Doane, reported the same without amendment, accompanied by a report (No. 1439); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1883) granting an increase of pension to Nellie Raymond, reported the same without amendment, accompanied by a report (No. 1440); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2257) granting an increase of pension to Mary J. Campbell, reported the same without amendment, accompanied by a reopt (No. 1441); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2327) granting an increase of pension to Sidney F. Mullin, reported the same without amendment, accompanied by a report (No. 1442); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2328) granting an increase of pension to Benjamin Franklin Bigelow, reported the same without amendment, accompanied by a report (No. 1443); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2329) granting an increase of pension to Knute Torgeson, reported the same without amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2337) granting an increase of pension to Ellen S. Larned, reported the same without amendment, accompanied by a report (No. 1445); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2405) granting an increase of pension to John P. Winget, reported the same without amendment, accompanied by a report (No. 1446); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2482) granting an increase of pension to Cutler A. Chamberlin, reported the same without amendment, accompanied by a report (No. 1447); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2702) granting an increase of pension to George W. Dightman, reported the same without amendment, accompanied by a report (No. 1448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2752) granting an increase of pension to Robert S. Moore, reported the same without amendment, accompanied by a report (No. 1449); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2797) granting an increase of pension to James Buggie, reported the same without amendment, accompanied by a report (No. 1450); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2975) granting a pension to Mary L. Miller, reported the same without amendment, accompanied by a report (No. 1451); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3039) granting an increase of pension to Joseph Smith, reported the same without amendment, accompanied by a report (No. 1452); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3120) granting an increase of pension to Mary Driscoll, reported the same without amendment, accompanied by a report (No. 1453); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3123) granting an increase of pension to William H. Alban, reported the same without amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3126) granting an increase of pension to Stephen B. Tarlton, reported the same without amendment, accompanied by a report (No. 1455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3240) granting an increase of pension to John T. Jones, reported the same without amendment, accompanied by a report (No. 1456); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3309) granting an increase of pension to John C. Baber, reported the same without amendment, accompanied by a report (No. 1457); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3402) granting an increase of pension to Jesse W. Elliott, reported the same without amendment, accompanied by a report (No. 1458); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3507) granting an increase of pension to Isaac Van Volkenburgh, reported the same without amendment, accompanied by a report (No. 1459);

which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3587) granting an increase of pension to Eliza Orr, reported the same without amendment, accompanied by a report (No. 1460); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3605) granting an increase of pension to Albert Smith, reported the same without amendment, accompanied by a report (No. 1461); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3630) granting an increase of pension to Martin L. Barber, reported the same without amendment, accompanied by a report (No. 1462); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3643) granting an increase of pension to Seth Raymond, reported the same without amendment, accompanied by a report (No. 1463); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3667) granting an increase of pension to Martha J. Brisco, reported the same without amendment, accompanied by a report (No. 1464); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHARD: A bill (H. R. 15067) authorizing the procuring of additional land for site of Bureau of Standards—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 15068) to provide for the establishment of divisions in the judicial district of Indiana, and for other purposes in connection therewith—to the Committee on the Judiciary.

By Mr. HALE: A bill (H. R. 15069) granting compensatory pensions to the soldiers of the civil war who have lost limbs or been permanently disabled in line of duty in the service of said war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15070) granting compensatory pensions to the soldiers of the civil war who have lost limbs or been permanently disabled in line of duty in the service of said war—to the Committee on Invalid Pensions.

By Mr. LARRINAGA: A bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: A bill (H. R. 15072) for the erection of a public building at Demopolis, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 15073) to amend section 5200, Revised Statutes, whereby national banks shall be permitted to lend to one person or corporation one-tenth part of their capital stock and surplus—to the Committee on Banking and Currency.

By Mr. BABCOCK: A bill (H. R. 15074) to provide for the better registration of births in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 15075) to amend chapter 15 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WELBORN: A bill (H. R. 15076) providing for the creation of the southern judicial district of Missouri—to the Committee on the Judiciary.

By Mr. LITTLEFIELD (by request): A bill (H. R. 15077) to amend the Code of Law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902—to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 15078) granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point light-house reservation, in San Mateo County, Cal.—to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT (by request): A bill (H. R. 15079) authorizing the establishment of an additional recording district in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BROWNLOW: A bill (H. R. 15080) for the erection of a monument to the memory of Gen. Evan Shelby—to the Committee on the Library.

By Mr. WATKINS: A bill (H. R. 15081) to enlarge, repair, and improve the public building at Shreveport, La.—to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 15082) ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California—to the Committee on the Public Lands.

By Mr. SMITH of Illinois: A bill (H. R. 15083) to establish a United States court at Madill, in the Indian Territory—to the Committee on the Judiciary.

By Mr. HILL of Mississippi: A bill (H. R. 15084) for the erection of a public building at West Point, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A bill (H. R. 15085) to set apart certain lands in the State of South Dakota to be known as the Battle Mountain Sanitarium Reserve—to the Committee on the Public Lands.

By Mr. HAYES: A bill (H. R. 15086) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Texas: A bill (H. R. 15087) to provide for the erection of an Army and Navy hospital at Marlin, Tex.—to the Committee on Military Affairs.

By Mr. BROOCKS of Texas: A bill (H. R. 15088) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district—to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 15089) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903—to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: A bill (H. R. 15090) to regulate the jurisdiction of the United States district judges in the several districts and courts in which they preside in the State of Alabama—to the Committee on the Judiciary.

By Mr. BUTLER of Tennessee: A bill (H. R. 15091) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River, at or near Carthage, Tenn.," approved March 2, 1901—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A bill (H. R. 15092) authorizing insurance companies to be registered in the Bureau of Corporations in the Department of Commerce and Labor—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A bill (H. R. 15093) for the construction of a residence for the warden of the United States jail—to the Committee on Appropriations.

By Mr. BROOCKS of Texas: A bill (H. R. 15094) to construct a public building at Nacogdoches, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BURTON of Ohio: A bill (H. R. 15095) authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations—to the Committee on Rivers and Harbors.

By Mr. BIRDSALL: A bill (H. R. 15096) to appoint a solicitor for the customs department of the Treasury—to the Committee on Ways and Means.

By Mr. CURTIS: A bill (H. R. 15097) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law—to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 15098) authorizing the President of the United States, in conjunction with the State of Texas, to determine and establish the boundary lines between the Indian Territory, the Territories of New Mexico and Oklahoma, and the State of Texas—to the Committee on Indian Affairs.

By Mr. CALDERHEAD: A bill (H. R. 15099) providing for the erection of a public building at Manhattan, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. McNARY: A bill (H. R. 15100) to provide rebate of duties on coal—to the Committee on Ways and Means.

By Mr. DOVENER: A bill (H. R. 15124) to regulate the appointment, number, rank, and pay of chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. CAMPBELL of Kansas: A joint resolution (H. J. Res. 101) instructing the Interstate Commerce Commission to make examination into the subject of railroad discriminations and monopolies and report on the same from time to time—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: A resolution (H. Res. 274) for the employment of a lady attendant in the ladies' toilet room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 15101) granting an increase of pension to Andrew Friend—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 15102) granting an increase of pension to William H. Ryckman—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK. A bill (H. R. 15103) granting an increase of pension to Homer T. Akers—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 15104) granting an increase of pension to Thomas E. Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15105) granting an increase of pension to Jacob Sheil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15106) to correct the record of William H. Cheeks, alias William H. Justice—to the Committee on Military Affairs.

By Mr. BRICK: A bill (H. R. 15107) to remove the charge of desertion from the military record of Crandall E. Kidder and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 15108) granting a pension to N. A. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15109) for the relief of C. M. Justus—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 15110) granting an increase of pension to John Green—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 15111) granting an increase of pension to David R. Porter—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 15112) granting an increase of pension to Humphrey Hackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15113) granting a pension to Amanda E. Hopkins—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 15114) granting an increase of pension to Samuel Donaldson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 15115) granting an increase of pension to Charles M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15116) granting an increase of pension to James A. Medaris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15117) granting an increase of pension to Lewis N. Miller—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 15118) granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15119) granting an increase of pension to Cornelius Westman—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 15120) granting an increase of pension to Denison Brandon—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 15121) granting an increase of pension to Pliney H. Sanderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15122) granting an increase of pension to Charles H. Miel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting an increase of pension to Daniel Griffith—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 15125) granting an increase of pension to John M. Seydel—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 15126) granting an increase of pension to William K. Trabue—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 15127) granting an increase of pension to James T. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15128) granting an increase of pension to Richard Davis—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 15129) granting an honorable discharge to Thomas P. Shannon—to the Committee on Military Affairs.

By Mr. FLACK: A bill (H. R. 15130) granting an increase of pension to Robert Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15131) granting a pension to Mary Woodruff—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15132) granting an increase of pension to John Revard—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 15133) granting a pension to George P. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15134) granting a pension to Joseph Kennedy—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 15135) to remove the charge of desertion from the military record of George A. Easterley and grant him a pension—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15136) granting an increase of pension to George H. Justin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15137) granting an increase of pension to Henry B. Moulton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) for the relief of W. A. Miller—to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 15139) granting an increase of pension to James P. Mullen—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes—to the Committee on Naval Affairs.

By Mr. HALE: A bill (H. R. 15141) granting an increase of pension to William A. Hutcheson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15142) for the relief of Frank B. Smith—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 15143) for the relief of Andrew J. Beers—to the Committee on War Claims.

Also, a bill (H. R. 15144) granting an increase of pension to Hiram Jones—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 15145) granting an increase of pension to Adaline P. Norman—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 15146) granting an increase of pension to Amos Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15147) granting an increase of pension to Joseph B. Teas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15148) granting an increase of pension to John H. Aughey—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 15149) granting an increase of pension to W. W. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15150) granting an increase of pension to John O'Connor—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 15151) granting an honorable discharge and pension to William Conner—to the Committee on Military Affairs.

By Mr. HUNT: A bill (H. R. 15152) granting an increase of pension to Mary T. Corns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15153) granting an increase of pension to Ernst Werner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15154) granting a pension to James Cannon—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 15155) to remove the charge of desertion against William C. Rich—to the Committee on Military Affairs.

Also, a bill (H. R. 15156) for the relief of A. H. Nichols—to the Committee on Claims.

Also, a bill (H. R. 15157) to remove the charge of desertion against the name of Horace Olmsted—to the Committee on Military Affairs.

Also, a bill (H. R. 15158) to remove the charge of desertion against Jeremiah F. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 15159) to remove the charge of desertion against Frederick Maus—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 15160) granting an increase of pension to William H. Riley—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 15161) releasing to W. J. Cosgrove, Mary Cosgrove, Mary Ellen Aylward (born Cosgrove), and others any rights the United States may have in certain lands in Pensacola, Fla.—to the Committee on the Public Lands.

Also, a bill (H. R. 15162) for the relief of H. H. Thornton and Ben D. Rochblave—to the Committee on Claims.

Also, a bill (H. R. 15163) for the relief of Capt. J. E. Turtle—to the Committee on Claims.

Also, a bill (H. R. 15164) for the relief of John Barfield—to the Committee on War Claims.

Also, a bill (H. R. 15165) for the relief of W. M. Quinn and George L. Long—to the Committee on Claims.

Also, a bill (H. R. 15166) for the relief of the heirs at law of Edward N. Oldmixon—to the Committee on Claims.

Also, a bill (H. R. 15167) for the relief of Sarah E. Caro and Henry O. Bassett—to the Committee on War Claims.

Also, a bill (H. R. 15168) granting a pension to Susan Kent—to the Committee on Pensions.

Also, a bill (H. R. 15169) to remove the charge of desertion from the military record of Andrew Brewton—to the Committee on Military Affairs.

Also, a bill (H. R. 15170) for the relief of Manette Marsons, deceased—to the Committee on War Claims.

Also, a bill (H. R 15171) for the relief of Chester P. Knapp—to the Committee on War Claims.

Also, a bill (H. R. 15172) for the relief of William T. Bell—to the Committee on War Claims.

Also, a bill (H. R. 15173) for the relief of the heirs at law of Edward N. Oldmixon—to the Committee on War Claims.

Also, a bill (H. R. 15174) for the relief of Samuel Fuleston—to the Committee on Claims.

Also, a bill (H. R. 15175) for the relief of Sarah E. Caro and Henry O. Bassett—to the Committee on War Claims.

Also, a bill (H. R. 15176) for the relief of John Dunn—to the Committee on War Claims.

Also, a bill (H. R. 15177) for the relief of B. W. Johnson—to the Committee on Claims.

Also, a bill (H. R. 15178) granting an increase of pension to Matilda Morrison—to the Committee on Pensions.

Also, a bill (H. R. 15179) granting an increase of pension to J. W. Hathaway—to the Committee on Pensions.

Also, a bill (H. R. 15180) granting an increase of pension to Amanda Pittman—to the Committee on Pensions.

Also, a bill (H. R. 15181) granting a pension to Wesley Duncan—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 15182) for the relief of Loron W. Forrest—to the Committee on War Claims.

Also, a bill (H. R. 15183) to remove the charge of desertion against Loyal F. Russell—to the Committee on Military Affairs.

Also, a bill (H. R. 15184) granting an increase of pension to Benjamin J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15185) granting an increase of pension to Arthur Onderdonk—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 15186) granting an increase of pension to Charles W. Davenport—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 15187) granting a pension to Louisa T. Arey—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 15188) granting an increase of pension to Alpheus Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15189) granting an increase of pension to Sidney S. Skinner—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 15190) granting an increase of pension to Jared S. Harding—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 15191) granting a pension to Edward W. Newsom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15192) granting a pension to John J. Meredith—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 15193) granting an increase of pension to Frederick W. Studdiford—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 15194) to provide an American register for the steamship *Nicaragua*—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 15195) to provide an American register for the steamship *George Dumois*—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Tennessee: A bill (H. R. 15196) granting an increase of pension to Robert B. Weathers—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 15197) to correct the military record of Arthur W. White—to the Committee on Military Affairs.

By Mr. PAGE: A bill (H. R. 15198) granting an increase of pension to Elizabeth J. Martin—to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 15199) granting an increase of pension to John T. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15200) granting an increase of pension to Charles Klein—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 15201) granting an increase of pension to Edward O'Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15202) granting a pension to Henry Peetsch—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 15203) granting a pension to W. G. Gayler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15204) for the relief of the estate of William Flannigan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15205) granting an increase of pension to Amanda C. Bayliss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15206) granting an increase of pension to Peter G. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 15207) granting an increase of pension to McCaskey Nicoles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15208) granting an increase of pension to Alonzo Brashears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15209) granting an increase of pension to Lafayette Brashear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15210) granting an increase of pension to James M. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15211) granting an increase of pension to John W. Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15212) granting an increase of pension to George Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15213) for the relief of the trustees of the Methodist Episcopal Church South, of Clarksville, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 15214) for the relief of Eli G. Collier—to the Committee on War Claims.

Also, a bill (H. R. 15215) for the relief of George Ryerly—to the Committee on War Claims.

By Mr. RIVES: A bill (H. R. 15216) granting an increase of pension to Truman C. Stevens—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 15217) granting an increase of pension to Alfred Kisling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15218) granting a pension to Mary E. Phillips—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 15219) removing restrictions on disposition of lands from Leona J. Scoville and Ben J. Scoville—to the Committee on Indian Affairs.

By Mr. SMALL: A bill (H. R. 15220) for the relief of the estate of Richard A. Bynum, deceased—to the Committee on Claims.

Also, a bill (H. R. 15221) for the relief of the estate of Josiah Barrett, deceased—to the Committee on Claims.

Also, a bill (H. R. 15222) for the relief of the estate of John T. Bynum, deceased—to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15223) granting an increase of pension to Nelson Huxley—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15224) to correct the military record of Thomas Farmer—to the Committee on Military Affairs.

Also, a bill (H. R. 15225) granting an increase of pension to James Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15226) granting a pension to Arbel Skaggs—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 15227) granting an increase of pension to Henry W. Holden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15228) granting an increase of pension to John J. Young—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 15229) granting an increase of pension to Edwin Howes—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15230) to correct the military record of Joseph Neveux—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: A bill (H. R. 15231) granting an increase of pension to Anna B. McCurley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15232) granting an increase of pension to Edward Blaisdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15233) granting an increase of pension to William C. Westover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15234) granting an increase of pension to Charles White—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15235) granting an increase of pension to Samuel Prochel—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 15236) for the relief of Cash Claxon—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 15237) to remove the charge of desertion from the military record of Charles E. Gordon, alias George H. Grosvenor, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WACHTER: A bill (H. R. 15238) for the relief of the legal representatives of William P. Custis—to the Committee on War Claims.

Also, a bill (H. R. 15239) for the relief of the representatives of the late Henry Barnes for the property taken in 1862 for the use of the Army of the United States—to the Committee on War Claims.

Also, a bill (H. R. 15240) granting an increase of pension to James W. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15241) granting an increase of pension to Samuel De Haven—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 15242) to confirm to the legal representatives of Lucretia Williams the title to 1 square league of land in Louisiana—to the Committee on Private Land Claims.

Also, a bill (H. R. 15243) granting a pension to Artemesia T. Husbrook—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 15244) to correct the military record of John H. Honeycutt, and for an honorable discharge—to the Committee on Military Affairs.

By Mr. WELBORN: A bill (H. R. 15245) to correct the military record of Richard D. Shackleford—to the Committee on Military Affairs.

Also, a bill (H. R. 15246) granting a pension to Matilda J. Sweaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15247) granting a pension to John I. Chapman—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 15248) for the relief of George E. O'Neal—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 15249) granting an increase of pension to Isaac N. Seal—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 15250) granting an increase of pension to Jesse S. Camac—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 15251) granting an increase of pension to Alexander M. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 15252) granting an increase of pension to Samuel Allbright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15253) granting an increase of pension to Balos C. Dewees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15254) granting an increase of pension to R. Ingram—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 15255) granting a pension to Harriet Weaver—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 15256) granting an increase of pension to Benjamin F. Greer—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 5486) granting a pension to Maggie Carroll—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5494) to pay accrued pension to Maggie Carroll—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14532) granting a pension to Augusta N. Manson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14655) granting a pension to Henry Gilman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14817) granting an increase of pension to Joseph H. Weaver—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14909) granting a pension to John W. Creager—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14953) appropriating $4,500 to the heirs of Campbell Glover, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14998) for the relief of John Shuffelbarger—Committee on Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 3737) granting an increase of pension to William C. Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12023) granting an increase of pension to William C. Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Woman's Club of Beaver, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Indian Affairs.

Also, petition of the State Federation of Pennsylvania Wome, for forest reserves—to the Committee on Agriculture.

Also, petition of the Japanese and Korean Exclusion Society, for the present Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ADAMS of Pennsylvania: Petition of the Japanese and Korean Exclusion Society, for retention of the present Chinese law—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Joint resolution of the legislature of New York, for restoration of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the legislature of New York, relative to pilot service in domestic commerce—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Grange, favoring bill (H. R. 7079) for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of conductors and trainmen of Corning and Utica, N. Y., for employers' liability bill and anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Potomac Lodge, No. 7, Brotherhood of Locomotive Firemen, favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of Chaffee Grange, No. 987, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of George C. Quint and 23 others, for retention of the present tax on oleomargarine—to the Committee on Agriculture.

Also, petition of George C. Quint and 23 others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred I. Murch and 11 others, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred I. Murch and 13 others, for bill H. R. 180—to the Committee on Agriculture.

Also, petition of John B. Danforth and 59 others, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. AMES: Petition of the Massachusetts Federation of Women's Clubs, for forest reservations—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Maxime Lizzette—to the Committee on Military Affairs.

By Mr. BATES: Petition of Grange No. 110, for amending the oleomargarine law—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Mary J. Smith—to the Committee on Invalid Pensions.

Also, petitions of C. E. Gunnison, of Erie, Pa.; W. S. Calderwood, and the Pittsburg Clearing House, for bill H. R. 8975—to the Committee on Banking and Currency.

By Mr. BOWERSOCK: Petition of the Japanese and Korean Exclusion League, for the Chinese law—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petitions of Hamptonbury Grange, Orange County Grange, and Montgomery Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRICK: Petition of the Fort Wayne Commercial Club, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of Leonard M. Semmer et al., for removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. BROWNLOW: Paper to accompany bill for relief of estate of Thomas Lowe—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Amanda E. Hopkins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Rush—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of Samuel Donaldson—to the Committee on Invalid Pensions.

Also, petition of the Japanese and Korean Exclusion Society, against modification of the Chinese law—to the Committee on Immigration and Naturalization.

By Mr. CRUMPACKER: Petition of N. Forsyth et al., telegraph operators, for an eight-hour law for telegraphers—to the Committee on Labor.

Also, petition of the National Society of Colonial Dames of America, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CURRIER: Petition of the Unitarian Club of Washington, to remedy evils of child labor in the District of Columbia—to the Committee on Labor.

Also, petition of citizens of Dorchester, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CURTIS: Petition of Painters, Decorators, and Paper Hangers' Local Union, No. 153, of Leavenworth, Kans., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Japanese and Korean Exclusion Society, against the Foster bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Carnegie, Pa., for retention of the anticanteen law—to the Committee on the Judiciary.

Also, petition of the Home Missionary Society of the Park Avenue Presbyterian Church, Pittsburg, for an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Carnegie, Pa., for the McCumber-Sperry bill—to the Committee on the Judiciary.

By Mr. DOVENER: Petition of the Salem Express, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Tony Verrosso—to the Committee on Pensions.

Also, paper to accompany bill for relief of John Crawford—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of J. P. Fox—to the Committee on Pensions.

By Mr. DRAPER: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Dames of 1846, for increase of pensions for Mexican war veterans—to the Committee on Pensions.

Also, resolution of the State of New York, in senate, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lake Seamen's Union, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Grange, Patrons of Husbandry, against reduction of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the State Charities Aid Association, for a Federal bureau for information about children—to the Committee on Labor.

Also, petition of the Japanese and Korean Exclusion League, for the Chinese law—to the Committee on Immigration and Naturalization.

By Mr. DRESSER: Petitions of the Consolidated Chemical Company and the La Mont Chemical Company, against bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DUNWELL: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 221—to the Committee on the Judiciary.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ESCH: Petition of D. G. McCray & Son, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, for retention of the Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of Black River Camp, No. 507, Modern Woodmen of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FIELD: Petition of citizens of Marlin, Tex., relative to the hot springs of Marlin—to the Committee on Military Affairs.

By Mr. FLACK: Petition of citizens of Clinton County, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Clinton County, N. Y., for the tax on oleomargarine to be retained—to the Committee on Agriculture.

Also, petition of citizens of Clinton County, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Mrs. Richard Clark, of Lisbon, N. Y., for bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

By Mr. FLETCHER: Petition of the Minneapolis Trades and Labor Union, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Henry Wolfer, relative to investigation of the criminal classes—to the Committee on the Judiciary.

Also, petition of the Commercial Club of Minneapolis, Minn., for bill H. R. 9754—to the Committee on the Post-Office and Post-Roads.

By Mr. FORDNEY: Petition of Fred Aman et al., for the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Albert Mayer et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Albert Mayer et al., for a tax of 10 per cent per pound on imitation butter—to the Committee on Agriculture.

Also, petition of Albert Mayer et al., for bill H. R. 180—to the Committee on Agriculture.

Also, petition of the Lufkin-Rule Company, of Saginaw, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the La Salle County (Ill.) Hereford Association, in favor of reciprocity treaties—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the Second United Presbyterian Church of Providence, R. I., against the liquor traffic in Oklahoma and Indian Territory as States—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Portsmouth, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of William H. Maker et al. and Charles G. Puffer, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Young Women's Christian Temperance Union of Pawtucket, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HASKINS: Petition of Clover Leaf Grange, Bradford, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of the Japanese and Korean Exclusion League, against modification of the Chinese exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the California Fruit Growers' Exchange, for passage of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Oregon Audubon Society, for protection of birds and wild game—to the Committee on Agriculture.

Also, petition of the Soft Pine Lumber Association of the Pacific coast, against the Interstate Commerce Commission rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of the International United Brotherhood of Leather Workers, against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

Also, petition of the auditor of public accounts of the insurance department of Nebraska, to accompany bill H. R. 14125—to the Committee on Claims.

Also, petition of E. M. Forbes, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Retail Merchants' Association of Illinois, for railway rate legislation and the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean Exclusion League, against the Foster bill—to the Committee on Immigration and Naturalization.

Also, petition of W. W. Chafee and 22 others, and Washington Camp, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the New England Shoe and Leather Association, for reorganization of the consular law—to the Committee on Foreign Affairs.

By Mr. HUBBARD: Petition of the Brotherhood of Locomotive Firemen, for bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Firemen, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. HUFF: Paper to accompany bill for relief of William Connor—to the Committee on Invalid Pensions.

Also, petition of the State Federation of Pennsylvania Women, for forest reservations—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, against repeal of the Morris law—to the Committee on Indian Affairs.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Colonel M. S. Quay Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. KAHN: Petition of the Bank of California, of San Francisco, to amend section 5200 of the Revised Statutes—to the Committee on Revision of the Laws.

Also, petition of San Francisco Lodge, No. 68, International Association of Machinists, for bills H. R. 10069 and S. 2633—to the Committee on Naval Affairs.

Also, petition of San Francisco Labor Council, against bill H. R. 12973—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League, against bill H. R. 12973—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Nelson McCarty—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Star Grange, Jefferson County, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Belford Grange, No. 533; Ox Bow Grange, No. 691, and Carthage Grange, No. 69, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Thousand Island Grange, No. 593, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of the Shipowners' Association of the Pacific Coast, of San Francisco, against use of Government transports for troops in time of peace—to the Committee on Military Affairs.

By Mr. LACEY: Petition of the Council Bluffs Commercial Club, relative to grazing lands—to the Committee on the Public Lands.

Also, petition of the Oskaloosa (Iowa) Commercial Club, for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By Mr. LARRINAGA: Petition of the house of delegates of Porto Rico, relative to government changes in Porto Rico—to the Committee on Insular Affairs.

By Mr. LEE: Paper to accompany bill for relief of heirs of Mount Gruson—to the Committee on War Claims.

By Mr. LILLEY: Paper to accompany bill for relief of Loren W. Forest—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of J. P. Carey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Loron W. Forrest—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin J. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Arthur Onderdonk—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the adjutant-general's office of New York, for bill H. R. 7136—to the Committee on Militia.

Also, petition of the Greenpoint Metallic Bed Company, for bill H. R. 11936—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York State Grange, Patrons of Husbandry, against bill H. R. 4488—to the Committee on Agriculture.

Also, petition of the Dames of 1846, for an increase of pensions of Mexican war veterans (bill H. R. 6010)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Christian H. Goebel—to the Committee on Invalid Pensions.

Also, petition of the Japanese and Korean League of San Francisco, for the present Chinese law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Society for Ethical Culture, for forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of Curtice Brothers, of Rochester, N. Y., for the Money pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Petition of F. W. Thurston & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Illinois Milk Producers' Institute, for the pure-food bill (H. R. 12071)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cora Banks Pierce, of Chicago, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of many citizens of Illinois, for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. McCALL: Petitions of Prof. Charles Wellington, the Massachusetts Agricultural College, the Waltham Orient Motor Car Company, the Fiske Rubber Company, the Peerless Motor Car Company, the Napier Motor Car Company, the J. W. Maguire Company, and the Ford Motor Company, for repeal of tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the council of the Massachusetts Historical Society, for the preservation and uses of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of W. A. Pryor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert B. Weathers—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of the Grange of Forest, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Syracuse (Ohio) Council, No. 333, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Bucyrus Division, No. 193, Order of Railway Conductors, for bills H. R. 239 and 1657—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of the San Francisco Labor Council, for the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of the Citrus Fruit Association, Ontario, Cal., relative to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, for the present Chinese law—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of the Nebraska Park and Forest Association, for extension of experimental stations—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of the National Wine Growers' Association, against bill H. R. 12868—to the Committee on Ways and Means.

By Mr. PALMER: Petition of Renovo (Pa.) Lodge, No. 338, Brotherhood of Railway Trainmen, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. PARSONS: Paper to accompany bill for relief of Edward O'Shea—to the Committee on Invalid Pensions.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry Reens—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Edward O'Shea—to the Committee on Invalid Pensions.

By Mr. RIVES: Paper to accompany bill for relief of Truman C. Stevens—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Homœopathic Medical So-

ciety of the County of New York, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean Exclusion League, for the present Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of the New York State Grange, against reduction of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the board of managers of the State Charities of New York, for a Federal bureau for children's welfare—to the Committee on Labor.

Also, petition of the legislature of the State of New York, for repeal of the law relative to State pilots for the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislature of New York State, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Petition of East Buffalo Lodge, No. 417, Brotherhood of Railway Trainmen, of Buffalo, favoring the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the New York State Grange, against reduction of the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SCROGGY: Petition of the National Wine Growers' Association, against bill H. R. 12868—to the Committee on Ways and Means.

Also, petition of the American Pad and Textile Company, for the consular bill (H. R. 1345)—to the Committee on Foreign Affairs.

Also, petition of the Dames of 1846, for increase of pensions for veterans of the Mexican war—to the Committee on Pensions.

By Mr. SHERMAN: Petition of Camden Council, No. 65, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Joseph Russell—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: Petition of Captain William J. Clide Camp, No. 31, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of citizens of Ford City, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Granges Nos. 654, 515, and 854, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Jeremiah Peterman Camp, No. 38, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Captain D. K. Duff Camp, No. 55, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Pittsburg Clearing House Association, relative to the capital stock and surplus of national banks—to the Committee on Banking and Currency.

Also, petition of Paradise Council, No. 257, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of the Lumber Dealers' Association of Connecticut, for forest reservations in the White Mountains—to the Committee on Agriculture.

By Mr. SULLOWAY: Petition of Chester Grange, No. 169, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the Homœpathic Medical Society of the County of New York, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Federated Union, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Engineers, against any act to repeal the present Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, against railway rate legislation as per the Esch-Townsend bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Sumar Brothers, V. A. Taylor & Co., and James Otwell & Co., all of New York, for the Senate amendment to the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Garvin Machine Company, relative to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Homeopathic Medical Society of New York, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Lake Seamen's Union, relative to bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Mining Congress, relative to schools of mines, etc.—to the Committee on Mines and Mining.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese law—to the Committee on Immigration and Naturalization.

Also, petitions of the G. W. Cole Company, the Gilbert Manufacturing Company, and J. Hungerford Smith Company, for protection of trade-marks—to the Committee on Patents.

By Mr. TAYLOR of Alabama: Petition of W. W. Bayles, against the duty on hides—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of George M. Ziegler et al., for bill H. R. 14610—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: Petition of citizens of Alabama, for removal of the tax on hides—to the Committee on Ways and Means.

By Mr. VREELAND: Petitions of Lombard Grange, No. 714; Centerville Grange, No. 1043; Olean Grange, No. 791; Hanover Grange, No. 595; Buster Grange, No. 909, and Grange No. 1253, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Otto, N. Y., against liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADSWORTH: Petition of Grange No. 142, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the board of managers of the State Aid Association, for a Federal bureau for the welfare of children—to the Committee on Labor.

By Mr. WANGER: Petition of Perkasie Council, No. 359, Order United American Machinists, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Delaware Valley Naturalists' Union, of Pennsylvania, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of J. Francis Behrens et al., of Pottstown, Pa., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Howard K. Hunsberger et al., of Perkasie, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Paper to accompany bill for relief of James Waldrup—to the Committee on Pensions.

Also, petition of the North Carolina Library Association, against the proposed amendment to copyright law—to the Committee on Patents.

Also, paper to accompany bill for relief of Jeremiah Lunsford—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lawrence Hagan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Enoch Rector—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Pain—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Ramsey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph E. Stines—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Theodore E. Shepherd—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of Colerain Grange, No. 1472, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD of New Jersey: Petition of Diamond Council, No. 14, Junior Order United American Mechanics, and citizens of Paterson, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Swedesboro, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Jesse S. Camoe—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 20, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, for inclusion in the Army appropriation bill, the draft of a proviso to extend the terms of enlistment for enlisted men in the Porto Rico Provisional Regiment of Infantry; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed an act (S. 3318) to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal., with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 10853. An act to prohibit gambling in the Territories;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; and

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 1059) granting an increase of pension to Elijah Spangler; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1007. An act to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks;

S. 2106. An act to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.;

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 8773. An act granting an increase of pension to William H. Joslin;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay;

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26, township 20 north, range 9 east, touches said river.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. Mr. President, I have been asked to present four petitions praying for prohibition in the proposed new State of Oklahoma. One of the petitions is 264 feet long and contains the signatures of 8,164 voters in the Territory of Oklahoma. Another is a petition containing the names of 6,613 women, and another from young people in the Territory, containing 6,867 names. The fourth petition is signed exclusively by Indians in that Territory.

As the bill has been reported, I move that the petitions lie on the table.

The motion was agreed to.

Mr. GALLINGER. Mr. President, I present a petition signed by quite a number of leading citizens and officials of the State of New Hampshire, including the secretary of state, the State treasurer, one ex-governor, the attorney-general of the State, the commissioner of labor, and others, asking that the first census of the United States, that of 1790, may be reprinted. These good people say:

> The information embraced in this census, particularly in the report from the New England States, is of very great value to the descendants of these families. Such descendants are scattered all over the United States, and we have reason to know that the printed record if made accessible to citizens of the United States all over the country will be regarded by them as of a value that can hardly be exaggerated. We know of no work of the kind that will so well reward the labor and expense of publication. If the Government sees fit to make it exclusively a publication to be bought and paid for at the cost of printing we think the Government can easily get back every cent thus expended.

I move that the petition be referred to the Committee on the Census, and under the proper call I shall introduce a joint resolution relating to the subject.

The motion was agreed to.

Mr. GALLINGER presented a petition of the Grays Harbor Trades and Labor Council, of Aberdeen, Wash., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented the petition of L. Schlater, of Philadelphia, Pa., praying for the enactment of legislation granting separate statehood to the Indian Territory; which was ordered to lie on the table.

He also presented a petition of Local Branch No. 2, Audubon Society, of Campbellsville, Ky., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Unitarian Club of Washington, D. C., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry property owners and residents of Douglas street, Washington, D. C., praying for the enactment of legislation to change the name of that street to Clifton street; which was referred to the Committee on the District of Columbia.

Mr. DILLINGHAM (for Mr. PROCTOR) presented petitions of Local Division No. 163, Brotherhood of Locomotive Engineers, of Newport; of St. Albans Division, No. 24, Order of Railway Conductors, of St. Albans; of Local Division No. 269, Order of Railway Conductors, of Rutland, and of Local Division No. 347, Brotherhood of Locomotive Engineers, of Rutland, all in the State of Vermont, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the Associated Veterans of the Mexican War, of San Francisco, Cal., praying for the enactment of legislation to increase the pensions of all survivors of the Mexican war; which was referred to the Committee on Pensions.

He also presented a petition of the board of directors of the Citrus Fruit Association of Ontario, Cal., praying for the enactment of legislation making immediately effective all decisions of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Alexander Hamilton Council, No. 35, Junior Order United American Mechanics, of San Francisco, Cal., and a petition of the Japanese and Korean Exclusion League of San Francisco, Cal., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of San Francisco Lodge, No. 68, Independent Association of Machinists, of San Francisco, Cal., praying for the enactment of legislation to increase the wages of workmen employed in the gun factory at the navy-yard, Washington, D. C.; which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented petitions of J. K. Staggers, of Wise; of Ridgedale Council, Junior Order United American Mechanics, of Ridgedale, and of Columbian Council, No. 101, Junior Order United American Mechanics, of Hacker Valley, all in the State of West Virginia, praying for the enactment of legislation to restrict immigration and also for the revision of the laws governing naturalization; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of Local Branch No. 212, United Commercial Travelers, of Fort Wayne, Ind., praying for the adoption of an amendment to the present national bankruptcy law to include traveling salesmen as preferred creditors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Farmers' Institute of Wayne County, of the Commercial Club of Fort Wayne, and of sundry physicians of Lafayette, all in the State of Indiana, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Murphy Kuntz Lumber Company, of Middletown, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. PILES presented a petition of the Grays Harbor Trades and Labor Council, of Aberdeen, Wash., praying for the adoption of an amendment to the bill relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of Mount Pleasant Grange, No. 197, Patrons of Husbandry, of Washougal, Wash., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented resolutions of Local Divisions Nos. 1, 2, and 4, Ancient Order of Hibernians, of King County, Wash., praying that an appropriation of $50,000 be made for the erection of a monument to the memory of the late Commodore John Barry; which were referred to the Committee on the Library.

He also presented a petition of Puget Sound Lodge, No. 407, Brotherhood of Locomotive Firemen, of Seattle, Wash., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of sundry citizens of North Dakota, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. OVERMAN presented a petition of sundry citizens of Mount Airy, N. C., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. McCUMBER presented the memorial of H. A. Bruenn and sundry other citizens of Ashley, N. Dak., remonstrating against the enactment of legislation changing the classification of third and fourth class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DRYDEN presented petitions of the Camden Commercial College, of Camden; of the Eagan School of Business, of Hoboken, and of the Rider Moore and Stewart Schools of Business, of Trenton, all in the State of New Jersey, praying for the enactment of legislation providing for the publications of all educational institutions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Henry W. Ribbert, of Phoenix, Ariz., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico as one State; which was ordered to lie on the table.

He also presented sundry petitions of citizens of New York City, N. Y., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the congregation of the De Groot Methodist Episcopal Church, of Newark, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Division No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented the memorial of G. Nicoll, of Morristown, N. J., and the memorial of W. N. Phoenix, of Mendham, N. J., remonstrating against the enactment of legislation to extend the time in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Green Grange, No. 311, Patrons of Husbandry, of the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 18, Brotherhood of Locomotive Engineers, of Rochester, N. Y., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of the R. T. French Company, of Rochester; of the Croton Chemical Company, of New York City, and of the Homeopathic Medical Society of New York City, all in the State of New York, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. CARTER presented sundry papers to accompany the bill (S. 4421) for the relief of S. W. Langhorne and H. S. Howell; which were referred to the Committee on Claims.

THE FRIGATE CONSTITUTION.

Mr. LODGE. I present a memorial in regard to the frigate *Constitution*, from the Massachusetts Historical Society, signed only by the officers of the society. It is a brief but very interesting memorial, and I ask that it be printed in the RECORD, together with the signatures, and referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the memorial presented by him be printed in the RECORD, together with the signatures.

Mr. LODGE. There are only a half dozen.

The VICE-PRESIDENT. If there be no objection, the memorial will be printed in the RECORD, together with the signatures, and referred to the Committee on Naval Affairs.

The memorial is as follows:

To the Senate and House of Representatives of the United States:

The undersigned, the council of the Massachusetts Historical Society, acting under its instructions, again memorializes your honorable bodies in regard to the U. S. frigate *Constitution*, and the disposition to be made of that historic vessel.

A copy of a previous memorial on the same subject, heretofore submitted by us under similar conditions, is hereto appended, and to it we respectfully call your attention.

In the annual report of the Secretary of the Navy recently submitted it is, however, stated that the vessel now lying at Charlestown is, because of repeated renewals, not the historic *Constitution*, or "the vessel with which Hull captured the *Guerrière*," and that to hold her forth as such is a case of "false pretenses;" that if repaired and put in commission "she would be absolutely useless," and, finally, that thus to restore her would be "a perfectly unjustifiable waste of public money." She should, therefore, be broken up, or, as an alternative, knocked to pieces and sunk as something of no further practical use—what is designated as "a maritime end" being thus "for purely sentimental reasons" conceded her.

Your memorialists do not propose to argue these several points; we confine ourselves to protesting earnestly against them, and one and all denying them. If the vessel now moored at the Charlestown dock is not the historic frigate *Constitution*, then the society for which we speak is not the Massachusetts Historical Society, for it was organized six years before the *Constitution* was launched, and the last survivor of our original members died sixty-five years ago; five times has the society changed its habitation; it has hardly a thing in possession which belonged to it in 1792, or in 1812; its very name has undergone legal alteration. Yet we hold it needless to argue that, through constant renewal and by unbroken succession, this society is the Massachusetts Historical Society of 1791, and it is assuredly so regarded. We would look upon a denial of our identity as at least ill considered. It is in no respect otherwise in the case of the *Constitution*.

The assertion officially made that the present ship if rebuilt on her old lines would, when completed, "be absolutely useless" is scarcely less matter of surprise. Her sister frigate of exactly coeval build, the *Constellation*, has recently been repaired, and is now used as a training ship attached to the Naval War College at Newport, while another similar ship, now called the *Severn*, but until recently bearing the ill-omened name of *Chesapeake*, is in commission and connected with the Naval Academy at Annapolis. Formerly the *Constitution* was so attached to the academy, and a distinguished admiral, still on the active list, has recently testified to the "intense interest" she excited in him when as a boy he for months lived aboard her. Why, then, it is pertinent to ask, should not the single symbolic "fighting frigate" of our earlier Navy, around which associations cluster, be restored, put in commission and used to replace the *Constellation* or the *Severn*, formerly the *Chesapeake*, to which vessels comparatively little historic interest, and, in the case of the last, less than no patriotic sentiments attach? Why should they be repaired and maintained and the *Constitution* utilized as a "target?"

If to repair and maintain the *Constitution* would be an "unjustifiable waste" of the public money of the United States, what can be said on behalf of the *Victory* and the outlay she entails on the British exchequer? That Nelson's flagship, which so proudly broke the opposing line at Trafalgar seven years before the *Constitution* called down the flag of the *Guerrière*, should now be towed to sea and practiced at as a target by modern ironclads would as a suggestion from the admiralty board not only shock the public opinion of Great Britain, but be resented as an outrage, or at best an unseemly levity. Are Americans less susceptible to sentiment, patriotism, and gratitude than their cousins across the sea? To-day, a century after Nelson died in her cockpit, the *Victory*, cherished by Great Britain as one of the most precious relics of her sea glories, is annually visited by scores of thousands of all nations. So, as the long record of those who flock to see her bears witness, the *Constitution* is in no less degree an inspiration to Americans. They feel toward her as toward a sentient being, for in one short half hour, in a time of deepest gloom, her broadsides elevated the United States from being an unconsidered people beyond the sea into respect as a confessed world power. She then did for us more than the *Victory* ever did for England.

Therefore, in the name and on behalf of the society we represent, we renew the prayer embodied in the accompanying memorial of 1903. We ask that immediate action be taken to the end that the course pursued by the British Admiralty as respects the line-of-battle ship *Victory* be pursued by the United States Navy Department in the case of the frigate *Constitution*. Accordingly, we pray your honorable bodies that the necessary steps forthwith be taken for preserving the "fighting frigate" of 1812; that she be repaired and renewed, and once more put in commission to be used as a training ship in connection with our naval academies; and that, navigated as such by the students of the academies, she be made in future to visit at suitable seasons points along our coast where she may be easily accessible to that large and ever-increasing number of American citizens who, retaining a sense of

affection, as well as of deep gratitude to her, feel also a patriotic and an abiding interest in the associations she will never cease to recall.

And your memorialists will ever pray, etc.

CHARLES FRANCIS ADAMS, *President*,
SAMUEL A. GREEN, *Vice-President*,
JAMES FORD RHODES, *Second Vice-President*,
EDWARD STANWOOD, *Recording Secretary*,
HENRY W. HAYNES, *Corresponding Secretary*,
CHARLES C. SMITH, *Treasurer*,
GRENVILLE HOWLAND NORCROSS, *Cabinet Keeper*,
JAMES FROTHINGHAM HUNNEWELL,
JAMES DE NORMANDIE,
THOMAS WENTWORTH HIGGINSON,
ALBERT BUSHNELL HART,
THOMAS LEONARD LIVERMORE,
ROGER BIGELOW MERRIMAN,
Members Constituting the Council of the Society.

BOSTON, *January 11, 1906.*

To the Senate and House of Representatives of the United States:

Your memorialists, the council of the Massachusetts Historical Society, acting under its instructions, would respectfully call the attention of your honorable bodies to certain facts connected with the U. S. frigate *Constitution:*

That vessel is now lying at Charlestown, Mass., in a dock also used by the steamships of the so-called "White Star Line;" she is dismantled, out of repair, and liable at any time to injury from carelessness or accident, if not to destruction. Your memorialists further represent that in the American mind an historical interest attaches to the *Constitution* such as attaches to no other ship in maritime annals, except possibly the *Santa Maria*, the flagship of Columbus, and the *Mayflower*, both of which disappeared centuries ago. The *Constitution* still remains; and it was the *Constitution* which, in the gloomiest hour of the war of 1812–1814 appeared "like a bright gleam in the darkness." On the 16th of August of that year, Detroit, with all it garrisons, munitions, and defenses, was surrendered to the British forces; on the same day Fort Dearborn, at what is now Chicago, was in flames, and with it "the last vestige of American authority on the Western Lakes disappeared." The discouragement was universal and the sense of national humiliation extreme, for it seemed doubtful if even the interior line of the Wabash could be successfully held against an enemy flushed with success. The prophet of yet other disasters immediately impending was abroad, and, according to his wont, further depressed the already disheartened land. It was in this hour of deepest gloom that, on the morning of Sunday, August 30, the Sabbath silence of Boston was broken and the town stirred to unwonted excitement "as the news passed through the quiet streets that the *Constitution* was below, in the outer harbor, with Dacres," of the *Guerrière*, "and his crew prisoners on board." Thus it so chanced that the journal which the next morning informed Bostonians of the Detroit humiliation, in another column of the same issue announced that naval action which "however small the affair might appear on the general scale of the world's battles, raised the United States in one-half hour to the rank of a first-class power in the world." The jealousy of the Navy, which had until then characterized the more recent national policy, vanished forever "in the flash of Hull's first broadside."

The victory, moreover, was most dramatic—a naval duel. The adversaries—not only commanders but ship's companies to a man—had sought each other out for a test of seamanship, discipline, and gunnery—arrogance and the confidence of prestige on the one side, a passionate sense of wrong on the other. They met in mid-Atlantic—frigate to frigate. It was on the afternoon of August 19, the wind blowing fresh, the sea running high. For about an hour the two ships maneuvered for position, but at last, a few minutes before 6 o'clock, "they came together side by side, within pistol shot, the wind almost astern, and running before it they pounded each other with all their strength. As rapidly as the guns could be worked the *Constitution* poured in broadside after broadside, double shotted with round and grape, and, without exaggeration, the echo of those guns startled the world." Of her first broadside in that action the master of an American brig, then a captive on board the British ship, afterwards wrote: "About 6 o'clock I heard a tremendous explosion from the opposing frigate. The effect of her shot seemed to make the *Guerrière* reel and tremble as though she had received the shock of an earthquake." "In less than thirty minutes from the time we got alongside of the enemy," reported Captain Hull to the Secretary of the Navy, "she was left without a spar standing, and the hull cut to pieces in such a manner as to make it difficult to keep her above water."

The historian has truly said of that conflict: "Isaac Hull was nephew to the unhappy general (who, three days before the *Constitution* overcame the *Guerrière*, had capitulated at Detroit), and perhaps the shattered hulk of the *Guerrière*, which the nephew left at the bottom of the Atlantic Ocean, 800 miles east of Boston, was worth for the moment the whole province which the uncle had lost 800 miles to the westward. * * * No experience of history ever went to the heart of New England more directly than this victory, so peculiarly its own; but the delight was not confined to New England, and extreme though it seemed it was still not extravagant."

Therefore it is that the Massachusetts Historical Society, already, in 1812, an organization more than twenty years in existence, now directs this memorial to be submitted—she, the oldest among them, speaking through her council for all other similar societies throughout New England. In so doing it is needless to enter into the earlier and later history of what was essentially the "Fighting Frigate" of the first American Navy; for, in the memory of the people of the United States, the *Constitution* is, throughout her long record, inseparably associated with feats of daring and seamanship—devotion and dashing—than which none in all naval history are more skillful, more stirring, or more deserving of commemoration. How can they be so effectively commemorated as by the pious and lasting preservation of the ancient ship, now slowly rotting at the wharf opposite to which she was launched six years more than a century ago?

And while the name of the *Constitution* is thus not only synonymous with courage, seamanship, patriotism, and unbroken triumph, the ship herself is typical of a maritime architecture as extinct as the galley or the trireme. She slid from the ways at what is still known in her honor as "Constitution Wharf" in Boston Harbor ten months before Nelson won the battle of the Nile, and eight years to a day before his famous flagship, the *Victory*, bore his broad pennant in triumph through the Franco-Spanish line at Trafalgar; and your memorialists hold that, in the eyes and minds of the people of the United States, no less an interest and sentiment attach to the *Constitution* than in Great Britain attach to the *Victory*. The *Constitution* in the days of our deep tribulation did more for us than ever even the flagship of Nelson did for England; and, thenceforth, she has been to Americans as a sentient being, to whom gratitude is due.

Yet by Great Britain the *Victory* ever has been and now is tenderly cared for, and jealously preserved among the most precious of national memorials. As such, it is yearly visited by thousands,* among whom Americans are not least in number. The same care has not been extended over the *Constitution;* and yet your memorialists would not for a moment suggest, nor do they believe, that the people, the Parliament, or the Government of Great Britain are more grateful, more patriotic, or endowed with a keener sense of pride than the people, the Congress, or the Administration of the United States. As for the people, the contrary is, in the case of the *Constitution,* incontrovertibly proven by the names of the thousands of pilgrims from all sections of the country annually inscribed on her register.† So far as the Government is concerned, its failure to take measures for the lasting preservation of the old ship has been due, in the opinion of your memorialists, neither to indifference nor to an unworthy spirit of thrift, but to the fact that, amid the multifarious matters calling for immediate action, the preserving of an old-time frigate, even though freighted with glorious memories, has been somewhat unduly, though not perhaps unnaturally, deferred to a more opportune occasion.

None the less, the *Constitution* "is the yet living monument, not alone of her own victories, but of the men behind the guns who won them. She speaks to us of patriotism and courage, of the devotion to an idea, and to a sentiment for which men laid down their lives." Therefore your memorialists would respectfully ask that immediate provision be made to the end that the course pursued by the British Admiralty in the case of the *Victory* may be pursued by our Navy Department in the case of the *Constitution.* We accordingly pray your honorable bodies that the necessary steps forthwith be taken for preserving the "Fighting Frigate" of 1812; that she be renewed, put in commission as a training ship, and at suitable seasons be in future stationed at points along our coasts, where she may be easily accessible to that large and ever-increasing number of American citizens who, retaining a sense of affection, as well as deep gratitude, to her, feel also a patriotic and an abiding interest in the associations which the frigate *Constitution* will never cease to recall.

And your memorialists will ever pray, etc.

BOSTON, *December 31, 1903.*

The engagement between the *Constitution* and the *Guerrière* took place on the afternoon of August 19, 1812. The ship made Boston Harbor during the night of Saturday, August 29. The next day news of the combat circulated in Boston. The subjoined article, prepared at its suggestion by a member of the Massachusetts Historical Society in furtherance of the foregoing memorial, appeared in the editorial columns of the Boston Herald in its issue of Tuesday, August 30, 1904:

"SUNDAY, AUGUST 30, 1812.

"In 1812—ninety-two years ago—the 30th of August fell on a Sunday; a Sunday of great though suppressed excitement in what was still the town of Boston. For during the early hours of that Sabbath morning a rumor suddenly ran through Boston streets, and pervaded its homes, that the frigate *Constitution* was lying below, in the outer harbor—that in ship-to-ship fight she had sunk the *Guerrière*, and that she had on board the English captain and his crew, prisoners of war. The Puritan traditions as respects Sunday observances still held sway; but on that particular Sabbath the meeting-house porches were alive with whispered excitement, and all day long silent, well-dressed groups lined the southern wharves, or from the summit of house or hill peered seaward, straining their eyes for a glimpse of the hull and spars of the now famous ship of war. All day she lay quietly at her anchorage in the roads.

"Monday morning she was still there; but early that day the frigate had occasion, in the famous figure of speech of George Canning, to 'assume the likeness of an animated thing, instinct with life and motion;' to ruffle its swelling plumage; to put forth its beauty and its bravery, and, collecting its scattered elements of strength, to prepare again to 'awaken its dormant thunder.' Fatigued beyond endurance by the strain and anxiety of the last fourteen days, believing himself and his ship at last in safety, Capt. Isaac Hull had been suddenly roused from a deep sleep by the startling report that an armed squadron was at the harbor's mouth and bearing in upon him. Simultaneously weighing anchor and clearing decks for action, he boldly moved out to meet the danger; but, as the *Constitution* approached the leader of the advancing squadron, signals instead of shots were exchanged, and to Hull's great relief he saluted the broad pennon of Commodore Rodgers, unexpectedly making port from a fruitless cruise.

"Not until Tuesday, the 1st of September, did the *Constitution* find her way up above the Castle to an anchorage in the inner harbor. Hull then landed, and as he made a progress up State street to the Exchange Coffee House, then Boston's chief hostelry, the town went wild. Innumerable flags waved, a procession was formed, salutes were exchanged between the shore and the ships of war, and the intense feeling found utterance in every form of sound and motion. There was, too, sufficing occasion for it all. Its sense of self-respect had suddenly been restored to a people.

"Almost the last of three generations have since passed away, and with them the memory of the conditions at that time prevailing. The event celebrated was but a fight between two frigates, and the victor greatly predominated in every element of strength; but a spell was broken, an insult had been avenged. Boston probably had never given way to such an outburst before; it has certainly given way to none such since. To understand its significance and realize its justification it is now necessary to recall a forgotten past.

"In 1812 the United States, deemed a third-class power in the world—less than Portugal, hardly more than Algiers—had for a score of years been the unresenting football of antagonists as overbearing as they were powerful. Hamlet long before had said:

'"Tis dangerous when the baser nature comes
Between the past and fell-incensed points
Of mighty opposites.'

"And of this the United States had long afforded proof. With Napoleon and the country of Nelson and Wellington locked in a long

* During the summer as many as 5,000 persons have visited the ship in one day. (Report of Capt. C. H. Stockton to the Chief of Bureau of Navigation, January 27, 1904.)

† It is stated that nearly 100,000 persons have visited the *Constitution* during the last three years.

death grapple, the young American nation had thought to traffic on their fields of battle. It had done so systematically and as matter of policy, regardless of insults and buffets. A people can not pursue this course in a pure spirit of gain, preserving its manhood; and it must be admitted as historical truth that between 1807 and 1812 the people of the United States in general, and those of New England more especially, had lost all sense of pride. Not without a consciousness that it was true, they read of themselves in the columns of the English press as 'spanielllike in character,' a people who 'the more they were chastised the more obsequious they became;' and one, moreover, which 'could not be kicked into a war.' The very frigate they had built and launched and manned, now lying at their harbor's mouth, had been contemptuously referred to as 'a bundle of pine boards sailing under a bit of striped bunting.' Submitting to it all, their confidence in themselves was wholly gone. Suddenly it had been restored; once more they held up their heads, victors over their bully in a square yardarm fight—small wonder that they went wild! Had they failed to do so they would have been more or less than men.

"Recalled through the vista of years, the situation was, withal, in every respect dramatic. England, in the years which followed Trafalgar, was fairly drunk with a consciousness of sea power. She ruled the wave. None questioned her absolute supremacy. Hers, almost immemorially, had been a record of unbroken victory—victory on a scale both large and small. During twenty years of incessant conflict, numbering in them more than 200 ship-to-ship encounters of approximately equal force, the cross of St. George had averaged but one defeat in every forty fights. Contemptuously ignoring all international rules of courtesy or conduct, she had made the United States gulp down the very dregs in the cup of humiliation; for, on the 22d of June, 1807, in sight of the American coast, the unlucky frigate *Chesapeake* had been compelled to drag her way, a battered, helpless hulk, back to the port from which she had the day before sailed, disgraced and degraded, with officers and crew smarting under a humiliation never either forgotten or forgiven. Unresistingly pounded into abject submission, her company had been mustered on her own deck by a British subaltern, and those whom he saw fit to designate had been taken forcibly from her. Five years later had occurred the affair of the *President* and the *Little Belt*. Numerically the armed ships of the United States were to those of Great Britain as one to a hundred; morally they were as nothing. As was said at the time: 'No one act of the little navy had been at all calculated to gain the respect of the British. First was seen the *Chesapeake* allowing herself to be beaten with impunity by a British ship only nominally superior to her. Then the huge frigate *President* attacks and fights for nearly three-quarters of an hour the British sloop *Little Belt*, of only eighteen guns, and it was claimed, had been beaten off by her.' It was asserted also that those in command of the *President* had mistaken the sloop *Little Belt* for the frigate *Guerrière;* and because of that, Captain Dacres of the *Guerrière* and his crew felt the full passion and duty of revenge. In future there was to be no possibility of mistake, and so the *Guerrière* wore her name writ large on her mainsail. She hungered for a meeting with the *President*.

"And the day came when the *Constitution* took upon herself the quarrel of her sister ship, and in her turn hungered for a meeting with the *Guerrière*. On the 19th of August, 1812—fifteen months after the affair of the *Little Belt*—that hunger was appeased. The story of what then occurred, and where it occurred, is familiar. It will not bear repetition. Suffice it to say that war had at last been declared with Great Britain on the 18th of June, 1812. Then followed an unbroken series of military disasters, culminating in August with the disgraceful surrender of Detroit and the destruction of Fort Dearborn, where Chicago now stands. The entire Northwest was either in possession of the enemy or at his mercy. The cup of humiliation was full; it apparently only remained to drain it. The collapse was complete; and, where open panic did not rule, utter discouragement prevailed. In the midst of it all the *Constitution* sailed on the 5th of July out of the Chesapeake, and into the midst of the British squadron. She eluded and outfooted them, her escape a marvel of skill and endurance. During a part of that three-day ordeal the *Guerrière* was at the front and pitted against her. On the 26th of July Hull reached Boston. He then had reason to believe he was about to be called upon to turn his command over to another, but first he was in search of a fight. He knew his ship; he had tested his crew; he craved the square issue of battle. So, reporting his arrival, he did not wait for orders, but on the 2d of August turned the *Constitution's* prow seaward. The very next day the anticipated order came. He was relieved of his command; but, with that command, he was out of the way, headed for mid-Atlantic, hunting for an opponent. His ship's company shared his eagerness; from the youngest powder monkey to the executive officer they were in the hunt, and when at last on the afternoon of Wednesday, August 19, the grim order to clear away for action came, it was met with a joyous cheer. This was at 4 p. m. Two hours and a half later the *Guerrière* was rolling in the trough of the sea, a battered, spariess, foundering hulk. The next day she sank. She is there in mid-ocean now.

"The details of that memorable conflict are in every American history, and there is neither reason nor space here to recount them. One incident is, however, less well known, and, in these days of race feeling and burnings at the stake, may well be recalled. The African race is, fortunately, not as a rule resentful, but it so chanced that of the four men forcibly taken by the *Leopard* from the *Chesapeake* in June, 1807, two were negroes. Shipped at Annapolis the *Constitution* numbered in its crew others of the same blood—black men, with woolly hair. Referring afterwards to this fact and the conduct of those men, Hull, a rough seafaring sailor of the period, remarked: 'I never had any better fighters than those niggers. They stripped to the waist and fought like devils, sir, seeming to be utterly insensible to danger and to be possessed with a determination to outfight the white sailors.' The cry was not then, 'Remember the *Maine!*' but 'Remember the *Chesapeake!*' and perhaps the negroes had it on their lips as well as in their hearts.

"This was on the 19th of August, 800 miles east of Boston, about south of Cape Race, on the present route to Southampton. Ten days later the anchor of the *Constitution* again gripped bottom off Rainsford's, in Boston Harbor. It was a case of David returning from his combat with Goliath. Probably in their day David's astonished compatriots cheered to the echo their champion. The Bostonians certainly did so now, for, yesterday cowering, to-day they stood erect. A deathly spell was dispelled. They, too, could fight. The 30th of August was the awakening day.

"Yet, strangely enough, by some unaccountable chain of circumstance, that frigate, which then restored to the nation its sense of self-respect, is to-day rotting at a dock in Charlestown—directly in the face of the wharf from which she was launched, and which still, a hundred and seven years later, bears her name—rotting there, a useless, disappearing hulk, while, in flagrant violation of international ethics, we have given the name of *Chesapeake*—a name we lost in fair fight—to a new vessel, and that new vessel, perpetuating the memory of disgrace and defeat, is used, of all possible purposes, as a training ship for our naval cadets! The mere mention of the fact suggests an inquiry into the mental condition of a Congress and Department which for a moment permit such a disgraceful anomaly.

"Perpetrated in the name of economy it is a case of monumental ingratitude. Would it have cost more to rehabilitate the *Constitution* than to build a new *Chesapeake?* This question is one very opportune in Boston on this 30th of August; following hard on Guerrière day it is a question not easy to answer. And, again, the old wooden frigate *Constellation*, long in use at Newport, has just been put out of commission and now lies in dry dock at the Brooklyn Navy-Yard in process of renewal. From the day on which the *Constellation* was launched, September 7, 1797—scarcely six short weeks before the launching of the *Constitution*—her history has been mainly one of mishaps. Always well fought, her flag, unlike that of the *Chesapeake*, never came down to an antagonist; but, the direct opposite in this respect of the *Constitution*, her unluckiness was uniform—some trick of fate always intervened to make her victories valueless or turn them against her. During the entire war of 1812–14 she was blockaded in the Chesapeake; and while the name of the *Constitution*, as she went from battle to battle, became synonymous with victory, that of the *Constellation* was suggestive only of hope deferred and final disappointment. Never once during the struggle did her pennon fly in mid-ocean.

"During the last session of Congress, at the instance of a New England Senator, an item was inserted in the naval appropriation bill, as framed and passed by the House of Representatives, providing for the repair of the *Constitution*—'Old Ironsides.' It met with no opposition in the Senate. Later the bill, as amended, went into the hands of a conference committee, and when it emerged therefrom the *Constitution* item was no longer there. It had been stricken out at the instance of the conferees on the part of the House on the grounds of economy. Provision was made for the repair and maintenance of the *Chesapeake*, a sailing ship commemorative of the deepest disgrace and most mortifying defeat this nation ever was called upon to endure, and use is found for her; but the frigate which, in the hour of deepest discouragement, restored self-respect and hope to the United States, was, for considerations of thrift, doomed to rot at a wharf. The *Constellation*—unlucy sister of the lucky 'Ironsides'—could be sent to Brooklyn to be restored, but the old 'fighting frigate of 1812' was pronounced not worth preserving.

"On this 30th of August, of all days in the year, is it not timely, as well as appropriate, for Bostonians to inquire of Congress and the Navy Department, Why is this thus?"

COAL-MINING INTERESTS IN WEST VIRGINIA.

Mr. RAYNER. I present a memorial, being an answer of the Baltimore and Ohio Railroad Company of the charge that was made against them by the Red Rock Fuel Company. I desire to say that I present it by request. I have no knowledge of any of the facts embraced in the controversy, but I should like to have the answer printed in the RECORD, as the original charge was printed in the RECORD at the time it was made.

There being no objection, the memorial was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

THE BALTIMORE AND OHIO RAILROAD COMPANY,
LAW DEPARTMENT,
Baltimore, Md., February 10, 1906.

HON. ISIDOR RAYNER,
United States Senate, Washington, D. C.

DEAR SIR: The misstatements made by others as to the case of the Red Rock Fuel Company *v.* The Baltimore and Ohio Railroad Company, recently decided by the Interstate Commerce Commission and now pending in the circuit court of the United States for the northern district of West Virginia, and the use of those misstatements to influence legislation in Congress, seem to justify a departure from this company's custom of refraining from outside discussion of matters pending in the courts. I beg, therefore, to lay before you this statement of the facts in the case and of this company's position in the matter, and to request that you give this statement the same publicity in the Senate as was given the statement of the president of the Red Rock Fuel Company.

THE FACTS.

The Red Rock Fuel Company was incorporated January 30, 1905, to take over coal lands purchased by its promoters January 18, 1905. The lands lie in Upshur County, W. Va., a half mile or more north of that fork of the railroad of the West Virginia and Pittsburgh Railroad Company extending from Weston to Buckhannon. The fuel company admits that when its promoters purchased they knew that the Baltimore and Ohio Railroad Company had informed their predecessors in title that it could not afford railroad facilities in connection with their property until it could enlarge its equipment. However, the Red Rock Fuel Company immediately notified the Baltimore and Ohio Railroad Company that the Red Rock Company would at once locate a coal tipple 4,000 feet from the railroad and construct a single track therefrom to the railroad, and demanded that the Baltimore and Ohio, operating the West Virginia and Pittsburgh Railroad, permit or make a physical connection with the new track and furnish cars at the tipple for the shipment of coal. The West Virginia and Pittsburgh Railroad is a single-track road, and the proposed point of connection is approximately midway between stations (2 miles from each) and where there is no track other than the single main track. From the direction of Weston the nearest coal operation is distant by rail 29.2 miles, with intermediate grades so heavy as to be practically prohibitive. From the Buckhannon side the nearest coal operation is 21 miles by rail and on the Grafton and Belington Railroad. In 1904 a line of railroad was completed from Lemley Junction, on the Grafton and Belington, to a connection with the West Virginia and Pittsburgh Railroad at Buckhannon, a distance of 13 miles. There is no coal on this 13 miles of road. No coal is hauled from or over the line of railroad between Weston and Buckhannon, with which the Red Rock Company seeks connection, and no rates for coal in carloads have ever been made or published from or over that line.

Where there is a coal field sufficiently developed to require special service the Baltimore and Ohio Railroad Company furnishes special

coal-switching service to place empty cars at the coal tipples and to take away loaded cars. Where such a special service exists the railroad company can switch cars to a tipple located away from the company's track, even as far as 4,000 feet, although such a distance would be unusual. Without such special switching service the railroad company can not switch to and from a tipple so located. To attempt it in connection with regular trains would involve leaving the train on the main track while the locomotive and crew were gone a mile away. To perform the service demanded by the Red Rock Company, therefore, would require a special switching service for 20 miles each way.

The answer of the railroad company to the demand of the Red Rock Company was the same that had been given to their predecessors in title, as they well knew, viz, that until the railroad company could enlarge its equipment it could not provide special service to develop a new coal territory, but must stop at the discharge of its legal obligations as a carrier. They were told at the same time that the railroad company was taking steps to make large additions to its equipment. Thereupon the Red Rock Company filed its complaint before the Interstate Commerce Commission. After hearing, at which none of the above-stated facts was disputed, the Commission decided that the refusal of the railroad company to permit the track connection and to switch cars to the Red Rock Company's tipple subjected that company to undue and unreasonable prejudice and disadvantage.

DECISION OF THE COMMISSION.

The Commission's decision is based upon two entirely untrue and unsupported assumptions which the Commission found as facts, and upon which it specifically predicated its conclusions of unjust discrimination and undue preference. Those two assumptions are:

First. That the Red Rock Company's undeveloped lands are in the Fairmont district and in situation substantially similar to the coal properties in that district already developed and in operation.

Second. That the switch connection and service demanded by the Red Rock Company are under circumstances and conditions similar to those of the operations in the Fairmont district.

1. The Red Rock lands are not in the district of coal development known as the "Fairmont district," but in an entirely distinct, undeveloped region, and form part of a vast area of virgin coal lands more or less adjacent to the Baltimore and Ohio's lines in West Virginia. The mere bald claim made by its officers that the Red Rock lands are in the Fairmont district is unavailable in face of the plain and fixed facts of their geographical location and their situation with respect to the lines of the Baltimore and Ohio Railroad. If developed to-day, they would be the pioneer operation of a new district, as well as the first operation in Upshur County, where they are located. They are located not adjacent to, but about three-quarters of a mile from, the line of the West Virginia and Pittsburg Railroad, the nearest coal operation on which is 30 miles distant, the nearest on the Grafton and Belington (with which the West Virginia and Pittsburg is connected by the Lemley cut-off) being about 20 miles distant by rail. To show how completely the Commission mistook the facts with reference to the location of this property, the railroad situation, and the history and present status of coal development, I quote the following from its report and opinion:

"The lines between Buckhannon and Grafton were constructed by defendant or its subsidiary companies particularly for the purpose of developing coal lands and securing coal traffic, but other traffic is now carried over them to some extent by defendant." (11 I. C. C. R., 444.)

As a matter of fact, the line which gave connection between Buckhannon and Grafton (the Lemley cut-off) was not built for the purpose of developing coal lands and securing coal traffic, but for the purpose of accommodating other traffic of the Baltimore and Ohio hitherto moving over the West Virginia and Pittsburg via Clarksburg, and if shipments should be made from the Red Rock property they would be the first coal shipments ever made over this line from this district. No rates for coal in carloads have ever been made or published over this line. This fundamental error of the Commission is again repeated a little later, as follows:

"A large number of these operations or coal mines are connected with defendant's main line between Buckhannon and Grafton, one at Century being nearer than any other to complainant's mine, the distance between the two being, in a straight line, only about 4½ miles. Mountainous conditions, however, would render it impracticable to connect Century by railroad with complainant's mine." (11 I. C. C. R., 446.)

As a matter of fact, the number of coal operations on the Grafton and Belington below Grafton is comparatively small, and is not, as indicated, "a large number" of the operations in West Virginia or in the Fairmont district, if in that district at all. It is entirely misleading to say that any of these operations are located on the Baltimore and Ohio's main line between Buckhannon and Grafton, as none of them are located on the line connecting Buckhannon with the Grafton and Belington Railroad, and have no relation at all to the Buckhannon line. The Commission also takes pains to dwell upon the wholly immaterial fact that the distance between the Red Rock property and the Century property is only 4½ miles in a straight line across high mountains, but does not state in that connection that by railroad the distance between the two is 20 miles, and that they lie in separate and distinct districts.

2. The Commission's second assumption, which, as well as the first, it calls a finding of fact, is that switch connections and switching service with coal properties in the Fairmont district are under substantially similar circumstances and conditions to those demanded by the Red Rock Company. The Commission does not specify to which operation or operations in the Fairmont district the Red Rock property is similarly circumstanced, its failure to do so being, doubtless, the result of inability to name such operations. Nowhere does there exist a switching service of 20 miles each way, or anything like it.

The Commission begs the whole question thus:

"As this case stands, we must assume that complainant has complied with the terms of every condition which defendant might reasonably impose in the premises." (11 I. C. C. R., 456.)

In its answer and at the hearing the Baltimore and Ohio vigorously objected to the location of the Red Rock tipple nearly a mile from its line of railroad, and to being required to make arrangements for serving a coal property at which a legal tender of shipments could not be made to the railroad company in the usual way upon or adjacent to its line of railroad. This assumption of the Commission's, therefore, was made not only in face of the facts of the case, but also of the law applicable to common carriers and interstate commerce.

The Red Rock property is not only in a new and distinct district, but also presents local conditions peculiar to itself, having no relation to operations in the Fairmont district.

3. Another error made by the Commission which, it is believed, largely influenced its assumption of jurisdiction and its decision in this case, is embodied in the following mistaken finding of fact:

"Defendant is a common carrier of interstate traffic and interested largely not only in the transportation of coal, but also as a stockholder in several large coal companies whose properties are located in the vicinity of defendant's lines of railway in the Fairmont district and elsewhere." (11 I. C. C. R., 440.)

The Baltimore and Ohio Railroad Company is not a stockholder in any coal company, large or small, located in the vicinity of or on its lines of railway in the Fairmont district. It has for many years owned a majority of the stock of the Consolidation Coal Company, a Maryland corporation. In 1903 the Consolidation Coal Company acquired a bare majority of the stock of the Fairmont Coal Company. The Commission finds that the alleged stockholding of the Baltimore and Ohio in the Fairmont Coal Company is the reason the Red Rock Company's demands have not been complied with. This finding is absolutely untrue, is based purely upon assumption, is not only unwarranted by the facts in the case, but these facts and the evidence taken by the Red Rock Company upon its own behalf completely negative the Commission's conclusions.

The Baltimore and Ohio's position with respect to the Red Rock Company was governed by the peculiar conditions surrounding the latter, especially its remote situation in a new and undeveloped coal district, in connection with the conditions surrounding the entire West Virginia coal situation on its lines, but was in no way dictated or influenced by any interest in the Fairmont Coal Company. The Red Rock proposition meant that, in order to serve the private interests of the coal operators or coal speculators connected with that company, the Baltimore and Ohio should arrange for the development of a new coal district in West Virginia when the older established districts on its line (the result of a natural economic development entirely apart from any railroad influence) were already developed greatly in excess of the Baltimore and Ohio's facilities and equipment. At the time the Red Rock proposition was presented the capacity of the mines already opened on the Baltimore and Ohio's lines in West Virginia for a period of fourteen months was 30,832,495 tons, while the shipments for the same period were 8,635,260 tons, the limiting factor being the lack of cars. If the Baltimore and Ohio had been required to take away part of its coal cars from other West Virginia operations and send them to the remote Red Rock operation, it would have decreased the service obtainable from its equipment, and would have caused additional hardship to the other coal operators, whose car supply would have been correspondingly reduced, a number of them being then unable, with the cars available, to fill yearly contracts theretofore made. Of course the Red Rock people look at the matter only from the point of view of their individual interests, and claim that the opening of one more development would not make very much difference, but to the railroad it is not only the question of the one new operation, but also of the precedent. If a proposed development 20 miles beyond any existing operation can demand such service, why not one 40, 50, 60 miles beyond?

The Baltimore and Ohio Railroad Company has always recognized that its duty, as well as its interest, requires the development of the natural resources of West Virginia as rapidly as possible. The coal production has doubled in five years, largely because of its efforts. The vast area of undeveloped coal lands in West Virginia can not all be developed immediately, without reference to the situation or to the railroad company's facilities and equipment. The Baltimore and Ohio has endeavored to apply common-sense business principles to the handling of a situation forced upon it by circumstances largely unforeseen and beyond its control.

Since the receivership its record with respect to providing new equipment and facilities for handling traffic has been at least creditable, but the bituminous-coal development along its lines, particularly in West Virginia, has outstripped all railroad facilities. These conditions developed prior to 1903, and, indeed, prior to the formation of the Fairmont Coal Company, and the Baltimore and Ohio, in justice to all interests concerned, adopted the policy of granting new switch connections only in cases where the similarity of conditions entailed the legal obligations so to do. This conservative policy it applied to the Red Rock proposition when presented, as it had applied it to many other propositions of a similar character.

As a matter of fact, the Fairmont Coal Company has received no better treatment with respect to switch connections than has the Red Rock Company. No new switch connections have been made for the Fairmont Coal Company, those which have been granted having been with other operators under conditions which gave the applicants the legal right to have them—conditions which do not apply to the Red Rock Company. The Baltimore and Ohio has consistently endeavored to fulfill its duties and obligations as a common carrier. It recognizes the full force of its legal obligations and duties as a carrier to accord fair and impartial treatment to all shippers served by it, and in no way has it accorded any undue advantage or preference to the Fairmont Coal Company. A striking proof of this will be found in the fact that in no year since 1902 has the Fairmont Coal Company shipped as much coal as it did in the year 1902, and that since that time the shipments of other operators in the region have been greater in proportion than those of the Fairmont Coal Company. It is true that the Fairmont Coal Company's shipments are large, but that is simply because at the time of its organization it took in a large part of the mines then operating in West Virginia, with the facilities that belonged to them. This organization was a natural commercial evolution effected without any connection with the railroad company.

With respect to extracts of testimony printed by the president of the Red Rock Company, I have only to say that, read out of their connection with and away from the adequate explanations of every one of the points he develops, they produce—as can always be done by skillful extracts from testimony—a thoroughly misleading impression. The inference sought to be drawn from the supposed control of the Pennsylvania Railroad over coal production in West Virginia is completely negatived by the fact that that coal production has doubled in five years, increasing in greater proportion than in any other coal field in the country. There is nothing in the record or in the facts of the case indicating any influence exercised by the Pennsylvania Railroad in this matter, and even the report of the Interstate Commerce Commission entirely disregards and makes no mention of the complainant's irrelevant allusions to the Pennsylvania Railroad during the progress of the trial.

I ask your indulgence for troubling you with this communication as to a matter in which you have no concern, and beg to remain,

Yours, very truly,

HUGH S. BOND, JR.,
Second Vice-President Baltimore and Ohio Railroad Company.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8213) granting an increase of pension to William Monteith;

A bill (H. R. 2174) granting an increase of pension to Nathaniel Buchanan;

A bill (H. R. 5028) granting an increase of pension to Samuel P. Carll;

A bill (H. R. 3315) granting an increase of pension to Lewis L. Daugherty;

A bill (H. R. 650) granting an increase of pension to Felix G. Stidger;

A bill (H. R. 648) granting a pension to Charles Falbisaner;

A bill (H. R. 1287) granting an increase of pension to John D. Moore;

A bill (H. R. 1200) granting an increase of pension to John G. Parker;

A bill (H. R. 12016) granting an increase of pension to James Cassady;

A bill (H. R. 6178) granting an increase of pension to Carl W. Block;

A bill (H. R. 10477) granting an increase of pension to James B. Babcock; and

A bill (H. R. 10476) granting a pension to Charles T. Hesler.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11783) for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma, reported it without amendment.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5830) granting an increase of pension to Sylvenus Hardy;

A bill (H. R. 5855) granting an increase of pension to Francis L. Brown;

A bill (H. R. 6117) granting an increase of pension to Elizabeth Dill;

A bill (H. R. 6109) granting an increase of pension to William H. Ackert;

A bill (H. R. 6115) granting an increase of pension to Edward Sarles;

A bill (H. R. 4221) granting an increase of pension to William Foat;

A bill (H. R. 3230) granting an increase of pension to James H. Beulen; and

A bill (H. R. 524) granting an increase of pension to Sylvenus A. Fay.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (H. R. 6385) granting an increase of pension to Henry Hastings, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1859) granting an increase of pension to George T. B. Carr;

A bill (H. R. 5708) granting an increase of pension to Thomas T. Fallon;

A bill (H. R. 6098) granting an increase of pension to Sadie A. Walker; and

A bill (H. R. 3570) granting an increase of pension to Susan Whorton.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4751) granting an increase of pension to Joseph J. Sparling;

A bill (H. R. 6063) granting an increase of pension to Maria Dyer;

A bill (H. R. 5938) granting an increase of pension to Edward J. McClaskey;

A bill (H. R. 6065) granting an increase of pension to Charles E. Crowe; and

A bill (H. R. 5212) granting an increase of pension to Giles Q. Slocum.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9059) granting an increase of pension to Ebenezer S. Edgerton;

A bill (H. R. 5753) granting an increase of pension to Sallie H. Murphy;

A bill (H. R. 5186) granting an increase of pension to Charles W. Fulton;

A bill (H. R. 2709) granting an increase of pension to Julius D. Rogers; and

A bill (H. R. 2703) granting an increase of pension to Stephen Weeks.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4179) granting an increase of pension to Owen Donohoe;

A bill (H. R. 6340) granting an increase of pension to William D. Hatch;

A bill (H. R. 3342) granting an increase of pension to Albin L. Ingram; and

A bill (H. R. 3220) granting an increase of pension to Sarah Johnson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10720) granting an increase of pension to Joseph F. Caldwell;

A bill (H. R. 12937) granting an increase of pension to James Hoover;

A bill (H. R. 5605) granting an increase of pension to James S. Pelley;

A bill (H. R. 5163) granting an increase of pension to William U. Mallorie;

A bill (H. R. 4206) granting an increase of pension to Isaac Henry Ober;

A bill (H. R. 4202) granting an increase of pension to John C. Umstead; and

A bill (H. R. 3983) granting a pension to Blanche Douglass.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 4369) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police force of the District of Columbia,' approved February 28, 1901," reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2204) granting an increase of pension to Dexter E. W. Stone;

A bill (H. R. 2059) granting an increase of pension to Jerome Washburn;

A bill (H. R. 2048) granting an increase of pension to Joseph J. Cooper;

A bill (H. R. 2054) granting an increase of pension to Ralph A. Adams;

A bill (H. R. 1909) granting an increase of pension to Alexander Miller;

A bill (H. R. 1658) granting an increase of pension to George M. Drake;

A bill (H. R. 6133) granting an increase of pension to Mary Bagley;

A bill (H. R. 6137) granting an increase of pension to Henry S. Stowell;

A bill (H. R. 5656) granting an increase of pension to Darius H. Randall;

A bill (H. R. 4246) granting an increase of pension to George D. Street;

A bill (H. R. 3403) granting an increase of pension to George A. Baker; and

A bill (H. R. 2762) granting an increase of pension to William Chandler.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6226) granting an increase of pension to George Bruner;

A bill (H. R. 8251) granting an increase of pension to Abel S. Thompson;

A bill (H. R. 13457) granting an increase of pension to William M. McCay;

A bill (H. R. 5640) granting an increase of pension to Abraham Mathews;

A bill (H. R. 4886) granting an increase of pension to Marquis De Lafayette Burket;

A bill (H. R. 4878) granting an increase of pension to Isaac H. Witherwax;

A bill (H. R. 4764) granting an increase of pension to Ahijah Brown; and

A bill (H. R. 1359) granting an increase of pension to Henry M. Robinson.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1230) granting an increase of pension to Eugene Gaskill;

A bill (S. 2096) granting an increase of pension to Nathaniel R. Kent; and

A bill (S. 3626) granting a pension to Catherine Coyle.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1227) granting an increase of pension to Henry J. Patterson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 721) granting an increase of pension to Orange S. Mason, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4131) granting an increase of pension to John Connor;

A bill (H. R. 5658) granting an increase of pension to Joseph Nichols;

A bill (H. R. 5647) granting an increase of pension to Peter Wetterich;

A bill (H. R. 3425) granting an increase of pension to Warren A. Blye; and

A bill (H. R. 11842) granting an increase of pension to James M. Noble.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the bill (H. R. 13104) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905, to report it without amendment. I ask that the House report may be made the report of the committee. I send a copy of the House report to the desk.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2724) for the relief of Delia B. Stuart, widow of John Stuart, reported it without amendment, and submitted a report thereon.

HEARINGS BEFORE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 19th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use, such stenographer to be paid from the contingent fund of the Senate.

COAL CLAIMS IN BATAN, PHILIPPINE ISLANDS.

Mr. LODGE. I am authorized by the Committee on the Philippines, to whom was referred the bill (S. 3690) to provide for the purchase of certain coal lands in the Philippine Islands and to authorize the lease of same and of the Batan Military Reservation for the purpose of securing a local coal supply to the United States Government in the Philippine Islands, to report it favorably.

A precisely identical bill has just come over from the House, and I report the House bill in lieu of the Senate bill, with the House report, which I ask may be printed as the report of the Senate committee, and that the Senate bill may be indefinitely postponed.

The VICE-PRESIDENT. The Chair lays before the Senate the bill from the House of Representatives.

The bill (H. R. 12864) to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands, was read twice by its title.

Mr. LODGE. I ask that the House bill may be substituted for the Senate bill which I have reported, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. I desire merely, in connection with the two bills, to give notice that day after to-morrow, in the morning hour, I shall ask the Senate to take up the House bill, for if any action is to be had upon it, it must be had immediately. The bill passed the House without division, on the unanimous report of the committee, and the report of the committee here is unanimous, and it must be disposed of if it is to be of any avail.

BILLS INTRODUCED.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4566) granting an increase of pension to Frank J. Verdot;

A bill (S. 4567) granting an increase of pension to George W. Thomas;

A bill (S. 4568) granting a pension to Mary E. Cash;

A bill (S. 4569) granting an increase of pension to Augustus A. Nevins;

A bill (S. 4570) granting an increase of pension to Sophrona Watts;

A bill (S. 4571) granting an increase of pension to Duress Nelson;

A bill (S. 4572) granting an increase of pension to Henry J. Stephens;

A bill (S. 4573) granting an increase of pension to Sylvanus M. Powell;

A bill (S. 4574) granting an increase of pension to James W. Pelts;

A bill (S. 4575) granting an increase of pension to Elias Owen;

A bill (S. 4576) granting an increase of pension to William Monks;

A bill (S. 4577) granting an increase of pension to Nathaniel E. Murphy;

A bill (S. 4578) granting an increase of pension to Perry Harter;

A bill (S. 4579) granting an increase of pension to Wiley T. Huddleston;

A bill (S. 4580) granting an increase of pension to William Hale;

A bill (S. 4581) granting an increase of pension to George F. English;

A bill (S. 4582) granting an increase of pension to Seth H. Cooper;

A bill (S. 4583) granting an increase of pension to Lossen L. Brown;

A bill (S. 4584) granting an increase of pension to Orin H. Queal;

A bill (S. 4585) granting an increase of pension to Mary A. Counts;

A bill (S. 4586) granting an increase of pension to Benjamin D. Smith;

A bill (S. 4587) granting an increase of pension to Patrick O'Brien; and

A bill (S. 4588) granting an increase of pension to William R. Coon.

Mr. WARNER introduced a bill (S. 4589) to remove the charge of desertion from the military record of John C. Bennett; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOPKINS introduced a bill (S. 4590) to provide for the purchase of a site for and erection of a public building at Centralia, Marion County, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PILES introduced a bill (S. 4591) providing for the establishment of a life-saving station in the vicinity of Point Granville, on the coast of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 4592) granting a pension to Lydia E. Sutton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4593) for the relief of Francis J. Cleary, a midshipman in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MONEY introduced a bill (S. 4594) for the relief of the estate of John T. McCord, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 4595) granting an increase of pension to Amos McManus; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4596) to encourage and temporarily assist the construction, equipment, operation, and maintenance of railroads in the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. GALLINGER introduced a joint resolution (S. R. 34) to provide for the publication of the names of the heads of families returned at the First Census of the United States; which was

read twice by its title, and, with the accompanying paper, referred to the Committee on the Census.

ESTATE OF SAMUEL E. BRATTON.

Mr. BACON submitted the following resolution, which was referred to the Committee on Claims:

Resolved, That the claim of the legal representatives of Samuel E. Bratton, deceased (Senate bill 1371), be, and the same hereby is, referred to the Court of Claims under the provisions of the act of Congress approved March 3, 1887, commonly known as the "Tucker Act."

PORTS OF CALIFORNIA.

The VICE-PRESIDENT. The Chair lays before the Senate amendments from the House of Representatives to a Senate bill, and desires the attention of the Senator from California [Mr. PERKINS].

The amendments of the House of Representatives to the bill (S. 3318) to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal., were, in line 8, after the word "petroleum," to insert "and its products" and in line 10 to strike out all after "entry" down to and including line 11.

Mr. PERKINS. I move that the Senate concur in the amendments made by the House of Representatives to the bill.

The motion was agreed to.

ELIJAH SPANGLER.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives the bill (H. R. 1059) granting an increase of pension to Elijah Spangler.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 10853. An act to prohibit gambling in the Territories; and

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, was read twice by its title, and referred to the Committee on the Census.

PURE-FOOD BILL.

The VICE-PRESIDENT. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. MONEY. Before going to that business, I should like to have consent to have printed 250 copies of the amendment I offered to what is known as the "Heyburn bill." The copies are exhausted, I am informed, and there is a demand for additional copies.

The VICE-PRESIDENT. The Senator from Mississippi asks that 250 copies of his amendment to Senate bill 88, commonly known as the "pure-food bill," be printed. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HEYBURN. Mr. President, under the unanimous-consent rule of yesterday it was agreed that at 3 o'clock to-day Senate bill 88 should come up under the ten-minute rule. I suppose that agreement was not intended to preclude it from being taken up before that time under the general rule for consideration.

The VICE-PRESIDENT. The Senator can have the bill taken up now by unanimous consent.

Mr. KEAN. I think it was distinctly understood that it was to come up immediately after the routine morning business to-day.

The VICE-PRESIDENT. But the unanimous-consent agreement applied only to the time after 3 o'clock.

Mr. HEYBURN. I have risen for the purpose of asking unanimous consent that the Senate proceed to the consideration of Senate bill 88.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. I have understood from the Senator from Massachusetts [Mr. LODGE] that he desires to take up the amendment offered by him at this time. However, I do not see him in his seat.

I desire this morning to offer a committee amendment of which I gave notice when I first called up the bill for consideration. It is for the purpose of perfecting the language in the latter part of section 4.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 5 of the reprint, line 3, after the word "and" and before the word "public," insert the words "after final judgment;" on page 5, line 4, strike out the word "the," at the beginning of the line, and insert the word "such;" on page 5, line 4, after the word "as," insert the words "may be prescribed by;" on page 5, line 5, after the word "regulations," insert "by the Department of Agriculture;" and strike out, after the word "Agriculture," in the last amendment, down to the beginning of line 9.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be printed and lie on the table.

Mr. HEYBURN. I will ask, while the Senator from Massachusetts is otherwise engaged, that the letter which I send to the desk may be read.

The VICE-PRESIDENT. The Senator from Idaho requests the reading of a letter. Without objection, the Secretary will read it.

The Secretary read as follows:

ATLANTA, GA., *February 14, 1906.*

Hon. Mr. HEYBURN, *Washington, D. C.*

MY DEAR SIR: Would you kindly have forwarded to Mr. John A. Green, president National Retail Grocers' Association, of Cleveland, Ohio, a copy of the Heyburn Senate bill, No. 88, introduced December 14, 1905?

As chairman of the pure-food committee of the National Retail Grocers' Association, I wish to inform you that your bill meets my hearty approval and indorsement. We have requested the retail distributors of food products throughout the United States to write their Representatives in Washington, urging them to support the passage of this measure. Our committee stands in readiness to go to Washington at any time, should our services be required.

Yours, very truly, A. W. FARLINGER,
Chairman Pure Food Committee,
National Retail Grocers' Association.

Mr. HEYBURN. I desire also to send to the desk for reading a resolution bearing upon this question.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

As the Heyburn bill (S. 88) has been reported on favorably by a special committee of the national legislative council of the American Medical Association, and as we daily see the necessity of legislation against fraudulent foods and drugs in order that the public health may be preserved, and as such legislation has been annulled in previous sessions, owing to hostility in the United States Senate: Therefore, be it

Resolved, That we, the members of the Omaha-Douglas County Medical Society, will, individually and collectively, do all in our power, both morally and politically, to support this measure and also that our Senator, Mr. MILLARD, be strongly urged to give this bill his support and that a copy of this resolution be sent to Senator MILLARD.

[SEAL.] WARREN H. SLABAUGH, *President.*
JOSEPH M. AIKIN, *Secretary.*

OMAHA, NEBR., *February 13, 1906.*

Mr. HEYBURN. I will state that that was sent to me by the Senator from Nebraska [Mr. MILLARD], and I have taken the liberty on his reference to use it.

Mr. President, while waiting for the Senator from Massachusetts to take up his amendment I desire to call the attention of Senators to section 4 of this proposed act.

Mr. McCUMBER. If the Senator from Idaho will yield to me for just a moment, as he is——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. As the Senator is introducing resolutions, I simply desire also to introduce a resolution in reference to this subject and have it read. I will say, in the first instance, that the resolution is one on behalf of the National Retail Grocers' Association of the United States, and represents an immense body. It is a letter written to Mr. Barrett, editor of the American Grocer, who requested that it should be presented to me. I ask that it be read in connection with the resolution that has just been read.

The VICE-PRESIDENT. Without objection the Secretary will read it.

The Secretary read as follows:

ATLANTA, GA., *February 14, 1906.*

EDITOR AMERICAN GROCER, NEW YORK: In reply to your favor of recent date would beg to say that I agree with you and that I am very much disappointed at the action of our convention in laying on the table the resolution indorsing the Heyburn bill. This bill and this bill only embraces all points that the retail grocers of the United States have been contending for during the past twenty years. We have in this bill the protecting clause for which we so strenuously contested, and surely every retail distributor of food products would protect himself by taking a guaranty from the manufacturer or jobber from whom he purchases. What more could we ask?

President John A. Green has appointed me chairman of the pure-food committee of the National Retail Grocers' Association for the ensuing year, and I can assure you that our committee will continue to work in the future as we have in the past, concentrating our efforts upon the only fair, honest bill, a bill which has been before Congress for the

past five years, a bill which is indorsed by the honest manufacturer, and there are thousands of them, a bill which has been indorsed several times by the National Retail Grocers' Association, a bill which is indorsed by Secretary Wilson, of the Department of Agriculture, and which meets the approval of the President of the United States, and the only bill which has a shadow of hope of passing. I can assure you, Mr. Editor, and I reiterate, our efforts will be concentrated upon this, and I trust the influence of the National Association will sustain us in working for the Heyburn bill, known as Senate bill No. 88, and now before the Senate of the United States.

I trust that through the editorial columns of the American Grocer, as well as the editorial columns of all the trade papers throughout this nation, we may have one strong appeal made to the retail distributors of food products in every State and Territory of the Union to at once wire and write their Representatives, urging them to support this measure. This bill will pass during the present session if the retail grocers of this country concentrate their efforts and do their full duty. I commend your efforts in the past and trust that in the future you will cooperate with us in one concentrated effort for the passage of this equitable and important bill. Should this bill pass during the present session of Congress the grocers will have a prestige in the nation that they never dreamed of. We are battling for the right and the right always wins.

Yours, most sincerely, A. W. FARLINGER,
Chairman Pure Food Committee,
National Retail Grocers' Association.

Mr. HEYBURN. I desire to send to the desk another resolution to have read.

The VICE-PRESIDENT. The Secretary will read it.

The Secretary read as follows:

HOMŒOPATHIC MEDICAL SOCIETY
OF THE COUNTY OF KINGS,
Borough of Brooklyn, New York, February 17, 1906.

Resolution adopted by the Homœopathic Medical Society of the County of Kings February 13, 1906.

Whereas the prosperity and happiness of a nation depend more on the health of the people than any other factor, and the health of the people is vitally dependent upon the purity of the food products and medicinal agents: Therefore, be it

Resolved, That we, the members of the Homœopathic Medical Society of the County of Kings, do hereby pledge ourselves to do all in our power to arouse public interest in the Heyburn pure-food bill, which is now before the United States Senate; and be it further

Resolved, That we urge our Senators and Representatives to use their influence in every way to secure the passage of this bill; also, that copies of this resolution be forwarded to the Senators from this State and Representatives from Kings County and to Senator HEYBURN.

RALPH I. LLOYD, *Secretary.*

Mr. HEYBURN. I send to the desk and desire to have read an article from a Chicago paper.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FOR THE PURE-FOOD BILL—RESOLUTIONS PASSED BY THE NATIONAL EXHIBITORS AT CHICAGO.

CHICAGO, *February 17, 1906.*

Resolutions urging Congress to pass the Heyburn pure-food bill, now pending in the Senate, were adopted unanimously at a meeting held under the auspices of the National Dairy and Pure-Food Show interests yesterday.

The meeting was the first in a series of pure-food symposiums to be held during the continuance of the exhibit, and each of the six speakers strongly emphasized the urgent necessity of national legislation which will afford citizens protection against food products adulterated with aniline and coal-tar dyes.

It was declared that nothing short of a national law would be an adequate remedy against unscrupulous manufacturers and dealers in adulterated products, and it was urged that the public, especially the women of the country, make themselves acquainted with the nature of the goods they buy, and that they purchase nothing but the purest goods.

The resolutions were introduced by Paul Pierce, superintendent of the Government's exhibit at the show, who was made chairman of the meeting.

Nearly 200 persons, many of whom were women, attended the meeting. The speakers were G. Edward Fuller; Prof. J. M. Trueman, of the University of Illinois; Edward K. Slater, food commissioner of Minnesota; J. D. Miller, commissioner of health; Charles J. Whalen, and A. Hanby Jones, food commissioner of Illinois.

Mr. HEYBURN. Mr. President, I believe the Senator from Massachusetts [Mr. LODGE] desires to take the floor at this time on the amendment heretofore offered by him, and I will yield to him.

Mr. LODGE. My amendment, on page 8, is pending. I hope it will be adopted by the Senate when it is voted on. It simply provides that the test of food products shall be made when they are in the condition in which they are actually consumed, and not in the condition in which they are necessarily transported. The amendment was drafted by Doctor Wiley. I do not mean to say that it is his amendment in any sense, but he drafted it in order that it might be put in proper form. It simply provides that where a preservative is used, which it is necessary to remove mechanically or by maceration in water or otherwise, the provisions of this proposed act shall be construed to apply only when such products are ready for consumption. That seems to me a perfectly reasonable proposition. It does not affect the bill at all. It simply prescribes the condition as to which the terms of the bill shall apply. It relates directly to the preservatives used for meats and fish.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. Certainly.

Mr. HALE. I have received a letter from a valued constituent of mine on this subject in the same direction in which the Senator from Massachusetts [Mr. LODGE] is now speaking. The amendment having only the purpose which the Senator from Massachusetts has stated, what is the objection to it?

Mr. HEYBURN. Mr. President, if it were confined to the class of articles to which the Senator from Massachusetts has referred, there might be no objection, but the amendment is in general terms. There are some articles which might safely, for the purpose of transportation, be surrounded by conditions such as are anticipated by this amendment, while there are other articles that could not be. If it were simply applied to the wrappings of fish and meat for the purpose of protecting them in shipment or preserving them under the conditions of shipment, it might be that if the conditions were limited to that class of articles it would do no harm; I am not sure. It would depend on how far it was carried.

I understand that the packers of meats and fish desire to inclose those articles in wrappers that are saturated with or in some way contain these preservatives which are not supposed to penetrate the articles which they inclose. Now, if the provision was so guarded that this wrapping was of such a character as would not injure the articles of food, it would do no harm, but the amendment is couched in general terms. There are a great many things that would be permanently injured by reason of coming in contact with these preservatives. For instance, if the preservative was confined to the wrapper alone, so that it might not penetrate the substance, but if it was rubbed in and could only be removed by a process of soaking or boiling or washing, then, of course, it would be at the mercy of the care that was taken to remove it by those who were preparing it for use.

Mr. LODGE. Does the Senator suggest to limit the provision to fish and meat products?

Mr. HEYBURN. Just let me refer to the provision. It is on page 8, I believe.

Mr. LODGE. On page 8.

Mr. McCUMBER. Mr. President, I will suggest to the Senator from Massachusetts an amendment to his amendment which would contain these words:

Provided, That the package or wrapper containing it shall also contain directions for removing such preservative.

Mr. LODGE. I have no objection to that, of course.

Mr. McCUMBER. That, it seems to me, would at least afford a remedy.

Mr. LODGE. That, I think, would cover the objection of the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. I will make this suggestion; I think this is necessary in order to cover my objection: The word "application," in line 22, is of an indefinite and rather elastic scope. The "application" might be in the wrapper, but it might be a saturation of the article itself. Now, if instead of saying "by an application," say "by an external wrapper"——

Mr. LODGE. Oh, no. That would destroy the whole purpose of the amendment.

Mr. HOPKINS. The amendment offered by the Senator from North Dakota will, I think, remove the objection.

Mr. LODGE. I think so.

Mr. McCUMBER. I simply made that as a suggestion. The Senator's amendment provides:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

I propose to leave out the latter part, after the word "otherwise," and add:

Provided, That the package or wrapper containing it shall also contain directions for removing such preservative.

Mr. LODGE. The Senator proposes to insert that language after the word "otherwise," in line 24?

Mr. McCUMBER. Yes. My point is simply this: You may use boracic acid. It may be in the wrapper, and it may penetrate a very little, if any, into the ham. Otherwise it could be washed off; and if that direction was on the wrapper itself, or the cloth covering the ham, the people would be protected, as they should be.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. I will accept the amendment of the Senator

from North Dakota [Mr. McCUMBER], and modify my amendment by inserting, after the word "otherwise," on page 8, in line 24, where it reads "the preservative is necessarily removed mechanically or by maceration in water or otherwise"—to insert at that point:

And when the package or wrapper containing it shall contain directions for removing such preservative or application.

The VICE-PRESIDENT. The Senator's proposed modification to his amendment will be stated at the desk.

Mr. LODGE. Of course, I suppose I am at liberty to make the modification so that the question on the amendment will be put in that modified form?

The VICE-PRESIDENT. That is the right of the Senator. The modification of the amendment will be stated at the desk.

The SECRETARY. On page 8, line 24, in the new print of the bill, after the word "otherwise," it is proposed to insert:

And when the package or wrapper containing it shall contain directions for removing such preservative or application.

The VICE-PRESIDENT. The amendment as modified will be ordered to be printed and lie on the table.

Mr. LODGE. If the Senator from Idaho is ready to accept the amendment, I shall be very glad to have a vote upon it. I do not want to modify it any further in view of the amendment I have accepted.

Mr. HOPKINS. It would not be in order to vote upon the amendment now.

Mr. HEYBURN. I do not think I would be at liberty to accept the amendment, Mr. President.

Mr. LODGE. Oh, no. On reflection, I do not think the Senator can even accept it now.

Mr. President, as I am on the floor, I have a further amendment, on page 10, which I should like to offer and to which, I understand, the committee has no objection; but of course it will have to be accepted to-morrow. I should like to extend this provision, if the committee has no objection—and I do not think they will—by inserting, in line 22, after the word "alcohol," the words "or of opium in any form."

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. On page 10, line 22, in the proposed amendment heretofore submitted by Mr. LODGE, after the word "alcohol," insert the words "or of opium in any form."

The VICE-PRESIDENT. The proposed amendment will be printed and lie upon the table.

Mr. CLAY. Let me ask the Senator from what he is reading?

Mr. LODGE. From the new print of the bill.

Mr. CLAY. On what page?

Mr. LODGE. On page 10, line 22.

Then the other amendment is simply a repetition. It is, on page 11, line 5, after the word "alcohol," to insert "or of opium in any form."

I think there is no objection to the amendment as modified. There is no need of discussing these amendments. They will be accepted, I understand, at the proper time.

The VICE-PRESIDENT. The proposed amendment will be printed and lie upon the table.

Mr. HEYBURN. Mr. President, when I yielded to the Senator from Massachusetts [Mr. LODGE] I was proceeding to consider section 4 of this bill. I feel it due to the conditions to make a statement in regard to the particular provisions of this section, because the newspapers, at least to some extent, and those who are opposing this bill generally, are charging that by these provisions the power is placed in the hands of one man—namely, the Chief Chemist, or head of the Bureau of Chemistry—to determine standards, and that it is within his power, under the provisions of this bill, to proscribe articles of commerce and denounce them in such manner as to seriously affect or injure the trade in them. If there is anything that this bill, and especially that this section of it, does not provide, it is for the fixing of standards by anybody. If there is anything that is not provided for or permitted under this bill, it is that the Chief Chemist, or the Chief of the Bureau of Chemistry, shall have power to denounce anything under any circumstances or to place a ban upon anything or, as I stated yesterday, to place the ban of disapproval upon anything. He is given no such power. He is simply the agent of the courts to gather testimony upon these questions for the purpose of being used at the trial in the court room and nowhere else.

He publishes no bulletins in regard to his labors or his investigations of such articles as may come under his charge for that purpose; he takes no proceeding; he exercises no authority either to denounce an article, to stop commerce in it, or in any way to affect it. I feel it due to this bill and to the subject to make this statement at this time in order that if any Senator can find anything in this bill upon which to base a different interpretation, he may have the opportunity of doing so, and in order that the country may understand that this bill must not be confused with bills which have been introduced in this and in other branches of the legislative department of this Government to provide for the fixing of standards. This bill fixes no standard upon anything; it authorizes no officer to fix any standard. It provides that the courts, and the courts alone, may determine whether or not an article is contraband under the provisions of this act. The object in avoiding any possible construction that might be held to be fixing a standard was that the bill might never come in conflict with the pure-food legislation of the various States. The States have established different standards, and they have a right to do so. Inasmuch as those standards vary, it would be impossible for an act of Congress, a general law, to avoid some conflict with some of those State laws if you should undertake to fix standards.

The substitute offered by the Senator from Mississippi [Mr. MONEY] undertakes to fix standards and prescribe what per cent of this or what per cent of the other may be permissible or may be forbidden. We can not accept that substitute because it would violate the underlying principle, one of the strongest principles of this bill; it would attempt to fix standards or authorize some one to do so.

The amendment offered by the Senator from Washington [Mr. PILES] in regard to condensed milk undertakes to fix a standard as to the percentage of solids, the butter fats that may be contained in that product. That is obnoxious to the spirit and the principle of this bill which seeks to avoid that. The percentage of alcohol or the percentage of any other article to be found in a substance subject to examination under the provisions of this bill is avoided. I repeat the Chief Chemist and the agencies of the Department of Agriculture, of the Department of Commerce and Labor, and of the Treasury Department of the United States are mere agencies for the purpose of gathering information throughout the country through the present existing machinery of those Departments, without the creation of any new Department, without the creation of any board, without the creation of any additional machinery of Government to gather these specimens for test, and that test simply consists in determining the existence or nonexistence of a fact.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. The Senator is so well informed on this subject that I want him to give me a little information, which, no doubt, he can do. It has been suggested that in the Department of Agriculture they are engaged in the matter of fixing standards. I know nothing about it. If the Senator will turn to page 6—I presume this is entirely explainable—on line 22, he will find the bill speaks of "the standard of strength, quality, or purity to be plainly stated on the box, bottle," and so forth; and in lines 24 and 25, "if the strength or purity fall below the professed standard or quality under which it is sold." I presume the Senator can explain that in conformity with the statement he has just made that there is to be no standard.

Mr. HEYBURN. Mr. President, I think I can explain it. The professed standard is fixed by the manufacturer or the seller. The language of the measure is—

it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary.

That is not the fixing of a standard within the scope of the criticism that has been urged against this bill, because that is a standard fixed by the recognized dictionary or scientific work, and is recognized as the rule by which the whole country is governed.

Mr. GALLINGER. That relates to drugs.

Mr. HEYBURN. That relates to drugs. Those are recognized works of determination, the result of analyses and of experience combined. The other limitation to which the Senator has called my attention is:

Provided, That no drug not defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof as originally packed.

There the manufacturer himself states the standard. This bill only requires him to tell the truth about it. In general aspect this bill might be termed "an act to compel the telling of the truth in regard to the business in which men are engaged."

Mr. GALLINGER. I assume that that proviso refers more particularly to so-called "proprietary medicines."

Mr. HEYBURN. Yes; it is intended to cover them undoubtedly.

Mr. GALLINGER. They are compounds, and I do not see how the manufacturers can really state the standard of a package if they have got four or five or six or seven different ingredients in the mixture; they may be good or bad—I think they are generally bad—but how they can state the standard of the package or the purity of it is beyond me. I think they may show the different ingredients are pure, but just what standard they can fix I can not comprehend.

Mr. HEYBURN. Well, if they can not do it, then they ought not, under any conditions, to be permitted to put their nostrums upon the market. If a man can not tell the public what he is offering them, he ought not to be allowed to offer it to them.

Now, referring to the clause to which the Senator has called my attention, on page 7, line 5:

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. Let me call attention here to the fact that that provision would not affect a case where they do not have a professed standard, and, therefore, that would answer the question of the Senator from New Hampshire. If they sell these articles without any professed standard, then, of course, they would not be liable for misbranding, if they did not measure up to that standard.

Mr. GALLINGER. If the Senator from Idaho will permit me, I think the Senator from North Dakota does not quite comprehend this proviso. It provides that any drugs not defined by the United States Pharmacopœia or the National Formulary, which are the established and recognized authorities on this subject, shall have stated on the box or bottle or container the standard of strength, quality, or purity. I do not see that there is any exemption, and the Senator's suggestion that if they have not established a standard, they will not be required to do it, it seems to me, does not meet the objection.

Mr. McCUMBER. The Senator does not hold that the construction of that sentence would be that, if they did not place the standard upon it or did not state the standard of strength quality, or purity, it would follow that it was adulterated?

Mr. GALLINGER. I do hold to that because the proviso reads as follows:

Provided, That no drug not defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof as originally packed.

So if the standard is not plainly stated upon it I think it would come under the ban. That would be my opinion.

Mr. McCUMBER. I do not think that it is so intended, and that is not my understanding of it.

Mr. HEYBURN. I think it should be so construed, because I do not think any unnamed nostrum should be sold upon the market as a professed curer of disease. I do not think any person should be permitted to offer upon the public market a medicine for professed relief against disease that had no statement as to what the medicine was. So that is a matter which I think the court will take care of.

Mr. GALLINGER. But, Mr. President, the difficulty is that the Senator by indirection is going to utterly destroy the so-called "patent-medicine business." If that is the purpose of this bill, why not state it? That is what this provision will do, according to my interpretation of it. I am not here to defend that class of people. I have very little confidence in their preparations, but they have rights under the law as it now exists, and if their business is to be destroyed, let us state it specifically, so that everybody will understand it.

Mr. HEYBURN. It would only destroy those who are unable, because of the facts, to state the strength, quality, or purity of their articles.

Mr. GALLINGER. And the standard.

Mr. HEYBURN. And the standard.

Mr. GALLINGER. They can not do it.

Mr. HEYBURN. If they can not do it, if they can not name the article, they ought not to be permitted to sell it.

Mr. GALLINGER. It is not a question of naming the article. In the first place, it is a very serious question whether we are going to require the druggists of this country who have compounds, some of which are not public, to disclose exactly what their formula may be; and, in the second place, the difficulty is in establishing a standard where there are two, three, four, five, or six different ingredients in the so-called "medicine." I do not see how that can be done. I think the word "standard" at least ought to be eliminated from that proviso.

Mr. McCUMBER. I think we can remedy that by inserting after the word "the," at the end of the second line, the word "professed;" so that it will read as follows:

Provided, That no drug not defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the professed standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof as originally packed.

Mr. GALLINGER. I do not think that covers it at all.

Mr. McCUMBER. If it has no professed standard, they will not be liable.

Mr. HEYBURN. We have absolutely provided against the charge that this would require the publication of the formula upon the bottle. In another section of the bill we have provided especially that the formula need not be printed.

Mr. GALLINGER. Well, then, will the Senator state—because I am seeking light on this subject—what he would expect these people to place on the bottles under this proviso?

Mr. HEYBURN. Of course, that would be as variable as the remedies. There is such infinite variety of these nostrums that the standards would vary according to the character of the mixture.

Mr. GALLINGER. If they simply state that this remedy is of a proper standard, that the quality is good, and it is pure, would that fulfill the requirements?

Mr. HEYBURN. No; they would have to conform to the particular medicine. I am not enough of a druggist, I do not know enough of the technicalities of medicine, to enable me to analyze that and say just exactly what would be required in each particular case; but I do say that that provision has been submitted to and approved by the medical board of the Medical Society of the United States and by innumerable minor medical associations, and I have had read from the desk this morning from both schools of medicine the unqualified approval of that provision.

Inasmuch as we of necessity went to those sources for information in framing a measure of this kind, I assume, the National Medical Association, the National Association of Druggists, the national associations of both schools of medicine having analyzed that provision, that there must be a plain and easy solution of the matter. I doubt if, outside of the Senator from New Hampshire, who is learned in the science of medicine, there is a Member of this body who could analyze.

Mr. GALLINGER. But the physicians who have examined this bill may not have had their attention called directly to this provision. I am not going to oppose it beyond repeating what I have just said, that, in my judgment, reading it as I do here to-day, if that proviso remains in the bill as it is now it will make it utterly impossible for the so-called "patent medicine" dealers to continue in business. If they are required to establish a standard, they can not do it.

It is impossible for them to do it. If the Senator thinks that provision ought to remain in the bill, I have no particular objection to it, because I think these men will find a remedy somehow. The Senator does not require them, in another provision of the bill, to disclose their formulæ. I think a bill passed one branch of the New Hampshire legislature last winter requiring them to do that thing. It did not become a law. There is a great deal of contention in certain quarters that they ought to do that for the benefit of the public. I do not know whether or not that would be good legislation. But this bill specifically excludes them from disclosing their formulæ, and yet it requires them, before their goods can enter into interstate commerce, to state a standard on the box, bottle, or container, and to make some sort of declaration about the strength and purity. It is not enough to say it is pure. I confess I do not know what they will do under the provisions of this section.

Mr. HEYBURN. I confess I am curious to know what the patent-medicine people will say on behalf of their nostrums. I have the same degree of curiosity as that expressed by the Senator. I will await with much interest the declaration these gentlemen will make on behalf of their admixtures.

Mr. GALLINGER. Yes; but that is not in controversy. It is not the question of nostrums, so called—the patent medicines put on the market. That is not the question at all. These men have rights under the law to-day. The Senator himself does not ask them to disclose their formulæ, but in my judgment here is a provision that will absolutely prevent them from entering interstate commerce with their goods, and I do not believe we ought to legislate in that way.

Mr. HEYBURN. Mr. President, I was discussing the question as to the provisions of section 4 of the proposed act in regard to establishing standards, and I do not desire that the mind of the Senate shall be diverted very long from that propo-

sition. I wish to have it understood that this bill does not permit the Chief Chemist of the Bureau of Chemistry to fix standards or to punish anybody, or to brand his goods as fraudulent, under any circumstances. It does not permit the Secretary of Agriculture to do it. It does not permit anyone except the court, after a trial by a jury, if the party shall appeal to that right, to brand the goods as being fraudulent or obnoxious to the provisions of this bill.

It seems to me no one can reasonably complain if, after a fair trial, upon notice, with the opportunity to produce all of the testimony that may be admissible under the rules of practice in the court, a man is adjudged to be guilty or not guilty of a violation of the law.

Mr. McCUMBER. Will the Senator yield to me for a moment?

Mr. HEYBURN. Yes.

Mr. McCUMBER. This provision was placed in the bill before the Senator from Idaho came to the Senate, and it has since been reintroduced. I should like to explain briefly to the Senator from New Hampshire how it was placed in the bill, and for what purpose. I refer to the provision which the Senator from New Hampshire was just discussing.

Let me call the attention of the Senator from New Hampshire to this fact. It reads:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

Now, there the old bill stopped. Parke, Davis & Co., manufacturers of drugs, had a representative before the Committee on Manufactures, and they asked that the provision be modified for this reason: They said:

We are manufacturing articles which of course are not under standard of the Pharmacopœia, but are of half standard and one-third. But we state it upon the vessels or the containers, and we wish to insert that so that we can manufacture the same articles with half the strength or quarter strength.

And therefore they had inserted this provision. It differs a little from the provision as it has been recopied. It was then provided:

Provided, That no drug—

It follows right on after determining that they must measure up to the standard of the Pharmacopœia. Then it provides:

That no drug shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although such standard may differ from that determined by the test laid down in the United States Pharmacopœia.

It seems to have undergone a little change in the reprint of the bill, which I confess I do not understand. I supposed it was exactly the same, and it was intended to apply, and I think it should be so modified that it will apply, simply to those which are provided in the Pharmacopœia, but do not measure up to it. That was the intention, and I think it was a clerical error.

Mr. GALLINGER. I think the Senators will be able, before the bill is voted upon, to arrange it so that it will be all right.

Mr. McCUMBER. That is the object.

Mr. HEYBURN. Mr. President——

Mr. CLAY. With the permission of the Senator from Idaho, I should like to make an inquiry.

Mr. HEYBURN. I wish to send an amendment to the desk.

Mr. CLAY. Very well.

Mr. HEYBURN. I have with more care formulated the amendment which I sent up and which was hastily prepared, and I ask that it be substituted for the one previously sent up. Let it be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, beginning of line 4, strike out the word "the" and insert the word "such;" after the word "as," in the same line, insert the words "may be prescribed by the;" in line 5, same page, after the word "regulations," insert the words "of the Department of Agriculture;" strike out the remainder of line 5, all of lines 6 and 7, all of line 8, excepting the last word, before which word insert "any;" in line 9 strike out the first three words "as may be;" after the word "act," in the same line, insert the words "shall be given;" and on page 5, after the word "and," in line 3, insert the words "after final judgment."

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. CLAY. I desire to call the attention of the Senator from Idaho just for a moment to a careful analysis of section 2 of the bill.

SEC. 2. That the introduction into any State, Territory, District, or insular possession, from any other State, Territory, District, or insular possession, or from any foreign country, or the shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, deleterious or poisonous, within the meaning of this act, is hereby prohibited—

That is clearly the subject of interstate commerce. Now, further—

and any person, association of persons, or corporation who shall ship or deliver for shipment from any State, Territory, District, or insular possession to any other State, Territory, District, or insular possession, or shall export or offer to export the same to a foreign country, or who shall knowingly receive in any State, Territory, District, or insular possession of the United States from any other State, Territory, District, or insular possession of the United States, or from any foreign country—

That is clearly the subject of interstate commerce—"or who, having knowingly received." The word "knowingly" has been inserted, and I think it ought to have been inserted—

or who, having knowingly received, shall deliver in original unbroken packages, or shall offer to deliver to any other person, persons, or corporation any such article, shall be guilty of a misdemeanor.

I want to ask the Senator this question: Under the latter provision of the bill, if a merchant shall receive by transportation from another State such packages, it is a violation of the proposed act. I understand that would be a part of the transportation from one State to another. But now, after a merchant has received and put in his store a stock of goods and sells them in the State where he receives them, I ask the Senator would Congress have any jurisdiction to make that act a penal offense?

Mr. HEYBURN. No; but I call the Senator's attention to the words beginning in line 5. It is in "original unbroken packages." It is confined to that class of packages. That is because of the decisions of the Supreme Court of the United States that the jurisdiction of the United States under the interstate-commerce clause of the Constitution continues so long as the goods are in unbroken packages, and the State's jurisdiction does not attach so long as they are in unbroken packages, and that is the limitation which is found in the first two words in line 5. I think that is an answer to the Senator's suggestion.

Mr. CLAY. What line?

Mr. HEYBURN. Line 5, page 3. The provision to which the Senator's criticism is directed is limited by the term "unbroken packages," and that is necessary because of the two currents of jurisdiction, the national and the State. It refers to goods in unbroken packages, and until the package is broken the State jurisdiction does not attach. They are not in the merchant's stock of goods until the package is broken. That is the line of distinction, as I understand it, under the decisions of the courts, which we must, of course, keep in mind.

Mr. CLAY. The section says:

Who * * * shall deliver in original unbroken packages.

Mr. HEYBURN. Yes.

Mr. CLAY. That is in line 5.

Or shall offer to deliver to any other person, persons, or corporation any such article.

Mr. HEYBURN. That is, in unbroken packages.

Mr. CLAY. I am inclined to think "any such article" would refer to an "unbroken package."

Mr. HEYBURN. Yes. It was intended that the bill should so provide.

Mr. CLAY. I had not noticed that feature of it.

Mr. HEYBURN. Yes; that is the intention.

Mr. PILES. Mr. President——

Mr. HEYBURN. I yield to the Senator from Washington.

Mr. PILES. I do not believe the Senator from Idaho opposes my amendment on any tenable ground. He opposes it because it fixes a standard. I notice on page 7, line 5——

Mr. HEYBURN. What page?

Mr. PILES. Page 7, line 5:

If its strength or purity fall below the professed standard or quality under which it is sold.

The amendment I have proposed simply fixes a standard for Carnation Cream, which is largely manufactured on the Pacific coast; and if this bill is intended to do what it is claimed by its authors it will do—prevent the adulteration of food used in daily life—my amendment, it seems to me, ought to go into the bill.

The gentlemen who manufacture Carnation Cream contend that they are manufacturing the best article of this kind that is put on the market, and their intention is, according to a letter which they have written me on the subject, to compel other manufacturers to put forth a pure article. They state that their product contains the highest percentage of butter fat of any cream of this character manufactured in this country. They say:

We have manufactured the Carnation brand of evaporated cream for six years. At present we have the two largest plants on the Pacific coast, and are distributing Carnation Cream from St. Paul and

Chicago to New Orleans, and almost every intermediate jobbing point. We are particularly anxious that such a standard be fixed as will raise the standard of all evaporated creams. First, that they shall be pure—

That is what the Senator is contending for—

Second, that they shall contain not less than 7 per cent of butter fat. Third, that the total solids shall not be less or over 25 per cent.

The amendment I have proposed provides for 28 per cent, and if, therefore, it is the intention of this bill that people who can articles of this character and put them on the market shall put them out in as pure a state as possible under the circumstances, then there is no reason, sir, why my amendment should not prevail.

I submit that it is along the line of the principle which has been advocated by the Senator from Idaho. I hope he will not, when he comes to consider the propostion which I have submitted, oppose the amendment.

Mr. HEYBURN. Mr. President, it is possible that if this were a question of legislation within a State I would not have the slightest objection to the amendment. But it is not in harmony with the scheme of this legislation to fix an arbitrary standard as to any product. In the first place, if it became a part of the pending bill, the amendment would not be in harmony with the law of several States of the Union, which do not require a standard so high as that fixed by the amendment.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. I find also a statement in this letter to the effect that the Secretary of Agriculture, in a circular published in 1904, defined as a standard for condensed milk, which is the same as condensed or evaporated cream, 28 per cent of milk solids, of which not less than one-quarter shall be milk fat.

It is not, in my mind, a question of State legislation. We are dealing upon the same principle—trying to prevent the adulteration of foods and trying to compel the manufacturer of every article with which this bill deals to put out the very best article than can be manufactured by any concern producing the particular articles dealt with by this bill. If the amendment is one which should commend itself to a State legislature, I do not see why it does not properly belong here.

Mr. HEYBURN. I should like to make an inquiry of the Senator. Suppose Congress were to fix this standard, and it was not in conformity with the standard of a State in which these articles might be sold. Would it be within the power of Congress to enforce the law after the packages were broken? If not, would it not result in having within the State two standards for goods in common use and common trade? That is the reason why we have all the way through avoided the fixing of standards, because of the varying standards in different States. It is utterly impracticable to fix standards here. I have much sympathy with the Senator's amendment, that the highest standard that can be attained shall be maintained in legislation, but it is impracticable to do it in national legislation, because we can not at all control the standards accepted by the States, and if we should ever invade that field, we would have unending confusion in attempting to adjust the rights of the shipper with the dealer, with the factor. We would be unable to do it.

The Senator calls attention to the fact that this particular brand of evaporated milk and cream has been held or pronounced to be the very best in the United States, as I understand, and he would have every other manufacturer brought up to this high standard. That is desirable, but it is not practical in legislation. Therefore I can not undertake, even when the proper time comes, to accept the amendment, because it is not in harmony with the plan of the proposed legislation.

Mr. President, the Senator from Indiana [Mr. HEMENWAY] has offered an amendment, on page 7, lines 12 and 13, which he desires to have considered, and I will yield to him for the purpose of explaining his amendment or making such remarks as he desires to submit.

Mr. HEMENWAY. Mr. President, I ask that the amendment which I have offered may be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9, page 7, line 11, after the words "regarding the," it is proposed to strike out "ingredients or the substances" and to insert "existence or nonexistence or the amount or purity of any ingredient or substance;" so as to make the clause read:

That such drug shall be deemed to be misbranded:

* * * * * * *

Second. If the package containing it, or its label, shall bear any statement regarding the existence or nonexistence or the amount or purity of any ingredient or substance contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the country, State, or Territory, or place therein, in which it is manufactured or produced, or if the contents of the original package shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Mr. HEMENWAY. I ask that the letter which I send to the desk be read, and I should be glad if the Senator from Idaho will give it his attention.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE NEW WILLARD,
Washington, D. C., February 20, 1906.

Hon. J. A. HEMENWAY,
United States Senate, Washington, D. C.

DEAR SIR: I sincerely trust that your proposed amendment to Senate bill 88 will meet the approval of the Senate. Every honest man is opposed to the adulteration or false labeling of drugs; but this bill, in the definition of the term "misbranded," as applicable to drugs, goes much beyond that purpose.

Section 9 provides, among other things, that a drug shall be deemed to be misbranded—

"If the package containing it, or its label, shall bear any statement regarding the ingredients or the substances contained therein which statement shall be false or misleading in any particular."

This covers very much more than misbranding or false labeling as commonly understood. Carried to its full length it means that the Federal Government, under the guise of regulating interstate commerce, is to take up and settle by its chemical experts and in the Federal courts a class of questions about which medical men and schools of medicine have been at war for generations. If it is desirable that questions concerning the curative properties of drugs should be settled by process of law, it would seem to be a question for the States rather than for the Federal Government.

The slight change of phraseology proposed by your amendment makes the definition of the term "misbranded" more specific, and excludes the implication that statements made in good faith regarding the therapeutic qualities of medicine or its ingredients can be made the basis for denying the right to transport such drugs from State to State.

Manufacturers have had no opportunity whatever for a hearing upon this or other questions before the honorable committee at the present session of the Senate; but at the hearing before the honorable committee during the second session of the last Congress this question was discussed, and the honorable chairman of the committee, in explaining some of the purposes of the bill, said:

"I have a very good illustration right here in my hand. Here is a bottle marked 'Pepto Mangan.' It says: 'Does not affect the teeth.' There is a statement as to the truth of which the purchaser is entitled to know. This bill provides that if that statement is untrue it shall be a contraband article. What objection is there to it, supposing it does affect the teeth?"

And again:

"We will take Glyco Thymoline. There are a good many things stated upon this package. The purchaser takes the statement to be true. It states what the medicine will do. Suppose that statement is untrue. Then the article becomes contraband under this proposed law. Should it not be so?" (See Senate Report No. 1209, pp. 97 and 98.)

We are bound to assume that the interpretation of the provisions and the purposes of the bill by the honorable chairman of the committee is correct.

I am sure that a determination on the part of the Federal Government to take up and settle questions of this character in connection with interstate commerce would precipitate endless controversies in all parts of the country. Prosecutions would be inaugurated by the Agricultural Department, and as these prosecutions might be based in many cases upon medical questions upon which different men entertain different beliefs it would become a matter of vital importance in some cases as to what school of medicine controlled the Government Department having the subject in charge.

I very earnestly hope that your proposed amendment, or something equivalent, will be adopted, so that no drug shall be deemed to be "misbranded" under this bill by reason of any statement made in good faith relating solely to the medicinal properties of the drug or its ingredients.

Very respectfully, yours,

A. R. BEARDSLEY.

Mr. HEMENWAY. I wish to call the attention of the Senator to the statement made in the hearings, I think, a year ago:

We will take Glyco Thymoline. There are a good many things stated upon this package. The purchaser takes the statement to be true. It states what the medicine will do. Suppose that statement is untrue. Then the article becomes contraband under this proposed law.

I understand that here is a standard medicine—a medicine used in many families for many years. Suppose some one in a family comes up and says, "Here is a statement that this medicine will do things which it will not do." Who determines the question—the Secretary of Agriculture?

Mr. HEYBURN. The patient.

Mr. HEMENWAY. So one patient will determine that this medicine will not do what it is recommended it will do by the label on the bottle. Then it immediately becomes contraband. Am I right about it? If I am right about it, does the Senator think that is a proper provision to have in the bill, and does he not think my amendment, if it cures the defect, ought to be adopted?

Mr. HEYBURN. The medicine becomes contraband, not because of the quality of the medicine, but because the man has made an untrue statement. It is the label and not the medicine which makes it contraband.

Mr. HEMENWAY. Does the Senator recognize the fact that a medicine which has cured a hundred persons might not cure the hundred and first one? Then, if that person is not cured, and he goes to the Secretary of Agriculture and proves that it

did not cure him, that it did not do what it was represented it would do, the article becomes contraband.

Mr. HEYBURN. Yes. Let the man say "this is a remedy for it" or "it will cure in some cases;" that is all. He can relieve himself of the pains and penalties of the statute by telling the truth about his medicine.

Mr. HEMENWAY. Then, in the sale of this medicine, which I suppose hundreds of mothers all over the country have on hand to cure the throat troubles of their children, you would have him say upon the bottle, in place of "this medicine being a cure for these diseases," that "in some cases it will cure."

Mr. HEYBURN. I would say it was a medicine for the purpose of curing these diseases.

Mr. HEMENWAY. Why, in a case of this kind, can——

Mr. HEYBURN. I will ask the Senator a question if he will permit me.

Mr. HEMENWAY. Certainly.

Mr. HEYBURN. How can any man defend the claimed right of a party to tell an untruth to an unsuspecting public about a medicine sold on the general market, for which there is no possible——

Mr. HEMENWAY. That is exactly what I seek to avoid by my amendment. It reads:

> If the package containing it, or its label, shall bear any statement regarding the existence or nonexistence or the amount or purity of any ingredient or substance contained therein, which statement shall be false—

Then he shall be punished. What objection is there to it?

Mr. HEYBURN. I will say to the Senator there is this objection, that that is a negative to the exclusion of the positive. He need not put any statement on it at all.

Mr. HEMENWAY. Does not that amendment avoid this condition: Here are two good medicines on the market, and their manufacturers are rival concerns. One comes along and says, "Your medicine does not do what you claim it will do." The medicine may be a first-class medicine, just as is the medicine to which I have called the Senator's attention here, but they may find one individual whom the medicine has not affected as it does affect the average individual. You go then to whom? To the Secretary of Agriculture, do you not? Does he try this question?

Mr. HEYBURN. Not at all.

Mr. HEMENWAY. Who does try it?

Mr. HEYBURN. The court, and nobody else.

Mr. HEMENWAY. Then you must go to the court; and that is just what I am seeking to avoid. You would have continuous trials in the courts of the United States.

Mr. HEYBURN. I think one trial would settle it.

Mr. HEMENWAY. Why settle it? I put this case right here. Here is a medicine that the Senator must admit is a standard medicine. Then if some one seeking to injure the reputation of this medicine, in order to build up the reputation of his own, should go to court and prove that in one case it did not have the effect it is claimed it ought to have had, would that settle it? Why, no; there would come other trials of numerous people who had tried the medicine with beneficial effect to prove on the other hand that this was a good medicine.

Mr. HEYBURN. I think the Senator has precluded that interpretation or conclusion by the statement that it is a standard medicine. That presupposes that it is that which would be equivalent to a uniform quality; and if a standard medicine, with a standard name, of standard quality was once pronounced illegal, I think that would settle it.

Mr. HEMENWAY. What is a standard medicine? Who fixes the standard?

Mr. HEYBURN. The maker; and if it does not conform to the standard he places on the bottle, then under the provisions of this law it is held to be a misbranding.

Mr. HEMENWAY. Under what rule can any maker of a medicine fix the standard other than to state the truth about it?

Mr. HEYBURN. Let me say to the Senator that this very medicine—Glyco Thymoline—under analysis here has been shown to be of every possible grade of impurity, from the merest imposture and imitation up to the pure article. Innumerable analyses have been made by chemists of this city.

Mr. HEMENWAY. May I be permitted to state that a distinguished physician in the Senate tells me that in his family it has been used for years and is being used now; and the distinguished Senator from Idaho tells me that it is a very bad medicine.

Mr. HEYBURN. I think that is hardly a fair statement. I did not say it was a very bad medicine. I say the analyses which we have had made have disclosed the fact that there is a great deal of fraudulent and bogus medicine under this name upon the market.

Mr. HEMENWAY. No; the Senator did not put it that way. He said this medicine had been analyzed and found to be of all degrees of impurity.

Mr. HEYBURN. Yes; if the Senator puts it that way, I think that is correct.

Mr. HEMENWAY. I say in return the Senator from New Hampshire [Mr. GALLINGER], a distinguished physician, advises me that it is being used in his family and has been used for years and is being used now. That can not but result on this bill, unless my amendment goes on, that we shall have constant discussion through the courts as to whether or not the particular remedy will cure the particular disease.

Now, take No. 77, I believe, the sugar pills that we get. They say that they will cure grippe. They will cure grippe in many cases. In other cases they do not cure it. Then in the case where they do not cure it the gentleman goes to the courts and proves that this medicine does not cure grippe and it becomes contraband.

That is a condition of affairs which ought not to be brought about by this bill. When we reach the evil by making them state fairly and honestly and truthfully what their medicine contains—that is, the existence or nonexistence or the amount of purity of any ingredient or substance—and make them state it truthfully, have we not gone far enough without allowing them to go to the courts to determine whether or not a particular medicine will cure a particular disease?

Mr. HEYBURN. This amendment does not require them to state anything affirmatively. It says, "if they state it."

Mr. HEMENWAY. And the Senator's bill does not require it. It says, "if the package containing it, or its label, shall bear any statement regarding the ingredients or the substances." That is the Senator's bill. I follow his language exactly, except that I strike out the words "ingredients or the substances" and add "existence or nonexistence or the amount or purity of any ingredient or substance." I follow the Senator's own language. I see no reason why the amendment I have offered should not be accepted by the Senator from Idaho.

Mr. McCUMBER. If the Senator from Idaho will yield to me for just a moment, I am a little inclined to think the Senator from Indiana has not given this language the construction that would be given to it by a court, and therefore that his argument does not apply, at least that is not the construction I myself have given to it. I want read it again:

> If the package containing it, or its label, shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular.

Now, the Senator construes it as though it should read:

> If the package containing it, or its label, shall bear any statement regarding the character or curative qualities of the ingredients or substances.

That would make an entirely different section.

Mr. HEMENWAY. If the Senator will permit me, I take the construction placed upon it by the chairman of the committee. I myself can hardly put that construction upon the language, but I take the construction placed upon it by the chairman of the committee in his replies on pages 97 and 98 of the hearings.

Mr. McCUMBER. Sometimes it so happens that when a matter comes up hurriedly before even the chairman of a committee, and somebody has put a certain construction on it, he is liable, possibly, to fall in with that construction and assume that it is right. After all, we have got to get right back to those words and give them a construction, and it does not depend upon what the Senate committee thinks.

I think it is aimed only at the ingredients or substances. In other words, if there is a statement upon the bottle or package that the article contains such and such ingredients, as is often the case, then it shall be deemed to be misbranded or adulterated if it does not contain those ingredients or substances. I was reading a short time ago an analysis made by the State of Massachusetts.

Mr. HEMENWAY. If the Senator will yield, I will say that I seek exactly the same result. What I want is that they shall be prosecuted if they fail to state truthfully the ingredients in the bottle or package. But what I seek to avoid is going to the courts to prove the curative powers of certain medicines. The world will never agree as to the curative powers of medicines.

Mr. McCUMBER. But the Senator will find that his amendment goes a great deal further than he intends it should go; that by its negative character it opens wide the gate to all characters of abuses and fraud. That is the main objection to it.

But getting back to the provision, I say my construction is that it is aimed only at the contents. As I was about to state to the Senator before he interrupted me, I have lately read report No. 34, of two years ago, of the Commonwealth of

Massachusetts, in which they go over a large list of medicines where the bottle or container states that it is composed of such and such drugs, of known curative qualities, when, as a matter of fact, there is not a trace of any such drug in the bottle or in the container. That provision is intended to strike at just such cases as that. I confess myself that if it is not sufficiently clear, I for one am willing to more clearly define its intent.

I take the same letter which the Senator received, and which he was kind enough to hand to me a short time ago, and I call attention to the construction that is placed by the writer of that letter. He says:

> The slight change of phraseology proposed by your amendment makes the definition of the term "misbranded" more specific, and excludes the implication that statements made in good faith regarding the therapeutic qualities of medicine or its ingredients can be made the basis for denying the right to transport such drugs from State to State.

Now, that is not intended, in my opinion, to refer at all to the natural inclination of a manufacturer to blow his goods and to a considerable extent, but he simply shall not state that they contain things which they do not contain. Further on in this letter the writer, I think, falls into an error when he says:

> I have a very good illustration right here in my hand. Here is a bottle marked "Pepto Mangan."

Mr. HEMENWAY. He quotes the language.

Mr. McCUMBER. I understand that. It says:

> "Does not affect the teeth." There is a statement as to the truth of which the purchaser is entitled to know. This bill provides that if that statement is untrue it shall be a contraband article. What objection is there to it, supposing it does affect the teeth?

Well, I think there would be serious objection if he makes a false statement even as to its qualities or what effect a certain drug will or will not have. If a person has delicate teeth, and does not want to use something as a tooth wash that will affect them, I do not know that any manufacturer has a right to place upon the bottle a statement that it will not affect the teeth when as a matter of fact it will. But I do not believe that is the intent of the provision in that particular article.

Now, what would be the bad result of the Senator's amendment? He proposes to strike out the words "ingredients or the substances," so that we immediately, by striking out those words, affirmatively give authority to make the false statement with reference to the ingredients or substances, but not with reference to the existence or nonexistence or the amount or purity of any ingredient or substance. In other words, if you strike that out he may say this article contains pepsin, when as a matter of fact it contains no trace of pepsin.

Mr. HEMENWAY. If the Senator will permit me, I think he is unwittingly misstating my amendment.

Mr. McCUMBER. If I am, I want to be corrected.

Mr. HEMENWAY. I wish to call the attention of the Senator to the bill as now drawn without the amendment.

> If the package containing it, or its label, shall bear any statement—

That is not a part of my amendment. It is a part of the original bill.

Mr. McCUMBER. Certainly.

Mr. HEMENWAY. That leaves them free to make a statement or not, just as they like. So there can be no construction put upon the amendment I offered other than changing the words "ingredients or the substances" to these words: "Existence or nonexistence or the amount or purity of any ingredient or substance."

I want to say right now I am trying to arrive at the result the Senator seems to be trying to arrive at. I wish to guard in every way the purity of medicines. I wish to put every provision we can put into this bill to guard the people against impure medicines. All I seek to avoid is the right of some one to go to the courts and say because this medicine has not cured in one case, where it might have cured in a hundred others, it shall be contraband and shall not be the subject of interstate commerce. That is what I am trying to avoid, and the only thing I am trying to avoid, by my amendment.

If the Senator, who is much more familiar with this matter than I am and seems to be in harmony with me on the question, can suggest an amendment that is better worded to bring about that result, I would be glad to have him suggest it, because that is the sole thing I seek to accomplish. I want to have the medicine protected in every particular, every safeguard thrown around it to prevent the people from being misled or misinformed by any label or representation upon the bottle or package, but simply to prevent getting into the courts to determine the curative powers of certain medicines.

Mr. McCUMBER. I think I thoroughly understand the position of the Senator from Indiana; but the point I wish to make with him is that I am perfectly willing, so far as I am concerned, to stand upon the simple proposition, and that only, that the manufacturer shall not state that a bottle or package conains a thing which it does not contain, and if he makes any false satement as to the contents, which means "the ingredients or the substances," then it shall be prohibited.

Mr. HEMENWAY. That is exactly what I want.

Mr. McCUMBER. But I do not want to go further than that and open up the field and say that he can, however, manufacture this character of goods and simply be prohibited from stating the existence or nonexistence or the amount or purity of any ingredient or substance. I want to leave that just exactly as it is. I do not care how much he blows his own goods provided he does not make a false statement. In other words, I do not want by affirmative legislation to give authority to the manufacturer to falsely blow his goods, and the Senator gives an affirmative authority by this provision.

Mr. HEMENWAY. Will the Senator point out in what particular? Here is a straight provision:

> If the package containing it, or its label, shall bear any statement regarding the existence or nonexistence or the amount of purity of any ingredient or substance contained in any particular—

It is a straight, square provision, that he shall suffer the penalties of this bill if he does in any manner, shape, or form make a false statement.

The VICE-PRESIDENT. The Senator from Indiana will suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. I ask that the unfinished business may be temporarily laid aside that the consideration of the pending bill may be continued.

The VICE-PRESIDENT. Without objection, it is so ordered. The junior Senator from Indiana will proceed.

Mr. HEMENWAY. I do not see how the Senator can see where this provision changes the bill in the slightest except by taking the construction of the chairman of the committee upon the language of the bill. His construction is that they can go to the courts to determine the curative powers of a medicine.

Mr. McCUMBER. I do not want the Senator to state that as my construction.

Mr. HEMENWAY. I am referring to the Senator in charge of the bill. I refer to the Senator from Idaho [Mr. HEYBURN]. That is not the construction, then, of the Senator from North Dakota?

Mr. McCUMBER. It is not.

Mr. HEMENWAY. May I ask the Senator from Idaho if that is his construction of the bill?

Mr. HEYBURN. I will ask the Senator to kindly restate his question.

Mr. HEMENWAY. That under the provisions of the bill, if my amendment is not adopted——

Mr. McCUMBER. I assume it is not as sufficiently clear, possibly, as it should be, but I do not think that the quality or character of the ingredients is intended to be affected by a refusal or a neglect to state what the ingredients are.

Mr. HEMENWAY. I ask the Senator from Idaho if he construes the original bill to mean that they can go to the courts and have the court determine the curative powers of these medicines, as to whether or not they will cure headache, as to whether or not they will cure a stomach trouble, and so forth?

Mr. HEYBURN. That question may be too general to be answered as a question involved in the consideration of this bill. The court may determine exactly what the bill delegates to it for determination, and that is whether or not the package containing the drug or its label "shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular." That is what the court may determine.

And it is not a fair test of the construction to be placed upon the language either by the chairman of the committee or by the court to inquire whether the court may determine whether the medicine will cure a headache, because the terms of the bill are "shall bear any statement," not whether it will cure headache or not—

> Shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular.

Now, what constitutes a false or misleading statement is a question for the court to determine, and after it has determined what constitutes such a statement, then it may say upon the testimony, Is the party guilty or not guilty?

Mr. HEMENWAY. The Senator has had long experience

and has no doubt given to the bill very careful consideration. It strikes me that after the consideration the Senator has given to it he could be able to construe his own bill and be able to answer a simple question as to whether or not he construes the bill to mean that in the case of, say, No. 77, of the homœpathic medicines, which is advertised to cure grippe, under the provisions of this bill they may go into court and have the courts determine the question as to whether or not No. 77 does cure grippe, on the complaint of some man that it did not cure him.

Mr. HEYBURN. Mr. President, I do not feel that I can be called upon to go further than the bill goes.

Mr. HEMENWAY. If the Senator will permit me——

Mr. HEYBURN. The argument advanced by the Senator——

Mr. HEMENWAY. Some of us seem to be so unfortunate that we can not understand just what the bill proposes, and we are trying to find out from the Senator who drafted it.

Mr. HEYBURN. Yes; it is the object of this discussion to learn from each other as to the intent and scope and purpose of the bill. So we are within the legitimate purposes of the discussion of this measure.

I fully answer the question of the Senator when I say that the function of the court will be to determine whether there is a statement upon the package or label "regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular." That is the function of the court. If it is called upon to deal with this question, necessarily the court must determine that just as it instructs a jury as to what constitutes larceny or murder or any other crime that is being considered. The court instructs the jury as to what constitutes those offenses and then says to the jury: "It is your function now, being instructed as to what constitutes the offense, to determine whether or not under the facts which have been adduced in your presence this party is guilty or not guilty." I see no more difficulty in applying and interpreting this law than in applying any other criminal law. I think that fully answers the Senator's question.

Mr. HEMENWAY. The Senator has not yet answered my direct question as to whether or not the case I state could be determined in the courts. Now, that is all I seek to avoid. I want every protection given to the people that can possibly be given to them against buying something under a false pretense or under a false representation; but I do not want to have a continuous trial in the courts to determine questions that the medical fraternity themselves can not determine. They have been trying for years to determine whether this, that, or the other medicine will cure a certain specific disease, and they have not yet determined it. All I want is to have such legislation as will give the people pure drugs, pure medicines, and protect them against being misinformed and misled by statements printed upon a bottle or box or from being misled in any other way by men who have medicines to sell; but I certainly do not want to have the people of the country put into the courts to determine the differences between the opinions of physicians all over the country as to whether or not this or that medicine has certain curative powers.

Mr. HEYBURN. Mr. President, I would be glad to have the Senator's opinion as to what question the courts would determine, under the language of this bill, in his judgment. He is a lawyer of long experience, and I should like to know.

Mr. HEMENWAY. Judging from the construction put upon it by the Senator——

Mr. HEYBURN. I should like to have the Senator's judgment and not a deduction drawn from the judgment of another.

Mr. HEMENWAY. Candidly I will say to the Senator that I do not believe, under the bill as drawn by the Senator, the courts could determine the curative power of medicines; and the only reason for my amendment is because the Senator, who is a lawyer of distinction and whose ability is well known not only in the Senate, but all over the United States, has put a different construction upon the language of the bill.

Mr. HEYBURN. I will ask the Senator where I have placed a different construction upon the bill?

Mr. HEMENWAY. In the hearings.

Mr. HEYBURN. I should like to have a reference.

Mr. HEMENWAY. On pages 97 and 98 of the hearings.

Mr. HEYBURN. I want to see just what precedes it.

Mr. HEMENWAY. Unless I misconstrue the language of the Senator.

Mr. McCUMBER. Mr. President, if the Senator from Indiana wishes to make the bill absolutely certain to have his construction, it could be done by striking out the word "regarding" and inserting the words "as to its constituent;" so as to read:

If the package containing it, or its label, shall bear any statement as to its constituent ingredients or the substances contained therein.

That change can be made if there is any question about it. I will frankly say that that has been the construction I have placed upon it, and I never thought of it in any other light. The Senator from Indiana agrees with me.

Mr. HEMENWAY. I think the Senator has worded it better than I have done.

Mr. GALLINGER. Mr. President, I simply rose to suggest that I think the Senator from North Dakota has solved the difficulty we have been struggling with. The Senator from Indiana, sotto voce, consulted me as to the two remedies mentioned in the testimony—Pepto Mangan and Glyco Thymoline. I said to the Senator that I knew nothing about Pepto Mangan, but I presumed there was some iron in it, because it says on the label it will not affect the teeth injuriously.

It is pretty difficult to know whether a remedy will cure or kill. If doctors were required to do what the Senator from Idaho suggested these remedies ought to be required to do, the medical profession would have a hard time of it. Patients have idiosyncrasies. One man can take a dose of strychnine in a very large quantity, while the thousandth part of a grain of strychnine would throw another man in convulsions. I have known just such cases. So we can not hold physicians up to the standard of always knowing what a remedy will do when it is administered.

So in reference to one of these advertised remedies. It might not affect the teeth in a thousand persons, and it might injuriously affect the teeth in another person who has a peculiar idiosyncrasy or whose teeth were composed of somewhat different materials from what they ought to be.

As to Glyco Thymoline, it is a remedy that is used in families for sore throats and that class of cases, and I have never heard it called in question as being made of impure material. It may be that there are some fraudulent imitations of it on the market.

The Senator was unfortunate. This controversy arose from what I think was an ill-considered observation on the part of the Senator from Idaho during the hearing, in which he said, as to Pepto Mangan, if it says it would not affect the teeth, and if it did affect the teeth it would be contraband—that is, if it affected the teeth of one person it might be ruled out as an article of commerce. So with Glyco Thymoline, the Senator suggested that if the statement on the package or the bottle was not found to be true—he did not say by whom, presumably by one person——

Mr. HEYBURN. No; by the courts.

Mr. GALLINGER. That would likewise be contraband. The Senator, I think, in those suggestions went a little beyond what he intended. I think the Senator from Idaho and the Senator from Indiana are aiming at precisely the same thing. I feel sure that the suggested amendment on the part of the Senator from North Dakota will cure the entire difficulty, and I hope the Senator from Idaho will accept it, and we shall get through with this discussion.

Mr. HEYBURN. I should not like, Mr. President, to indicate what occurred before the committee. We differ, of course, as to our conclusions very often as to what should and what should not be incorporated in the law. I perhaps go further—doubtless I do—than the Senator from New Hampshire in regard to what the law should provide and what protection should be thrown about the people. I do not believe that any medicine that professes to be free from injurious properties to any organ of the body should be sold under an advertisement that it is free from such injurious effects unless it is really so. The Senator from New Hampshire makes more allowance for the differences of physical conditions and circumstances than I do. I think that it is a question merely as to what interpretation I would put upon the law or what interpretation the Senator from New Hampshire or the Senator from Indiana would put upon the law. Were I sitting as a judge in this case I would perhaps hold these people to a stricter rule of responsibility and accountability than would the Senator from New Hampshire or the Senator from Indiana.

The suggested solution of interpolating the word "constituent" before the word "ingredient" is an innocent and harmless one. "Ingredient" and "constituent elements" are synonymous terms; they mean one and the same thing, and I should have no objection to using the word twice or in two sentences. I assume if the word "constituent" is interpolated before the word "ingredient" that the Senator from Indiana would withdraw the balance of his amendment. I certainly would not object to it, because if the word "ingredient" is a strong word, then "constituent ingredient" is a stronger term.

Mr. HEMENWAY. I withdraw my amendment if the insertion of that word cures what I am trying to cure, as I understand the Senator from Idaho to think I have misconstrued his statement in the hearings. My own construction of this lan-

guage would not allow the court to determine the curative powers of a medicine; but certainly now, and not in the court, this question ought to be determined. We have too much legislation that is uncertain and misleading, and where the courts are compelled to determine what Congress intended. In legislating we ought so to legislate that there would be no trouble in determining what Congress intended. That is what I am driving at now—to secure such legislation here as to leave the question not in doubt as to whether or not the courts can determine as to the curative powers of medicines. I want them to have full power to determine as to the purity and as to the fact whether or not any article is misrepresented by the label on a bottle or a representation of the ingredients, etc. I think the amendment proposed by the Senator from North Dakota covers the point.

Mr. HEYBURN. That embodies withdrawing the balance of your amendment?

Mr. HEMENWAY. I withdraw it temporarily. I am going to look into the matter, however, and if I make up my mind that it does not cure the evil, I shall of course reserve the right to urge my amendment hereafter.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota [Mr. MCCUMBER] will be stated at the desk.

The SECRETARY. On page 7, line 11, after the word "statement," it is proposed to strike out "regarding the," and to insert "as to its constituent;" so that if amended the clause will read:

Second. If the package containing it, or its label, shall bear any statement as to its constituent ingredients or the substances contained therein.

Mr. HEMENWAY. That is right.

Mr. HEYBURN. I have no right to accept the amendment at this time.

The VICE-PRESIDENT. The amendment will be ordered to be printed and will lie upon the table.

Mr. GALLINGER. I ask to take up three or four amendments which I offered yesterday, which are identical, except that they appear in different portions of the bill. On page 4, line 19, I think the first occurs.

The VICE-PRESIDENT. The first amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] will be stated.

The SECRETARY. In section 4, page 4, line 19, after the word "substance," it is proposed to insert "in sufficient quantity to be;" and in line 24, before the word "injurious," to insert "in sufficient quantity to be;" so that if amended it will read:

SEC. 4. That the examinations of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such article is adulterated or misbranded, or contains any poisonous or other substance in sufficient quantity to be deleterious to the health of human beings or domestic animals; and if it shall appear from any such examination that such specimens are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient in sufficient quantity to be injurious to human health when used in the prescribed or usual manner of use of such article, etc.

Mr. GALLINGER. I trust the Senator from Idaho will observe what I have to say. I will occupy but a few moments. I hope, after I have presented my views very briefly, the Senator will accept this amendment.

The question of what is deleterious to human health is a very broad one. We will take, as an illustration, the matter that was up for discussion yesterday—Lea & Perrin's Worcestershire sauce—in which there was found salicylic acid. It is not stated how much salicylic acid was found in it, though it presumably was an infinitesimal quantity, so far as the amount that is usually consumed at table is concerned. Salicylic acid and boracic acid as well are drugs which are used in medicine. The usual dose of both of those acids is 7½ grains—500 milligrams. That is not either the minimum nor the maximum dose, but it is the usual dose. Physicians are in the habit of giving 15 grains of salicylic acid in the treatment of rheumatism, and, a patient taking it day after day for a considerable length of time, no harm is presumed to come from it. Fifteen grains of salicylic acid would probably be as much as would be put into a gallon, more or less, we will say, of Lea & Perrin's Worcestershire sauce; and half the teaspoonful, more or less, that is consumed at table as an addition to the fish, certainly could do no harm to the human system; but if this bill remains in its present form any amount of salicylic acid or boracic acid, or any similar drug, found in a food supply would make it contraband and bring it under the ban of the law. So it seems to me there can be no harm in inserting the words "in sufficient quantity to be" before the words "deleterious to health." That is a matter that can be determined by the scientists who will have charge of the administration of this bill should it become a law, and they will have some leeway in the determination of the matters that will come to their attention. I will ask the Senator if he does not think this is a very proper amendment?

Mr. HEYBURN. Mr. President, I should like to have the benefit of a suggestion from the Senator from New Hampshire. In his judgment would this apply to preservatives injected into meat?

Mr. GALLINGER. I think not.

Mr. HEYBURN. I have been studying the language of the bill for the purpose of determining just how far the scope of the amendment would go.

Mr. GALLINGER. The provision is:

SEC. 4. That the examinations of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such article is adulterated or misbranded, or contains any poisonous or other substance in sufficient quantity to be deleterious to the health of human beings or domestic animals, etc.

Mr. HEYBURN. "Article" relates to all classes of food, and it would be a question of how much boracic acid might be injected into meat for preservative purposes or how much formaldehyde or any of those substances, embalming fluids—and it was a very active question during the late Spanish war as to whether or not embalming fluid that had been injected into meat was in sufficient quantity to affect the human stomach and destroy the digestive powers. If this were confined to poisons, as used in drugs, I should feel differently about it; but it is a question in my mind as to how far this proposed amendment would go. I do not know whether the Senator from New Hampshire has considered it in all its possible phases or not. For instance, we demonstrated recently here in the case of hams that the modern process of curing ham consisted in injecting with a syringe boracic acid once into the bone and once into the very heart of the meat of the ham for the purpose of preserving it. Of course that acid could not be removed, and it would be very difficult for us to determine just what quantity was in the ham.

Mr. GALLINGER. I quite agree with the Senator on that point, but, per contra, under the terms of the bill, if an infinitesimal quantity of boracic acid is found, it immediately places the article under the ban of the law. There may be a little difficulty, perhaps, in the line suggested by the Senator, but I think it would be much less than it would be under the terms of the bill. I feel sure that we do not mean to legislate so as to make a man who uses in the preparation of any article of food a quantity of drug so small that it has no appreciable effect on the human system amenable to the law and that his goods shall be placed under the ban and denied the privilege of interstate commerce. I do not think there will be the least earthly difficulty in the matter if the bill is amended as I suggest.

Of course the scientists who will have charge, in the first place, of the administration of this proposed law and in determining these questions will be fully competent to determine whether or not the quantity of adulterant, if it may be so called, is sufficient to do any harm. On the other hand, if they are not given the privilege of so determining the question, they will be held to a determination adverse to the manufacture of the goods if the least possible portion is found in the goods. Is not that correct?

Mr. HEYBURN. If the Senator will permit me, I should like to call his attention to the limitation placed upon this very provision, commencing on line 25, at the bottom of page 4. The limitation was intended to cure or meet the objection of the Senator from New Hampshire without throwing the door wide open to the use of such quantity as might in the judgment of the packer be safe. The limitation is contained in these words:

And if it shall appear from any such examination that such specimens are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient in sufficient quantity to be injurious to human health when used in the prescribed or usual manner of use of such article.

Those are the words of limitation, and I felt at the time that it was as far as we ought to go without chancing the throwing open of the door to just such conditions as exist in reference to the method of preserving meat in warm weather by those very drastic and radical processes that were generally condemned throughout the country.

If we say "in sufficient quantity to be deleterious to the health of human beings," then it will leave it to the packer primarily to determine; and I do not think it will protect him at all. I think the words of limitation to which I have called the attention of the Senator are perhaps safer for both parties and will effectuate the purpose to be accomplished; but there is some danger in the amendment offered by the Senator from New Hampshire. There would not be, however, if it were confined to drugs.

Mr. GALLINGER. No.

Mr. HEYBURN. There would be no danger if confined to drugs, but confined to preservatives used in the embalming processes of meats there is no little danger. I do not like that provision.

Mr. GALLINGER. I do not quite understand the phraseology of the bill which the Senator quoted:

And if it shall appear from any such examination that such specimens—

That is, drugs, medicines, liquors, or foods—

are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient injurious to human health when used in the prescribed or usual manner of use of such article.

Does the Senator mean used medicinally?

Mr. HEYBURN. Well, of course, that limitation applies not only to medicines and drugs, but it applies also to articles of food.

Mr. GALLINGER. Yes; certainly.

Mr. HEYBURN. So the use would be determined by the character of the article.

Mr. GALLINGER. The Senator is aware, as I suggested a moment ago, that medicinally 15 grains of salicylic acid is frequently administered and no special harm comes. This provision says "injurious to human health when used in the prescribed or usual manner of use of such articles." Does the Senator mean in the medicinal quantity—that a man can take an article of food and eat it at a meal if it does not contain more than 15 grains of salicylic acid?

Mr. HEYBURN. I would suggest to the Senator that to obviate the objection which I see in it, can not the amendment be limited to drugs?

Mr. GALLINGER. I think so. I think that would be very wise.

Mr. HEYBURN. Then it would be clear of controversy.

Mr. GALLINGER. Will the Senator take that into prayerful consideration?

Mr. HEYBURN. Yes; and if the Senator between now and the time the amendment comes up will just incorporate a limitation there making it apply only to drugs, I shall have no objection to it.

Mr. GALLINGER. Very well.

Mr. SPOONER. Has the Senator from Idaho amended in any wise the proviso in the fourth subdivision, on page 8, concerning which we had some discussion on a former day?

Mr. HEYBURN. Is that the Lodge amendment?

Mr. SPOONER. No; I called the Senator's attention to the proviso which was in the bill then, and is in the bill now, in the fourth subdivision on page 8. It is as follows:

Fourth. If it contain any added poisonous or other ingredient which may render such article injurious to human health: *Provided*, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, provided no substance is used that is in conflict with the laws of the country to which the goods are to be shipped, when such country having laws upon the subject does not prohibit such process of preparation.

Does that stand as it stood originally?

Mr. HEYBURN. That stands as it is in the bill now.

Mr. SPOONER. That relates to what is known as packing in bond?

Mr. HEYBURN. That is what it amounts to.

Mr. SPOONER. That is not what it says.

Mr. HEYBURN. That is what it amounts to. The terms of the provision limit it to packing in bond. Of course there is no such legal designation to be applied to packing, but I am using the synonymous term. That class of packing is confined to goods that under the law go into the market, except under laws in conformity with the processes under which the goods are prepared. That is what it amounts to.

Mr. SPOONER. Mr. President, the Senator exhibits some heat——

Mr. HEYBURN. I think not.

Mr. SPOONER. Which I think, if I occasioned it, I ought perhaps to apologize to him for, but this is a bill of the utmost importance. If passed, and it probably will be, it will be felt directly and indirectly in every community in the United States. Although that is left for the court to decide, it is the first substantial attempt, in my judgment, to turn the commerce power of the Constitution into a police power like unto that which belongs to a State; but I do not care to go into that question now. I think the Senator will admit with all the penalties and the limitation the bill ought to be as free from possibility of misconstruction as the utmost labor and thought can make it.

Mr. McCUMBER. May I ask the Senator what change, if any, he would make in that provision?

Mr. SPOONER. I think the provision is a bad one as it reads. There is nothing in it which limits its operation to articles in bond. There is nothing in it, Mr. President, which limits the scope of the provision to mere packing or to preparation for export. If it is to be taken, as it seems to me is its necessary construction, as an authority conferred by the statute to export for the benefit of the packers or any other exporters, to be used as food in foreign countries, articles which, because they are deleterious and dangerous to the human system, we prohibit among our own people, its tendency will be to degrade our commerce, to cover it with suspicion, and the United States will thereby have fallen from a commercial standard, very much higher, as shown by our previous legislation, than it will be after the enactment of this legislation.

Mr. McCUMBER. I assume that the Senator understands the object——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. Certainly.

Mr. McCUMBER. I assume that the Senator understands the object of this provision.

Mr. SPOONER. The object of it was explained the other day, but the language of the provision goes beyond the object as stated the other day.

Mr. McCUMBER. I think, Mr. President, if the language does go beyond the object, of course we can limit it to that object.

Mr. SPOONER. That was the object of the discussion the other day.

Mr. McCUMBER. I want to say again, so that we may thoroughly understand each other and may perfect it according to what the Senator thinks is just and proper, that the provision is one that was asked to be inserted by the representative of the packing industries.

Mr. SPOONER. Yes.

Mr. McCUMBER. There was a question whether, under this bill, because it does not declare one way or the other, it might possibly be construed that packing meat in borax would injure it. The packers did not wish to be interfered with in transporting meat to a foreign country where the order directed from the foreign country stipulated that the meat should packed in borax in crossing the sea. I have here before me, if the Senator will excuse me just one moment, the "Confirmation of forward sales" for the Liverpool market. They are the originals, and in every instance the order is for so many ribs, and so forth, "packed in borax." They claim that it is almost necessary for it to be so packed because of the dampness in crossing the ocean. Where the order itself from the foreign country requests that meat be so packed and there is nothing in the laws of the foreign country which prohibits its being received in that form, then the packers should have the right to comply with the order in the foreign country. I shall certainly be very glad to limit it to just those cases of necessity.

Mr. SPOONER. That is in the Senator's mind——

Mr. McCUMBER. I say I would be glad to limit it to those cases.

Mr. SPOONER. But it is not in the section. There is a blending here of adulteration and misbranding and preparation for shipment. The word "packed" is not significant there, for the reason that it is used in the first subdivision on page 8, which reads:

In the case of food an article shall be deemed to be adulterated—

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

The word "packed" would be construed by the court to have been used in both these cases in the same sense, and in the first subdivision, to which I have just called attention, it is not used in any connection with preparations for export. It is used as a constituent element of adulteration.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. In the fourth section it is specifically used in connection with the word "prepared." "Prepared and packed"—that is the phrase.

Mr. SPOONER. "Packed" is one thing. What does "prepared" mean? What does the preparation of a drug mean? The word "prepared" is not a word of technical signification. Applied to food, what does it mean—"prepared food?"

Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser.

"Prepared and packed." There you draw the distinction between the preparation and the packing. You propose to pack in borax.

Mr. McCUMBER. No; if the Senator will excuse me, that is not wholly the case. The meat, as it was stated before the committee, is not only packed in borax—that is, having borax around it—but the borax is rubbed in to some extent; and it is prepared by having a solution of the borax poured over the whole ham, or ribs, or whatever it is to be exported. It was thought that the word "packed" itself, which means simply putting the article into a box, would not be broad enough to cover this preparation to preserve it. If we can get some other word that would be just as well, I should have no objection.

Mr. SPOONER. Dealers in my own city were convicted last summer for the sale of meats in which had been used borax and some other things of that kind employed in preserving. All I want is this: I should like to have this language made so clear that when this bill shall have passed there can not be predicated upon it the imputation that the Congress of the United States has deliberately authorized the export of food products for sale among the unsuspecting people of other lands which we will not permit to be shipped from State to State or sold to the people of our own land. That provision of the bill would not read well abroad if the construction that I put upon it—and I am not seeking a strained construction or a sinister one—should be upheld. It is inconsistent with much legislation of Congress—the filled-cheese legislation, and the legislation as to the inspection on this side of meats and dairy products, as I recollect, which legislation was intended to commend the exports of the United States to foreign countries. Those laws have been quite efficient, as the consular reports show. I am simply contending that nothing shall be in this bill—and I know of nothing but this clause—which can be construed as an intention to lower our commercial standard in foreign commerce. I think the Senator from North Dakota can phrase that provision so as to accomplish every legitimate purpose of the packers, if there be any, and as to that I do not undertake to say.

Mr. McCUMBER. Let me ask the Senator right here if this modification would suit his views? The present provision is this:

Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, etc.

Change it so that it will read:

Provided, That goods intended for export shall not be deemed misbranded or adulterated when the preparation and packing for shipment shall be in accordance with specifications of the foreign purchaser, etc.

So that it will clearly indicate that the word "preparation" means simply the preparing of the article for shipment and not the making of it.

Mr. SPOONER. Then it really leaves the foreign users of it entirely subject to the greed of the merchant who orders it for their use.

I should like to have it made clearer, if it can be made clearer, that the article that is shipped shall not be a prohibited article in our own country. Now, that would defeat the object of this amendment, or would it not?

Mr. McCUMBER. We do not determine in this bill whether the use of borax will or will not——

Mr. SPOONER. This does not say anything about borax.

Mr. McCUMBER. Or any of those ingredients——

Mr. SPOONER. Borax is only one of numerous chemicals, if I may use that word—preservatives.

Mr. McCUMBER. It will depend upon whether or not the court shall construe that certain ingredients do affect injuriously.

Mr. SPOONER. I do not see any provision for a court under this clause.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. I yield to both Senators.

Mr. HEYBURN. This provision was reported under the directions of the committee. I would perhaps not be considered as failing in my duty to the committee if I were to say that I have no sympathy with it. But it is the committee's report. I believed then, and I feel free to say so now, that the standard of our products for export should be up to the standard of our products for home consumption.

Mr. SPOONER. That is right; that is honest.

Mr. HEYBURN. But I am here to represent the committee in this bill, and they have instructed me to report the bill; and I hope the Senator will not again fall into the error of thinking that because I may be somewhat earnest in my manner of speaking I am displaying any temper.

Mr. SPOONER. I did not quite intend that.

Mr. HEYBURN. The Senator suggested it. I am not always conscious of my manner of speaking.

Mr. SPOONER. The manner is always satisfactory to me.

Mr. HEYBURN. But while I think the standard of our exports should be up to the standard of our products for home consumption, I will say that the committee have reported this measure, and in the wisdom of the committee this measure is worthy the consideration of this body, and I am here to give the best reasons the committee had to give for retaining the provision in the bill.

Mr. SPOONER. I very much prefer the reasons which the Senator gives for putting it out of the bill than I do the reasons of the committee for putting it in the bill.

Mr. HEYBURN. If I may be permitted to finish my observation——

Mr. SPOONER. Yes.

Mr. HEYBURN. No Senator has offered any amendment providing for the elimination of this provision from the bill. It was before Congress at the last session; it has been here for many years; and it is not becoming that I should offer an amendment eliminating it. The Senator from Wisconsin confines himself to a criticism of it, but has not proposed that it be eliminated from the bill.

Mr. SPOONER. I have heard that observation before. I am not on that committee. I sit here, and when bills come up and are presented to the Senate, I look them over as thoroughly as I can. No Senator can read all the bills upon which this body acts, not even all the important bills. If I see something, as I read a bill, which I think ought to be changed or is liable to misconstruction, I conceive it or have conceived it to be my duty to call the attention of the Senate to it in the expectation that if there be force in the objection I make the committee which prepared the bill and whose duty it is to have become perfectly familiar with the subject would prepare a proper amendment, if I can not at the moment.

Last year I performed this same function, which is an ungracious one, as to the pure-food bill, in connection with the Senator from Connecticut [Mr. Platt], who is greatly missed from this Chamber. No one whose opinion is worth consideration could suppose for one moment that either of us could be seeking merely to obstruct good legislation. And I recollect that almost every amendment suggested by the Senator from Connecticut, and nearly every one to which I called the attention of Senators having the bill in charge, were acquiesced in, and the bill was amended accordingly. The bill was very much improved, and the discussion last year, which did not operate to kill the bill, has, I think my friend the Senator from Idaho will admit, enabled the committee to improve very much this bill over the bill of last year.

Mr. President, I am not at this moment able to draw an amendment which will accomplish what the packers want to accomplish and accomplish what the Senator himself thinks is the dignified, honorable commercial attitude for the Government of the United States to take. If we are to permit, by our statute, shipment abroad of food products for use across the sea which by the same statute we prohibit in our own country, that ends it. No amendment to the proviso will cure it.

Mr. HEYBURN. Suppose the Senate strikes out the paragraph?

Mr. SPOONER. It may be that with the peculiar knowledge which the Senator ought to have, and which his colleague from North Dakota ought to have—and I have thought perhaps did have—with fuller information on this subject, they might devise some amendment to the amendment which would accomplish in part and in a proper way the object of this proviso. If that can not be done, then it ought to be stricken out, and I rose really to ask the Senator whether it had not been amended. I supposed it had been.

Mr. HEYBURN. I am free to say that it does not occur to me that the proviso could be amended at all and retain any element of the purpose for which it was incorporated in the bill. If a different rule for the preparation of meats for export is to be provided for in this bill, that provides for it as effectually and as well as any other language could provide for it. It is only a question as to the wisdom of recognizing a different standard for that class of merchandise. I do not feel like undertaking to improve upon the construction of that language for the accomplishment of that purpose. There is the choice between the two propositions—either adopt it, if it be thought wise and proper that we should recognize the standard abroad in preparing food for foreign shipment; adopt the language as it is, or else make no exception in the rule as to the preparation of our foods.

Mr. SPOONER. I think the Senator is right. That can be reached by a motion.

I should like to ask the Senator from North Dakota or the

Senator from Idaho kindly to turn to page 7, the nineteenth line:

In the case of food an article shall be deemed to be adulterated:
First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

I do not care for that.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Mr. McCUMBER. From what page of the bill is the Senator from Wisconsin reading?

Mr. SPOONER. Page 7.

Mr. McCUMBER. Of the old print? He is not reading from the new print.

The VICE-PRESIDENT. The provision appears at the top of page 8 of the new print.

Mr. SPOONER. It is on the page before the proviso, which we have been discussing, is found. You can locate it by that proviso.

Mr. HEYBURN. Page 7?

Mr. GALLINGER. It is page 8 of the new print.

Mr. SPOONER. It is page 7 of my print.

Mr. McCUMBER. It is the second subdivision to which the Senator refers?

Mr. SPOONER. The second:

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Is that satisfactory to the Senator? Does it make no difference whether it improves it or is detrimental to it?

Mr. McCUMBER. Certainly not, whether it improves it or is detrimental. Let us take a case of this kind.

Mr. SPOONER. This is not misbranding; this is adulteration.

Mr. McCUMBER. This is adulteration. Let me give a case. The Senator goes to a store and purchases strained honey. One-half of that honey is glucose. It may be that the glucose is better than the honey. It may add to it. It may be wholly glucose, with what is called "honey flavoring." If the glucose is substituted wholly or in part for the honey, it would be deemed to be adulterated. So I can say of maple sirup or any other kind of sirup. That is the object of the provision.

Mr. SPOONER. Or if corn meal is substituted in part for wheat in flour?

Mr. McCUMBER. Certainly.

Mr. SPOONER. That is an adulteration within the meaning of the bill?

Mr. McCUMBER. Yes; where it operates as a fraud.

Mr. SPOONER. As a fraud—only that?

Mr. McCUMBER. As a fraud. Ordinarily people do not adulterate for the purpose of putting in a better article. Generally it is a cheaper article that is substituted.

Mr. SPOONER. Take the next provision.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Mr. McCUMBER. Let us take nutmegs as an example. You will find, if you go down to one of the stores in the city and wish to buy nutmegs, that there are two kinds. One will be of ash-brown color, and the other kind will be covered with little white spots, showing the use of lime. If you put the latter under the magnifying glass, you will find there are little punctures in it, and you will find also that the nutmeg oil has all been extracted from the nutmeg before it is sold. I give you that simply as one example. The same is true as to many spices.

Mr. SPOONER. Take the abstraction of caffeine from coffee——

Mr. McCUMBER. I presume so.

Mr. SPOONER. A coffee extract; would that be an adulteration?

Mr. McCUMBER. Certainly; because it changes the quality and character of the particular goods.

Mr. SPOONER. Wherein does the fraud consist—in the misbranding or adulteration?

Mr. McCUMBER. The fraud in this case would be in adulteration. We state what is misbranding—where you give a name to an article different from its real name. We differentiate between adulteration and misbranding. Adulterations are intended to cover those cases where you change the quality of the particular thing by additions, etc., and misbranding is where you give to a food article a name entirely different from its own.

Mr. SPOONER. Suppose you extract the cream from milk before concentrating it, and sell it for milk——

Mr. McCUMBER. That is an adulteration.

Mr. SPOONER. Is that an adulteration?

Mr. McCUMBER. Certainly it would be an adulteration. While it would still be milk, it would not have all the milk, or all the qualities of milk. Whereas if you simply took chalk and water and sold it for milk——

Mr. SPOONER. That would be a fraud.

Mr. McCUMBER. That would be a fraud.

Mr. HEYBURN. It is substituting a cheaper article.

Mr. SPOONER. It might not be cheaper, and for some purposes might be more useful and healthful.

Mr. McCUMBER. I do not think there is much danger of a person buying a more expensive article and adding it to a cheaper article for the purpose of selling it.

Mr. SPOONER. I have known instances where an article more healthful than the original article was produced by the abstraction of certain constituents.

Mr. McCUMBER. I can give the Senator another case. There is advertised in our drug stores phenacetin. The price of phenacetin is about $1 per ounce. In an examination made a short time ago in the drug stores of New York, out of 343 samples, or something like that, over 315 were adulterated with acetanilid. Some of them were wholly acetanilid, some two-thirds, and so on. Acetanilid costs about 25 cents a pound, while phenacetin costs a dollar an ounce. So you see by the substitution the druggist would make 6,400 per cent.

Mr. SPOONER. Undoubtedly——

The VICE-PRESIDENT. The Chair calls the attention of Senators to the fact that according to the unanimous-consent agreement made yesterday, the hour of 3 o'clock having arrived, the debate will henceforth proceed under the ten-minute rule.

Mr. SPOONER. Undoubtedly there are a vast number of adulterations, but my fear is that the definitions here might, and almost inevitably would, lead to the statutory characterization of certain things, which really are healthful and for some purposes an improvement, as adulterations. It ought not to be so. I do not know—this matter is so complex and bewildering—whether definitions can be made that will not do that.

Mr. McCUMBER. I do not think so, I will say to the Senator.

Mr. SPOONER. If it is necessary formally, I move to strike out section 4. I do it for the purpose of asking some questions about this section:

That the examinations of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture.

As I understand, that is the place where all the analyses provided for in this bill are to be made—in the Agricultural Department—that is, analyses of foods, of drugs, of medicines, and of liquors. Of course we have a laboratory in this city, erected at very large expense, not in charge simply of chemists, but in charge of physicians as well, whose function it is, in its relation to the public health, to analyze drugs.

Mr. McCUMBER. I hope the Senator is not assuming that this method of examination by the Secretary of Agriculture or through the Bureau of Chemistry is the only method by which you can get one of these cases into court.

Mr. SPOONER. No; I am not——

Mr. McCUMBER. You can take the report of any chemist and present it to the district attorney.

Mr. SPOONER. It is not that. I am only calling attention, as I go along, to the fact that there is already a bureau of the Treasury Department charged with the duty of analyzing drugs for the purpose of ascertaining whether they are in accord with the pharmacopœia and all that.

Mr. McCUMBER. Also in the Agriculture Department.

Mr. SPOONER. Yes; but the Agriculture Department deals with it only from the standpoint of the chemist, while the Public Health Department of the United States deals with it from the standpoint of the chemist and the standpoint of the pathologist.

Mr. GALLINGER. Physiologist.

Mr. SPOONER. Physiologist.

Mr. GALLINGER. Which is very important.

Mr. SPOONER. First my thought is this: When there has been established by law a Health Department of the United States, and this well-organized laboratory, which is engaged constantly in this very work of analyzing drugs in their relation to the public health for the purpose of ascertaining just what is provided here, why duplicate this work? Why add to the Agriculture Department the function of analyzing drugs?

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. McCUMBER. I can answer the Senator if he wishes me to answer him now. I understand this is a sort of running debate. No one is taking advantage of the ten-minute limit at all.

Mr. SPOONER. All right. I would be glad to know.

Mr. McCUMBER. I understand there are something over a hundred chemists in the Agricultural Department. Those chemists are scattered all over the country. They are not alone in the city of Washington. They are performing their duties for the Agricultural Department. In the other Bureau to which this is to be referred, according to the amendment, are two chemists and two assistants. This bill fixes the only standard that it is necessary to fix—that is, it determines what shall be considered adulterated and what shall be considered misbranded.

The chemist, therefore, whether he is from the Agricultural Department or wherever he may be from, does not pass upon the physiological effect of this drug or that drug or this food or that food. He simply passes upon the question whether or not this drug or this food measures up to the standard which the bill provides; that is, the definition. In the case of drugs, that they shall conform to the standard provided in the Pharmacopœia or National Formulary. In the case of foods, simply that they shall not be misbranded, or they shall not be adulterated under these definitions. And if there is any other department, I will frankly say to the Senator, which he can convince us could more properly take charge of this matter, I can see no reason why it could not be changed to that other department.

We have assumed that the Agricultural Department, because of its duty of examining foods under an appropriation which we make every year, and with its more than 100 chemists in the field, was better qualified to take up that subject without additional expense than any other Department. If the Senator can show that I am in error, all right.

Mr. SPOONER. The Senator, in my mind, shows by his own statement that he is in error. What is the object of the analysis of drugs? First, it is to determine adulterations. A man may adulterate a food or drugs or liquors in a manner not detrimental to the health of those who use them. In that event, he is simply stealing money from them. He is pretending to sell them something which he does not deliver. He is a common cheat and a fraud. But he is respectable, although a scoundrel, compared with the man who, for dollars, sells something which will steal away the health, the vitality, the strength of men, women, and children. Mr. President, the law in its punishment should make a distinction between the two—a mere fine or a short term of imprisonment for the fraud, but a long term of imprisonment alone for the man who couples with his fraud assassination or attempted assassination.

This very section shows that the hundred chemists—and there will be how many after this bill has passed? A thousand at least, I venture to say—scattered throughout the country are not the men one would think capable of determining whether drugs and medicines are adulterated or misbranded—that they might determine, perhaps—or whether they contain any poisonous or other substance deleterious to the health of human beings.

Mr. McCUMBER. That pertains to food, not drugs.

Mr. SPOONER. Let us see.

Mr. McCUMBER. Does it not?

Mr. SPOONER. Let us see whether it does or not.

SEC. 4. That the examinations of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such article is adulterated or misbranded—

That means either a food, a drug, a medicine, or a liquor—

or—

The section draws a distinction. It may be adulterated and it may be misbranded, and yet be not detrimental to the public health, for it says:

or contains any poisonous or other substance deleterious to the health of human beings or domestic animals.

Men every day take poison to bring back health, to cure disease, but whether that poison is detrimental to the human body and to health or is its salvation is something not determinable by the chemist. It is determinable by men who have followed the honorable and useful profession of the Senator from New Hampshire.

I suppose it will be said that I am attempting to kill this pure-food bill, when I am trying to call the attention of the Senate and of Senators having the bill in charge to this defect, in connection with the assertion that we already have by law this chemical laboratory for the purpose, first, of ascertaining whether a drug is or is not adulterated; if adulterated in what the adulteration consists, and to have those investigations made by physiologists, capable of determining the effect of the adulterant upon the human system.

The VICE-PRESIDENT. The time of the Senator from Wisconsin has expired under the rule.

Mr. HEYBURN. I suggest, in response to the Senator's criticism, that the function of the officer, the examiner, is merely to determine a fact. He takes no action whatever after that determination upon the determination. He merely determines the fact.

Mr. SPOONER. The Senator is mistaken about his own bill. Of course my time is up.

Mr. HEYBURN. It is a question of interpretation. I have the bill before me, and it is couched in reasonably plain language.

The examinations * * * shall be made—

I go directly to the subject—

* * * for the purpose of determining from such examinations whether such article is adulterated or misbranded—

Those are facts—

or contains any poisonous or other substance—

Those are facts—

deleterious to the health of human beings or domestic animals.

That is a fact.

Mr. SPOONER. It is an opinion, is it not?

Mr. HEYBURN. But it is not an opinion which goes further than the expression of itself. No action is taken upon the opinion.

Mr. SPOONER. Let us see if that is true.

Mr. HEYBURN. The determination of a fact is merely an opinion.

Mr. SPOONER. Let us see if that is true. If the Senator will permit me to speak in his time, I suppose the question whether a drug contains a poison detrimental to human health or deleterious is a matter of opinion. It depends somewhat upon the quantity, I presume.

Mr. GALLINGER. And upon the individual.

Mr. SPOONER. And upon the individual, and upon a variety of circumstances and facts which the chemist would not naturally know. But the Senator says that no action is taken upon it. There is action taken upon it.

And if it shall appear from any such examination that such specimens are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient injurious to human health—

That is all for this chemist to determine—

when used in the prescribed or usual manner of use of such article—

Then what follows—

the Secretary of Agriculture shall cause notice thereof to be given to the parties from whom such samples were obtained, and public notice of the facts shall be given by publication in such manner as the rules and regulations may prescribe to all other persons, association of persons, or corporations in whose possession like articles may be found or known to be that such article is within the provision of this act.

Mr. HEYBURN. I will ask leave to interrupt the Senator right there to call his attention to the fact that a committee amendment is on the table and at the proper time will be offered.

Mr. SPOONER. What does that do?

Mr. HEYBURN. It is on page 5. It changes the language of the act in this way——

Mr. SPOONER. Has it been adopted?

Mr. HEYBURN. It has been offered. It is a committee amendment. No amendments have been adopted and none will be until to-morrow.

Mr. SPOONER. Will the Senator kindly read it?

Mr. HEYBURN. It is on the table with the other amendments and will be acted on.

Mr. KEAN. The amendment has been offered?

Mr. HEYBURN. Yes; it has been offered. I will read it.

The Secretary of Agriculture shall cause notice thereof to be given to the parties from whom such samples were obtained, and after final judgment public notice of such fact shall be given by publication in such manner as may be prescribed by the rules and regulations of the Department of Agriculture.

It simply provides that after final trial and judgment the public may be advised that a certain medicine has been found vicious under the provisions of this act.

Mr. SPOONER. Does the Senator think that the language "final judgment," located where it is in that amendment, would make it clear that it is the judgment of the court?

Mr. HEYBURN. There can be but one judgment in a case. No tribunal renders judgment except courts.

Mr. HOPKINS. You can make it read "judgment of any court."

Mr. HEYBURN. Yes; but that would seem to be unnecessary.

Mr. SPOONER. Referring to the examination by the Secretary of Agriculture, it says—

And if after such hearing—

That is, where the man is cited to appear before the Secretary—

it is found that any of the provisions of this act have been violated by such parties, then the Secretary of Agriculture shall so certify the facts

to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer.

Mr. HEYBURN. He certifies the fact.

Mr. SPOONER. Then it is provided that the district attorney shall make the prosecution.

Mr. HEYBURN. Of course; he is the proper officer.

Mr. SPOONER. That is why the language which I have just read led me to ask the Senator if he is certain that the words "final judgment" mean the final judgment of the Secretary or the final judgment of the court.

Mr. HEYBURN. The Secretary is not authorized to render judgment or to pronounce one. The Secretary is authorized to do just one thing, and that is to certify the facts as he finds them.

I wish to revert to the first suggestion or criticism of the Senator as to the distinction between judgment and facts. Facts are the result of the exercise of judgment. The fact is the ultimate result of the exercise of judgment. Of course any human being who finds a fact does it in pursuance of the exercise of his judgment. There can be no doubt about that.

Mr. SPOONER. I find the Senator in front of me. I do not exercise much judgment in ascertaining that fact.

Mr. HEYBURN. There are degrees of judgment.

Mr. President, the Senator criticises the tribunal that has been selected for the purpose of determining these matters. I will say freely that I made diligent inquiry as to which of three tribunals, or rather three bureaus of the Government, was best calculated to collect these facts and make them available. I found that the Treasury Department has scattered in rather a bunchy way its qualified officials who might determine or ascertain these facts and that they are not sufficiently disseminated generally throughout the country. I found that the health bureau, to which the Senator refers, is located here and substantially or practically speaking has no other existence than in this capital. I found that the Agricultural Department is equipped with a corps of chemists who are scattered throughout every section of the United States, far exceeding in number and quite equal in experience to those of any other bureau. My conclusion which led to the selection or denomination of the Agricultural Department was acquiesced in by the other Departments. It is conceded that it is the best equipped Department of the Government to ascertain and make available these facts. It is utterly immaterial for the purposes of this legislation what branch of the Government does it. It is material at this time to select that Department best equipped and best qualified to do it.

It has been suggested that certain physiological facts will have to be determined that may not be within the present equipment of the Department of Agriculture. But that Department can provide itself with just as competent and efficient chemists or scientists of any school as any other branch of the Government. I think it is not contemplated by the Department that it will be necessary to enlarge to any considerable extent the number of scientists and chemists who are now in the employ of the Department, and I do not anticipate that that will be done. They are so disseminated throughout the country that they are available in every portion of it.

Then other provisions of the bill provide that the State officials acting through their chemists and their bureaus may also ascertain these facts and present them in the same manner.

The VICE-PRESIDENT. The time of the Senator from Idaho has expired.

Mr. McCUMBER. Mr. President, I do not think I will take ten minutes, but I wish to answer briefly the suggestion of the Senator from Wisconsin, first, that it will probably take a thousand more chemists in the Department of Agriculture. The statement came to us some time ago from the Department of Agriculture that with the present force they then had they could perform this extra service; that they are doing that character of work right along, and that it would require no new machinery and would not materially add to the number of employees.

But there is another reason the Senator urged as against the Agricultural Department. He says the Agricultural Department will be compelled to pass upon the question of a drug, as to its poisonous character and as to whether it will be deleterious. The Senator must read all of the sections of a law together in order to give it a proper construction. The Agricultural Department could not by reason merely of finding that a drug was made up of strychnine take that drug from the markets of the country.

Now, what is the object of the analysis? It is not to determine whether a drug is poisonous, because most of our drugs are poisonous. Therefore that portion of section 2 which relates to drugs in connection with foods must only be applied for the purposes for which the drug analysis is made; and the only purpose for which the drug analysis is made is to ascertain whether it corresponds with the definition of the term "drugs," not whether the drug is poisonous, because most of them are poisonous. If the Senator will turn to the definition of "drugs" he will find that there are only certain things that are necessary to be ascertained in the case of drugs to show that they are adulterated:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

That is all the chemist of the Secretary of Agriculture would determine—whether this drug which is sold as a well-known drug corresponds to the formula which is adopted throughout the United States as to the character of that drug. Then:

Provided, That no drug not defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality—

That, I think, may be modified. It is not an exact copy of the provision it was taken from. The second subdivision simply allows a manufacturer to depart from the standard that is laid down in the Pharmacopœia provided he shows the departure upon the bottle, because every physician in prescribing anything prescribes a medicine that is provided for in this Pharmacopœia, and of that standard and strength.

There are some manufacturers who manufacture half strength, but at the same time they insert upon the label that it is half strength. That is practically all that a chemist shall find, so far as the adulteration is concerned. He also finds as to the misbranding. If it is an imitation, or is offered for sale under the name of another article, of course that he can easily determine.

"If the package containing it, or its label, shall bear any statement," as we now will probably have it, "regarding the constituent of the ingredients or the substances," or if false as to the State in which it is manufactured.

That is all the chemist could do in the matter of drugs. He does not determine whether they are healthful, whether they are poisonous, but whether or not they comply with the standard which the law provides, and the law provides in its definitions exactly what the standards shall be.

So, Mr. President, it seems to me there is no place where this duty could be so well located as in the Agricultural Department. Most of the examinations will probably be of drugs. A great number of them will be of foods. Our laws already provide that the Secretary of Agriculture shall examine the food products of the country and give to the world the publication. When he is doing that under an appropriation which we make every year, why can we not also provide that if he finds in those examinations that they do not correspond to the law, this information which he obtains may also be used.

The further reason has been suggested by the Senator from Idaho, that these chemists are scattered over the whole country, nearest to where the manufacturing establishments are located. They can go right to the manufacturing establishment. They do not have to incur an expense of mileage in sending a chemist from Washington to San Francisco. The Agricultural Department has its chemists located there.

Mr. GALLINGER. What are they doing?

Mr. McCUMBER. They are examining food products. In that case they are examining foods, drugs, and liquors that are imported from foreign countries. In connection with that, of course, they can easily examine the other character of foods, whether they are imported or whether they are domestic goods.

If there is any other Department that can better perform the functions which are imposed upon the Secretary of Agriculture, certainly I do not think there is a Senator who would hesitate for a single moment to transfer this authority to such Department or Bureau.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. SPOONER. Will the Senator turn to section 10? I want to make a suggestion, but I do not know whether it is practicable.

Mr. KEAN. On what page?

Mr. GALLINGER. Page 11.

Mr. SPOONER (reading)—

SEC. 10. That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating such article. Said guaranty, to afford protection, shall contain

the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

A person who has that defense ought not to be proceeded against at all. This implies that complaint shall be lodged against him—that he shall be placed upon trial—but that he may assert in his defense this guaranty. It involves cost to him. It affects his reputation. The charge may be made, not simply by agents of the Agricultural Department, but by food officials of the States. Ought there not to be some method here prescribed by which an exhibition of that guaranty, satisfying the Secretary of Agriculture as to its genuineness, would prevent a man from being proceeded against at all?

Mr. McCUMBER. Mr. President, the danger seems to me so very remote that it could scarcely be conceivable at all. It is the usual statute in cases, for instance, where a license is granted, where a stamp is used for the sale of intoxicating liquors. No district attorney would knowingly or intentionally, and, in fact, without an absolute abuse of his power, ever think of indicting a person who is selling intoxicating liquors as a wholesale liquor dealer or as a retail liquor dealer until he ascertained whether or not he had exceeded the full effect of the stamps.

Mr. SPOONER. The license is a matter of record, and the district attorney would have to prove——

Mr. McCUMBER. The licenses and the stamps are not always matters of record. The stamps that are used upon beer kegs and that are placed upon the kegs in the places of manufacture are not always recorded. Yet they are a complete defense. I do not know to what extent the mere licenses are given. The fact is the stamp that is given to the retail dealer is not a license. It is a stamp that he pays for and that gives him the authority. The district attorney certainly would inquire into that.

Mr. SPOONER. The district attorney might and the district attorney might not. This is a criminal proceeding, and this statute provides that a man who has that guaranty from the manufacturer is an innocent man.

Mr. McCUMBER. Very well; if the Senator——

Mr. SPOONER. I want to say this to the Senator: Some of the most respectable dealers in Chicago, men of large affairs—Franklin MacVeagh, Sprague, and those people who are not objecting to this bill, except where they think it needs correction—public-spirited men, as my friend from Illinois [Mr. HOPKINS] knows, and as the Senator from North Dakota does not—complain of this language; that under it an innocent man is very likely to be prosecuted. It is the theory of the statute, too, that he shall be prosecuted, but that he shall not be convicted if he exhibits on the trial this guaranty. For a criminal statute it is not a fair one.

Mr. McCUMBER. I will say to the Senator it never struck me as possible that the district attorney would ever prosecute without making the investigation, and if he found that there was a complete defense he would neither prosecute nor would any grand jury ever indict. The usual instruction, I understand, to a grand jury in a case of that kind under the law would be that they might inquire whether or not there was a defense of that character. But we can modify that provision.

Mr. SPOONER. It is no trifling thing. Criminal laws ought not to be passed upon the theory that district attorneys will do this or will not do that.

Mr. McCUMBER. Suppose we say that—

Said guaranty shall afford protection against prosecution under the provisions of this act.

Mr. SPOONER. That is right.

Mr. McCUMBER. That would answer the same purpose, and I think the chairman of the committee would agree to that.

Mr. SPOONER. That is right.

Mr. HOPKINS. Insert "prosecuted."

Mr. McCUMBER. Before the word "convicted" insert the word "prosecuted."

The VICE-PRESIDENT. The proposed amendment will be stated at the desk.

Mr. SPOONER. It will cover it all if the word "prosecuted" is inserted.

The SECRETARY. On page 11, line 24, strike out the word "convicted" and insert "prosecuted."

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. SPOONER. With reference to the constitutionality of an important part of the bill, I wish to ask the Senator to look at section 11:

That every person, association of persons, or corporation who manufactures or——

Mr. McCUMBER. I think I know what the Senator refers to and I think I can answer that very quickly.

Mr. SPOONER. What is it?

Mr. McCUMBER. As to the constitutionality of a law compelling a man to furnish evidence against himself.

Mr. SPOONER. That is not all.

Mr. McCUMBER. All right.

Mr. SPOONER. The Supreme Court of the United States has in many cases drawn a distinction, as the Senator is well aware, and which I hope never to see abolished, between commerce and production. The first case in which that was decided, as the Senator knows, was the Knight case, a very strong case. The court held, if I may in a word state the decision, that the mere fact that a firm or an individual or a corporation intended to transport his or its product from the State of manufacture to another State for market, or to another country for market, did not make it interstate commerce as contradistinguished from production.

Mr. McCUMBER. Not until there was some overt act.

Mr. SPOONER. In other cases the court elaborated the argument and sustained the decision. I remember this illustration in one case: The court said that if it were otherwise the Congress would have jurisdiction over all production in the United States substantially, for when the farmer harvests his wheat on the plains of Dakota or gathers his cotton on a plantation in the South, he does it with his eye on the Liverpool market, expecting that he must find a market for his product not simply beyond the limits of his State, but oftentimes beyond the limits of the country; and if a mere purpose to ship to a market beyond the State constituted interstate commerce as contradistinguished from production, over which Congress has no jurisdiction, then every industry of any moment in production would be subject to Congress.

Mr. HEYBURN. Mr. President——

Mr. SPOONER. I hope the Senator will allow me just to finish my statement.

Mr. HEYBURN. Very well.

Mr. SPOONER. Now, there are two things about it. Of course if this bill is to be passed the Senator wants it as free as possible, I take it, from reasonable objection.

Mr. McCUMBER. I will say to the Senator I want it free from that whole section.

Mr. SPOONER. What power has the Government of the United States to send an agent into Texas, and there finding a manufacturer, to demand that he sell to this agent of the Agricultural Department at the price fixed—the usual price—the sample of his manufactured product in order that it may be analyzed under this act by the Chemist of the Department of Agriculture, and that on that analysis he may be prosecuted in the courts of the United States? The Government could buy a sample in the open market, but that would not trace it to the manufacturer; that would leave something to be proven by the Government outside of the possession of the article itself before the manufacturer could be convicted.

There are two things about it. First, it looks to me to be beyond the constitutional power so far as it relates to the manufacturer, and, second, it looks very much as if it were an attempt by act of Congress to compel a man to furnish evidence against himself upon which is to be based a criminal prosecution. I suppose the Senator has considered that.

Mr. McCUMBER. Mr. President, I have considered that, and my answer to the legal proposition is this: I agree with the Senator entirely that the mere fact of manufacturing, though there may be an intent to ship to a foreign state, would not make it interstate commerce in any way or commerce at all. It would simply be manufacture, but as soon as the manufacturer has taken the first step toward shipment of the article, then it is manufacturing for shipment. I insist, as a matter of law, that Congress, dealing with interstate commerce and possessing power over interstate commerce, has authority to determine under what conditions any person may engage in interstate commerce; and one of the conditions that Congress may impose is that any person shipping goods into another State—not merely manufacturing them with the intent to ship them, but if it can be established that he is shipping them into another State—after that has been done Congress may demand, as a condition precedent, as it were, that the party so entering into interstate commerce shall give samples the same as it compels him to deliver up samples for the purpose of taxation and otherwise of oleomargarine or any other manufactures that are taxed. We are not compelling them to furnish evidence against themselves. We are simply compelling them to conform to certain requirements. So much as to the legal proposition.

As to the other proposition, as to whether or not this is beneficial, I have always opposed section 11. We inherited this with the old bill; but we have cut it down very materially. The substitute bill of the Senator from Mississippi [Mr. MONEY] extends the same provision over seven or eight pages. I can not see why it is necessary that the Secretary of Agriculture or the chemist shall go into any man's private establishment. If a manufacturer is shipping his goods all over the country, those goods can be found in every retail store of the country, and the agents can purchase as many cans or bottles or whatever they may be wherever they find them; then they can investigate the question and ascertain where the article was manufactured. This very guaranty that is to afford protection to the retailer shows who is the manufacturer. Therefore, when the officer of the Government goes into a retail store, the retailer has this guaranty of purity; he can immediately follow that and find who was the manufacturer of those goods. He, therefore, can procure with very little inconvenience the necessary evidence in every case.

I submit, Mr. President, that I think the Agricultural Department or any other Department or any person should be entitled to get the goods where they will, and that there should be no red tape or no forcing of the Department into the private concerns of the manufacturers in any business. So on my part I shall move at the proper time to entirely eliminate section 11 by striking out the whole matter, not but what I think there is a legal authority for it, although that may be questionable.

Mr. SPOONER. I will not discuss the question with the Senator, but I want to call his attention to another thing.

Mr. McCUMBER. I think the Senator from Idaho wishes to answer further on the proposition.

Mr. HEYBURN. Mr. President——

Mr. SPOONER. If the Senator will pardon me a moment——

Mr. HEYBURN. I do not desire any other section to be taken up until I have an opportunity to answer the Senator.

Mr. SPOONER. I am obliged to leave the Chamber for a few moments, and I should like to call attention to one thing that looks to me rather ridiculous, although it may appear differently upon explanation.

Mr. HEYBURN. In another section of the bill?

Mr. SPOONER. Yes.

Mr. HEYBURN. While the Senator was on his feet discussing his amendment, I desired to interrupt him, but he declined to be interrupted, and then at the close of his remarks he yielded to the Senator from North Dakota [Mr. McCUMBER]. Now it is proposed to take up another section, and that means that the argument will be disconnected. But as the Senator says he desires to leave the room, of course I will defer the discussion of the matter, as I do not desire to answer the Senator when he is not here.

Mr. SPOONER. I will remain. I did not know that the Senator from Idaho also intended to answer.

Mr. HEYBURN. I desire very briefly to point out, in answer to the legal objection urged by the Senator from Wisconsin as to section 11. The Senator seems to assume that it is provided that before these articles have become a part of interstate commerce a demand might be made upon the manufacturer for a sample. It is not so provided. The bill provides in the second line of section 11:

> That every person, association of persons, or corporation who manufactures or produces and delivers—

Those terms are coupled with "delivers"—

> delivers for interstate or foreign shipment or transportation.

So that the private title or character of the goods has ceased before the right is given to the public officer to demand a sample, and the articles have already become the subject of interstate commerce by the very terms of the section. That is the answer to the Senator's criticism that we would be invading the private rights of the manufacturer to demand of him a sample of goods that might or might not become the subject of interstate commerce. The section provides that the article must have been delivered for that purpose before the demand can be made. That is the answer to the Senator.

Mr. SPOONER. Mr. President, it is not an answer; but I do not intend to pursue this subject at all. If the manufacturer has shipped a great many consignments into another State, that would of course give the Government no right whatever to go to his place of manufacture in a State and demand that he furnish a sample of what had been shipped theretofore or a sample of what he might ship thereafter.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. This bill does not provide that the demand may be made for a sample of the goods that have been shipped. It provides that the sample may be demanded of the goods which have been delivered for that purpose, for the purpose of interstate commerce, and not for a sample of the goods on hand that might or might not be similar to those that had been shipped.

Mr. SPOONER. I was assuming that if the manufacturer had shipped to the Senator from Idaho and had delivered to a carrier for shipment a consignment of goods, so that they were in interstate commerce, it would be beyond his power to go and take out of that consignment a sample and give to the Government. I may be mistaken about that. I think, however, I am not. I only suggest this in order that if I am right the provision may be changed.

Section 13 seems a little odd. It says:

> That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, district, or insular possession, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation.

To that I see no objection.

> And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, etc.

If it is condemned as poisonous, condemned as food put into interstate commerce in violation of law, upon the ground that it would be, if used by any human being, detrimental to health because it was an adulteration, why should they condemn it for that reason? Why should there be a contemplation here in the statute——

Mr. McCUMBER. The Senator has not read all the sentence.

Mr. SPOONER. Yes, I have.

Mr. McCUMBER. "But such goods shall not be sold in any jurisdiction contrary to the laws of that judisdiction."

Mr. SPOONER. Yes; but they may be sold in some other jurisdiction, and that is worse.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. HEYBURN. I only want to finish my reply to that.

Mr. SPOONER. Very well.

Mr. HEYBURN. I do not desire to take the Senator off the floor. I merely ask to interrupt him.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. SPOONER] had the floor, but the Chair understood that he had yielded it to the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, the Senator, I think, has not observed that the expression is in the alternative, and that it is left to the court to determine what would be the appropriate disposition to be made of the article.

Mr. SPOONER. I had not conceived it possible that Congress should be authorizing a court, which has condemned an article because of poison in it deleterious to the health of any human being, to sell it in any jurisdiction.

Mr. HEYBURN. I think the bill does not provide that the court shall have that right any more than the right to exercise its judgment. There are poisons that may be put to a legitimate use. You might have 10 gallons of an active poison that might be put to a legitimate use, because poisons are used in a legitimate way for purposes other than home consumption. It might be that the law would not find it necessary to confiscate the article, but to simply require the party to keep it out of the general mass of foods.

Mr. FULTON. I call the attention of the Senator who has the floor to this language:

> And if such article is condemned as being adulterated or misbranded—

Suppose that was all there was of it, or, rather, suppose it was of a poisonous or deleterious character, there certainly would be no objection to selling by the order of the court merchandise that might have been adulterated or misbranded. To be poisonous or of a deleterious character is one thing, and adulterated or misbranded is another; and it would be a wise discretion in the court to order them to be condemned, destroyed, or sold.

Mr. HEYBURN. That is in the alternative.

Mr. FULTON. It is to be assumed, I presume, that the poisonous articles would be condemned.

Mr. SPOONER. This is predicated upon a prior condemna-

tion, "if such article is condemned as being adulterated;" otherwise the court has no jurisdiction over it. It is a judgment of condemnation upon an article, a proceeding in rem, to give the court any power of disposition at all.

Mr. McCUMBER. The power is given to dispose of it by destruction or sale. It is left to the court to determine whether to destroy deleterious articles unfit to be sold in any market. Those are to be destroyed. Let us take the case of flour. We may have flour that is almost wholly ordinary flour. It is sold by carload lots, and it is sold as gluten flour, when, as a matter of fact, it is nothing but ordinary flour. The court condemns it. What would the court do? He allows it to be sold, and to be sold as it is, not as gluten flour. He allows the manufacturer, on giving bond that it shall not be sold as gluten flour, to take it back; but if the flour is condemned and is not taken back the proceeds of its sale shall be turned into the Treasury.

There is nothing to compel, and I hardly think that the court, taking the spirit of the law, would construe that he had authority to sell under this bill or to order the sale of poisonous or deleterious matter. But using the conjunction "or" there gives him the right to either destroy it, allow the purchaser to take it back by giving a bond, or to sell it if it is such an article as can be sold for what it is.

Mr. SPOONER. One thing more. I should like to ask the Senator if some better word than the word "added," which has been talked about so much, can not be found in line 19, page 4?

Mr. McCUMBER. Is the Senator reading from the new print of the bill?

Mr. SPOONER. No; it is the old print, I think.

Mr. McCUMBER. If the Senator will give the section I can tell better.

Mr. SPOONER. Section 4.

Mr. McCUMBER. What line?

Mr. SPOONER. I will read where it occurs.

And if it shall appear from any such examination that such specimens are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient, etc.

Mr. McCUMBER. The shippers and the manufacturers of goods fear that if we do not use the word "added"——

Mr. SPOONER. I think some word ought to be used, but is that a good word?

Mr. McCUMBER. I think so.

Mr. SPOONER. I have inquired of several physicians in regard to the matter, and they do not easily understand it.

Mr. McCUMBER. It seems to me it is a good word because there are many articles which in their natural state contain poison. Fruit contains fusel oil. That is a poison, but it is inherent in the fruit itself.

Mr. SPOONER. Yes. But if you mean by "added ingredient" that an article contains some substance, whether it be poisonous or not, that is not inherent, that is understandable. The word "added" is not simply predicated, nor predicable, upon the article in its natural condition. A drug may have been prepared and it may not be in its natural condition at all. The same may be true of food. But how is it certain that the word "added," which occurs several times——

Mr. McCUMBER. I think the Senator himself might suggest a word that will apply if he desires to make that point. I do not see much difference. The Senator suggested the word "inherent"—"not inherent in the article itself." If the Senator would like that better——

Mr. SPOONER. It is not what I like. I am only asking the Senator.

Mr. McCUMBER. I am asking the Senator's opinion. I have a great deal of respect for his suggestions. I myself do not see the objection to "added," because it means something not inherent.

Mr. SPOONER. I do not think the word "inherent" is a good word.

Mr. McCUMBER. Well, we might think it over. I do not think of any other word that will better express it.

Mr. KEAN. If the Senator will yield to me, I will move an executive session, if he does not intend to go on any further with the bill.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. I have no objection to an executive session if the Senator from Idaho has none.

Mr. HEYBURN. I have no objection to going into executive session at this time.

Mr. KEAN. Then, I move that the Senate proceed to the consideration of executive business.

Mr. LODGE. Will the Senator yield to me to make a request?

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. KEAN. Certainly.

ELECTION OF SENATORS.

Mr. LODGE. I ask that the speech of my late colleague, Mr. Hoar, in regard to the election of Senators by direct vote of the people, be printed as a Senate document. There is a great demand for it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. KEAN. I ask that double the usual number of copies may be printed.

The VICE-PRESIDENT. The Senator from New Jersey asks that double the usual number of copies be printed. Is there objection?

There being no objection, the order was agreed to, as follows:

Ordered, That 1,682 additional copies of Senate Document No. —, speech of Senator George F. Hoar, on "Election of Senators by direct vote of the people," be printed for the use of the Senate.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE CASTOR, OF PENNSYLVANIA.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. BINGHAM, Mr. ADAMS, Mr. MORRELL, Mr. MCCREARY, Mr. MOON, Mr. KLINE, Mr. DEEMER, of Pennsylvania; Mr. WEISSE, of Wisconsin; Mr. SMYSER, of Ohio; Mr. KELIHER, of Massachusetts; Mr. RIVES, Mr. WILSON, of Illinois, and Mr. JONES, of Virginia, members of the committee on the part of the House to attend the funeral.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 20, 1906.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania.

Resolved, That the Clerk of the House be directed to transmit this resolution to the Senate and a copy thereof to the family of the deceased.

Resolved, That a committee of thirteen Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That as a further mark of respect this House do now adjourn.

The Speaker announced the appointment of Mr. BINGHAM, Mr. ADAMS, Mr. MORRELL, Mr. MCCREARY, Mr. MOON, Mr. KLINE, Mr. DEEMER, of Pennsylvania; Mr. WEISSE, of Wisconsin; Mr. SMYSER, of Ohio; Mr. KELIHER, of Massachusetts; Mr. RIVES, Mr. WILSON, of Illinois, and Mr. JONES, of Virginia, members of the committee on the part of the House.

Mr. PENROSE. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Pennsylvania submits resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania.

Resolved, That a committee of four Senators be appointed by the Vice-President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Pennsylvania.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT. The Chair appoints as members of the committee on the part of the Senate, under the second resolution, the Senator from Pennsylvania, Mr. PENROSE; the Senator from Pennsylvania, Mr. KNOX; the Senator from Montana, Mr. CARTER, and the Senator from Georgia, Mr. CLAY.

Mr. PENROSE. Mr. President, as a further mark of respect to the memory of the late Representative from Pennsylvania, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 21, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1906.

ASSISTANT SECRETARY OF THE TREASURY.

John H. Edwards, of Ohio, to be Assistant Secretary of the Treasury, to succeed Horace A. Taylor, resigned, to take effect June 30, 1906.

EXAMINER IN CHIEF IN PATENT OFFICE.

John M. Colt, of South Carolina, to be an examiner in chief in the Patent Office, vice Solon W. Stocking, deceased.

PROMOTIONS IN THE ARMY.

Lieut. Col. Alfred Reynolds, United States Infantry (detailed Inspector-General), to be colonel from February 17, 1906, vice Wheeler, Twenty-second Infantry, retired from active service.

Maj. William P. Evans, United States Infantry, unassigned, to be lieutenant-colonel from February 17, 1906, vice Wood (Palmer G.), appointed brigadier-general.

Capt. Richard R. Steedman, Eleventh Infantry, to be major from February 17, 1906, vice Evans, unassigned, promoted.

PROMOTIONS IN THE NAVY.

Capt. Henry W. Lyon to be a rear-admiral in the Navy from the 19th day of February, 1906, vice Rear-Admiral Edwin Longnecker, retired.

Ensign Robert T. Menner to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) Robert T. Menner to be a lieutenant in the Navy from the 1st day of July, 1905, vice Lieut. William W. Phelps, promoted.

Midshipman Frederick V. McNair, jr., to be an ensign in the Navy from the 3d day of February, 1905, to fill a vacancy existing in that grade on that date.

The following-named midshipmen to be ensigns in the Navy from the 2d day of February, 1906, to fill vacancies existing in that grade on that date:

David McD. Le Breton.
Andrew C. Pickens.
Fred G. Coburn.
Waldo P. Druley.
Carl A. Richter.
Robert B. Hilliard.
John E. Otterson.
Nathaniel H. Wright.
Prentiss P. Bassett.
Frederick G. Tupper.
Herbert S. Howard.
Husband E. Kimmel.
Robert A. Dawes.
Edwin O. Fitch, jr.
Paul E. Dampman.
Roland R. Riggs.
Arthur G. Caffee.
Clyde S. McDowell.
Donald B. Craig.
Paul P. Blackburn.
Charles C. Soule, jr.
Luman E. Morgan.
Edson C. Oak.
Darrell P. Wickersham.
Lawrence P. Treadwell.
William H. Toaz.
Arthur H. Rice.
Frank D. McMillan.
Halsey Powell.
Forde A. Todd.
Cleon W. Mauldin.
Chester L. Hand.
Edward F. Greene.
Aubrey K. Shoup.
Abram Claude.
Nathan W. Post.
Harry A. Stuart.
William F. Halsey, jr.
Stanton L. H. Hazard.
Christopher R. P. Rodgers.
Roscoe F. Dillen.
Clarence A. Richards.
Herbert H. Michael.
Benjamin K. Johnson.
Allen B. Reed.
James W. Hayward.
George M. Baum.
Isaac C. Johnson, jr.
David W. Bagley.
Leigh M. Stewart.
Edward B. Sherman.
Richard P. McCullough.
Joseph D. Little.

APPOINTMENT IN THE MARINE CORPS.

William C. Powers, jr., a citizen of Illinois, to be a second lieutenant in the Marine Corps from the 5th day of February, 1906, to fill a vacancy existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1906.

COLLECTOR OF CUSTOMS.

Thomas O. Thompson, of Connecticut, to be collector of customs for the district of New London, in the State of Connecticut.

MARSHALS.

S. Brown Allen, of Virginia, to be United States marshal for the western district of Virginia.

Daniel R. Ballou, of Rhode Island, to be United States marshal for the district of Rhode Island.

POSTMASTERS.

COLORADO.

Alexander J. Strachan to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado.

FLORIDA.

John C. Stowers to be postmaster at West Palmbeach, in the county of Dade and State of Florida.

IDAHO.

J. H. Newberry to be postmaster at Mullan, in the county of Shoshone and State of Idaho.

INDIANA.

Henry Geisler to be postmaster at Hartford City, in the county of Blackford and State of Indiana.

MISSOURI.

Thomas M. Bailey to be postmaster at Rockport, in the county of Atchison and State of Missouri.

MONTANA.

Elmer H. Pond to be postmaster at Basin, in the county of Jefferson and State of Montana.

OHIO.

Carlos Burroughs to be postmaster at Collinwood, in the county of Cuyahoga and State of Ohio.

Edwin F. Ellis to be postmaster at Belle Center, in the county of Logan and State of Ohio.

Albert Haworth to be postmaster at Crestline, in the county of Crawford and State of Ohio.

S. S. Stewart to be postmaster at Columbiana, in the county of Columbiana and State of Ohio.

TEXAS.

D. R. Emerson to be postmaster at Marlin, in the county of Falls and State of Texas.

VIRGINIA.

William H. Faulkner to be postmaster at South Boston, in the county of Halifax and State of Virginia.

Charles M. Keezel to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia.

WISCONSIN.

H. T. Eberle to be postmaster at Watertown, in the county of Jefferson and State of Wisconsin.

Fred B. Kinsley to be postmaster at Barron, in the county of Barron and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 20, 1906.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for those strange and mysterious voices which are ever calling unto us out of the deeps of our nature to come up higher, into the intellectual, moral, and spiritual realm. God grant that we may heed the call; that our lives may grow larger and larger day by day; that we may be fitted for the life to come.

Once more we are called upon to mourn the loss of one of our Congressional family, a man whose character was conspicuous in his home, in the community, and upon the floor of this House for its fidelity to truth and duty. God grant that the angels of love and mercy may minister unto his colleagues, his friends, and to the dear ones of his heart, and make them realize that he has only gone before, into one of those many mansions prepared by the Lord Jesus Christ for those that love Him.

Hear us and answer our prayer, in the name of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELIJAH SPANGLER.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the President of the United States be requested to return to the House of Representatives House bill 1059, granting an increase of pension to Elijah Spangler.

Mr. SULLOWAY. Mr. Speaker, the occasion of that is the fact that the beneficiary is dead.

The SPEAKER. The Chair would suggest to the gentleman that he change it into the form of a concurrent resolution.

Mr. SULLOWAY. Will the Clerk please make that amendment?

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

SMITHSONIAN INSTITUTION.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 28, which I send to the Clerk's desk.

The joint resolution was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of Richard Olney, a citizen of Massachusetts.

The SPEAKER. This is a Senate joint resolution. The Senate copy of the resolution does not seem to be with the Clerk. The Chair would suggest to the gentleman from Minnesota that he withhold the resolution for the present.

DEATH OF REPRESENTATIVE CASTOR, OF PENNSYLVANIA.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I rise to perform the saddest duty that can fall to the lot of a Member of this House. I rise to announce the death of my colleague, Mr. GEORGE A. CASTOR, late a Representative from the Third Congressional district of Pennsylvania.

At a later date I shall ask the House to set aside a day for proper testimonials to the high character and good work of Mr. CASTOR.

I offer the following resolutions, which I send to the Clerk's desk, and move their adoption.

The SPEAKER. The gentleman from Pennsylvania offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania.

Resolved, That a committee of thirteen Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be directed to transmit these resolutions to the Senate and a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER announced as the committee on the part of the House: Mr. BINGHAM, Mr. ADAMS of Pennsylvania, Mr. MORRELL, Mr. McCREARY of Pennsylvania, Mr. MOON of Pennsylvania, Mr. SMYSER, Mr. RIVES, Mr. WILSON of Illinois, Mr. DEEMER, Mr. WEISSE, Mr. JONES of Virginia, Mr. KLINE, and Mr. KELIHER.

Mr. ADAMS of Pennsylvania. I also offer the following resolution:

The resolution was read, as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

Accordingly (at 12 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Navy, transmitting, in response to the inquiry of the House, a statement as to alterations in the plans and specifications of the U. S. S. *Connecticut* and *Louisiana*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for continuing the work of investigation and report by the International Waterways Commission—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11275) increasing the penalty for certain offenses in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1549); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13365) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905, reported the same without amendment, accompanied by a report (No. 1550); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14515) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances, reported the same with amendment, accompanied by a report (No. 1551); which said bill and report were referred to the House Calendar.

Mr. HERMANN, from the Committee on Indian Affairs, to which were referred the bill of the House (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported the same with amendment, accompanied by a report (No. 1552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12863) to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes, reported the same with amendment, accompanied by a report (No. 1553); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12229) granting an increase of pension to Reuben Isaac Turckheim, reported the same with amendment, accompanied by a report (No. 1483); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1137) granting an increase of pension to Abraham M. Kauffman, reported the

same with amendment, accompanied by a report (No. 1484); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 485) granting an increase of pension to William H. Bantom, reported the same with amendment, accompanied by a report (No. 1485); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3418) granting an increase of pension to John Snouse, reported the same without amendment, accompanied by a report (No. 1486); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2264) granting an increase of pension to Robert McAnally, reported the same with amendment, accompanied by a report (No. 1487); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1968) granting an increase of pension to John Monroe, reported the same with amendment, accompanied by a report (No. 1488); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11927) granting an increase of pension to Calvin D. Weatherman, reported the same with amendment, accompanied by a report (No. 1489); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11052) granting an increase of pension to John P. Vance, reported the same with amendment, accompanied by a report (No. 1490); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12834) granting an increase of pension to Theodore Schramm, reported the same with amendment, accompanied by a report (No. 1491); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12393) granting an increase of pension to William Hardy, reported the same with amendment, accompanied by a report (No. 1492); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11687) granting an increase of pension to Matt Fitzpatrick, reported the same with amendment, accompanied by a report (No. 1493); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6921) granting an increase of pension to Eliza B. Wilson, reported the same with amendment, accompanied by a report (No. 1494); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5933) granting an increase of pension to Mrs. W. C. Pittinger, reported the same with amendment, accompanied by a report (No. 1495); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3553) granting an increase of pension to Levi Pick, reported the same with amendment, accompanied by a report (No. 1496); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5026) granting an increase of pension to Asa Tout, reported the same with amendment, accompanied by a report (No. 1497); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3811) granting an increase of pension to James White, reported the same with amendment, accompanied by a report (No. 1498); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1911) granting an increase of pension to Harriet E. Grogan, reported the same with amendment, accompanied by a report (No. 1499); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7229) granting an increase of pension to Slater D. Lewis, reported the same with amendment, accompanied by a report (No. 1500); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5614) granting an increase of pension to Henry Coue, reported the same with amendment, accompanied by a report (No. 1501); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5434) granting an increase of pension to Hugh Green, reported the same with amendment, accompanied by a report (No. 1502); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5564) granting an increase of pension to Albert G. Cluck, reported the same without amendment, accompanied by a report (No. 1503); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1071) granting an increase of pension to William K. Keech, reported the same with amendment, accompanied by a report (No. 1504); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1205) granting a pension to Samuel P. Bigger, reported the same with amendment, accompanied by a report (No. 1505); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3557) granting an increase of pension to James B. Wilkins, reported the same without amendment, accompanied by a report (No. 1506); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3685) granting an increase of pension to James O. Tobey, reported the same with amendment, accompanied by a report (No. 1507); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4257) granting a pension to Alice M. Durney, reported the same with amendment, accompanied by a report (No. 1508); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3981) granting an increase of pension to John McKeever, reported the same with amendment, accompanied by a report (No. 1509); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4823) granting an increase of pension to John G. McFarlane, reported the same with amendment, accompanied by a report (No. 1510); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3698) granting an increase of pension to Joseph E. Miller, reported the same with amendment, accompanied by a report (No. 1511); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2244) granting an increase of pension to Fred Dilg, reported the same with amendment, accompanied by a report (No. 1512); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1997) granting an increase of pension to S. C. H. Smith, reported the same with amendment, accompanied by a report (No. 1513); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3452) granting an increase of pension to Jacob McGaughey, reported the same with amendment, accompanied by a report (No. 1514); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3435) granting an increase of pension to Thomas W. Sallade, reported the same with amendment, accompanied by a report (No. 1515); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1685) granting an increase of pension to George W. Bedient, reported the same with amendment, accompanied by a report (No. 1516); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 550) granting an increase of pension to Joseph E. Scott, reported

the same with amendment, accompanied by a report (No. 1517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2749) granting an increase of pension to Agnes Flynn, reported the same with amendment, accompanied by a report (No. 1518); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11689) granting an increase of pension to Byard H. Church, reported the same with amendment, accompanied by a report (No. 1519); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12292) granting an increase of pension to George T. Hill, reported the same with amendment, accompanied by a report (No. 1520); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11557) granting an increase of pension to Clinton A. Chapman, reported the same with amendment, accompanied by a report (No. 1521); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13028) granting an increase of pension to Sarah E. Bennett, reported the same with amendment, accompanied by a report (No. 1522); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12755) granting an increase of pension to N. W. Plymate, reported the same with amendment, accompanied by a report (No. 1523); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11516) granting an increase of pension to Marquis D. L. Staley, reported the same with amendment, accompanied by a report (No. 1524); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12897) granting an increase of pension to Robert B. Malone, reported the same with amendment, accompanied by a report (No. 1525); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13417) granting an increase of pension to John W. Bookman, reported the same with amendment, accompanied by a report (No. 1526); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14888) granting an increase of pension to Eliza A. Bunker, reported the same without amendment, accompanied by a report (No. 1527); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14748) granting an increase of pension to William F. Burks, reported the same with amendment, accompanied by a report (No. 1528); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14719) granting an increase of pension to Hannah A. Preston, reported the same with amendment, accompanied by a report (No. 1529); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14358) granting an increase of pension to William H. Morrow, reported the same with amendment, accompanied by a report (No. 1530); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14367) granting an increase of pension to Lemuel O. Gilman, reported the same with amendment, accompanied by a report (No. 1531); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2245) granting an increase of pension to Troy Moore, reported the same with amendment, accompanied by a report (No. 1532); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14077) granting an increase of pension to George W. Chesebro, reported the same with amendment, accompanied by a report (No. 1533); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13994) granting an increase of pension to Francis A. Barkis, reported the same with amendment, accompanied by a report (No. 1534); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13826) granting an increase of pension to Frank S. Pettingill, reported the same without amendment, accompanied by a report (No. 1535); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9860) granting an increase of pension to Joseph H. Hirst, reported the same with amendment, accompanied by a report (No. 1536); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9288) granting an increase of pension to Catharine Braggs, reported the same with amendment, accompanied by a report (No. 1537); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9235) granting an increase of pension to Kate H. Kavanaugh, reported the same with amendment, accompanied by a report (No. 1538); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9087) granting an increase of pension to William Winn, reported the same with amendment, accompanied by a report (No. 1539); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8836) granting an increase of pension to Elizabeth C. Howell, reported the same with amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8333) granting an increase of pension to John G. Honeywell, reported the same without amendment, accompanied by a report (No. 1541); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8207) granting an increase of pension to Daniel A. Proctor, reported the same with amendment, accompanied by a report (No. 1542); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7856) granting an increase of pension to Norman C. Potter, reported the same with amendment, accompanied by a report (No. 1543); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11107) granting an increase of pension to William E. Fritz, reported the same with amendment, accompanied by a report (No. 1544); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12656) granting a pension to Louise Ackley, reported the same with amendment, accompanied by a report (No. 1545); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11214) granting an increase of pension to Isaac Baker, reported the same with amendment, accompanied by a report (No. 1546); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13171) granting an increase of pension to Jonathan K. Porter, reported the same with amendment, accompanied by a report (No. 1547); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10724) granting an increase of pension to David Bruce, reported the same with amendment, accompanied by a report (No. 1548); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GOEBEL: A bill (H. R. 15257) to prohibit the use of the mails for illegal purposes, and to provide for a hearing and appeal from the order of the Postmaster-General in such cases—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 15258) to provide additional land for the Jackson School, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CANDLER: A bill (H. R. 15259) to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Pennsylvania: A bill (H. R. 15260) to revise, codify, and amend the laws relating to the Congress, the Executive Departments of the Government, the civil service, and estimates and appropriations—to the Committee on Revision of the Laws.

By Mr. WILLIAMS: A bill (H. R. 15261) to reduce the duties on watches imported into the United States from foreign countries—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: A bill (H. R. 15262) to require manufacturers and shippers of foods for interstate shipment to label said foods and print the ingredients contained in such foods on each package thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: A bill (H. R. 15263) to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: A bill (H. R. 15264) to provide for the investigations of infectious diseases of domestic animals prevalent in the State of Minnesota and adjoining States—to the Committee on Agriculture.

By Mr. RUSSELL: A bill (H. R. 15265) to provide for reporting the decisions of the United States circuit court of appeals, the United States circuit courts, and the United States district courts—to the Committee on the Judiciary.

By Mr. NEEDHAM: A bill (H. R. 15266) to amend existing laws relating to the fortification of pure sweet wines—to the Committee on Ways and Means.

By Mr. OLCOTT: A bill (H. R. 15267) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues, approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15268) to amend chapter 11 of the laws of 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 15269) granting an increase of pension to John J. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15270) granting an increase of pension to D. M. Sutherland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting a pension to Juan Jose Salazar—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 15272) granting an increase of pension to Patrick Mooney—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 15273) granting a pension to John G. Kimbrough—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 15274) granting an increase of pension to E. W. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting an increase of pension to J. Hugh Martin—to the Committee on Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to Wesley Smith—to the Committee on Pensions.

Also, a bill (H. R. 15277) granting an increase of pension to George W. Pierce—to the Committee on Pensions.

Also, a bill (H. R. 15278) granting an increase of pension to David W. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15279) granting an increase of pension to John Crabtree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15280) granting a pension to Lorenso D. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15281) granting an increase of pension to Thomas Boggess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15282) granting a pension to Thomas L. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15283) granting a pension to Nancy Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15284) granting a pension to Eliza Gains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15285) granting an increase of pension to Jerome B. Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15286) for the relief of Dan Mans—to the Committee on War Claims.

Also, a bill (H. R. 15287) for the relief of the Baptist Church, Flemingsburg, Ky.—to the Committee on War Claims.

By Mr. BRANTLEY: A bill (H. R. 15288) granting an increase of pension to Benjamin F. Finical—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15289) granting an increase of pension to Peter L. Cramer—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 15290) for the relief of Charles Flanders—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 15291) for the relief of the heirs of George B. Harlan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15292) for the relief of Fannie Kirby, widow of Claiborne Kirby—to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 15293) granting an increase of pension to Harry B. Philbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15294) granting an increase of pension to Emeline C. Sewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15295) granting an increase of pension to James C. Slaght—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15296) granting an increase of pension to Henry E. Dorlon—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 15297) granting an increase of pension to Nelson Hanson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) for the relief of Col. Charles H. Whipple, United States Army—to the Committee on Claims.

By Mr. DICKSON of Illinois: A bill (H. R. 15299) granting an increase of pension to John B. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) granting an increase of pension to B. F. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15301) granting an increase of pension to John C. McClurkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15302) to correct the military record of Francis M. Price—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 15303) to correct the military record of Oliver Smith—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 15304) granting an increase of pension to Irwin O'Bryan—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 15305) granting an increase of pension to Ezra H. Brown—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15306) granting an increase of pension to Asa Wall—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 15307) granting a pension to Allen A. Wesley—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 15308) granting an increase of pension to Aaron B. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15309) granting an increase of pension to Patrick Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15310) granting an increase of pension to Jay Thomasson—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15311) granting an increase of pension to James P. Benson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15312) granting an increase of pension to George W. Farling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15313) granting an increase of pension to James W. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15314) granting an increase of pension to Thomas Gallahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15315) making an appropriation for John W. Watkins—to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 15316) granting an increase of pension to James McKelvey—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 15317) granting an increase of pension to J. B. F. Callon—to the Committee on Invalid Pensions.

By Mr. RIVES: A bill (H. R. 15318) to remove the charge of desertion from the record of J. F. Harbaugh—to the Committee on Military Affairs.

By Mr. SHARTEL: A bill (H. R. 15319) for the relief of Joseph C. Black—to the Committee on War Claims.

By Mr. WEBBER: A bill (H. R. 15320) to remove charge of desertion standing against Peter Parsch—to the Committee on Military Affairs.

Also, a bill (H. R. 15321) granting a pension to Charles Skaden, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15322) granting an increase of pension to Albert Blish—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 15323) granting an increase of pension ot Nathaniel B. Petts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15324) granting an increase of pension to George Fitch—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4603) for the relief of G. A. Anderson—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 13031) granting an increase of pension to Thomas H. Leslie—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15252) granting an increase of pension to Samuel Albright—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15253) granting an increase of pension to Blos C. Dewees—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Iowa Association of Cement Users, for an appropriation to continue experiments in cements—to the Committee on Appropriations.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petitions of various organizations of the Brotherhood of Railway Trainmen, the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, etc., for legislation relating to employers' liability and the use of the process of injunction in certain cases—to the Committee on Labor.

By Mr. ALLEN of New Jersey: Petition of Fred J. Miller, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Saddle River Grange, No. 144, for bill H. R. 180—to the Committee on Agriculture.

Also, petition of Saddle River Grange, No. 144, for retention of the present tax on imitation of butter—to the Committee on Agriculture.

Also, petition of Saddle River Grange, No. 144, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Saddle River Grange, No. 144, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Saddle River Grange, No. 144, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of Walter R. Newton, of Paterson, N. J., relative to affairs in the Independent State of Kongo—to the Committee on Foreign Affairs.

Also, petition of James Parker et al., against grant of mineral lands to Oklahoma—to the Committee on the Territories.

Also, petition of Rev. James Owen and citizens of Paterson, N. J., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BANNON: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Friendship Camp, No. 44, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BARCHFELD: Petition of R. K. McEwen Grange, No. 1186, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of the Third Ward of Pittsburg, against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the California Fruit Growers' Exchange, for Government control of private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Religious Liberty Bureau, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of the Japanese and Korean Exclusion League, for retention of the Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Coraopolis Chronicle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Sedalia Public Library, relative to the law governing the importation of books—to the Committee on Ways and Means.

Also, petition of National Wine Growers' Association of America, relative to grape culture in the United States—to the Committee on Agriculture.

Also, petition of Local No. 2, A. F. M., favorable to bill H. R. 8748—to the Committee on Naval Affairs.

By Mr. BARTLETT: Petition of I. L. Fickling and Division No. 210, Brotherhood of Locomotive Engineers, of Macon, Ga., for the passage of the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of the Conservative, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BISHOP: Petition of citizens of Muskegon, Mich., et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the News and the Lake County Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the Lecompton Sun, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Miami Central Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRANTLEY: Paper to accompany bill for relief of Peter L. Cramer—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: Petition of Ranch and Range and the Daily Mining Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of the California Fruit Growers' Exchange, for Government control of private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of Humanity, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of many citizens of Texas, for the repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BURTON of Delaware: Petition of citizens of Delaware, against legislation inimical to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of Middletown Council, No. 2, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Harrington Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Fannie Kirby—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of heirs of George B. Harlan—to the Committee on War Claims.

Also, paper to accompany bill for relief of Putnam County, Tenn.—to the Committee on War Claims.

By Mr. CAMPBELL of Ohio: Petition of the Press, against the tariff on linotype machines—to the Commitee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of Mrs. William Harvard Crosby, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CRUMPACKER: Petition of the Benton Review, the Democrat, and William Maurer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CURRIER: Paper to accompany bill for relief of Lewis Mack (previously referred to Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of the Rosville Reporter and the Recorder Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petitions of Maple Grove Grange, No. 1159; Nancelona Grange, No. 709; the Seville and Sumner Farmers' Club; Dwight Grange; Union Grange, No. 1220, of Isabella County; Helena Grange, No. 676, of Alden; Pleasant View Grange; McBride Grange, and Spring Brook Grange, all in Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Plain Dealer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Mary Schoske—to the Committee on Pensions.

Also, petition of A. F. Keye, of Red Wing, Minn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of William K. Tuttle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Craig—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the United States Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the New York Produce Exchange, against giving power to Interstate Commerce Commission to fix railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of the Lutheranian, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Highland Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of Boise (Idaho) Typographical Union, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. W. Crea, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULKERSON: Petitions of the Rushville News and the Catholic Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of W. L. Elwood et al., citizens of Dekalb, Ill., against bill H. R. 48—to the Committee on the Post-Office and Post-Roads.

Also, petition of retail merchants of Illinois, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of the City of Chicago, for a maximum and minimum tariff—to the Committee on Ways and Means.

Also, petition of the Dekalb Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: Petition of the Gazette and the Daily Moon, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Oliver Smith—to the Committee on Military Affairs.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of Isaac N. Perry (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GOULDEN: Petition of the E. C. Burt Company, of Brooklyn, N. Y., for repeal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the National Board of Trade of Philadelphia, Pa., for bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Engineers of Albany, N. Y., against the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 261, Paper Hangers, Decorators, and Painters, of New York City, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Dames of 1846, for increase of pensions of Mexican war veterans—to the Committee on Pensions.

Also, petition of the Japanese and Korean Exclusion Society, for retention of the present Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of the National Business Society of Chicago, for amending and passing bill S. 1345—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Sterling Paint and Glass Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Philadelphia Board of Trade, relative to Government control of railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fruit Growers' Exchange of California, for Government control of private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Religious Liberty Bureau, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of the National Association of Cement Users, of Milwaukee, Wis., relative to structural-material investigations by the United States Geological Survey—to the Committee on Agriculture.

Also, petition of General J. B. Sweitzer Camp, No. 98, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Japanese and Korean Exclusion League, for continuance of the present Chinese law—to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petitions of the Tribune Company and the Threshman's Review, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of Asa Wall—to the Committee on Pensions.

By Mr. HERMANN: Petition of the Woman's Club of Portland, Oreg., against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Pacific Baptist and R. H. Colby, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the Pope Manufacturing Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Connecticut Lumberman's Association, for a national forest reservation—to the Committee on Agriculture.

Also, petition of Lynn Grange, No. 147, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HILL of Mississippi: Petition of the Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of Morrison Castle, York, Nebr., relative to the Post-Office Department's "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

By Mr. HOUSTON: Paper to accompany bill for relief of heirs of John McGill—to the Committee on War Claims.

Also, petition of citizens of Murphreesboro, Tenn., for an appropriation for a public building—to the Committee on Public Buildings and Grounds.

By Mr. HUBBARD: Petition of the Reporter and the Buena Vista Vidette, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Bell Enterprise and the Spencer Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of the State Federation of Women, against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Federation of Patriotic Women, against repeal of the Morris law—to the Committee on Agriculture.

By Mr. JENKINS: Petition of citizens of Roberts and River Falls, Wis., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of the Pacific Coast Hardware and Metal Association, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of Hard Wood Finishers' Union, Local No. 109, of Boston, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of William Arnold—to the Commitee on Invalid Pensions.

Also, paper to accompany bill for relief of Jesse S. Miller—to the Commitee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob Schultz—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Paper to accompany bill for relief of William R. Riley—to the Committee on Invalid Pensions.

By Mr. LAW: Paper to accompany bill for relief of William A. Howard—to the Committee on Military Affairs.

By Mr. LAWRENCE: Petition of the Franklin County Ministers' Association, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Gill, Mass., relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LILLEY of Connecticut: Petition of the Willimantic Board of Trade, for a public building—to the Committee on Public Buildings and Grounds.

Also, petition of Lumber Dealers' Association of Connecticut, for a national forest reservation—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the United States Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Homeopathic Medical Society, approving the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Charities Aid Association, relative to the welfare of children—to the Committee on Labor.

By Mr. McCALL: Petitions of E. H. Bacon & Co. and the Literary Review, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of the Northwest Independent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petitions of the News and Advocate and George R. Anderson, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the California Audubon Society, indorsing bill S. 2966—to the Committee on Agriculture.

By Mr. NORRIS: Petition of the State Farmers' Institute, relative to increase of experiment stations—to the Committee on Agriculture.

By Mr. OLCOTT: Paper to accompany bill for relief of Luciano Conterno (referred previously to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. OVERSTREET: Petition of Nathan B. Williams, relative to the Post-Office Department "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

Also, petition of J. C. McIlvane, of Addyston, Ohio, relative to the Post-Office Department "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

Also, petition of Charles E. Allen, of Harrisonville, Mo., relative to the Post-Office Department "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

Also, petition of W. D. Hibler, of Oakdale, Nebr., relative to the Post-Office Department "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

Also, petition of D. Lewis, of Carlisle, Ark., relative to the "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

Also, paper to accompany bill for relief of J. B. F. Callon—to the Committee on Invalid Pensions.

Also, petition of the Fort Wayne Commercial Club, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of the Luzerne County Express, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Leader, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PARSONS: Petition of the Florist's Exchange, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of F. H. Hitchcock, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of East Scipio Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PUJO: Paper to accompany bill for relief of Mrs. Catherine R. Mitchell, of Lake Charles, La. (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RUPPERT: Petition of the Board of Trade of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. RYAN: Petition of the Japanese and Korean Exclusion League of California, for retention of the Chinese law—to the Committee on Immigration and Naturalization.

Also, petition of the State Charities Association of New York, for a bureau in the Interior Department in the interest of children—to the Committee on Labor.

By Mr. SCHNEEBELI: Petition of E. C. Lauers, of Easton, Pa., protesting against bill H. R. 10510—to the Committee on Education.

Also, petition of the California Fruit Growers' Exchange, of San Francisco, for Government control of private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. R. Ashbang, relative to the "fraud order" of the Post-Office Department—to the Committee on Rules.

Also, petition of Joel Searfoss Camp, No. 273, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Illinois Manufacturers' Association, favoring establishment of deep waterway canals—to the Committee on Railways and Canals.

Also, petition of the Religious Liberty Bureau, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. SCROGGY: Petition of the Press Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of California: Petition of D. A. Curtis, of San Diego, Cal., and papers relative to Post-Office Department "fraud order" (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Rules.

By Mr. SMITH of Iowa: Petition of the Elliot Graphic, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of B. O. Purvis (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petition of Detroit Pastors' Union, against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Lansing, Mich., against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Michigan, against repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of W. C. Sharpe, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STANLEY: Petition of the New Era, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of Wheelock's Weekly, the Graphic, the Ulen Union, the Perham Bulletin, the Index, G. F. Hagen, A. Solem, Rodger J. Bell, the American, M. Johnson, Martin Widsten, and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Crowell, Tenn., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of the Addison Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of the Voice and the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Beninga, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the Cherry Creek News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Petition of Caldwell & Tompkins, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBBER: Paper to accompany bill for relief of Charles Skaden, jr.—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Albert Blish—to the Committee on Invalid Pensions.

Also, petition of Marie M. Lickorish, president of the Woman's Christian Temperance Union, for a law to protect prohibition towns from saloons under guise of interstate commerce—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Marie M. Lickorish, president of the Woman's Christian Temperance Union, for the McCumber bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Buckeye Farmers' Institute, for passage of bill H. R. 180—to the Committee on Agriculture.

Also, petition of the Ohio Law Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Townsend Grange, No. 1392; North Fairfield Grange, and National Grange, Patrons of Husbandry; C. E. Stotts, and other citizens of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of D. R. Fair and A. Bance, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Norwalk, Ohio, for twenty-one years' prohibition in Oklahoma as a State—to the Committee on the Territories.

Also, petition of citizens of Norwalk, Ohio, against liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Nova Council, No. 235, and Mansfield Council, No. 34, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National Grange, citizens of New York, and Green Valley Grange, No. 361, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEMS: Petition of the Democrat and the Independent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Commercial Club of Birmingham, favorable to fostering the shipping interests of the country—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Petition of citizens of Michigan, against reestablishment of the Army canteen—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 21, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

NORTHERN CHEYENNE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting an item for an appropriation of $30,000 for the purchase of heifers and bulls for issue to the Northern Cheyenne Indians at Tongue River Agency, Mont.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles A. Le Compte *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward A. Coughlin, next of kin and heir at law of Paul Armandt *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 28) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

Mr. WARREN. Mr. President, I present a number of memorials from the women of Wyoming, protesting against the seating of REED SMOOT as a Senator. A letter accompanies the memorial asking that I may say a few words regarding the subject.

I merely wish to say at this time that the whole matter is before the appropriate committee of the United States Senate, and I shall hope to be enlightened by a report made from that committee.

If requested further to make a statement in advance of the report of the committee, I should be inclined to indorse, in the main, what was said by the Senator from California [Mr. PERKINS] and the Senator from Colorado [Mr. PATTERSON] a few days ago in the Senate upon this subject.

The VICE-PRESIDENT. The memorials will be referred to the Committee on Privileges and Elections.

Mr. PLATT presented a petition of the Lake Seamen's Union, of Buffalo, N. Y., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the United States Brewers' Association, of New York City, N. Y., praying for the enactment of legislation to establish a Federal judicial court in the Orient; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Division, Order of Railway Conductors, of Buffalo; of Local Division No. 269, Brotherhood of Locomotive Engineers, of Long Island City; of Chemung Lodge, Brotherhood of Railroad Trainmen, of Waverly; of Local Division No. 25, Order of Railway Conductors, of Ogdensburg; of Local Division, Order of Railway Conductors, of Binghamton; of Magnet Lodge, No. 227, Brotherhood of Locomotive Engineers, of Binghamton, and of Local Division No. 171, Order of Railway Conductors, of Mechanicsville, all in the State of New York, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. DILLINGHAM presented a petition of Local Grange No. 325, Patrons of Husbandry, of Danville, Vt., praying for the removal of the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 24, Order of Railway Conductors, of St. Albans, Vt., and a petition of Local Division No. 296, Order of Railway Conductors, of Rutland, Vt., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented the petition of Charles F. Herold and sundry other citizens of Washington, D. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. DOLLIVER presented a petition of the Commercial Club, of Oskaloosa, Iowa, praying for the enactment of legislation relating to 1-cent postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. R. L. Breed and sundry other citizens of Webster County, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Iowa Association of Cement Users, of Ames, Iowa, praying that an appropriation be made to continue the investigations of cement mortars and concretes now being conducted by the United States Geological Survey; which was referred to the Committee on the Geological Survey.

He also presented petitions of the Rudd Farmers' Exchange Company, of Rudd, Iowa, and of F. F. Faringer and sundry other citizens of Ireton, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Audubon and Manson, in the State of Iowa, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented the petition of Ray T. Johnson and sundry other citizens of Williams, Iowa, and the petition of C. A. Lisle and sundry other citizens of Iowa, praying for the ratification of reciprocity treaties between the United States and Germany; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Division No. 525, Brotherhood of Locomotive Engineers, of Valley Junction, Iowa; of Sioux Lodge, No. 64, Brotherhood of Locomotive Firemen, of Sioux City, Iowa, and of Potomac Lodge, No. 7, Brotherhood of Locomotive Engineers, of Washington, D. C., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of C. E. Boynton Lodge, No. 138, of Eagle Grove, and Burlington Lodge, No. 26, of Burlington, of the Brotherhood of Railroad Trainmen, in the State of Iowa; of Eagle Grove Division, No. 164, Order of Railway Conductors, of Eagle Grove, Iowa, and of Local Division No. 134, Brotherhood of Locomotive Engineers, of Winslow, Ariz., praying for the passage of the so-called "employers' liability bill" and also

the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of the Detroit Pastors' Union, of Detroit, Mich., praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Union No. 463, Cigar Makers' International Union of America, of Pontiac, Mich., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Crystal Valley, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Bowen Center Grange, No. 219, Patrons of Husbandry, of Michigan, and a petition of Moscow Grange, Patrons of Husbandry, of Mosherville, Mich., praying for the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Marquette, Mich., remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Literary Club of Birmingham, Mich., and a petition of the Woman's Club of Cassopolis, Mich., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of the Michigan State Dental Association, of Detroit, of the Dental Society of Detroit, and of sundry citizens of St. Ignace, all in the State of Michigan, praying for the enactment of legislation to establish a corps of dental surgeons in the Bureau of Medicine and Surgery of the Navy; which were referred to the Committee on Naval Affairs.

He also presented petitions of Holt, Coppens & Co., of Grand Ledge; of the Webster Farmers' Club, of Hamburg; of sundry shippers of hay and grain of Carsonville; of the South Haven and Casco Pomological Society of Michigan; of the Manufacturers' Association of Detroit; of the Kalamazoo Stove Company, of Kalamazoo; of William E. Hill & Co., of Kalamazoo; of the Michigan Bolt and Nut Works, of Detroit; of the MacKinnon Manufacturing Company, of Bay City; of sundry citizens of Merrill; of the directorate of the Board of Trade of Grand Rapids; of the Challenge Refrigerator Company, of Grand Haven; of the Marshall Furnace Company, of Michigan; of the Cappon & Bertach Leather Company, of Holland; of the Detroit Sanitary Supply Company, of Detroit, and of the Besser Manufacturing Company, of Alpena, all in the State of Michigan, praying for the passage of the so-called "Hepburn railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of the Commercial Club of West Duluth, Minn., praying for the passage of the so-called "Hepburn railroad rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented a petition of the Fruit Growers' Association of Anna, Ill., praying for the passage of the so-called "Dolliver railroad rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the West End Woman's Club, of Chicago, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Rochelle, Kings, and Monroe Center, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the board of directors of the Board of Trade of Chicago, Ill., praying for the ratification of international reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Retail Merchants' Association of Peoria, Ill., and a petition of the Triumph Catsup and Pickle Company, of East St. Louis, Ill., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens and drug firms of Chicago, Ill., praying for the adoption of the Hemenway amendment to the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of Local Division No. 74, Order of Railway Conductors, of Decatur; of Local Division, Brotherhood of Railroad Trainmen, of Freeport; of Oak Ridge Lodge, No. 58, Brotherhood of Railroad Trainmen, of Springfield, and of Local Division No. 81, Order of Railway Conductors, of Beardstown, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of sundry citizens of Franklin Falls, N. H., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mount Holyoke College Alumni Association, of Washington, D. C., praying for the enactment of legislation providing compulsory education in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of the State Board of Agriculture of Nebraska, praying for the enactment of legislation providing for the teaching of agriculture in the common schools of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Lodge No. 487, Brotherhood of Railroad Trainmen, of McCook; of Local Lodge No. 134, Brotherhood of Railroad Trainmen, of Grand Island; of Local Division No. 88, Brotherhood of Locomotive Engineers, of North Platte; of Local Division No. 126, Order of Railway Conductors, of Omaha; of Local Division No. 98, Brotherhood of Locomotive Engineers, of Lincoln, and of Local Division No. 427, Order of Railway Conductors, of Alliance, all in the State of Nebraska, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Board of Trade, of Philadelphia, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ELKINS presented memorials of sundry citizens of Kingman, Ariz., remonstrating against the adoption of the Foraker amendment to the so-called "statehood bill;" which were ordered to lie on the table.

He also presented papers to accompany the bill (S. 116) for the relief of Capt. John Bond's company West Virginia Volunteer Militia; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2231) for the relief of the trustees of the Methodist Episcopal Church at Keyser, formerly New Creek, W. Va.; which were referred to the Committee on Claims.

Mr. PENROSE presented a petition of S. B. Neff Lodge, No. 225, Brotherhood of Railroad Trainmen, of Pittsburg, Pa., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3571) granting an increase of pension to Eber Watson;

A bill (H. R. 3250) granting a pension to Harrison White;

A bill (H. R. 2823) granting an increase of pension to Orton D. Ford;

A bill (H. R. 1043) granting an increase of pension to Horace Hounsom; and

A bill (H. R. 1032) granting an increase of pension to Seth Phillips.

Mr. CLARK of Wyoming, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 30) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad, reported it without amendment.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 4310) to set apart certain lands in the State of South Dakota as a public park, to be known as the "Battle Mountain Sanitarium Park," reported it with an amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2877) increasing the penalty for certain offenses in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3921) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Re-

vised Statutes, to certain instructors and student officers at service schools; and

A bill (S. 3918) to authorize commissions to issue in the cases of officers of the Army retired with increased rank.

Mr. TALIAFERRO, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 502) for the relief of James A. Russell, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 2286) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration at Paris and to render judgment thereon, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 2450) for the relief of settlers upon the abandoned Fort Rice Military Reservation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4394) to increase the limit of cost of the post-office and court-house at Evanston, Wyo., reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1653) to prevent Sunday banking in post-offices in the handling of money orders and registered letters, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 4597) for the relief of Mrs. Sarah Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4598) granting an increase of pension to Silas Sebring; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4599) granting an increase of pension to Howell G. Trogdon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4600) providing for an additional circuit judge in the fourth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4601) for the construction of a driveway and approaches to the national cemetery at Raleigh, N. C.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 4602) for the relief of the Methodist Episcopal Church South, at Beaufort, Carteret County, N. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4603) making the Public Library of the District of Columbia a designated depository for Government publications; which was read twice by its title, and referred to the Committee on the Library.

Mr. PLATT introduced a bill (S. 4604) for the relief of the estate of William Van Name, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4605) granting an increase of pension to Stephen W. Pomeroy; and

A bill (S. 4606) granting an increase of pension to Kate Gilmore.

Mr. PENROSE introduced a bill (S. 4607) prescribing offenses against the postal service, amending existing statutes relating to said service, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARKE of Arkansas introduced a bill (S. 4608) granting a pension to George W. Walter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4609) for the relief of George Randolph Rogers;

A bill (S. 4610) to remove the charge of desertion from the military record of Sylvester B. Miller and grant him an honorable discharge (with an accompanying paper); and

A bill (S. 4611) for the relief of John H. Snyder.

Mr. ELKINS introduced a bill (S. 4612) granting a pension to Jesse A. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4613) granting a pension to Margaret Birchfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 4614) to authorize the President to appoint James F. Curley, Harry T. Herring, and Carroll H. Gardner on the retired list of the Army with the rank of second lieutenant; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4615) for the relief of Mrs. Emily R. Martin;

A bill (S. 4616) for the relief of the estate of Mrs. E. J. Matlock, deceased;

A bill (S. 4617) for the relief of William R. Butler;

A bill (S. 4618) for the relief of the estate of John Graham, deceased; and

A bill (S. 4619) for the relief of John E. Pearson (with accompanying papers).

Mr. CLAY introduced a bill (S. 4620) for the relief of the heirs of Thomas J. Williams, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 4621) for the relief of the Baptist Church, Crab Orchard, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4622) granting an increase of pension to Isaiah McDaniel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4623) for the relief of Sarah E. Baxter, executrix of the last will and testament of Warren S. Baxter; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4624) to facilitate the acquisition of rights of way for reservoir sites for irrigation purposes in the arid and semiarid States and Territories; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 4625) for the relief of the heirs of Theodore Dehon; which was read twice by its title, and referred to the Committee on Claims.

INSPECTION OF HULLS AND BOILERS.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels; which was ordered to lie on the table, and be printed.

REORGANIZATION OF PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I ask to have printed as a Senate document a letter from E. B. Stocking, a well-known citizen of the District of Columbia, relative to the matter of the reorganization of the public school system in the District of Columbia.

The VICE-PRESIDENT. The Senator from West Virginia asks that the letter presented by him be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

HEARINGS BEFORE COMMITTEE ON THE JUDICIARY.

Mr. CLARK of Wyoming submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings and proceedings as may be had before such committee, or its subcommittees, in connection with matters pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the bill (S. 88) commonly known as the "pure-food bill."

Mr. MORGAN. After consultation with the Senator who has in charge the pure-food bill and some other Senators, as I deem it necessary to have a very brief executive session, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

PURE-FOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 88) for preventing the manufacture,

sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. Mr. President, I desire this morning to present some resolutions bearing upon the bill. I send to the desk for reading, first, a letter from the chairman of the American Medical Association.

The VICE-PRESIDENT. Without objection, the Secretary will read it.

The Secretary read as follows:

AMERICAN MEDICAL ASSOCIATION,
Cincinnati, Ohio, February 20, 1906.

MY DEAR SIR: The American Medical Association by unanimous petition of the medical profession from each of over 2,000 counties of the United States, reaffirmed by the recent action of its legislative council, respectfully asks you to vote for the "Heyburn pure food and drug bill." Such action on your part will receive the gratitude of over 135,000 physicians of the country.

Very respectfully, CHARLES A. L. REED, *Chairman.*

Hon. WELDON B. HEYBURN,
United States Senate, Washington, D. C.

Mr. HEYBURN. I send to the desk an accompanying document, and ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read it.

The Secretary read as follows:

ACTION OF THE AMERICAN MEDICAL ASSOCIATION ON THE HEYBURN PURE FOOD AND DRUG BILL.

To the Senate and House of Representatives in Congress assembled:

The American Medical Association, through its legislative council in session at Washington, D. C., January 9, 10, and 11, 1906, unanimously adopted the following:

"Your committee appointed to consider legislation for honest foods and pure drugs begs leave to report that it has considered the suggestions of the chairman and has examined in detail the provisions of the Heyburn and Hepburn bills, and finds nothing in these bills, which, in the opinion of the members of the committee, would injuriously affect any legitimate business concerned in the manufacture and sale of foods, liquors, or drugs, and that the bills, or either of them, would afford adequate protection to honest manufacturers of and dealers in such products, and security against imposition, fraud, or danger to the buyer.

"Furthermore, your committee respectfully recommends that the remarks of the chairman, Doctor Reed, be considered and transmitted to Congress as a part of this report."

REMARKS OF THE CHAIRMAN, DR. CHARLES A. L. REED, RELATIVE TO THE PURE FOOD AND DRUG BILL.

After reviewing the previous history of the Heyburn pure food and drug bill, and calling attention to the fact that it had been made the subject of a general referendum to the medical profession, with the result that over 2,000 petitions from as many counties in the United States had been received and forwarded to Congress, the chairman, Doctor Reed, added:

"It is probably unnecessary for you again to make it—the Heyburn pure food and drug bill—the subject of a general referendum, as the petitions and correspondence previously sent to Senator HEYBURN are being utilized before the present Congress. It is important, however, that the medical profession, and, for that matter, the public should be informed of the character of the opposition which was aroused by the measure before the last Congress. This opposition was active, insistent, persistent, and, judging from the results, as well as from its boasts, was effective. An analysis of the proceedings in committee shows that the antagonism was derived from the manufacturers of blended and otherwise adulterated liquors, from the fabricators of foodless foods, from importers of foods and medicines so worthless as to be denied a market in Europe where they are made, from the makers and purveyors of worthless, dangerous and enslaving drugs—interests which, in the aggregate, and judged by the character of their business, can not go clean-handed into any court of justice or command an honest footing before any legislative committee or legislative body in the country.

"The interest of the medical profession in this measure is aroused from the special and intimate knowledge possessed by physicians of the influence of impure food on the public health, but more particularly of the disastrous results arising not only from the widespread consumption of mere nostrums, but from the dispensing of medicines, many of which fall below the pharmaceutical standard. As a matter of fact, while the Pharmacopœia assumes to establish a certain standard of drugs there is at present no national law, nor, so far as I am informed, any State law to enforce that standard. As a consequence, manufacturing establishments, some of them enjoying a high grade of commercial respectability, openly acknowledge that they manufacture pharmaceutical preparations of varying degrees of purity. They plead, in extenuation, that this is to meet the demands of the market. The better druggists—those enjoying a high-class trade—are presumed to dispense the purest of the preparations. Those located in middle-class localities take the second grade, while the lowest, or third grade, is sold to public health departments, hospitals, eleemosynary institutions, and country drug stores, but more especially to the country practitioners who dispense their own medicines. That there should be any but one grade, and that the highest grade of pharmaceutical preparations, is an idea so repugnant to every sense of honesty, decency, and common humanity that the present situation becomes revolting. If, then, we go a step further and consider that class of copyrighted preparations that are dispensed by physicians—the so-called "professional proprietaries"—we discover that the trade interests are absolutely without other restraint than that which is presumed to come from the effects, assumed or demonstrated, of such medicaments on the patients to whom they are administered. In this class of remedies there is not even theoretically a pharmaceutical standard, save as it applies to the ingredients of compounds, and there is now no law that will hold the manufacturers of such remedies to the standard which they assume to establish for themselves.

"To meet this condition the American Medical Association has established a council on pharmacy and chemistry, which is doing voluntarily, in a purely advisory way, what ought to be done by the National Government—namely, analyzing and testing these preparations for the purpose of advising the medical profession, and, for that matter, the public, of their true character. It is obvious, however, that this movement, salutary as it is, can not be sufficiently far-reaching to keep our interstate commerce from being loaded down with preparations, many of which are essentially fraudulent in character. Under these circumstances, I feel that it is important that the council reaffirm its previous action, and by such means as it may select to express its high appreciation of the service which has already been rendered by Senator HEYBURN, chairman of the Senate Committee on Manufactures, and by Mr. HEPBURN, chairman of the House Committee on Interstate and Foreign Commerce, in endeavoring to secure the passage of these salutary laws."

C. S. BACON, *Secretary.*

Mr. HEYBURN. I desire to send to the desk a resolution to be read.

The VICE-PRESIDENT. The Secretary will read it, without objection.

The Secretary read as follows:

Resolutions of the New York Young Friends' Association relative to the Heyburn pure-food bill.

To the honorable Senators from the State of New York—Messrs. CHAUNCEY M. DEPEW and THOMAS C. PLATT.

GENTLEMEN: As secretary of the New York Friends' Association, I am directed to forward to you copies of the following resolutions, viz:

Whereas the prosperity and happiness of a nation depends largely upon the health of the people, and the health of the people is vitally dependent upon the purity of the food products and medicinal agents: Therefore, be it

Resolved, That we, the members of the Young Friends' Association of New York and Brooklyn, assembled in regular meeting on the 11th day of the second month, 1906, do earnestly advocate the passage of the bill known as the "Heyburn pure-food bill," which is now before the United States Senate; and be it further

Resolved, That we urge the Senators from this State to use their influence in every way to secure the passage of this bill; and it is further

Resolved, That copies of this resolution be forwarded to Senator DEPEW, Senator PLATT, and Senator HEYBURN.

Dated New York, February 11, 1906.

Respectfully,

PERCY RUSSELL, D. D. S., *President.*
HENRY M. HAVILAND, *Secretary.*

Mr. PENROSE rose.

Mr. HEYBURN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, there seems to be some misapprehension, or at least I am laboring under a misapprehension, regarding the status of the two amendments offered by the Senator from Ohio [Mr. FORAKER] day before yesterday. I desire to have the matter clearly defined before the Senate as to the status of those amendments relative to the blended-whisky question. I understand the junior Senator from North Dakota [Mr. MCCUMBER] offered an amendment, which was accepted by the Senator from Ohio [Mr. FORAKER], and there was some suggestion made at the time that the amendments offered by the Senator from Ohio should be withdrawn. I hope that is not the case, as I am informed that the amendment suggested as a compromise does not meet the requirements of the situation, and in order to have the purposes carried out of those who object to the bill in its present form it is necessary to adhere to the original amendments of the Senator from Ohio and endeavor to have them inserted in the bill.

Mr. FORAKER. Mr. President, I will have in a moment what was said on that subject by looking at the RECORD. Another Senator will find it for me. My recollection is that I offered the amendment which appears in the reprint of the bill on page 11, to strike out in line 8 the word "added;" and to strike out lines 13, 14, and 15, as indicated, and to insert what follows in caps, printed in lines 15, 16, 17, and 18.

It was suggested to me during the progress of the discussion that the purpose of the amendments I had offered would be better accomplished by striking out the word "goods" after the word "proprietary" in line 25, on page 10 of the bill, and inserting thereafter "foods, drugs, or liquors," so as to read "proprietary foods, drugs, or liquors," the purpose of the amendment being to make it unnecessary to put the formula by which these liquors were blended or mixed on the label.

At the time that suggestion was made I supposed that amendment would accomplish the purpose I had in view, and I was about to ask that it be accepted, when some Senator, perhaps the Senator from Mississippi [Mr. MONEY], interrupted to say that he understood we had an agreement that no amendments should be voted upon at that time, and upon that suggestion it went over, I making the remark, if I recollect correctly, that it might lie on the table, and I would not withdraw the other amendment until this amendment should be disposed of. Now I am shown by the Senator from North Dakota [Mr. MCCUMBER] the RECORD, which will inform us exactly what did occur. The Senator from Mississippi [Mr. MONEY] interrupted and said:

I understood that there would be no vote to-day on any of the amendments.

Mr. FORAKER. No.

Mr. MONEY. Does the Senator want a vote on his amendment now?

Mr. FORAKER. I offer the amendment now to have it voted on when it is reached, if there be any objection.

Mr. MONEY. Very well.

Mr. FORAKER. Then I will let the other amendment stand.

* * * * * * *

Mr. FORAKER. Let the amendment be printed and lie on the table until it is voted on.

The PRESIDING OFFICER. Without objection, such will be the order of the Senate.

Mr. MONEY and Mr. TILLMAN addressed the Chair.

That, I believe, is all; at least it is all that it is indicated was said at that time pertinent to the Senator's inquiry, and that expresses the status of these amendments better than I could.

Mr. PENROSE. Then I am correct in my understanding that the Senate will have an opportunity of voting upon the two amendments of the Senator from Ohio?

Mr. HOPKINS. There is no objection on the part of the committee to those amendments, is there?

Mr. FORAKER. I do not know whether they object to either or both, or how it is. If the Senator will allow me, I will not trespass on his time unduly, but I wish to say that at the time when I offered that amendment I had never seen anyone who could give me information in regard to the matter, and I had no information except what was imparted by the letters which I read, some of which I put in the RECORD. Since then a gentleman claiming to represent these people, an attorney, called my attention to the character of the amendment, and I do not know but what he is right that the word "vatted," which excited so much comment the other day, ought to be included. But whether it should be or not, I think the other amendment is perhaps the only safe one to be employed to prevent the printing of the formula on the label. In that event, if it should be adopted, I would not ask that the other be.

Mr. PENROSE. I should like to know definitely, Mr. President, whether the two amendments offered by the Senator from Ohio will be voted upon by the Senate at the proper time, because, if they have been withdrawn or are not before the Senate I desire to renew them.

Mr. FORAKER. I will offer the original amendment in view of what was said to me unless the Senator will do that. I do not care to offer two amendments on the subject. I offered the second one only upon the theory that it was the equivalent in making it unnecessary to print the formula on the label.

Mr. LODGE. May I ask the Senator a question? By withdrawing his second amendment, does he mean by his amendment to strike out the word "added?"

Mr. FORAKER. That was included in the first. The information I have with respect to that is of such character that I think the word "added" ought to be stricken out as a matter of fact.

Mr. LODGE. Certainly it ought.

Mr. FORAKER. I think it should be stricken out, and upon this theory, that no whisky should be sold that has any fusel oil in it beyond that which the Pharmacopœia states is in it when it is suitable to be sold for consumption.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. Certainly.

Mr. TILLMAN. I understood the Senator from Ohio to state that no whisky sold contains fusel oil.

Mr. FORAKER. No; I did not say that. I say I think that no whisky should be sold for consumption that has fusel oil in it beyond the mere trace which I understand the Pharmacopœia says there shall be after it is ready for consumption, after whisky is properly aged and the fusel oil has passed out of it.

Mr. TILLMAN. In regard to the proposed amendment, striking out the word "added," which the Senator says ought to go out, I tried to convince the few who listened to me the other day that if you strike out that word "added" it will open the door wide for the most outrageous adulteration.

I think I can make it very clear to anyone who will pay attention why the word "added" should remain. As I stated, then, the basis of all common whiskies, blended whiskies, and rectified whiskies that are sold in the market is spirits or alcohol. There are two types of alcohol on the market—one cologne spirits, out of which all fusel oil has been taken, and the other is alcohol as it comes from the still with the fusel oil in it. The latter form is used largely in the manufacture of medicines, in chemistry, for fuel, and that kind of thing, when, of course, it is not necessary to extract the fusel oil from it. But if anyone wants to get a harmless alcoholic drink with this poisonous substance—fusel oil—out of it, he must buy deodorized alcohol or cologne spirits, which cost 6 or 8 cents more per gallon than crude alcohol.

If you do not leave the word "added" in the provision in regard to liquors or whiskies so called, you simply leave the door wide open for the rectifier or the manufacturer of common grades of liquor that are sold on the market to take the crude alcohol with the fusel oil in it, add coloring matter, add flavor by means of essential oils, and add anything else that he sees fit—beading oil for one thing, as I instanced the other day—which are all adulterations and all more or less injurious. The rectifier, therefore, adulterates the whisky to make it meaner than it would be with the fusel oil alone in it. The fusel oil being poisonous itself, and therefore very unhealthy, they disguise it, make it palatable, and bamboozle the purchaser into buying it by adding other ingredients which disguise it. In other words, they color it in the first place, then beading oil is added, by which they make it have the appearance of whisky, when it is known that alcohol of no kind will bead; in other words, there will be no bubble when it is poured from one glass to another, whereas any good whisky will always have a bead.

Therefore these adulterants of beading oil and of coloring matter of various kinds—logwood dyes, aniline dyes, tobacco, burnt caramel, prune juice, and I do not know what else—are adulterants which can be added if you strike this word "added" out.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With great pleasure. I may not be making myself clearly understood.

Mr. LODGE. "An article shall be deemed adulterated if it contain any ingredient of a poisonous or deleterious character." That is the provision, and it applies to any poisonous ingredient, whether added or whether there before.

Mr. TILLMAN. No.

Mr. LODGE. Why would not the provision be just as sweeping and complete without that word?

Mr. TILLMAN. For the simple reason that that is provided for somewhere else in the bill, I presume. Certainly it will not be disputed that the basis of these cheap whiskies is spirits. If you simply say, "any ingredient of a poisonous or deleterious character," you will just simply stop the whole manufacture of common whisky. If you say that fusel oil is not an added ingredient, and if you do not permit the punishment to attach when they are allowed to add these other things, how are you going to detect it?

Mr. LODGE. The punishment does attach, whether it is added or not. Why does not the penalty apply if it is there in any form, whether added or not?

Mr. TILLMAN. It may not be so easy to prove that a coloring matter is poisonous, and it might not be so easy to prove that beading oil is poisonous, because the quantity would be so small that probably the chemist would not be able to detect it.

Mr. LODGE. There is a great deal more fusel oil found in the analysis of whisky before it is blended than afterwards. As I understand it, the effect of this word "added" is for the direct benefit of what are known, I suppose, as the straight whiskies—whiskies in bond—and the effect of it is to put out of business all the blenders and rectifiers.

Mr. TILLMAN. It may put out of business the dirty blenders and rectifiers——

Mr. LODGE. No.

Mr. TILLMAN. The low type, the more greedy, who are absolutely indifferent to money-making.

Mr. LODGE. No; I do not mean that it will affect them, but it will allow the original maker to produce a poisonous and deleterious character of liquor.

Mr. TILLMAN. No, I do not think that, for the reason that the blended liquors, the fine blended whiskies, are manufactured from cologne spirits, the very purest form of alcohol that can be made; and old two-stamp whisky or straight whisky from the Government warehouses, that has been aged and has obtained enough of aroma and flavor to add, say, 10 gallons to 50 gallons of cologne spirits, makes a fine whisky. Then you add some coloring matter, caramel and one thing or another, to give it smoothness and a little sweetness, so that it will not be so biting; and in that way you get your fine goods. If you want pure whisky, you will never get a colored whisky unless it is taken from the charred barrels.

Mr. LODGE. It seems to me that without the word "added," the provision covers all forms of whisky, and with the word "added" it covers only the blended or rectified whiskies. It is not to be supposed that there are no bad whiskies with poisonous ingredients among those which have been blended or rectified, as there are probably cheap and bad whiskies which have not been blended, what are called "straight whiskies," I believe. Is not that the case?

Mr. TILLMAN. No doubt there are all kinds of whiskies, according to the skill of the distiller; but so far as I have been able to discover, it is considered that the ordinary type of moonshiner, or small manufacturer, who never makes more than two and a half or three gallons from a bushel of grain,

makes the finest whisky, because of his not extracting all the alcohol, and, therefore, not all the fusel oil; and his whisky is the best in the world; but the man who by the use of steam and chemical processes extracts every particle of alcohol in the grain, will get from four and a half to five gallons of alcohol from a bushel of grain. But that is not at all considered by those who drink whisky, and who think it the best article of whisky. The word "added"——

Mr. LODGE. I suppose the word "added" narrows the application of the provisions of the bill.

Mr. TILLMAN. The word "added" broadens the application of the bill, so as not only to prohibit the sale of whiskies containing poisonous or deleterious ingredients naturally, but also those that may be added to adulterate it. It narrows the provision to strike out the word "added," and very materially reduces the chances to punish these adulterators.

Mr. LODGE. That is just the point I can not understand.

Mr. TILLMAN. I have tried to show the Senator that if you strike out the word "added," you leave the door wide open to these people to put beading oil and coloring matter into the liquor.

Mr. LODGE. Why?

Mr. TILLMAN. Because they are added ingredients.

Mr. LODGE. No. They are simply ingredients, and it does not make any difference whether added or not, they come within the law.

Mr. TILLMAN. But in the ingredients from which the whisky is made there are poisonous or deleterious substances without a particle of addition—that is, when they are new.

Mr. LODGE. Certainly.

Mr. TILLMAN. That takes time.

Mr. LODGE. But these are all excluded if you leave the word "added" in.

Mr. TILLMAN. I still contend that the word "added" broadens the scope of the punitive feature and puts men within the purview of the law to be punished who would be left out and left loose if you do not have that word in.

Mr. LODGE. But without the word "added," it seems to me the provision is better.

Mr. TILLMAN. But it is so broad that you could not catch anybody under it, and it may be construed to stop the sale of new whisky altogether.

Mr. HEYBURN. Mr. President, I should like to direct the Senator's attention to the fact that this is merely a definition of the word. The word "adulterate" means to degrade; to lessen the character of the thing by mixing with it something of a lesser value of a degraded character.

Now, this is not a prohibitive section of this statute. It is merely a definition. It says that the mingling of an added poison with the thing itself would constitute an adulteration of it. Well, it probably would, in any event, and the courts probably would hold that to take an article that was, as whisky is when it is distilled, in its natural condition as it comes from the still and mix anything with it that was of a character that would degrade it or would lessen its value, that would be to adulterate it. But this bill, in order to make that certain in describing what shall constitute the adulteration of these articles, whether it be foods, drugs, or liquors, says that in the case of liquors the article shall be deemed adulterated if it contain any added ingredient of poison. In other words, if you add to the venom of the article itself for destructive purposes, or the capacity of it to injure those who use it. That is the object of introducing the word "added," because there are many legitimate substances in commerce that contain in their natural condition certain percentages of deleterious substances, poisonous in whole or in part, and this is intended simply to provide that if you add to those substances, no matter what the degree of deleteriousness may be, you have degraded the article to the extent that you have added other poisonous substances to it. That is what it means. It is merely a definition. Other portions of the bill deal with the subject, so far as prohibition in commerce of these articles is concerned or punishment for engaging in it; but to strike out the word "added" here would be an admission that if a thing contains 5 per cent poison, it would be no offense to add another 5 per cent to it and make it that much more dangerous.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. PENROSE. It may be that I am somewhat stupid on this matter, but I can not see how striking out the word "added" narrows this paragraph, and how, on the contrary, it does not greatly broaden it. I should like to ask the Senator if the word "added" is retained, how the phraseology of that section can be made to apply to what is known as "straight whisky," which contains a larger amount of fusel oil, say, for instance, than is permitted by the standard Pharmacopœia, which, I believe, only permits a trace. Is there anything in the wording of the bill so long as the word "added" is in it which would reach whisky containing a poisonous amount of fusel oil? It seems to me that the mere presence of the word "added" there looks like an effort to strike down blended whisky and permit all the poisonous straight whisky in the country to be sold all over the land.

Mr. HEYBURN. Mr. President, I will instance a point. Cologne spirits, as has been said by the Senator from South Carolina [Mr. TILLMAN], contain no fusel oil. The high grade of blended spirits is made with cologne spirits as a base. The word "added" would, through its application, prohibit the adding of fusel oil to that whisky for any purpose whatever if it had been made upon the base of cologne spirits, which contains none.

Mr. PENROSE. But how would it reach the case of straight whisky in which the fusel oil was inherent and had not been eliminated by age, or the various processes by which it is eliminated, into a mere trace, which is the largest amount of fusel oil permitted in the Pharmacopœia? How would this amendment reach that case where fusel oil has not been added, but is inherent in the whisky?

Mr. HEYBURN. It does not reach it at all, but there are other provisions in this bill that do.

Mr. PENROSE. Will the Senator point out to me—now I am getting down to what I am after—what part of this bill will reach that case?

Mr. HEYBURN. The provision that prohibits the sale or commerce in any article that is deleterious to human health.

Mr. PENROSE. In other words, the straight-whisky people are taken in under the general dragnet clause—which I do not suppose can have any practical effect—whereas the blended-whisky people are singled out to be punished and have their goods discriminated against and prejudiced in the public mind.

Mr. HEYBURN. Not unless the blended-whisky men desire to add fusel oil to their product, and that they should not be permitted to do.

Mr. PENROSE. I will ask the Senator whether he has any objection to specifically having a provision inserted here applicable to the straight-whisky product which has fusel oil in it?

Mr. HEYBURN. What kind of a provision, I would ask the Senator?

Mr. PENROSE. That all straight whisky shall be of the standard established in the American Pharmacopœia.

Mr. HEYBURN. As I said yesterday in discussing the amendment proposed by another Senator, that would be to enter upon the fixing of standards. The Pharmacopœia is made the standard for determining the purity of all drugs and of all whisky used in connection with drugs by an express provision of this bill. It would be utterly impracticable for us in legislating upon this subject to attempt to settle the controversy that has existed, and perhaps always will exist, between what is known as the "manufacturers of straight whisky" and the "concoctors of blended and rectified whiskies." The committee tried to avoid that controversy. It is no part of our duty in legislating upon this question to settle these controversies any more than it would be to settle the question as to the superiority of any other article of food or commerce.

These contending schools of distillers, or, rather, the distillers and those who take the product of the still and change it into something else, have always existed, and they probably always will, but I had hoped that their contentions would not be brought into the Senate in the discussion of this bill.

The word "added" has nothing to do with that question, unless the rectifiers or blenders confess that they desire to add fusel oil to their blended whiskies, because when whisky is blended it contains none, if it is a genuine blend based upon cologne spirits. If it is not, then it is a fraud, and this bill is directed against frauds. That is what it is for; and if anyone complains that it interferes with his fraudulent business he complains against the legislation and the purpose for which it is proposed generally. We have no reply to make to that, except to say that we are here to legislate against that class of business.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. I wish simply to address a remark to the Senator from Pennsylvania. It may be that he takes a little different view of the object of this particular section, but I think the Senator's own argument answers the query he made of the Senator from Idaho.

I understand that there is no rectifying of these liquors to such an extent but what there may be some trace of fusel oil left, and if there is any trace of it left it is poisonous. We did not wish to brand these goods as fraudulent simply because they may contain some trace of what any chemist might say is poisonous. That is true of beer. I believe that we manufacture in this country the purest beers that are manufactured upon the face of the earth; and the fact that the brewers' associations are all in favor of this pure-food bill evidences the fact that they are satisfied that they manufacture a pure article; but some chemist may say that in some of the articles used, in the barley that is used, there is something that is poisonous—fusel oil or something of that character in the barley itself, or some trace of it. They might find something in the hops that is poisonous, and if there should be a trace of it, they might, when the case comes up before a court, say that the law provides against liquors containing any poison.

I myself believe that every character of intoxicating liquors contains poison to some extent, and that it is impossible to entirely eradicate that poison from the liquor itself. Therefore it was intended in this provision to protect those people who made as pure an article as they could make against any assumption that a mere trace of poison could put a ban upon their product; and accordingly it was necessary that there should be something "added" other than that which is inherent and must to a certain extent be inherent in the liquor itself. Taking that view of it, it seems to me that the word "added" is necessary to protect the honest producer or manufacturer of these liquors, and that object will not be accomplished if you strike out the word "added," so that it will read:

In the case of liquors, an article shall be deemed adulterated if it contain any ingredient of a poisonous or deleterious character.

Think of that! Liquors shall be deemed adulterated if they contain any ingredient of a deleterious character, as well as of a poisonous character. All liquor is deleterious. I think there will be a general consensus of opinion in that, especially if used in excessive quantities. And yet you will allow a court to convict a dealer by merely finding that the liquor, apparently purified as well as it could be, was still deleterious. Under this provision the deleterious or poisonous ingredient must be something that is added. What is it intended to reach? The fusel oils that are injected into it, the poisonous coloring matters that go into it, such as coal-tar dyes and other poisonous and deleterious articles that are used by the manufacturers, as I understand.

We thought, Mr. President, that we were protecting in this bill the producer of the pure straight whisky, and it seems to me, when you take away that word "added," you are taking away the only protection that they have.

Mr. PENROSE. The Senator has very candidly said——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. PENROSE. The Senator has been very candid in that last statement. This bill is calculated to protect the producer of what is known as "straight whisky," and to drive out of business or injure the business of the manufacturer of what is known as "the blended product." Whether intentionally or not, he has disclosed what is either the deliberate purpose or the practical effect of the wording of this bill. In other words, the committee reports this bill and endeavors to defend the proposition that fusel oil when added is injurious, but when inherent in the straight whisky, even if it be in much greater quantities, it shall pass uncriticised, unexamined, and unpunished, and be permitted to be sold all over the country, except in so far as it may run counter to the blanket provision existing somewhere in this measure.

Mr. HEYBURN. I should like to call the Senator's attention to the fact that the word "added" is not directed alone to fusel oil; it is directed against a large number of ingredients that are used in violation of common honesty in the concoction of mixtures called "whisky" by the vatting process.

Mr. PENROSE. Can not those impurities be reached under the words "if it contain any ingredient of a poisonous nature," without the word "added?" If those blended whiskies "contain" these impurities, that would be sufficient without having the word "added." The word "contain" would be adequate. Then you would reach the straight whisky and the blended whisky; but the word "added" is specifically directed against the manufacturer of the blended article. I ask the Senator whether the word "contain" alone would not reach the added impurities as well as the inherent impurities?

Mr. HEYBURN. I reply to that in this way, that an analysis of nearly every class or character of what is termed "liquor"—and I include wines and beers—will show the presence of some organic poison. An analysis of nearly all of them, in their natural condition, will show the presence of poison, whether it comes from the grain from which the product is manufactured or from the fruit or the grapes, or whatever it may be. Upon analysis some part of those products—the rind, the flesh, the seeds, or some part of it—will show the presence of poison; like the pit of the peach, like the seed of a grape, for instance. That poison belongs there; nature puts it there, and we can not undertake to compel the manufacturer of any product from those original substances to extract nature's deposit of poison. We have to tolerate that, because every day in the year we consume more or less of nature's admixture of ingredients that if extracted would be poisonous, but if remaining in the association that nature has provided are not poisonous.

There are a great many poisons contained in foods in their natural condition that if extracted and taken alone would destroy life, but if taken in connection with nature's organization are harmless. Those foods are well known. Take grain. The hull of the wheat or barley results upon fermentation in the production of fusel oil. It is nature's composition. It is not a healthful thing to take into the human system, and if you were to extract the quantity of fusel oil contained in the quantity of liquor which a man might safely consume and allow him to take it as an independent product it would kill him, because its character is changed and envenomed by a separation from the combination that nature placed it in.

This bill, in using the word "added," in line 8, page 11, was intended to go no further in the threat against the health of human beings than was absolutely necessary under the law of nature in the consumption of nature's products. That is the principle upon which the word "added" is used.

A rectifier of whisky may be either a comparatively innocent person or a very vicious and dangerous person, because the word "rectify" means anything. You may give it any meaning or any limitation that you want. It may consist simply in taking whisky and coloring it or sweetening it in a harmless way. That would be rectifying within the meaning of the word. Or you may take whisky and you may add tobacco juice to it, you may add fusel oil to it, you may add coal-tar dyes to it, and you are still rectifying it. The question is, Where are you going to stop? It is intended here that the rectifier shall be kept within the limits prescribed in this definition and in the paragraph following—to say how far he may go in adding other substances to nature's comparatively harmless substances—if whisky is a harmless substance.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Yes.

Mr. SPOONER. There is a standard in this bill for drugs. Is there any standard in this bill for whisky?

Mr. HEYBURN. There is a standard in this bill for whisky when used in connection with drugs.

Mr. SPOONER. That is a part of the standard; that enters into the Pharmacopœia standard.

Mr. HEYBURN. Yes, sir.

Mr. SPOONER. But I am talking about whisky for potable purposes.

Mr. HEYBURN. No.

Mr. SPOONER. Is there any whisky of which it can be said that it does not contain ingredients of a deleterious character? New whisky contains more fusel oil than does old whisky. In the old whisky it is transformed into ether, I believe. But either is deleterious. Is not this clause practically a prohibition? In other words, what I want to get at is whether standards are not absolutely necessary somewhere to the understanding and administration of this bill when enacted into law?

Mr. HEYBURN. I will answer the question. Standards would be necessary if whisky were a new product which was just being introduced into commerce and into use and we were unfamiliar with it and its effects. But whisky has obtained, through the long years of its use by individuals and its place in commerce, a recognized standard. The process of making whisky is one that has become recognized within fixed lines and limits. A certain quantity of grain and a certain process produce whisky of a commercial standard, and the courts have been engaged for the last fifty years, since we have had revenue laws, in determining what constituted a standard of pure whisky, and it has been reduced to a legal certainty. Whisky that is dropped from the still in a natural condition, has gone through a certain process, etc., the courts have held is whisky, and pure whisky.

Mr. SPOONER. If there be a standard, why strike out the word "added?"

Mr. HEYBURN. The word "added" it is intended shall remain.

Mr. McCUMBER. We do not want to strike it out.

Mr. HEYBURN. We do not want to strike it out. We are opposing its being stricken out.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I wanted the Senator from Idaho to yield to me for the purpose of asking both the Senator from Wisconsin and the Senator from Pennsylvania whether it is necessary for the blender of whisky to have permission to add a poisonous or deleterious substance? Does the blender depend upon that; and is it necessary to exclude from the bill a provision that he can not add a poisonous or deleterious substance?

Mr. SPOONER. I know nothing about the blending of whisky. The Senator does not want to strike out the word "added," and I am very greatly in doubt whether it should be stricken out. I am not antagonizing at all the position of the Senator. But added to what? That implies that there is a recognized standard.

Mr. HEYBURN. Added to the liquor. I have just stated that it has been determined through long years of experience what constitutes liquor. The courts have determined that wine is a product, uncontaminated, extracted by a certain process. The courts, in the interpretation of our revenue laws, have defined whisky as being the distillation from certain grains uncontaminated or unadulterated by any other process or substance.

Mr. SPOONER. Is there not a standard of whisky in the Pharmacopœia?

Mr. HEYBURN. There is a standard in the revenue laws.

Mr. SPOONER. Why not refer to some standard?

Mr. HEYBURN. We do not need to refer to existing conditions. The courts will take cognizance of them.

Mr. TILLMAN. I wish to call the attention of the Senator to the fact that this paragraph, beginning on page 11, line 11, does not say "whisky." It says "liquors," and "liquors" embraces almost anything you drink having any alcohol in it.

Mr. HEYBURN. I have just called the attention of the Senator from Wisconsin to it. It covers all liquors.

Mr. TILLMAN. The Senator undertook to say that there was a distinct characterization, settled by long series of decisions of the courts, as to what constitutes whisky, and then he turns around and says liquor is whisky. Whisky is liquor, but all liquors are not necessarily whisky.

Mr. HEYBURN. The Senator misunderstood me. I said that liquors included wine, beer, whisky, and all drinks of that kind. I particularly said so in reply to the suggestion of the Senator from Wisconsin.

Mr. McCUMBER. I think the Senator from Wisconsin catches the point as to striking out the word "added." If that word is stricken out, it is equivalent to a prohibition of the sale of any liquors.

Mr. SPOONER. So it looks to me.

Mr. McCUMBER. That is exactly what it means, because there is no court on the face of the earth that would not hold that liquor is deleterious in itself. Therefore we put in the word. It applies simply to added deleterious substances.

Mr. SPOONER. So it seemed to me, but when the word "added" is used, naturally the question arose in my mind, Added to what?

Mr. HEYBURN. To the liquor. The first words are "in the case of liquors."

Mr. McCUMBER. While there may not be a standard, for instance, there may be less alcohol in corn whisky than in rye whisky. There may be a difference. I do not pretend to know. But I do not think there is any settled standard except it must be the pure product, as stated by the Senator from Idaho.

Mr. SPOONER. I can understand how the word "added" works out easily as to a single article—something not inherent in the thing itself being added to it. There is a standard which is erected by nature, and it is easily susceptible of right construction and administration.

Mr. BACON. I wish to suggest to Senators that if they would not get so close together in a group others in the Chamber would get the benefit of the debate.

Mr. SPOONER. I assure the Senator he is losing nothing, so far as I am concerned.

Mr. BACON. What did the Senator remark?

Mr. SPOONER. The Senator is losing nothing.

Mr. BACON. I will not take that for granted.

Mr. McCUMBER. Does the Senator from Wisconsin construe this as meaning added to anything not inherent in the article?

Mr. SPOONER. I do not know. This covers the whole range of liquors. It covers whisky. It covers everything the courts have held to be intoxicating drinks, I suppose.

Mr. McCUMBER. It now reads in this way:

> In the case of liquors an article shall be deemed adulterated if it contain any ingredient of a poisonous or deleterious character.

Suppose we add:

> Not inherent in the article itself.

Does that improve it?

Mr. SPOONER. In the case of drugs——

Mr. HEYBURN. This is confined to liquors.

Mr. SPOONER. Very well. That is better.

Mr. McCUMBER. A drug is a compound.

Mr. SPOONER. You used the word "added" there.

Mr. HEYBURN. I wish the Senator from Wisconsin would call my attention to any point where we have used the word "added" in reference to drugs.

Mr. SPOONER. I will. I do not know whether the amendment suggested by the Senator from North Dakota will be right or not.

Mr. McCUMBER. I gave it the same construction without those words as with them—that it relates to a thing that is not inherent in the product itself.

Mr. FORAKER. Does not the Pharmacopœia fix a standard for whisky——

Mr. GALLINGER. It does.

Mr. FORAKER. As to the amount of fusel oil that may be in it without being deleterious? I was going to suggest that if it did, why would it not cure the trouble to say "added to the standard prescribed by the Pharmacopœia?"

Mr. HEYBURN. The reason is that in our revenue laws we have a different standard.

Mr. FORAKER. I accept the amendment.

Mr. HEYBURN. The grade of whisky is different when it goes into bond from what it is when it comes out of bond.

Mr. SPOONER. It seems that we have one standard established by custom and acknowledged by this bill, and that there are different standards for whisky. Now, "added" to which?

Mr. HEYBURN. To any standard.

Mr. SPOONER. Oh, that will not do.

Mr. HEYBURN. For instance, whisky one year old has one standard, and if you add to that whisky you make it more vicious. Whisky seven years old has a higher standard, and if you add to that you make it more vicious. It is intended that each of these standards shall retain its status; that it shall not be tampered with.

Mr. SPOONER. Are these standards arranged with reference to the age of the whisky?

Mr. HEYBURN. The Pharmacopœia deals with whisky as a medicine. The revenue laws deal with it as a beverage.

Mr. SPOONER. Do the revenue laws deal with whisky with reference to its age?

Mr. HEYBURN. Yes. The bonded-warehouse provision will enlighten us upon that question.

Mr. SPOONER. Why not refer to that standard in this section?

Mr. HEYBURN. It is a law. We do not need, in passing bills, to refer to or reenact previous laws. They are fixed standards. We take notice of them in legislating.

Mr. SPOONER. If I may be permitted, the Senator refers in the bill to the Pharmacopœia.

Mr. HEYBURN. Only in connection with drugs.

Mr. SPOONER. In connection with drugs and liquors.

Mr. HEYBURN. I should like to have the Senator call my attention——

Mr. SPOONER. I think so.

Mr. HEYBURN. To any place where we refer to it in connection with liquors.

Mr. SPOONER. Perhaps I am mistaken about that.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. It seems to me that with the word "added" in there the difficulty is this: The liquor could be filled with any amount of poisonous substances if it is in the original manufacture, and you can not get at it, because the substance has to be "added" in order to come within the condemnation of this proposed law.

Mr. HEYBURN. That comes under another provision.

Mr. LODGE. It seems to me the language proposed by the

Senator from North Dakota just now is very much better. I think as it is now it is a very risky arrangement of words, a very dangerous one, and may lead to some of the abuses which this bill, it is hoped, will destroy.

Mr. SPOONER. Certainly; the words suggested by the Senator from North Dakota are better if there is a standard. I was not aware that there is a standard.

Mr. ALLISON. Mr. President, may I say a word? I think the revenue standard is a bare standard of alcohol. It does not include anything else.

Mr. LODGE. The mere question of proof.

Mr. ALLISON. The mere question of proof. It provides that alcohol at 200 proof, or whatever it may be, is pure alcohol. Then comes distilled spirits, which run lower in proof, and the tax is paid on the basis of pure alcohol, but according to the proof strength of the particular article. That I understand to be the standard of the revenue laws, and no other.

Mr. HEYBURN. They have to attain a certain degree of purity before they are taken out of bond. That carries with it the result of nature's action on those liquors when they are kept in wood.

Mr. ALLISON. Undoubtedly allowance is made for evaporation, etc., during the years the liquor is in bond, but it is not touched in any way. It is impossible to put into the whisky in a bonded warehouse any added substance, poisonous or otherwise.

Mr. HEYBURN. You do not have to touch whisky to get rid of the fusel oil. Nature will get rid of it under certain circumstances.

Mr. ALLISON. So I understand; and that is done in the bonded warehouse by means of the ordinary operation of light, heat, etc. The only standard I know of in the internal-revenue law is a standard as respects the alcoholic contents.

Mr. HEYBURN. Yes; but it carries with it as a necessary sequence the other proposition.

Mr. ALLISON. Yes; what nature does during the time the whisky is in the bonded warehouse in wood.

Mr. HEYBURN. The aging process.

Mr. ALLISON. But there is nothing added.

Mr. HEYBURN. There are various processes.

Mr. ALLISON. There is nothing added in the warehouse.

Mr. HEYBURN. I should like to inquire on what ground any Senator will contend for the right of anybody to add a poisonous or deleterious substance to anything—from a barrel of apples up to a barrel of whisky. On what ground is it contended that he has such a right?

Mr. SPOONER. I do not know of anybody who does so contend.

Mr. HEYBURN. Then what objection can there be to saying that it can not be done?

Mr. SPOONER. I am not objecting to it.

Mr. LODGE. My objection is that the Senator allows a man to put it in the original manufacture, and punishes the man who adds it. I want to reach them both.

Mr. HEYBURN. The Senator does not correctly state the proposition when he says the bill—I suppose he means "the bill" when he says "the Senator"—allows a man to put it in. It does not. If nature has placed it there, it is one thing. But he shall go no further than nature has gone in the matter. He shall not add.

Mr. LODGE. The bill confines it to the men who add. Now, in all the range of liquors, a man who makes a liquor with poisonous ingredients, provided it is an original manufacture, is not reached by the bill.

Mr. HEYBURN. He is by the next section.

Mr. LODGE. I do not think he is reached at all. I think he is excluded. The man who sells perfectly new whisky of the rawest and most poisonous kind, goes scot-free, while the blender is knocked out of business.

Mr. HEYBURN. It does not affect the blender.

Mr. LODGE. It affects nobody else but the blender.

Mr. HEYBURN. The blending of whisky is merely the admixture of one whisky with another.

Mr. LODGE. If the Senator will allow me one word more, I will not interrupt him further. The practical effect of that clause as it stands, it seems to me, is to put the blender out of business and to throw the business into the hands of the original maker.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. In a moment. Does the Senator from Massachusetts understand that the blender adds poisonous and deleterious substances to liquor?

Mr. LODGE. Not necessarily.

Mr. HEYBURN. Does he ever do it?

Mr. LODGE. I do not know. I suppose he does.

Mr. HEYBURN. If he does, should he be permitted to do it?

Mr. LODGE. He should not.

Mr. HEYBURN. Then, why object to a provision that prevents him from doing it?

Mr. LODGE. I do not object. I object to confining it to one class of makers.

Mr. McCUMBER. I think we can settle the difficulty by an amendment.

The PRESIDING OFFICER. The Chair wishes to call the attention of Senators to the fact that the debate is proceeding under the ten-minute rule, and it is very difficult for the Chair to determine the matter of time.

Mr. PENROSE. Mr. President, I wish to have an opportunity to answer the Senator from Idaho, and my answer is precisely similar to that of the Senator from Massachusetts.

I do not defend the addition of poisonous ingredients, but I complain of discrimination. The constituents whom I represent in this matter are some of the most substantial people in the country in the manufacture of these products, and a large percentage of the blended whiskies, I understand, are made in Pennsylvania and Maryland. The deliberate purpose or the practical effect of the pending bill is to discriminate against them in favor of the manufacturer of what is known as the "straight whisky product." He is to be permitted to sell his goods all over the country, no matter what excess of fusel oil may be found therein or what other inherent and poisonous impurities there may be in it, while the blended-whisky manufacturer is prejudiced in the public eye and discriminated against by being singled out in this provision.

There is no charge, as I understand, that the manufacturers of these old-established blends are guilty of any adulteration or the addition of any impurities. Some of these blended products in Pennsylvania are over one hundred years old. In many cases the same family has been engaged in the manufacture of the product for nearly one hundred years or more. The blends have a national reputation and have a large commercial value, running up to several hundred thousand dollars for the possession and control of their secret processes. They rank among the purest of all whiskies, and yet this bill deliberately singles them out and attacks these many million dollars of invested capital and these reputable gentlemen by a phraseology which is calculated to promote the sale of the straight-whisky product while at the same time harassing and singling out the blended-whisky manufacturer.

If this committee will be just to itself and will be consistent and will devise some phraseology that will include all products of whisky, I will not complain. But I do complain, and I think I am entitled to complain, of the discrimination.

Mr. McCUMBER. I should like to have the Senator from Pennsylvania state how this bill or this provision in any wise interferes with the honest blending of whisky or any other liquors by any of the manufacturers who he says will be wiped out of existence.

Mr. PENROSE. It does it in this way: It makes the bill apply only to the blended-whisky manufacturer, while it permits his competitor in the whisky market—the straight-whisky manufacturer—to sell all the poisonous product that he has an opportunity to sell in competition with the manufacturer of blended whisky.

Mr. McCUMBER. But the Senator hardly answers——

Mr. PENROSE. I will endeavor to answer as nearly as I can.

Mr. McCUMBER. Admitting now that there is something in the contention of the Senator, that this bill does not exclude from the market the "raw whiskies," as they are called, even though all the poisonous materials are not taken out, in what way does it injure the manufacturer or the blender of pure whisky using only pure articles? How does the word "added" interfere with any article or the use of any article by the blender which is pure and which is justifiable?

Mr. PENROSE. It does not interfere with any of the great concerns in Pennsylvania engaged in the manufacture of this product. There is no charge and there is no suspicion that their product is impure in any degree. They are as zealous for the enactment of pure-food legislation as is the Senator from North Dakota or the Senator from Idaho; and I will not yield in my zeal for legislation in this matter to any Senator upon this floor. But I do think it is an obvious and practical proposition that no one particular product should be singled out and a product of a similar character should be permitted to go untrammeled and uncontrolled. If the Senators having this bill

in charge will make it apply to all forms of whisky, I will not complain.

My constituents are as anxious as he is to have nothing but a pure whisky on the market, but they do object to a provision worded, either cunningly or inadvertently, so as to permit the manufacturer of straight whisky to put upon the American public his poisonous compound, while the manufacturers of the blended article alone are singled out to come within the provisions of this bill.

Mr. McCUMBER. There can hardly be a "poisonous compound" of the straight whisky.

Mr. PENROSE. I used the word inadvertently.

Mr. McCUMBER. The moment it becomes a compound it becomes a blended or rectified whisky.

Mr. PENROSE. I used the word inadvertently. I simply maintain, as the Senator from Massachusetts [Mr. LODGE] does, that under the provisions of this bill the manufacturer of straight whisky is permitted to sell a poisonous product, containing an amount of fusel oil far in excess of the standard of the American Pharmacopœia, a standard which I understand is such that I know in Philadelphia no hospital uses any whisky as a medicine unless it is of the standard of the American Pharmacopœia. It permits the manufacturer of the straight-whisky product, even if it contains an amount of fusel oil far in excess of that standard, to sell it.

Mr. GALLINGER. Will the Senator permit me?

Mr. PENROSE. Certainly.

Mr. GALLINGER. The American Pharmacopœia requires that whisky shall be 4 years old.

Mr. PENROSE. Yes.

Mr. GALLINGER. That provision was made, I suppose, with a view of taking from the whisky the fusel oil that is in it when it is first manufactured.

Mr. PENROSE. Yes, sir. In other words, the manufacturer of blended whisky is prohibited from selling his article if it contains an excessive amount of fusel oil, while the manufacturer of the straight product can sell all the whisky he desires untrammeled by this bill—whisky containing a much larger amount of fusel oil—simply because the fusel oil is inherent and is not added.

Mr. McCUMBER. The Senator's argument certainly refutes itself, because if this bill allows the use of straight whisky or liquors which contain an excessive amount of fusel oil, then the blender can use those straight whiskies containing those extra amounts. In other words, he can take straight whisky and he can mix as many brands as he sees fit in order to get the proper flavoring or the proper coloring, and yet he would not be amenable to the proposed law under the construction given to it by the Senator from Pennsylvania. I think I make myself clear.

Mr. PENROSE. The Senator does not make himself clear to me. I do not know how it is as to the rest of the Senate.

Mr. McCUMBER. I will try to make myself clear. If a manufacturer of straight whisky containing fusel oil under the bill can place it upon the market, which the Senator from Pennsylvania says he can, then the manufacturer of blended whisky can purchase that same straight whisky containing the extra amount of fusel oil and he can blend it. He, in that case, is adding nothing that is poisonous. He is simply taking the article as it comes to him and blending two poisonous articles.

Now, I want to say to the Senator and to all Senators that I am just as anxious as anyone else that if we are bound to have whiskies and these liquors in the United States we should require them to be as pure as it is possible for us to require them to be. I do not want a law that will allow the maker of a raw whisky to sell a poisonous article and the blender of those same raw whiskies to be amenable to a criminal prosecution if he sells the same.

Mr. President, this bill is not open to that objection. It may be open to the other objection—that we have not sufficiently guarded the character of whiskies that may be sold. In answer to that, I can but reiterate what has been said by the Senator from Idaho. The committee felt that it did not wish to go into the question of making standards; that all it would require was that the products that are now being sold in the United States should not be sold in a way that would become fraudulent in any way. There may be a dozen standards. I do not know that rye whisky or corn whisky or potato whisky would all measure up to the same standard; and unless I would have more information than I now have on the subject I would be opposed to Congress fixing a commercial standard for anything. When we have gone so far, Mr. President, that we protect the public against imposition and against added poisons, it seems to me that we have gone just as far as we can.

If this character of amendment would meet the objection that is urged by the Senator from Ohio, or the Senator from Wisconsin, or the Senator from Pennsylvania, suppose we should amend the provision by inserting, in line 7, page 11, so as to read as follows:

In the case of liquors an article shall be deemed adulterated if it contains any added ingredient of a poisonous or deleterious character not inherent in such liquor.

And we might add:

Or capable of elimination therefrom.

The latter portion would probably compel the distillers to eliminate as much as possible the fusel oil from their product before they put it on the market. But I am not sufficiently versed upon that subject, and I do not know how far-reaching it would be, to justify me at the present time in demanding any such standard. If, after we get better informed of the operation of this law, we deem that it is best to make a standard we can do so, but we have avoided it, and I think we have kept on the safe side in doing that.

Mr. PENROSE. Mr. President, I would not think that amendment would be satisfactory. It does not seem like good sense to say "if it contains any added ingredients of a poisonous or deleterious character not inherent in the liquor." The word "added" shows that it is not inherent. It does not seem to me to be a logical proposition.

Mr. McCUMBER. Not necessarily so, because the liquor might contain a trace of fusel oil, and yet to give it, as they say, that fine nutty flavor they might add more fusel oil to it. That would not be inherent in the article itself.

Mr. TILLMAN. Mr. President, one would imagine, listening to us here, that we had been out and taken some of this liquor or whisky that we are discussing so luminously, or rather so muddily, because the further we go the less we understand it.

Mr. McCUMBER. I defer to the good judgment of the Senator from South Carolina.

Mr. TILLMAN. I do not claim any superior knowledge, but I do claim to know a little something. The whole trouble here is because you use the broad term "liquor" and immediately turn around and define that by the word "whisky," whereas whisky is one thing and liquor is applicable to all things that have alcoholic ingredients in them.

Unless you come down to some definite standard and basis or description to know what you are trying to provide against, and then leave it to the officers to say which is the true thing and which is the adulterated thing, you will just have a mess of lawsuits and give an opportunity for a tyrannical exhibition of power by the officer in charge of the business, and room for favoritism.

Now, I will try to make myself understood again. Whisky is the product of the distillation of grain usually. Of course they make it out of potatoes and other things, but whisky is the product of the distillation of grain after a certain fermentation and not carried beyond a certain point. In other words, you will never have a product coming from the worm more than 60 per cent alcohol. It never goes more than 3½ gallons to the bushel, and if it is made in a copper still it is better than if made in any other metal.

Now, that whisky is put in the warehouse, and a stamp is put on it showing the strength. They reduce it to 50 per cent proof, the Government standard, by the addition of distilled water. It is kept in the control of the Government until the tax is paid, when the fact is burned into the barrel by a stamp or another paper stamp put on, making two stamps, and it goes out into commerce. That is whisky.

But that sort of whisky is not the usual product sold on the market by the rectifiers. They manufacture their stuff out of spirits, which is alcohol, either cologne spirits, deodorized alcohol, or crude spirits alcohol with the fusel oil left in.

The bulk of the fine whiskies—practically all, I will state, of the "blended whiskies," so called—are made from pure cologne spirits, and two-stamp whisky, which has been aged, added to it, and with such harmless ingredients as prune juice, burnt caramels or sugar, and something of that type, which will give it a smoothness and make it appetizing.

The two-stamp liquor gives the fusel oil, in its transformed shape of ether, to furnish flavor; but the bulk of the common whiskies, millions of gallons of 1 X and 2 X rectified whisky, is made from crude alcohol without the fusel oil being taken out of it, and not a gallon of straight whisky enters into its manufacture. It is made of the cheapest form of alcohol, and the "added" ingredients, coloring matter to take the white off and put brown on, and the bead oil to make it have the appearance of whisky, and other things which are more or less harmful. It is to guard against such adulterated stuff that the word "added" is incorporated here.

If you say two-stamp whisky or straight whisky the bonded warehouse people will understand what you mean. But when

you say liquors, you embrace the whole family, and you open the door wide, because you leave the rectifier free to add anything he pleases to the stuff, wood alcohol included, and foist it off on the consumer.

Mr. SPOONER. Mr. President, it took the Senator from South Carolina very much longer to learn what he knows about liquor than it has taken him to deliver this lecture upon the subject to his class.

Mr. TILLMAN. I was about three weeks studying it very religiously.

Mr. SPOONER. The Senator had experience in it, of course, as the governor of his State. They tried the experiment of a dispensary law, and it was necessary for him to know something about it.

I listened to the Senator with great care, and I think I know as much about it nearly as I did before; and I say that with the greatest possible respect to the Senator's knowledge and clearness of speech. But it is a complicated subject.

Mr. TILLMAN. It is very complicated, I acknowledge.

Mr. SPOONER. It is a complicated subject. The Senator is absolutely right, I think, that with the word "added," or an equivalent word stricken from this clause, it would be infinitely worse than no provision in the act at all upon the subject.

Mr. HEYBURN. That is what the committee think.

Mr. SPOONER. The answer made by the Senator from Pennsylvania to the question put to him by the Senator from North Dakota, which was a crucial question, illustrates, perhaps, the unfairness of the whole provision, but it constitutes no argument on behalf of the blenders in favor of striking out the word "added."

A man has strictly no right to say that he should be permitted to sell to the public poisonous food or poisonous articles until the Congress enacts a law which prohibits everybody else from doing the same thing. I do not know whether a provision can be drawn which will limit the sale as to straight whisky; but straight whisky is not adulterated, although it may be so manufactured, I take it, having in it only its natural ingredients, and that, too, perhaps, in larger quantity in one case than another, as to be extremely deleterious. Whether that can be reached I do not know.

But, Mr. President, I want just a moment, in calling the attention of the Senator from Idaho and also the Senator from North Dakota, to say that I do not understand how Senators can expect to make this bill, when it shall have been enacted, a valuable law or capable of successful administration if they fight shy, as they seem to have done, of anything which looks like establishing standards. They have established a standard as to drugs. That is the Pharmacopœia.

Mr. HEYBURN. We have adopted one.

Mr. SPOONER. Well, you have adopted one, which for the purposes of this bill establishes one. It is law after this bill shall have passed, because it is enacted into law. Without this bill it would not be law.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. It has been the law by reason of the fact that the courts in determining cases involving that question have always held that the American Pharmacopœia was the standard upon which their judgment was based. That is as old as that publication.

Mr. SPOONER. Yet a man who sells anything now in the way of a drug which is not in harmony with the standard of the Pharmacopœia commits an offense under this bill. Without this bill he would not, except under the laws of the States. So the Senator is mistaken if he supposes that the adoption of a Pharmacopœia standard as to drugs has no added significance by being in this bill.

Going back to the question of standards, I can not understand the argument upon which the Senators insist that all standards shall be excluded. As to an article in its natural condition, taking opium, strychnine, or arsenic, I can understand what function the word "added" would perform as to that poison. But where it is a compound—arsenic and opium, or arsenic and strychnine, to illustrate—I do not see what the word "added" is to mean, because there is no standard. You can not use the word "inherent." The applicability of that word is destroyed when you compound two things. While it is sensible applied to either, it is not susceptible of sensible or practical construction when applied to both.

Now, the Senator from Idaho said—and I do not refer to it except to call his attention to the point I make—that section 4 does not use the word "added," as I understood him.

Mr. HEYBURN. I did not have my attention directed to it.

Mr. SPOONER. That is not what I am speaking about. It provides—

> That the examinations of specimens of foods, drugs, medicines, and liquors shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such article is adulterated or misbranded, or contains any poisonous or other substance deleterious to the health of human beings or domestic animals; "and if it shall appear from any such examination that such specimens are adulterated or misbranded or contain any added poisonous or deleterious substance or ingredient injurious to human health when used in the prescribed or usual manner of use of such article," the Secretary of Agriculture shall cause notice thereof, etc.

Now, applied to a compound, what does the word "added" mean?

Mr. HEYBURN. Mr. President, I will answer the question.

Mr. SPOONER. Very well.

Mr. HEYBURN. For instance, suppose in flour 25 per cent of white clay is used; that would be an added deleterious ingredient. It is not a healthful thing for the human system to take in 25 per cent of white clay.

Mr. SPOONER. Certainly; that is easy. That falls within my definition or statement of a moment ago. When a thing is in its natural condition, anything put with it, mixed with it, is added to it; but where the article is composed of two things commingled, each different from the other, it can not be said to be in a natural condition. Man for some purposes has blended the two, and when you use the word "added" as predicated upon that compound, it does not mean practically as well as in law the same thing that it means when predicated upon the thing in its natural condition.

Mr. HEYBURN. May I interrupt the Senator?

Mr. SPOONER. Certainly; I have no purpose except to get at the right of things.

Mr. HEYBURN. This is section 4, line 23: "any added poisonous or deleterious substance."

Mr. SPOONER. Certainly.

Mr. HEYBURN. Now, on what ground can the Senator defend or claim the right to add a poisonous or deleterious substance?

Mr. SPOONER. The Senator can not be permitted to put me in the position of defending the right of anybody in this country or anywhere else to add a poison.

Mr. HEYBURN. Then I would ask what this bill does? I did not intend the question to be personal to the Senator.

Mr. SPOONER. I am not offended; the Senator misapprehends me. If I am right about it, the bill, wherever the word "added" is used, needs amendment in order to make it workable. I support the Senator's proposition or an equivalent word in connection with blended liquors. I support the proposition that the word "added" or some better word more accurately expressing the thought shall be added in section 4. I am not willing that the blended-liquor men should be permitted to add to straight whisky poisonous or deleterious ingredients.

Mr. HEYBURN. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. In the given case where the word "added" is used, it is limited by the words "poisonous or deleterious." It is limited by those words.

Mr. SPOONER. That does not touch the point. Added to what?

Mr. HEYBURN. Added to the substance, whatever it be.

Mr. SPOONER. But suppose it is a compound. For instance, strychnine in its natural condition, if you please, is strychnine, and nothing else. Now, it is easy to say that if anything is added to that of a dangerous character it shall be deemed adulterated. But suppose a person has commingled strychnine and arsenic, if they may be combined in a drug or some article. When you say added to that deleterious ingredients, added to what? Not added to something that was inherent, because the two things commingled destroy all that is meant by the word "inherent" when applied to either one.

All I mean, Mr. President, and all this comes to, if it comes anywhere, is that there must be standards and that there must be somewhere authority to establish standards, or there is the gravest possible danger that the bill, full of penalties, full of possible misconstructions, will prove unworkable.

Mr. President, public opinion has taken great strides in the States in perfecting pure-food laws and in administering with very great efficiency pure-food laws. I think there is no State in the country to-day in which pure-food laws are more efficiently administered than in Wisconsin. Other States have taken very great interest in it. It is so with Minnesota; it is so with the Dakotas. But when this Federal law shall have been

passed, the danger is that there will be so great reliance in the accuracy and fidelity and administration of the Federal machinery in keeping out of the States all misbranded and adulterated foods, poisons, and the like as to weaken the administration of the State laws.

The necessity for standards has been recognized by Congress heretofore. For the last five years in every agricultural appropriation act there has been an appropriation made containing this language:

To enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries—

Learning more as to what should constitute a standard—

and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists—

Whatever that is—

and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein.

In every act but the last one that was added for the guidance of the officials of the various States and of the courts of justice. It was omitted in the last appropriation act.

Mr. HEYBURN. Mr. President——

Mr. SPOONER. If the Senator will permit me just to finish this sentence. There have been established standards under this law by the Agricultural Department or its Bureau of Chemistry. There have been by the national association of State food officials established standards of food products. I am told that in some respects they are not in harmony.

Mr. HEYBURN. Now, Mr. President, if the Senator will permit me——

Mr. SPOONER. Very well.

Mr. HEYBURN. The standards to which the Senator refers and the legislation to which he refers are purely educational. The violation of them is not enforced by any penalty. They are simply laws for the assistance in the way of education of the State pure-food bureaus, that is all, and there is no provision for punishing anyone for violating the rule of the standard. Now, we are seeking to pass a law for protection, not for education.

Mr. SPOONER. Ah, the Senator misses the point. Of course I am obliged to admit (and I am not attacking the bill at all) that there are no penalties connected with this legislation, but the power is given to this Bureau of Chemistry, the same Bureau exactly to which is committed all the power under this bill, to establish food standards.

Mr. HEYBURN. But not to enforce them.

Mr. SPOONER. This bill does not propose to enforce them.

Mr. HEYBURN. Yes; it proposes to enforce a conformity to the standards that are prescribed in general terms, and not specific standards as to each article.

Mr. SPOONER. But, Mr. President, that is just the point. There is no power in the bill for the establishment of standards except as to the Pharmacopœia.

Mr. HEYBURN. When the Senator has reached a point where he can yield I will answer that proposition.

Mr. SPOONER. I yield to the Senator now.

Mr. TILLMAN. Will the Senator from Idaho allow me?

Mr. HEYBURN. Certainly.

Mr. TILLMAN. Mr. President, without some yardstick by which to measure the degree of criminality as shown by the adulteration, I would feel unwilling to trust to the Bureau of Chemistry of the Agricultural Department, or any other bureau, the promulgation of rules and regulations left to them arbitrarily. If they have been already investigating, as the Senator from Wisconsin has shown, I think they ought to be able to furnish the Senate a simple description of what constitutes a wholesome, healthy article of commerce, such as is commonly sold, and we will lay that down in the law and then say that anything which does not come up to that is adulterated, and punish the persons who make it.

I want to suggest to the Senator something that has occurred to me since this debate began. This bill is too crudely drawn and it is too loose jointed. There is too much power placed here in the hands of a bureau for Congress to enact it, and I am going to move sometime or other—or at least I have a very strong inclination that way—to recommit the bill to the committee in charge to get this exact information which has been sought by the Bureau of Chemistry for the last five years, we furnishing the money. Let the basis of criminal action be laid down in the law and let us not leave it to regulations promulgated by Doctor Wiley or the Secretary of Agriculture or anybody else.

Mr. HEYBURN. Mr. President, I am quite certain if such a thing should occur, and we were to bring in a bill fixing the standards, the Senate would never agree to it. We have avoided fixing standards in this national legislation because——

Mr. TILLMAN rose.

Mr. HEYBURN. I ask the Senator just to have patience with me for a moment. He was not here yesterday when we discussed this point. We have avoided fixing standards because nearly every State in the Union has standards of its own, and it would be absolutely impossible to steer clear of a conflict with some of the State standards.

Mr. TILLMAN. Right there, if the Senator will permit me, that is a very queer condition.

Mr. HEYBURN. It exists.

Mr. TILLMAN. Then what difference will it be? As soon as we put this power in the hands of the Secretary of Agriculture or in his subordinates and he fixed standards arbitrarily, with the right to confer with the States, would you not have the same trouble.

Mr. HEYBURN. Will the Senator just allow me right there to say he has been reading the wrong print of the bill.

Mr. TILLMAN. I have been reading the print which is on the desks of Senators.

Mr. HEYBURN. The bill does not put the power to fix standards in the hands of any Department or bureau. It specifically does not. The only power that is authorized to fix standards under the bill is vested in the courts of the United States, there, and only there. The Department, against which much has been said, simply collects the testimony. The three Departments of the Government that are especially equipped for this service are authorized to collect the facts and to report their work to the United States attorney, and if in the judgment of the United States attorney those facts are sufficient upon which to base a prosecution, he for the first time puts the machinery of the law in operation. That machinery of the law is the courts of the United States, and the standard will depend upon the interpretation which the judge of the court sitting with a jury shall place upon the act committed.

Now, I have no doubt at all that in administering this law the judge of a United States court in the district from which the Senator from South Carolina comes would conform as nearly as possible to the rule of standards existing in the community, because every man is primarily supposed to govern his conduct by the recognized standard of uprightness and honesty and fairness of the community in which he lives. He is of course subject to the governing force of the law of the country, but locally the courts would enforce this law according to the standard of morals represented by the State law.

In other words, there is a certain rule of interpretation that has always been observed by the courts, and wherever the State law and the national law can be harmonized the courts will endeavor to do so.

The difference between standards is not so wide as to constitute a crime under the laws of one State that would not be a crime under another. The difference is not so great as to result in that unfortunate condition. They differ in detail. For instance, in the State of Washington alcohol must be branded with a mark upon the package showing the percentage of alcohol. It is a criminal offense to vary from that requirement—that is, to sell alcohol below a certain standard. In this District here there is no requirement. When you buy a bottle of alcohol here it does not appear upon the package what the percentage of alcohol is. Other States have an 85 per cent rule, and so on.

Mr. BAILEY. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BAILEY. Then does the Senator mean to say that under the provisions of this bill a man could be prosecuted in the Federal courts for having sold alcohol contrary to the law of Washington and be convicted there, and he could not be convicted in the District of Columbia or in the State of Virginia, we will say, in order to make it apply to a State, although he sold alcohol under precisely the same circumstances?

Mr. HEYBURN. He can be convicted under the rule that the court shall hold to pertain, and if the court says that, taking the conditions in this country generally into consideration, this alcohol is not up to the standard of purity because it does not conform to the recognized rule—that is, in the absence of a rule——

Mr. BAILEY. As a matter of fact, I understand there is no

rule established, according to the Senator, and it is left somewhat to the opinion, or we will say to the conscience, of the judge.

Mr. HEYBURN. It would not be under this proposed law, because it describes of what adulterations shall consist; and if a man took alcohol and put 25 per cent of water into it, I do not think the judge would hesitate to instruct the jury that the alcohol was adulterated.

Mr. BAILEY. I understood the Sentor from Idaho to say that this bill has established no standard, but left the standard to be established by the court upon the trial of the case.

Mr. HEYBURN. Under the general definition, under the statute.

Mr. BAILEY. Under the general definition. But I understood the Senator to illustrate by saying that in the State of Washington there was one requirement as to the sale of alcohol, while no such requirements existed, to use his own instance, in the District of Columbia. I rose to inquire if the Congress was asked to pass a law, a Federal law, which is supposed to be uniform in its operation, under which a citizen could be convicted upon a given state of facts in the State of Washington, but could not be convicted under the same state of facts in the State of Virginia?

Mr. HEYBURN. I will answer that question by inquiring of the Senator what he would do if he were sitting as a judge on the bench in the District of Columbia and a party were charged with selling adulterated alcohol, and it should be shown that it was only 75 per cent alcohol? Would he find any embarrassment in that simply because the statute had not fixed the standard, when it says in terms that the offense shall consist of adding any ingredient which deteriorates the standard of the alcohol?

Mr. BAILEY. Mr. President, judges might differ as to adulteration. For instance, I think the more good water that is put into whisky the less harm it is apt to do; and if I were on the bench I am not perfectly sure, unless I was required by a plain rule of law to convict and imprison a man for putting good water into bad whisky, that I would ever pronounce judgment against him. That is just exactly what I complain of. If the rule is to be as stated by the Senator, this measure of justice is as variable as the judge's conscience, and I will give no judge the right to imprison any man or to fine any man except in accordance with the fixed rule of law.

When it comes to the facts, they, of course, are of infinite variety, but the law ought to be certain. I believe that Blackstone once observed that the certainty of the law is of more importance than the justice of the law, an opinion which I do not myself accept, and yet that so great an authority should have uttered it must give it great weight.

Mr. HEYBURN. Mr. President, I agree with the Senator from Texas that one of the most valuable attributes of any law is that it shall be certain, or that there shall be the element of certainty in the law—certainty of interpretation, certainty of execution. That represents the highest form of government, an exact measure of a man's right, an exact determination of how far he may go in this direction or in that. This bill is within that rule. This bill is absolutely certain in its definition as to what shall constitute a violation of its provisions. The Senator from Texas knows as well as I do that in the end, recognizing that element and its value, the administration of the law depends in a large measure upon the conscience and intelligence of the judge who presides at the trial and upon the intelligence and conscience of the jury which assists at the trial.

When I made the remark that I did that this proposed law would probably be interpreted within the measure of the spirit of the local statute, I meant that the men who were accustomed to an existing law that was enacted by themselves in their own neighborhood would probably estimate and measure the national law according to that standard. I was not saying that that should be the rule or that under this proposed law there was no other way of proceeding. I was merely commenting on the disposition of human nature as represented by the judges and the juries of the country.

Mr. BAILEY. Mr. President, I see that the Senator is seeking to assimilate the rule in civil cases to this criminal procedure. In civil cases the Federal judges are supposed to administer the local law, but not so in criminal cases. There is no crime against the Government of the United States except such as is made so by Federal statute, and I would marvel at a system under which the Federal rule, which is supposed to be one everywhere, should vary according to local conditions.

Now, the Senator from Idaho must know that down in North Carolina—with the pardon of my friend from that State—it is not supposed to be a very grievous sin against God or a crime against the Government to make moonshine whisky. Surely the Senator would not be willing to see a Federal judge sitting in the State of North Carolina adopt the morals of the moonshine mountaineer. In the mountain district of the good old State of Kentucky, many people there—and good people in their way, too—believe that the Federal Government has no right to impose upon them a tax for making out of their own corn what pleases their own spirits; and it never has been possible to thoroughly enforce the law in any of those mountainous districts where illicit distilling is conducted. According to the Senator's theory of this bill when the Federal judge reaches the district where the mountaineers live—who are said always to be free, and it might be added also that they are never very obedient to authority—he shall adopt the code of morals prevailing in that community; and just across the line, down in the blue-grass region, where my distinguished friend from Kentucky [Mr. BLACKBURN] lives, and where they always obey the law, he will punish them, while up in the other region, so close to his home, they go scot-free, though guilty of the same offense. That is a new, and, I may be permitted to say, it is a dangerous as well as a novel doctrine.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. The Senator's keen faculty for reasoning and drawing deductions has led him far afield from the question out of which this discussion arose. I can readily see how his mind has run along gracefully and glibly to the discussion of a question of that kind, and I would not differ if I had the time to follow him.

I was addressing my remarks when this diversion occurred to the reasons why the committee had not undertaken in this bill to prescribe standards, and I had proceeded so far as to suggest that one of the prime reasons was because of the diversity of State enactments upon these various questions. I suggested, merely in passing, that it might be that the courts would be able to accommodate a general law based upon general rules of interpretation of general application to the local conditions in the States; but I was proceeding to say that each State has a right under the Constitution to regulate business within its own jurisdiction, and if that State, in the wisdom of its legislation, has seen fit to enact a law requiring certain standards in commercial products and business affairs we should not make any law that would enable a manufacturer or a common carrier to deliver within the jurisdiction of the limits of that State any goods or articles that were in contravention of the laws of the State.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. FULTON. I desire to ask the Senator from Idaho what advantage would there be in the enforcement of this law, so far as liquors are concerned—and I understand that is the matter under discussion—if a standard were established? The introduction of any article containing ingredients of a poisonous or deleterious character is prohibited, it makes no difference what the percentage of alcohol in it may be. It does not seem to me that it makes it any more difficult to enforce the law in the absence of some standard by which you would test the value of the whisky as an article or commodity.

Mr. HEYBURN. I thoroughly agree with the Senator. The establishment of a standard would perform no good office in the administration of this law or in the protection of the people under it. It might be convenient, if no State had a law on the subject establishing standards, for Congress to enter upon that very elaborate performance. I call it "elaborate" because articles of commerce are of infinite variety, and I can imagine no greater undertaking that this body could impose upon itself than that of attempting to sift down the right and at what point we should stop in fixing this standard. Why, the fixing of freight rates is not to be considered for a moment as a gigantic undertaking in comparison.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. FULTON. I wish merely to ask the Senator a question for information. I ask if any of the States have established a standard of purity as to intoxicating beverages of any character?

Mr. HEYBURN. Yes; many of them.

Mr. FULTON. Do those standards fix the percentage of alcohol?

Mr. HEYBURN. They vary; some of them do, and some do not.

Mr. FULTON. Take blended whiskies, for instance. Are there standards as to blended whiskies?

Mr. HEYBURN. I am unable to answer that question as to whether or not there are standards for blended whisky.

Mr. FULTON. I do not pretend to say that there are not, but it is a difficult problem for me to understand how there could be, for blended whisky is a compound, a mixture, as I understand. I can see that there is some difficulty in the application of that word "added," as suggested a while ago by the Senator from Wisconsin [Mr. SPOONER], in the case of a compound. It seems to me that there might be language framed that would more clearly carry out and express the idea of the committee and of the friends of the bill than the word "added." I imagine we all know what is meant by that. The idea is that there shall be excluded from this mixture, from the liquor or the straight whisky or from the blended whisky, any poisonous ingredient that does not inhere in some one of its constituents, in some one of the ingredients entering into it.

Mr. HEYBURN. I will assist the Senator there by an illustration. You can extract poison from tea or from coffee; you can extract poison from any grain; you can extract poison from many fruits; you can extract poison from the pits of almost any fruit.

Mr. FULTON. I understand that.

Mr. HEYBURN. That is one of the poisons existing in nature's composition.

Mr. FULTON. And yet it may be sold.

Mr. HEYBURN. You can not add to them. You make an ordinary dish of any vegetable that is in common use. The poison is in that vegetable, but not in a poisonous state; it is not an active poison; it is simply a condition out of which a poison can be produced. Now, suppose you would say that because you can extract fusel oil from the grain of your breakfast food that you eat every morning, they should be permitted to add some other poison to it! Suppose you would say if there is poison in it already it can not do much harm to put in more! Suppose commercial cupidity should tempt someone to add to the dormant poison that is in a hundred things that we consume every day, are they to be permitted to do it? This bill says they shall not do it.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I am not hostile to this measure, as the Senator knows. It has no stronger friend than I. I intend to vote for it. I should regret very much were it re-referred, but is it a fact that every ingredient that enters into a compound is added?

Mr. HEYBURN. Yes; but there are words of limitation in the bill.

Mr. FULTON. It may be merely an assembling of certain elements and certain ingredients into one whole.

Mr. HEYBURN. Yes; but there is a limitation on the word "added." It does not prevent you from adding ingredients to combinations or to single substances; it prevents you from adding poisons or deleterious ingredients; that is all. Those are the words of limitation.

Mr. BAILEY. Mr. President, I do not desire to interrupt the Senator, but when he is through——

Mr. HEYBURN. I will yield the floor to the Senator from Texas.

Mr. BAILEY. Mr. President, this bill is not an attempt to regulate commerce between the States or with Indian tribes or with foreign nations under any proper definition of that term. It is an attempt, so understood by the authors of it and so understood by the gentlemen who support it, to protect the people of the several States against deceptions in trade and against deleterious articles of food and drink. If it were an attempt in good faith to regulate commerce, there could be no doubt as to the power of the Federal Government over it; but as it is intended, understood, and supported for the purpose of protecting the people of the several States against injurious articles of food and drink, it is purely and only an exercise of the police power, and therefore not within the power of the Federal Government.

Mr. HEYBURN. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. In the light of that interpretation of the commerce clause of the Constitution, how does the Senator justify the laws that are in force in regard to shipping diseased cattle from one State to another—the quarantine laws?

Mr. BAILEY. I will come to that. The Senator knows that the court originally held the law of Missouri forbidding the shipment of cattle into that State from below the quarantine line invalid. The Senator also knows that the court has very plainly intimated that it was mistaken in the decision reported in 95 United States. It says, in the Kansas case, I believe, involving a regulation of that kind, that the facts were not presented to the court in the Missouri case. It held the law of Missouri invalid because it provided that no cattle from below this quarantine line, or the infected district, should be brought within that State between March and November, we will say. There was no attempt to prove that cattle from below the quarantine line carried with them under all circumstances the fever curse, but after a larger knowledge had been acquired of the conditions which relate to cattle below the quarantine line, and after it had been established that within certain seasons of the year they can not be brought from a tick-infested district into another without communicating disease, then the court very properly stated in the Kansas case that the facts had not been before it in the Missouri case.

The Senator from Idaho knows that the Supreme Court has said more than once that every State in this Union has the inherent, original, and ample power to protect its people against deceptions in trade and against injurious articles of food.

We now and then hear some Senator suggest that the States can not protcet their people against the sale of those injurious articles in the original package. The Senator nods as if he believes that is the law. The Senator from Idaho does not subscribe to that statement of the law, does he?

Mr. President, that arises from the fact that the Senator does not distinguish between the decision of the court in the liquor cases and the decision of the court in the food cases.

In the Plumley case the supreme court of Massachusetts sustained the conviction of a man who had sold oleomargarine manufactured in Illinois and shipped to the State of Massachusetts, where it was sold in the original package. The agent who sold it was indicted under the laws of Massachusetts, convicted in the lower court, and appealed to the supreme court of that State, where the conviction was affirmed. The case was then brought to the Supreme Court of the United States to test the constitutionality of the Massachusetts statute. The Supreme Court of the United States affirmed the judgment of the court below, and held that it was competent for any State in this Union to pass a law prohibiting the sale in the original package of any article injurious to the health of its citizens.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. That was held to be a police regulation?

Mr. BAILEY. Certainly.

Mr. HEYBURN. And on that ground.

Mr. BAILEY. That is precisely what you are providing for in your bill here.

Mr. HEYBURN. If the Senator will permit the interruption, in this bill we have provided the line of contact at the unbroken package, the jurisdiction of the Government existing so long as goods remain in the unbroken package, and the jurisdiction of the State recognized over it immediately when the package is broken. This bill provides for that.

Mr. BAILEY. The State does not need that provision, because the State has full jurisdiction over it before the package is broken without this legislation.

Mr. HEYBURN. This bill attempts neither to enlarge nor to diminish the rights of the State. We are not concerned in the rights of the State, except in considering that we may not trespass upon them. We have gone no further.

Mr. BAILEY. Mr. President, let us test that. Let us suppose that every State in the Union had an efficient pure-food law, and I certainly hope that every State in the Union will soon have one, because there is no Senator in this Chamber who abhors the rascal that cheats the consumer more than I do. I believe that he ought to be subjected to a fine, and I believe that the man who will sell to the women and children of this country articles of food calculated to impair their health is a public enemy and ought to be sent to prison. No Senator here is more earnestly in favor of legislation against adulterated meat and drink than I am, but I insist that such legislation belongs to the States and not to the General Government, because with the States is left the right to control and the power to control the health and morals of their people. If every State in this Union had an efficient pure-food law, there would be no proposition of this kind in Congress, because it is not that the article is shipped

from one State to another—that does no harm—it is when the article is sold within a State for consumption by its people that the damage begins.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. I do not desire to catechise the Senator, but I should like to inquire as to his views in regard to the national quarantine laws—whether or not they would come within the same prohibition as he suggests in regard to this law.

Mr. BAILEY. Mr. President, so far as a quarantine law relates to regulation in good faith of the foreign commerce of this country undoubtedly the power of the General Government prevails, but whenever, under the guise of regulating foreign or interstate commerce, the Federal Government attempts to enact a public health law it invades the rights and dominion of the States.

Mr. HEYBURN. I should like to inquire under what provision of the Constitution a quarantine law enacted by Congress may be upheld if not under the provision with which we are now dealing?

Mr. BAILEY. Under the interstate-commerce provision?

Mr. HEYBURN. It is under the police power.

Mr. BAILEY. I will simply, as the easier way, and probably the shorter way to answer, refer the Senator to the repeated decisions of the court. The Supreme Court of the United States has stated over and over again that a State, under the guise of regulating its police affairs, can not interfere with or interrupt commerce among the States. I accept that, and I maintain that the Federal Government, under the guise of regulating interstate commerce, can not take charge of the health or morals of the people of a State.

Mr. HEYBURN. I would ask the Senator if, under the provisions of the Constitution authorizing Congress to regulate commerce between the States, it is not competent for Congress to enact a law for the purpose of protecting any one State against imposition at the hands of another?

Mr. BAILEY. What kind of an imposition?

Mr. HEYBURN. For instance, to enact a law preventing the shipping of poisons from one State to another, or of gun cotton, or dynamite, or diseased clothing, or any other thing that involves a threat against the life or the health of the people. Does not the Senator think that that is commerce—that it is as much commerce as is a lottery ticket?

The VICE-PRESIDENT. The Chair would suggest to Senators that the debate is proceeding under the ten-minute rule. The Chair has liberally construed that rule during the course of the debate to-day. The Senator from Texas has exceeded the ten minutes, but, without objection, he may proceed.

Mr. BAILEY. Mr. President, the Supreme Court has said—and it is received as a wise saying by every lawyer—that, as you approach the line that separates the interstate commerce power of the General Government from the police power of the several States, there is some difficulty in distinguishing between the two. Well, back from that line there is no difficulty. In certain cases it is easy to say this is a police regulation and therefore within the province of the State, and that is a commerce regulation between the States and therefore committed to the Federal Government. But as we go from the acknowledged and palpable exercise of this power by each government and approach the line that separates the two, it is not always easy to mark that line.

Mr. HEYBURN. It is a belt of indecision.

Mr. BAILEY. It must be largely a matter of conscience with a Senator. To illustrate what I mean by saying it is sometimes a matter of conscience with a Senator, let me state a case. A law is proposed in Congress levying a tax upon a given article. No man questions the power of Congress to raise revenue to support the Government, and yet if instead of voting for the bill for the sake of revenue a Senator votes for it for the purpose of regulating or suppressing within a State the manufacture of a given article, I submit that he evades, to put it mildly, the Constitution.

Or, again, if a Member of the House of Representatives chooses to introduce a bill imposing a tax of 25 cents per yard upon every piece of goods manufactured principally of cotton and partly of wool, commonly called "shoddy," any Member who supported that tax for the purpose of raising revenue would be well within his oath to support the Constitution; but if instead of supporting that tax for the purpose of raising revenue I really desired to suppress the manufacture of shoddy in the State of Massachusetts I would be violating my oath to support the Constitution, though I would be doing it in a manner which precluded a judicial inquiry into the question.

In the one case I would be performing a plain function of the Government to raise revenue. In the other case I would be controlling the question of manufacture in a sovereign State of the Union, which Congress is not competent to do, according to all the decisions of the Supreme Court. That doctrine did not begin with the Knight case. The old case of Coe against Errill is, in my judgment, as strong or a stronger case than that of the United States against the Knight Company. In the Coe against Errill case the court went so far as to say that notwithstanding the logs were cut in one State for the purpose of shipment into another State, they did not become the subject of interstate commerce until they had been delivered to the depot of the common carrier.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Does the Senator now understand that the purpose for which a Senator supports a bill may, and frequently does, determine whether or not he ought to support it at all?

Mr. HEYBURN. I think it usually does.

Mr. BAILEY. Then——

Mr. HEYBURN. But I should like to say to the Senator——

Mr. BAILEY. Then let me put this to the Senator: Is the purpose of this bill to regulate commerce? If so, it is within the power of Congress. Or is the purpose of this bill to protect the health of the people of the several States? If so, that is a question for the States and not for the Congress.

Mr. HEYBURN. I should like to call the attention of the Senator to the provisions of the bill. Its provisions do not attach until the goods are delivered to the carrier. That takes it out of the Coe case. Its provisions do not attach until the goods are delivered for shipment. The provisions of the bill do not apply so long as the goods are in the hands of the manufacturer or factory, but only after they are actually delivered for shipment, which is a part of the process of shipment.

Mr. BAILEY. No bill could apply while the goods were in the hands of the manufacturer.

Mr. HEYBURN. Certainly not.

Mr. BAILEY. Because they are not then commerce.

Mr. HEYBURN. Certainly not.

Mr. BAILEY. The Senator attaches the power of the Federal Government as quickly as he can.

Mr. HEYBURN. That is proper.

Mr. BAILEY. Therefore he need not assume that he has made any concession to the States on that score.

The harm does not come from the shipment of the goods. If they were shipped and never sold or consumed, no harm would be done. Therefore if the Federal Government can only control the question of shipment, the Federal Government has no evil to eradicate, because the evil is after the goods reach the State, and I repeat that is an evil completely within the power of the State to control.

Mr. HEYBURN. It is complete on the line of the States. That line of demarcation is so fine that you can not define it.

Mr. BAILEY. It is, in the minds of some people, but in the minds of some of us the line that separates the States of this Union is as broadly marked as is the duty of a Senator.

Mr. HEYBURN. In sentiment, yes; but I am talking about geographical lines.

Mr. BAILEY. In practice they are not, I regret to say.

Mr. HEYBURN. Part of the cargo on the train may be in one State and a part in another, in crossing the State line.

Mr. BAILEY. The Senator knows—I assume the Senator knows—that the court has decided that a State can meet what we call contraband goods, if you please, at its border and forbid them to enter. One of the cases was where the court decided that a bale of goods that might bring infection to the people of the State could be forbidden to enter the State and could be burned at the water's edge under the power, sovereign, inherent, original, and complete——

Mr. MONEY. And inalienable.

Mr. BAILEY. And inalienable, as the Senator from Mississippi adds. The Supreme Court gives the Senator warrant for his statement. It says that this power of the State to protect the health of its people not only against injurious food articles, but to protect them against deception in trade, was one originally possessed by the States and was never surrendered to the Federal Government by them, and is one which the Federal Government can not exercise. What is the inspiration of this bill? More than once I have heard it stated in private conversation that the States will not pass these pure-food laws. If it does not please the people of the State of Idaho to protect themselves, they ought not to appeal to the people of Texas, because whenever the people of Texas assert their right to interference with the matter of health and morals in the State of Idaho, they must concede the right of the people of Idaho to interfere in the matter of the health and morals in the State of Texas.

My own opinion is that the people of every State in this Union can best be left to take care of their own morals and their own health, because they are incomparably more interested in their morals and in their health than are their neighbors in distant States.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Let me carry that idea one step further.

Mr. HEYBURN. Certainly.

Mr. BAILEY. Some States do not punish murder with the same promptness and exactness that they ought, but shall we say that there ought to be a Federal law on that subject? Some States witness public lynchings upon regrettable occasions. Shall that be a sufficient warrant for the Federal Congress to legislate on that subject? Some States do not punish kidnaping. Perhaps the Senator from Idaho would like to amend the laws of Nebraska so that hereafter kidnapers would pay the penalty of their crime.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. I certainly would not repeal the extradition law which would enable Idaho to assist any State, whether it be Nebraska or any other, in apprehending a guilty criminal and bringing him to justice.

Now, in regard to the State of Idaho, to which the Senator has referred, I would say that Idaho has a most excellent pure-food law and that it is enforced by a very intelligent officer, and if the State of Idaho can be protected by the assistance of the General Government against the introduction of articles that are contraband in Idaho the laws of Idaho will be much more effective in their results, and that is the object of this bill.

Mr. BAILEY. The State of Idaho does not need the assistance of the Federal Government, because the State of Idaho has complete and ample power to protect herself.

Mr. HEYBURN. Yes; but she is much embarrassed under existing conditions by the introduction in unbroken packages and large shipment of goods that are contraband under the laws of Idaho, and it is impossible to surround any State with guards and stop every train at the border and inspect the contents of its cargo. Therefore much expense is added in the maintenance of our government and the enforcement of our laws by reason of the introduction of these contraband articles.

Mr. BAILEY. The Senator from Idaho unconsciously betrays one of the reasons which actuate many Senators in supporting this measure. They think to make the Federal Government to bear the expense, but they deceive themselves. After all, the Federal Government has no money to pay these expenses except what it collects from the people of the States; and as it generally costs the Federal Government more to perform a given service than it does the States, the people are merely taking more money out of one pocket than they are putting back into the other, and thus the sum of it all in the end will be an actual loss. If the prosecuting attorneys in the State of Idaho will do their duty, in twelve months there will not be the sale of an illegal or prohibited article of food in that State.

And here, Mr. President, is the miserable condition to which we have come. We are no longer willing to pass criminal laws, and to stop with laying upon the evil disposed the command "Thou shalt not," adding to that command the sanction of a penalty. That used to be sufficient to insure obedience to the law, but is not in this day; and we now feel that we must organize a bureau and subject everybody's business to its inquisitorial power in order to hedge men about that they can not commit a crime, and thus relieve incompetent or indifferent public officials, who are unable or unwilling successfully to prosecute them when they do commit a crime.

What we need in this country is not more bureaus to supervise the business of the people; we need prosecuting attorneys who will put criminals, both great and small, in the penitentiaries of the land. That is what we need. Give me an efficient pure-food law in any State with capable State attorneys and it will be impossible for people to violate it very long. Put one manufacturer of poisoned food in the penitentiary and the others will hasten to obey the law. One conviction is worth more than a bureau like this.

Begin this way and what will come? Another Post-Office Department. Mr. President, I doubt if there is a despotism on the earth to-day that holds any single man in its dominion, with the same power over the business of its citizens, as the United States vest in the Postmaster-General of this country. He can close any man's business by simply saying that in his opinion it is fraudulently conducted. A clerk, upon an insufficient examination, can order a man's mail discontinued, interrupt the current of his correspondence, destroy his standing in the business community, and the citizen is absolutely without access to the courts to right the wrong. His business can be destroyed, his reputation can be ruined, his profits can be diverted to his competitors; and yet he is powerless to appeal, except to the same officer under whose order he has suffered this great wrong.

Now, undoubtedly it is true that the Government of the United States ought not to allow its service to be employed by scoundrels and cheats, but this way of lodging in the hands of one man the power to destroy the business of many men is un-American. You deny the man whose business is thus assailed resort to the courts of this country. If you take his horse, even for a public purpose, without making him just compensation, he can call you to the bar of justice; but a single individual, responsible to nobody but his own conscience, can destroy a man's business, injure or ruin his good name, and drive him into poverty and disgrace, from a business that he has built up by his industry and sagacity, leaving him without a remedy in the courts. Thus it is that bureau after bureau is built up, and we vest them with such extraordinary power, until the American Republic will become a bureaucracy instead of a democracy—a government in which the bureaus and not the people rule.

If the Federal Government has the power to pass an act regulating the use of adulterated, misbranded, and deleterious food, it ought to stop when it writes upon the statute books that it shall be a crime to commit such a commodity for shipment between the States or to foreign nations, and leave it to the integrity and efficiency of its judicial officers to vindicate the authority of its law.

Mr. MONEY. Mr. President, in some remarks which I submitted day before yesterday I stated that the convention of certain canning associations at Atlantic City declined to pass a resolution indorsing the Heyburn bill. That was controverted by a written statement made by the president of that convention, which was submitted to the Senate by the Senator from North Dakota [Mr. MCCUMBER.] This morning I have had handed me a statement which I desire to have read as a part of my remarks.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

In view of the statements made by Senator MCCUMBER in debate on the pure-food bill, on Monday, February 19, in which reference was made to the recent convention of the various canning associations, held at Atlantic City, N. J., I wish to correct any possible misinterpretation that might have resulted from the Senator's argument. I am the president of the National Food Manufacturers' Association, am a newspaper man by profession, and have been intimately connected with the canning trade for the last twenty years. I attended the convention at Atlantic City unofficially, so far as my relationship to the National Food Manufacturers' Association was concerned. I did not attend the convention for the purpose of securing any resolutions favoring the amendment offered by Senator MONEY in the Senate, and which our association indorses.

Contrary to the statement purporting to have been made by ex-President Frazier, I am an honorary member of each association represented at Atlantic City, and entitled to the floor, if desired.

The following morning after arriving in Atlantic City President Frazier, in his address, asked for a resolution indorsing the Heyburn bill, and all his official and private utterances were to the effect that a resolution should be passed favoring the Heyburn bill. Doctor Wiley was requested to address the association, in order, if possible, to win over any of those who might be wavering in their convictions regarding the Heyburn bill.

Shortly after President Frazier's address I learned that an attempt was to be made by President Frazier to railroad a resolution through favoring the Heyburn bill and cut off all debate by promptly adjourning the meeting thereafter. I at once went to President Frazier and told him that such a resolution could not pass and gave as my reasons for such a statement, first, that the canners did not know the provisions of the Heyburn bill, which would mean a continuation of the miscellaneous condemnation of their product without any hearing or conviction, which would mean commercial suicide to their brands and reputations as manufacturers of legitimate food products. On the basis of this statement I interviewed as many of the members of the association as possible in the short time that was at my disposal, with the result that a resolution was passed, which was framed at my dictation, and which favored no specific bill, notwithstanding Doctor Wiley's presence, and the attitude of President Frazier of the Western Packers' Canned Goods Association. The canners of the United States stand absolutely and unequivocably for pure-food legislation, but the resolution as passed is a striking indication of the feeling of the canners of the United States toward the Heyburn bill. I wish to add still further that Doctor Frazier did not come before Congress with any authority from either association in the matter, and, further, that he is no longer an officer in the association of which he was formerly president.

O. L. DEMING.

Mr. MONEY. Mr. President, as I said, I received that statement this morning, and I have had it read because of the fact that the statement I made previously was derived from newspaper sources and of course you can not always tell whether they are exactly correct or not. When my friend the Senator from North Dakota read the statement of Doctor Frazier, I accepted Doctor Frazier's statement as being substantially cor-

rect, but I received this statement this morning, and I wanted to put it into the RECORD, in order that those who have read the other statement may read this, which entirely contradicts it.

Mr. McCUMBER. I wish very briefly to answer the Senator from Texas [Mr. BAILEY].

Mr. President, the Senator from Texas has promulgated a legal doctrine here that I confess I have never before heard stated as a proposition relating to the limitation of the power of the Government under that clause of the Constitution relating to commerce between the States. The proposition of the Senator from Texas is simply that under the Constitution we can regulate commerce, but we can not regulate commerce for the very purpose of protecting the people of the several States against fraud and imposition by the manufacturers of other States. That proposition, I am ready to declare, can find no support in any of the decisions rendered by the Supreme Court of the United States. On the contrary, one of the prime objects in reference to the power of Congress over interstate commerce is to protect the people—not only to protect their pocketbooks, but to protect their lives; not only to protect them against injuries to the person, but also to protect them against fraud of any character.

Let us take the case as it affects the matter of competition. We prohibit any two lines of railroads from entering into an agreement whereby they destroy competition between the different States. For what purpose? Simply because it is an imposition upon the people of those States. It is to protect the pocketbooks of the people against the inposition of improper charges. We justify the power of Congress to appoint a body that shall fix rates by railroads in interstate commerce upon the ground that it will protect the people of the several States against improper charges, against unjust discrimination, against rebates. Every one of them is an element that affects the people themselves.

Now, that is carried out in every decision that has been given by the Supreme Court upon the question of the limitation of the power of the Government over interstate commerce, and I say not a single decision can be found that says or even intimates that we can not regulate commerce between the States for the very purpose of protecting the individuals of the State against fraud sought to be perpetrated by the individuals of another State.

We go further than that. We even go into the State of Ohio or into the State of West Virginia and we say to the coal operators there, "You have made an agreement whereby you are to fix the prices of coal in the several States of the Union." Under the authority of Congress over the interstate commerce of this nation we will condemn that. "Why?" "Because it interferes with free competition." "What harm does that do?" "Because it interferes with free competition, and thus injures the people of the States of Illinois and Ohio and Wisconsin, where those goods are to be shipped." So the very spirit, the whole soul of the power, is for the purpose of protecting the people against any character of imposition.

The Senator says give him a good prosecuting attorney in any of the States, under the authority of the law that may exist in any State, and he can prevent the importation of spurious drugs, etc. I agree entirely with the Senator from Texas upon the limitation of interstate commerce at the dividing line of original packages.

The State can seize the original package the moment it lands, provided that it is a fraud or is not a commercial article. There is the distinction that they make. If it is a commercial article, then the State can not touch it until it has been disposed of for sale and has passed under the State's jurisdiction.

But the police power of the State can take oleomargarine that is colored as yellow butter and sold for yellow butter. It does not need to wait until the original package is broken, because it is designed as a fraud upon the public, and therefore the police power can reach it.

But let us see what the Senator will do, Mr. President, with his district attorney. I will take a State like the State of Ohio, with its hundreds of thousands of freight trains passing through and across it from all sections of the country, every freight train loaded with box after box, with nothing but the name of the consignee upon a box.

This package is dropped off at this city, this package is dropped off at the next station, and 10,000, aye, 100,000 of those packages are dropped off daily and scattered all over the State. They do not show upon the face of them that they are frauds. I admit the State can get hold of them after they have arrived there, but it may be that two-thirds of them, or 90 per cent of them, are fraudulent goods imported from one State to another State. If the Senator had all the State attorneys and every county attorney busy in the State of Ohio, he could not reach 1 per cent of the entire amount of frauds that could be uncovered in a single day in that State.

Thus we desire, Mr. President, to supplement the power of the State. All of the States have their pure-food laws. All of them say "we do not want these articles;" but under the interstate commerce—the commerce from all over the country—these articles are dropping in and scattering over our State, so that an army of State officials could not in any possible way meet them.

Now, how do we supplement it? We come right back to the manufacturer. We say to the manufacturer: "You can not import those goods into a State." That is a power that we have got. We can say to every manufacturer and to every railroad: "You shall not take any fraudulent product into any State," the same as we can say to the authorities the Senator has spoken of in reference to the Post-Office that no fraudulent tickets shall pass from one State to the other.

Mr. President, the Senator would limit this authority to allowing every State to seize the article after it has been scattered daily over 10,000 cities or stations within the State. I can not conceive for one single moment that it is against the power of Congress to so regulate interstate commerce between the States that the very object shall be the protection of the people of that particular State.

I have but one word, Mr. President, to say in reference to the amendment offered by the Senator from Mississippi [Mr. MONEY]. I know the high character and the integrity of the Senator, I know his good judgment, and I do not want him to think for a single moment that I fail to place upon those qualities the highest appreciation. But notwithstanding that I may have the reverence for the Senator from Mississippi that I might have for Isaac of old, I know the hand that reaches out from that association of manufacturers is the hand of Esau. I know the voice that speaks from that amendment prepared from that association of manufacturers is the voice of Jacob, and it is the voice of deception.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. BAILEY. Mr. President, I believe I will ask to put an extract from the Plumley case in the RECORD, and an extract from the Rahrer case. I ask unanimous consent that the Secretary shall read the parts that I have marked.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas? If not, the Secretary will read as indicated:

The Secretary read as follows:

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State; but that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States. (Plumley *v.* Massachusetts, 155 U. S., p. 472.)

Mr. BAILEY. Now, I ask that the Secretary read what I send to the desk, from 140 United States.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government. (In re Rahrer, 140 U. S., p. 555.)

Mr. BAILEY. Let the Secretary read over on the next page.

The Secretary read as follows:

In short, it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States and can not be assumed by the National Government, and that in this respect it is not interfered with by the fourteenth amendment. (Barbier *v.* Connolly, 113 U. S., 27, 31; ibid., p. 555.)

Mr. BAILEY. Now, I will ask the Secretary to read one more extract from the Knight case.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

Mr. HEYBURN. I suggest that the book and page go in the RECORD in both the former cases. They were not given at the desk.

Mr. BAILEY. Very well. The Rahrer case is 140 United States, and the Plumley case is 155 United States. The Knight case, as I remember, is 156 United States. I have sent it to the desk and ask the Secretary to read what I have marked.

The VICE-PRESIDENT. The Secretary will read as requested, without objection.

The Secretary read as follows:

It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, "the power to govern men and things within the limits of its dominion," is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States and, essentially exclusive. (United States *v.* E. C. Knight Co., 156 U. S., p. 11.)

Mr. KNOX. May I ask a question of the Senator from Texas?

Mr. BAILEY. Certainly.

Mr. KNOX. I did not get the benefit of the Senator's entire argument on the power of Congress to prohibit the transportation of impure food from State to State, and I only rise to ask the Senator if he has considered in that connection the case of Champion against Ames? Champion against Ames was a case where Congress undertook to prohibit the transportation from State to State of lottery tickets, not alone by the mails, but by any other means.

Mr. BAILEY. By express companies or otherwise.

Mr. KNOX. In that case—if the Senator will permit me just a moment—the court said:

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is, in effect, a *prohibition* of the carriage of such articles from State to State is not a fit or appropriate mode for the *regulation* of that particular kind of commerce? If lottery traffic *carried on through interstate commerce* is a matter of which Congress may take cognizance and over which its power may be exerted, can it be possible that it must tolerate the traffic and simply regulate the manner in which it may be carried on? Or may not Congress—

And here is the point—

Or may not Congress, for the protection of the people of all of the States, and under the power to regulate interstate commerce, devise such means, within the scope of the Constitution, and not prohibited by it, as will drive that traffic out of commerce among the States? (Lottery case, 188 U. S., p. 355.)

I only wanted to know whether in the conclusion the Senator has reached he considered that authority.

Mr. BAILEY. Mr. President, the Lottery case, like the Nagle case, I never refer to if I can avoid it.

Mr. KNOX. The Senator does not agree with it?

Mr. BAILEY. I do not agree with it, and I think it is one of those instances where one hard case made bad law. Congress wanted to destroy the lottery and the court wanted to help. Hence the law first and then the decision. I do not agree to that decision, because a lottery is not commerce. It is gambling. Commerce is not gambling and gambling is not commerce.

But all the court decides in that case is that under the power to regulate commerce it may prohibit commerce. The contention was that the power to regulate did not include the power to prohibit. My own opinion is that so far as the case is worth anything it tends to establish the doctrine of a police power in the General Government, and if the argument, not as stated, but as implied, is followed, it seems to establish that. But you could not imply that to be the opinion of the court against the express and repeated declaration which I have just had read at the Clerk's desk.

It has been some little time since I have read those cases, and if I had taken the time before taking the floor to examine them I could have pointed out how in each one of those cases the court attempts to draw this line—sometimes shadowy and illusive, but still a line—between the commerce power of the General Government and the police power of the several States.

I say to the Senator from Pennsylvania, for whose opinion as a lawyer I have profound respect, that there is nothing, in my opinion, better settled in the decision of the courts than that the States only can exercise a general police power. The trouble with the court in the liquor cases was that they treated the question of intoxicating drinks as a matter of commerce rather than as a matter of police regulation, and I think I voice the sentiment of the profession at large when I express a sincere regret that the court did not in the beginning treat intoxicating liquors as more a matter of police than as a matter of commerce. If they had done that in the Bowman case first, or in the case of Leisy *v.* Hardin afterwards, we would not have had what is known as the "Wilson Act," which performs what, to my mind, is the absurd office of abdicating a power of Congress to the States of the Union.

As the decision in Bowman *v.* The Railroad, followed by the decision in Leisy *v.* Hardin, were wrong, they were followed by another wrong decision in the Rahrer case, where the court sustained the law of Iowa because the Federal Congress had permitted that law to prevail.

Under a just and proper distinction commerce—I mean interstate and foreign commerce—is for the nation to regulate. What is commerce within the State and what is police regulation is for each State to deal with for itself, and wisely so, because what may affect the health and morals of the people of Texas might not similarly affect the health and morals of the people of California. Morals do not change with latitude and longitude, as my distinguished friend from Idaho intimated a few moments ago; but health does change, and what would be health-giving in one climate might be health-destroying in another.

I am sincerely anxious that each State in this Union shall regulate its own domestic concerns without interference or suggestion from the outside, and when each State does that, and all the States do that, we have a harmonious system; we have the system contemplated and ordained by our fathers, a great number of local governments concerning themselves with local affairs, and a great government over them all attending to those concerns which affect them all. Thus, and thus only, can we preserve the ideal system created by the founders of this Republic.

When you invade the right of a State on one occasion it is followed by an inevitable invasion on another, and as you increase the power of the Federal Government to do what the States ought to do, the States, becoming unaccustomed to the exercise of their powers, finally become unfit to exercise them. It is as true of a State as it is of an individual that long disuse of a power destroys that power, and if the Federal Government in progressive encroachment upon the rights of the States is to finally deny them the right to safeguard the health and morals of their people, pray, Mr. President, what place have they in our system even as it exists to-day?

Mr. FULTON. Mr. President, I wish to offer an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5, page 10, after the words "or place," insert the word "therein."

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. FULTON. Mr. President, I do not think that the Senator in charge of the bill will object to this amendment.

Mr. McCUMBER. Will the Senator repeat the amendment? I did not catch it.

Mr. FULTON. In line 5, page 10, after the word "place," insert the word "therein." In a preceding section, on page 7, I think, where the framer of the bill employed the same language practically—where it refers to drugs—the word "therein" is used.

Mr. McCUMBER. It seems to me that the insertion of that word, as proposed by the Senator, destroys the phraseology of the sentence. I can not understand how it adds to it in any way. The sentence now reads:

Fourth. If the package containing it, or its label, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular, or if the same is falsely branded as to the State, Territory, or place in which it is manufactured or produced.

Now, by adding the word "therein" after "place" it will read:

Or place therein in which it is manufactured or produced.

Mr. FULTON. As the text of the bill appears it would seem that it would differentiate the word "place" from a State or Territory. It might have reference to some other division—the district of Alaska or the islands. What I desire is that it shall be an offense against this act if the label shall be false not only as to a State or Territory, but as to the locality in a State or Territory where the article is packed.

Mr. HEYBURN. I call the Senator's attention to the fact that the bill provides that the statement shall be correct as to the place—that is, as to the locality.

Mr. FULTON. Not in regard to food, I think. If it does, I shall be glad to have it pointed out.

Mr. HEYBURN. On line 16, page 7, that language was put in on the suggestion of the Senator from Oregon.

Mr. FULTON. Yes; on page 7, line 16. That applies to drugs. Now, on line 5, page 10, where the amendment I have offered comes in, it applies to food. I wish to have the same language employed there that has been employed in regard to drugs.

Mr. McCUMBER. I wish to say that the Senator would restrict the meaning simply to the "State, Territory, or place therein." It is intended that it shall cover every place, whether in foreign countries or in our own; in other words, that it shall be broad enough to cover a statement that goods were manufactured in Italy when, as a matter of fact, they were manufactured in New York. When the Senator limits it to the "State, Territory, or place therein," he means the place within such State or Territory.

Mr. FULTON. On page 7, line 16, where the same language

in question is applied to the use of labels on drugs, the Senator employs this language:

If the package containing it, or its label, shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the country, State, or Territory, or place therein.

Why does he employ the word "therein" in that clause?

Mr. HEYBURN. I will explain that, Mr. President. If the word "country" was used in the second instance it would then conform to the first, but unfortunately the word "country" is at the wrong end of the sentence.

Mr. FULTON. I have no objection to the word "country." I suggest, then, that we insert the word "country."

Mr. HEYBURN. Before the word "State?"

Mr. FULTON. Yes; preceding the word "State."

Mr. HEYBURN. That would make it conform to the provision.

Mr. FULTON. I understand the Senator does not object to my amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Before the word "State," line 5, page 10, insert "country" and a comma.

Mr. FULTON. And the other amendment "therein," in line 5, page 10, is to be retained.

The VICE-PRESIDENT. Did the Chair understand the Senator from Oregon to withdraw his first proposed amendment?

Mr. FULTON. I wish to retain the first amendment and enlarge the amendment I offered by inserting the word "country" immediately preceding the word "State" in the same line.

The VICE-PRESIDENT. The amendment as proposed will lie on the table.

Mr. GALLINGER. Mr. President, on yesterday I called attention to the proviso at the foot of page 6, which I thought was faulty in its construction. The Senator from North Dakota [Mr. MCCUMBER] suggested that he would draft it somewhat differently. I will ask the Senator if he has made the draft?

Mr. MCCUMBER. The draft has been made, Mr. President, and I have it here. We propose to strike out the word "not," in the last line on page 6, so as to read:

Provided, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, etc.

Then we propose to strike out "as originally packed," and insert in lieu thereof the words, "although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary."

Mr. GALLINGER. That proposed amendment meets entirely the objections which I made to this provision on yesterday, so that I shall have nothing further to say about it.

Mr. President, I offered on a previous day four amendments—one on page 4, line 19; another on page 4, line 24; another on page 7, line 24, and another on page 8, in lines 10 and 11. The amendment was simply to insert the words "in sufficient quantity to be." I have since then looked the bill over carefully, and I find there is a provision which practically covers that, and so I wish to now withdraw those amendments.

The VICE-PRESIDENT. The amendments will be withdrawn.

Mr. MCCUMBER. I should now like the attention of the Senator from Washington [Mr. PILES] for a moment. His amendment on page 10 provides that:

In case of evaporated milk or so-called "evaporated cream," if the same shall contain 25 per cent solids, of which solids 28 per cent shall be butter fat.

The Senator proposes to make that amendment as to milk entering into interstate commerce. As was explained by the Senator from Idaho [Mr. HEYBURN] yesterday, the object has been in drafting this bill that it should not attempt to fix standards at any place or on any occasion except such as are already fixed by the Pharmacopœia and National Formulary in drugs. But, Mr. President, I wish to call the Senator's attention to the fact that he is entirely protected under the provision on page 8, which is as follows:

In the case of food, an article shall be deemed to be adulterated—

* * * * * * *

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

So that in the manufacture of condensed milk, if it is the pure milk, although it might not be rich enough to contain the percentum of butter fat required in the amendment of the Senator from Washington, nevertheless it would be a marketable article; and we do not feel that we ought to prohibit the sale of pure condensed milk, even though it should not be from a cow that would give the richest kind of milk. Inasmuch as the other provision relates simply to the abstraction, it is rendered unfit for interstate commerce, provided there is anything abstracted from it. So if butter fat be abstracted from the milk and beef stearin or deodorized lard be substituted for the butter fat it would come under the inhibition contained in this bill. I simply desire to call the Senator's attention to it to show him that he is absolutely protected in getting a pure article of condensed milk under this proposed law.

Mr. PILES. I wish to ask the Senator a question. If, as he says, the object of my amendment is indirectly covered by the provision on page 8 of the bill, what objection would he have to making explicit the statement on that point?

Mr. MCCUMBER. The objection is to the fixing of a standard. I do not know whether the standard should be 25 per cent butter fat or whether it should not be; and I do not know that anyone else here knows absolutely as to that. But the object of the bill is simply to prevent fraud by extracting butter fat or anything else, and I suppose the cream or milk, as long as it is pure, can be sold in the market.

I desire to say one other word in reference to the authorities that were sent to the desk to be read by the Senator from Texas [Mr. BAILEY]. The authorities he cites there do not in any way, as I understand, contravene in the slightest degree the statement I have made. There is no question but that Congress can not reach over into the States and attempt to perform the police powers of the States. The only proposition that I desire to stand upon is that Congress has the power to provide for conditions affecting interstate commerce, so that it may assist the States in the police power of those States. It does not exercise their powers in the slightest degree. It simply exercises the power of Congress over interstate commerce; and if that power is beneficial to the States or assists the States in any way in carrying out the provisions of their own police powers, it certainly can not be objectionable for that reason.

Mr. BAILEY. Mr. President, the Senator misunderstands the purpose for which I referred to those cases, and for which I had them read, if he supposes that I intended to argue in any way for the abridgment of the interstate-commerce power of the Federal Government. I referred to the Plumley case for the purpose of supporting my statement that a State could protect its people against a deception in trade and against unwholesome articles of food or drink; and I sought to establish the conclusion that as the power of the State in that respect was plenary, it could not be necessary for the Federal Government to pass any law on the subject.

I had the other extracts read for the purpose of showing that the courts have uniformly held that the police power is with the States and not with the Federal Government. If it be received as true that the general police power belongs now, originally, and always, with the governments of the States, then no part of it can be possessed or exercised by the Government of the United States. That argument I made simply for the purpose of submitting to each Senator's conscience whether he voted for this bill to regulate interstate commerce or to protect the health and morals of the people in his State, conceding freely that if the purpose be to regulate interstate commerce, it is a valid exercise of the power of Congress. I insist that if the purpose is to protect the health or morals of the people, then it is a matter that belongs to the States and not to the Federal Government; and that the only way to defend the bill is to contend that it is a regulation of commerce, when we know it is designed as a protection of health.

Mr. MCCUMBER. What I insist upon, Mr. President, is that we have the right to say that this is a regulation of commerce, but for the purpose of protecting the citizens of the States against the imposition of certain articles. Now, while the State may exercise its own power absolutely within its own jurisdiction and not without its territorial boundaries, the Congress may exercise its power that will exactly supplement or fit in with the power of the State, provided it keeps within its own jurisdiction, and that is the jurisdiction of interstate commerce. Sometimes there may be a conflict even in the State itself. Thus in the Liquor cases, Congress has the right, and not the State—the primary right—to determine what is a proper article of commerce. The State of Iowa may say, as a police regulation, that beer is injurious to her people and that it shall not be sold in the State of Iowa; but the Supreme Court comes in and says that whenever a question of that character arises—that is, whether an article is a commercial article—Congress must determine that and not the State. Thus in those cases the Supreme Court held the State could not prohibit it, that the police power of the State could not be exercised over the case of beer in the original package, although the State should declare it to be unfit for consumption in that State.

Mr. BAILEY. Mr. President, the court did not hold that. If the Senator will recall the case, the court held that that could not be done in the State of the law as it then stood; but Congress came along and passed the Wilson Act; and now the court holds that the State can.

Mr. McCUMBER. That is the same thing.

Mr. BAILEY. The Senator, of course, understands me to concede, and not only to concede, but to assert, that commerce in liquors is for the General Government, as the courts have held, though in holding that they reversed the earlier decisions, and the earlier decisions were by a unanimous court while the later ones were by a divided court. The court did hold that liquor was a matter of commerce and not of police; but the courts have never held that the question of adulterated or poisonous foods is a question of commerce, and, on the contrary, have held expressly that they are matters of police.

Mr. McCUMBER. I agree entirely with the Senator. The court has held that way—that a fraudulent article or a poisonous article or one unfit from putrescence or otherwise, is not a commercial article; and therefore, it not being a commercial article, the State can deal with it the moment it enters the State boundary; but inherently the power is in the General Government to determine what is a commercial article and what is not a commercial article.

Mr. BAILEY. The Senator can not find any warrant for that statement——

Mr. McCUMBER. But I find that even before the Beer case.

Mr. BAILEY. The Senator does not mean to say, if Congress was to declare that diseased meat was a matter of interstate commerce and that no State should have the power to forbid the sale of it when imported from another State, and that the mere declaration by Congress would supersede the power of the State?

Mr. McCUMBER. No; I do not mean to say that Congress can declare that an article which is not naturally a commercial article can be made a commercial article; but the article which the Senator describes is not a commercial article, and can not be made a commercial article. Therefore Congress has no power to say to a State that it is a commercial article and that Congress will exercise its power over it until it has reached the State. That is the basis of the decision.

Mr. BAILEY. I think the Senator may make that statement a little too broad. Meat is an article of commerce very frequently——

Mr. McCUMBER. Certainly.

Mr. BAILEY. In a condition that it ought not to be sold. It is a question for the State to determine. The State may permit it to be sold within its borders in that condition, or the State may forbid the sale of it in that exact condition if it chooses. So it does not necessarily depend upon its condition whether an article is merchantable or not, but it depends upon the law as applied to that condition.

My opinion clearly is that Congress can not declare diseased meat a commodity subject to the interstate-commerce power of the General Government, and thus defeat the police regulations of the State; nor can a State declare wholesome meat not an article of commerce, and thus withdraw it from the commerce power of the Federal Government.

The Senator and myself do not disagree very widely about the facts or about the law. The trouble is the Senator says he is doing this under the interstate-commerce clause for police purposes. That is just about the size of the difference between the Senator and myself.

Mr. McCUMBER. And the whole difference in our conclusion, Mr. President, is a difference upon the theory through which we arrive at a conclusion. The difference is upon the theory of the law.

We will take the case the Senator mentioned. Here is a quarter of beef. It starts for New York from the city of Chicago while it is in a fit condition. It is an article of commerce, and no State can interfere with it. If it gets as far as the State of Ohio, and, by reason of the surroundings, a condition of putrescence sets in, it no longer is an article of commerce, and the police power of the State of Ohio attaches immediately, whether Congress acts on it or not. I simply give that as an illustration to show that a putrescent article, one absolutely unfit for consumption, is one that Congress can not control under the interstate-commerce clause of the Constitution, nor one which it can prevent the States from controlling. But there are cases where a State may declare absolutely by its law that a certain article, pure for that article, is unfit to be used in that State, and Congress can go in and say, "That is not true; this is a commercial article, and while you can reach it, you can not reach it in the original, unbroken packages." A State may declare that veal shall not be sold in that State, because it is not as good as beef; but Congress can say, "You shall receive that veal into your State, whether you wish to or not, in the original, unbroken packages." That being the case, it seems to follow, as a natural conclusion, that Congress can so control the regulation of interstate commerce of the country not only as to exercise its power over an article when the sale of that article is against the law of the State, but, especially, where its sale may be, and in most instances would be, in conformity with the laws of the State.

Mr. BAILEY. Now, Mr. President, we are in a fair way to reach an agreement. If the Senator will cut out of his bill every provision that relates to those things that the State can prohibit the sale of, I will vote for it. But the trouble with it is that these pure, unadulterated things that the States can not deal with this bill does not touch.

Mr. McCUMBER. I can explain that in a moment. If the State were in the same position in which the United States is with reference to its ports of entry and could reach an article before it got scattered through the State, then I would say there would be no necessity whatever for a national law supplementing the State law. The National Government has officers at every port of entry and they examine every article that enters into a port, but no State could possibly keep a corps of officers to examine every train that takes goods into that State, to open every box of patent medicine or every box of canned goods that is supposed to contain salicylic acid or anything that is prohibited by that State. Therefore we have to take cognizance of the condition, and the condition is that so many of these impure, spurious articles are pouring like a mighty wave over the State boundary lines that there is no power within the State, without enormous expense, to check the dealings in adulterated articles. But Congress, by its supplemental law, very easily will be enabled to get right back to the manufacturers in the several States and can cut off the sale of these deleterious products probably within a year, because the moment a manufacturer finds that he must sell pure goods in a State he will cease to sell impure goods.

The reason given, Mr. President, by most of the manufacturers who are using preservatives, and so forth, that are prohibited in the States is this: They say: "We can not compete with others unless we use such colorings and such preservatives as will give the proper appearance." But if we place all the manufacturers exactly upon the same footing, so that each one is prohibited from using injurious articles, then all manufacturers, or nearly all of them—certainly all that desire to do an honest and conscientious business—will do business in the various States upon an equal footing.

I gave here the other day a statement made by the president of the Western Canners' Association, from the State of Wisconsin. He says that he cans peas. There are put up in this country a great many million—I think 700,000,000—cans of peas yearly. In all of his product he does not use any other ingredient than sugar and salt. The cans are sterilized; the food itself is sterilized, and it is placed in a can that is perfectly tight so far as the ingress of air is concerned. That is all the preservative he uses. He says, however, when he goes over into New York, or even in his own State, he is met with a character of canned goods that looks exactly like his own in all respects, but he finds that where he has to pay $10,000, under the laws of the State of Wisconsin, for the sugar that is to go into the article he cans, his competitor pays only $750 for saccharine made from a coal-tar product. Of course he can not compete in the market with that difference in the character of the goods used.

So you will see that the divers State laws so act that some of them drive the honest manufacturer out of business. With a law of this kind, if it is in the power of Congress to enact such a law—and it seems to me clearly to be within its power—we will eliminate the incentive for all these frauds.

Mr. BAILEY. You will drive the dishonest manufacturer out of business?

Mr. McCUMBER. I hope so.

Mr. BAILEY. I understood the Supreme Court to say that the question of manufacture was for the State, not for the Federal Government.

Mr. McCUMBER. That is, within the State?

Mr. BAILEY. Yes.

Mr. McCUMBER. But the moment he manufactures and sells out of that State——

Mr. BAILEY. There can not be any manufacturing except within the State. I had supposed that whether they should be driven out of business or not was for the States to determine, under the Knight decision, but I understand now the Senator says that the purpose of this bill is to drive them out of business.

Mr. McCUMBER. The purpose of the bill is to drive them out of interstate-commerce business.

Mr. BAILEY. Oh, no.

Mr. McCUMBER. Oh, Mr. President, certainly the Senator can not understand me or understand anyone on the floor of the Senate as making a ridiculous proposition that Congress could prevent a man manufacturing what he saw fit in a State and selling it wholly within that State.

Mr. BAILEY. Congress has taxed men out of the manufacturing business. I have no doubt the Senator helped pass the oleomargarine law. The very purpose of that law was to tax the manufacturers of oleomargarine out of business. It succeeded very largely——

Mr. McCUMBER. True.

Mr. BAILEY. But the Senator from South Dakota—I mean North Dakota——

Mr. McCUMBER. I do not want to hold the Senators from South Dakota responsible for my statements.

Mr. BAILEY. Those two Dakotas have given me a great deal of trouble since they were admitted to the Union; and the only thing that relieves it is that they send very excellent Senators here who vote for very bad bills now and then. [Laughter.]

Mr. President, I asked the Senator if it was the expectation and purpose to destroy these dishonest manufacturers. He said "yes." He did not say that the purpose was to drive them out of interstate-commerce business. His purpose was to destroy them. I remind him that if he is not going to destroy the factory, he does not need to bother about their interstate-commerce business, because the minute they undertake to sell their goods in a State the power of that State attaches, and the State can prohibit it, even though the goods may be in original packages. Now I desire to ask the Senator this——

Mr. McCUMBER. Before the Senator asks me something else, may I answer the first proposition?

Mr. BAILEY. The Senator can answer them both at one time, because they are related to each other.

Mr. McCUMBER. Perhaps I had better answer the first proposition while it is fresh in my mind and fresh in the Senator's mind.

Mr. BAILEY. Perhaps that would be a little better.

Mr. McCUMBER. The Senator evidently is not taking into consideration the conditions of the manufacture of the spurious articles which are sold throughout the United States. There are a great number of manufacturers in the city of Chicago who do not sell one ounce of their goods in the State of Illinois. The Illinois law prohibits the sale of their products. They ship them out of that State into another State. If the State where the manufacturing esablishment is situated prohibits the sale in that State, and then that prohibition is supplemented by a law of Congress prohibiting the shipment of that spurious article into another State, it necessarily follows that that manufacturer is going to be driven out of business, does it not? He will be driven out of the business purely as an interstate-commerce matter.

Mr. BAILEY. And thus the power of Congress to suppress a manufactory in a State is asserted and enforced, because it is the law of Congress that closes up the State manufactory. In other words, the law of Congress draws about a dishonest factory a circle of fire which comes closer and closer until it destroys that factory, because, according to the Senator's statement, factories producing articles prohibited to be sold in the State will flourish in the State of Illinois until the law of Congress becomes effective. If that is a conclusive proof, this bill will do what the Supreme Court has said can only be done by a State—indirectly I grant you—control the manufacture of a given article in a State.

Now, I put this question to the Senator—and sometimes it is a very useful way to argue by asking questions: Suppose a factory located in the State of Indiana were producing a given commodity and that commodity were finding a ready sale in the State of Kentucky, which is only separated from Indiana by a river; their taste makes it agreeable and palatable, and, so far as they have been able to discern, it produces no injurious effect upon their health. Thus a citizen of Kentucky willingly purchases from the manufacturer in Indiana the given article. It is a lawful industry in Indiana, where the manufacture is conducted, and a lawful business to sell it in the State of Kentucky. What will the Senator say to the proposition that a law of Congress shall be put upon the books suppressing in effect the lawful enterprise of Indiana and suppressing in terms the shipment of that lawful product to the State of Kentucky?

Mr. McCUMBER. It is very easy, in my opinion, to answer that proposition. Congress, through its inherent power over interstate commerce, has the right to determine what is a commercial article.

Mr. BAILEY. I deny that utterly.

Mr. McCUMBER. It has a right to determine what is not a commercial article. It has determined what was a commercial article as against the opinion of the State of Iowa that it was not a commercial article.

Mr. BAILEY. But it did not do it against the opinion of Massachusetts in a food-product case.

Mr. McCUMBER. One question often answers another. It has the same right in this matter that it has to say that the mail service of the country shall not be used for the purpose of taking a lottery ticket from Louisiana to the same State of Kentucky. It may be that the people of Kentucky believe in gambling; that they like lottery tickets; that they have no objection to lottery tickets; that they have no objection to these little games of chance, but Congress comes in, and, notwithstanding the idea of the people of the State of Kentucky, says to the man carrying on his business in Louisiana, "You shall not send your certificates of chance to the State of Kentucky." The one is just the same as the other. Congress may finally determine the matter.

The people of Illinois might be perfectly satisfied with the prices charged for coal from the State of West Virginia, and yet, when three or four persons in West Virginia get together and say they will make a contract and that coal shall be mined only to a certain extent; that it shall be sold in the State of Indiana for a certain price, in Missouri for another price, and in Illinois for still another price, neither Illinois nor Ohio nor Indiana nor Missouri may make any complaint whatever.

Congress says "this is an imposition upon the people of those States; they are entitled to the full spirit of competition between the several producers, and you must enter into no contract whatever to reduce the amount of the output from your mines, and you must enter into no contract whatever that will prevent this spirit of free competition." Congress does not ask the opinion of the people to which the coal is consigned. It is decided upon the broad proposition, as I understand, that Congress can regulate commerce for the benefit of the people.

Mr. BAILEY. The Senator certainly has not understood me as denying that. I have been insisting all the afternoon that the power to regulate commerce among the States and with foreign nations is a Federal power, but I have maintained that the right to protect health and morals is a police power.

Surely the Senator does not think his illustration about coal touches the issue between him and me. The Senator understands that, like him, I believe in the power of the Government to protect the people against unlawful combinations with respect to commerce. That is the Addistone Pipe case, properly decided, as I think—very properly. But that does not come to the point in issue between the Senator and myself. I am one of those States rights men who believe that it is just as important to preserve the power of the Federal Government in its sphere as it is to preserve the power of the States within their sphere. My theory of this dual system of government is that the power of one begins where the power of the other ends and that there never can be any necessary conflict between the two. I am contending for that very principle. I am contending that while we recognize the right of Congress to regulate commerce between the States, we will not invade, by the General Government, the reserved power of the States to regulate their police affairs.

It again comes back to the point I stated and restated: If this is a regulation of commerce, well and good. The only question then is, Is it a wise one? But if this is a regulation of police affairs, then the Federal Government has no power to pass any such law, and I believe the Senator from North Dakota will be frank enough to say that the Federal Government has no power to pass a police regulation for the States, will he not?

Mr. McCUMBER. The only thing on which we seem to differ at all is at the point where these two powers come in contact with each other.

Mr. BAILEY. We could not differ at any other place.

Mr. McCUMBER. Let me make it clear. While one can not overlap the other in the slightest degree, nevertheless the one can be so exercised that it will supplement the other and be in exact harmony with it; and my claim is that that is as far as this bill possibly goes; that we do not go outside of the domain of interstate commerce. There we stop. But we can pass a law, under our authority over interstate commerce, the result of which will be to assist the citizens of a State to enforce the police power of that State. Now, that is as far as this bill goes, and as far as I contend we can go.

Mr. BAILEY. The trouble about that, Mr. President, if we go back to the statement of the Illinois and the Kentucky case, is that States might have a very different opinion of their police duty from that of the Federal Government, and the Senator says, practically, that the Federal Government ought to overrule them by referring to the instance of the coal combina-

tion. The Senator must come back and deal with that not as a coal combination—that is admittedly a question of interstate commerce—but deal with it according to the commodities in this bill, deal with it according to deleterious and injurious food products.

Suppose the State of Indiana should authorize the manufacture of a given commodity, and suppose the State of Kentucky were to permit it to be sold within her borders, both holding that it was not injurious to the health of their people. The Federal Government comes along and says, "It is, and thus we overrule you in respect to the health of your own people."

Mr. McCUMBER. No.

Mr. BAILEY. Now, I am going one step further.

Mr. McCUMBER. That is not what the Government says.

Mr. BAILEY. I am not going to leave it in that indefinite way.

Take oleomargarine. Suppose the State of Indiana permitted the manufacture of oleomargarine within her borders. There are a large number of scientific gentlemen—and I do not always have as much respect for them as they seem to have for themselves, because I find they are just as frequently at difference with each other as lawyers are about the law, or as politicians about legislation, but I assume that they understand their profession—who say that, when oleomargarine is manufactured in a proper way, it is a wholesome food product. Now, the State of Kentucky shares with Indiana that opinion as to oleomargarine, whether colored or uncolored, to resemble butter, and thus it is lawful in one State to manufacture and lawful in the other State to sell it.

The Senator from North Dakota says that the Federal Government shall come along and, assuming the right to judge above the people of those States immediately concerned, prevent the shipment of this article from one State to the other.

Mr. McCUMBER. The Senator does not quote me correctly. I will say that now.

Mr. BAILEY. I hope I do not, because I would hate to see the Senator from North Dakota take such a position.

Mr. McCUMBER. I have tried to make it clear again and again that the Congress could not declare a purely commercial article not to be a commercial article.

Mr. BAILEY. The trouble of it is in this case it declares that the man who manufactures it in the State in which it is manufactured shall not ship it into another State.

Mr. McCUMBER. Let us take the liquor case.

Mr. BAILEY. Congress, according to the Senator's theory, can only deal with merchantable articles—articles which are the subject of commerce. Now, that far he and I agree, but whenever I get him around to the point of taking an article confessedly relating to the police power, then he goes back, as he did in the Missouri coal instance, to a purely commercial question.

I want the Senator to say this, and I shall be satisfied: I want the Senator to say that the Federal Government has not the right to pass police laws. I want the Senator further to say that the right to provide police regulations is, in the language of the Supreme Court, an original, inherent, and exclusive right of the States. Now, if the Senator will agree on that, there is no possible room for difference between him and me, except as to what are articles falling within the police power.

If the Senator will indulge me long enough, I will say, with respect to the liquor case, that he knows, of course, that the basis of the court's decision in that case was that it was not necessarily a matter within the police power. He further knows that in the Plumley case they decided that a given article, not necessarily injurious to health, but merely colored, so as to practice a deception of trade, was wholly within the power of the State, and not within the power of the Federal Government. The Senator recognizes that, does he not?

Mr. McCUMBER. Very well.

Mr. BAILEY. Then the difference between the Senator and me is that the Senator wants to pass this bill under the commerce clause for the purpose of making a police regulation. That is the whole of it.

Mr. McCUMBER. The only thing on which we differ again is that same proposition as to whether the Government in this case is exercising a police power or whether it is exercising its power of regulation of interstate commerce, the result of which may be to affect the police powers in the State, not always necessarily, but may be.

Let me make myself clear upon that proposition. As a proposition of law the Congress can not make police regulations for the State. It can not legislate for the State.

Mr. BAILEY. Can it make police regulations at all?

Mr. McCUMBER. It can make a regulation as to what shall enter into interstate commerce, even though that regulation may be in some instances against the police regulation of the State and in more instances in harmony with the police regulation of the State. That is all we contend for.

Mr. BAILEY. I want to say——

Mr. McCUMBER. Let me take another case. It gives the opposite view. Suppose there is no law or regulation in any State against the sale of putrid animal flesh in a State. Can the Congress enact legislation that no putrid animal substance shall be a matter of interstate commerce? I think the Senator will agree that it can. And if it can eliminate it from commerce, it can eliminate it despite the fact that the State itself would not keep it outside of its boundary.

Mr. BAILEY. Mr. President, the vote is set for 5 o'clock; and as nobody else seems to feel any interest in the matter I will entertain myself with the Senator from North Dakota.

Mr. McCUMBER. I hope the entertaining will be beneficial at least to the Senator from North Dakota.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I do.

Mr. BAILEY. I thought the Senator yielded to me for a moment.

Mr. McCUMBER. I yield to both Senators.

Mr. HEYBURN. I desire merely to make a statement.

Mr. BAILEY. Let me finish this.

Mr. HEYBURN. If the Senator will pardon me, I wish merely to make a suggestion in reference to the conduct of the debate, I being in charge of the bill.

There are certain amendments which have to be arranged, and I desire to have the last fifteen minutes of the time to take up and briefly review those amendments. Fifteen minutes will be sufficient, and I ask the consent of the Senate for that purpose.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. BAILEY. These interruptions and colloquies have not been altogether useless at last. The Senator from North Dakota admits that the Federal Government can not pass police regulations to operate within the State—or for the State, as he expresses it. Of course the Senator could have broadened that statement and said that the Federal Government has no general police power.

I want to bring that principle to apply at this time as a supreme test, and I tell the Senator there is hardly a line in this bill which, under every accepted definition, is not a matter of police regulation. If this bill were pending in the legislature of any State in the Union and its provisions were assailed for lack of authority to pass it, the authority would be found in the general police power of the State. That is the argument which supports it here. It is purely and only a police regulation; and the Senator from North Dakota, with a subtlety that does his ingenuity more credit than it does his candor, continually asserts that it is a regulation of commerce intended to assist the States in ordering their police affairs. Now, it is a rather remarkable circumstance that a regulation of Congress is going to settle the police affairs of a State. If it is a police affair within the State it is a police affair under the Federal law.

Another trouble that the Senator from North Dakota has, and that really explains his ardent support of this bill, is that he is afraid that the frauds are too multitudinous for the States to deal with. He said that in the State of Ohio there were 10,000 cities. There are not that many in the whole United States. But the Senator need have no fear of that. There are 90,000,000 people in the United States, or nearly that number, and most of them are honest men. If they are all going to violate the law, you can not enforce it. In the first place, there would not be enough prosecuting attorneys; and if there were the rascals would constitute a majority of the jury and could turn each other loose. The extent of the frauds need not give the Senator any alarm. While crime is prevalent and cheating is in progress, it is not so widespread as that.

I think the merchants and manufacturers are hardly as bad as they are painted here. It will need only a little while to put the bad ones in jail, and make the others honest as a matter of interest.

The Senator from North Dakota need have no fear that the States of this Union will not preserve the health and morals of their people. If they do not, this system is a failure; and what I reprobate is that every time justice seems to miscarry in a State, they appeal to the Federal Congress for a law. A few great scoundrels in New York, as officers of insurance companies, stole trust funds, and straightway the people come petitioning Congress for a law to regulate insurance throughout the United States; and that, too, in the face of the fact that the

Supreme Court, in a well-considered opinion, concurred in by all the justices, and repeatedly indorsed in subsequent decisions, has expressly decided that insurance is not for Federal regulation. Three or four men stole or dissipated trust funds. That was a crime which ought to have been punished. Those men, perhaps, ought to be wearing stripes and living in prison instead of wearing purple and fine linen and living in palaces. But because a State allows some great rascal to escape is no reason why we should call upon the States to abdicate their powers to the Federal Government.

That is the vice of all these evil times. When something happens in a State not exactly according to the trend of public sentiment, the people rush to Congress, until it will happen after a while that Congress will have so much to do that it will do nothing well. We have nearly reached that time now.

Mr. McCUMBER. Mr. President, the Senator from Texas has discussed in his last address both the legal proposition and the propriety of the legislation. I wish to say but a word further upon the legal proposition, and we come right back to a question which I direct to the Senator from Texas.

Under the authority of Congress over interstate commerce, can we, by a law, declare that any dynamite transshipped from one State to another shall have affixed to the box the word "dynamite?" If we have that power, what power is it? Is it a police power or is it a regulating power? If it is a regulating power, what is the purpose of the regulation? The purpose manifestly must be the preservation of human life; but the preservation of human life comes within the police power. The preservation of human life is governed by the laws of all the States. Yet we may enact, in my candid opinion, a law regulating commerce in dynamite, providing that every box containing dynamite shall be marked "dynamite," and that would be done for the very purpose of protecting the people of the States through which the dynamite is about to pass. It is not an exercise of the police power. It is the exercise of a regulating power, though its object may be and its intendment may be for the protection of human life in the several States, and it may operate to a certain extent as a police power would operate.

As to the merits of the case, as the Senator from Texas has spoken on that subject, I will submit only a few remarks. The Senator says: "Punish some of the persons who are vending these articles in the States, and then there will be no more of it." Take the State of North Dakota. I have here, or did have, a large list, covering many pages of a daily paper, showing the different articles that were misbranded or adulterated in that State. They come from all sections of the United States.

Many of them come from the manufacturers who are mentioned in this organization which is fighting the pure-food bill. Now, suppose you do prosecute one of these retailers. He sends into Ohio or Chicago and orders some maple sirup. He is entitled to get maple sirup. He gets an adulterated article, and when he sells it for maple sirup he has committed no moral offense. Punishing him will not help. You are punishing the innocent for the crime of the guilty.

The best legislation to deal with crime is legislation that will get right at the root of the crime, and if the root of all of this evil is planted in that territory over which Congress has exclusive jurisdiction—the realm of interstate commerce—though its branches reach over into and drop its spurious fruit into every State, the best legislation is the legislation that can reach at it directly and not the legislation that can reach at it indirectly.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. With pleasure.

Mr. STONE. I desire to break in for just a moment on this interesting and somewhat protracted discussion to ask the Senator from North Dakota a question relating to one feature of the bill.

I recur to the last clause of section 9, page 11, relating to the misbranding of liquor. The language I call attention to, embraced in the first four or five lines, is that liquor shall be deemed misbranded:

First. If it is blended or rectified, or consists of an admixture of different grades of the same liquor—

And now particularly the words which follow:

Or contains, or is mixed with, other substances, and such fact is not plainly stated on the package in which such liquor is offered for sale, etc.

I happen to know (at least I have been so informed that I can state I know it to be true) that in some of the central Western States—like Missouri, Iowa, and Illinois—wine manufacturing is carried on to a considerable extent in a large way practically. The grapes used by the manufacturer of these domestic wines are grown for the most part, not wholly, along the Missouri Valley and the adjacent hills. These grapes—and I think it is true of all grapes grown east of the Rocky Mountains—contain such a high degree of acid matter that it is impossible to make palatable wine out of the pure juice of the grape.

In consequence of that fact it is necessary to add a considerable amount—what the quantity is I do not know—but to add an amount of sugar to raise the saccharine quality of the wine and to dilute it to a certain extent with pure water; and in some kinds of grape wine made in this region a little brandy is added. It is not always done, but in some localities that is true. I understand that in California the grapes grown there are semitropical, and it is not necessary to make these additions to the wine.

What I want to know of the Senator is what would the manufacturers of these wines have to do under the bill? They put only sugar and water and it may be in some cases a little brandy in. What would the manufacturer have to place on his package in order not to violate this provision against misbranding?

Mr. McCUMBER. Mr. President, under this provision he could manufacture his wine as a manufactured product in the usual process. Sugar is an article that is used, I presume, in all wines. There may be cases in which the juice is so sweet that sugar or saccharine is not necessary, but when so used it is as much a part of the product itself as salt is a part of a product that we use with our daily food. It is understood that it is to be used in the manufacture of wine.

Now, if the manufacturer blends that with something else, if he mixes it with other character of wines, if he changes the nature of it by putting in alcohol or wood alcohol or brandy or gin or something else, it would be a blended wine. He would by blending with a little alcohol—a little brandy to give it its flavor—change the nature from the original wine; and all he would have to show upon that product would be that it was blended. If he simply uses sugar or any other ingredients that are naturally used in the manufacture of wine, there would have to be nothing placed upon the container.

Mr. STONE. Nothing, in the opinion of the Senator?

Mr. McCUMBER. Nothing, in my opinion.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. I do.

Mr. SPOONER. Mr. President, of course the Senator from Idaho and the Senator from North Dakota must be anxious—and I know they are anxious; I know their good faith—that the bill shall have as much consideration as shall be needed to render its validity as certain as we may render things of the sort certain.

I am persuaded that the lack of standard provided by law, in connection with the offenses denounced in the bill and punished by the provisions of the bill, is very dangerous to it. Of course, the fundamental sections, the jurisdictional sections of the bill, are the first and the second. The first section punishes by a very severe penalty—none too severe, probably—persons who "manufacture, sell, offer for sale, or deliver for shipment, or cause to be delivered, shipped, or transported from within any State, etc., to another State, Territory, etc., any *article of food, drugs, medicines, or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this act.*" The second section is substantially the same.

No lawyer will challenge the proposition for a moment that there is an utter lack of standard, except it be supplied in the bill thereafter, and that there is no standard supplied in the bill thereafter except as to drugs. Whether an article is deleterious or not is a question of fact to be determined by a jury. All through the bill there are questions of fact to be determined by a jury. There is no standard rendering definite the offense. There is nothing putting a man on notice in advance of a standard to which he must live and toward which and in obedience to which he must shape his business.

I want to call the attention of the Senators to the fact that it is a want of the certainty which the Supreme Court of the United States has held to be absolutely essential in criminal statutes. If the Senators will look at the case of McChord *v.* Louisville and Nashville Railroad Company, 183 United States, I think they will find a case which fits this bill, except as to the portions of it which clearly do provide definiteness of standard. Referring to the following act of the Kentucky legislature:

If any railroad corporation shall charge, collect, or receive more than a just and reasonable rate of toll or compensation for the transporta-

tion of passengers or freight in this State, or for the use of any railroad car upon its track, or upon any track it has control of or the right to use in this State, it shall be guilty of extortion.

Which was made punishable by the statute, the court says:

In Louisville and Nashville Railroad Company *v.* Commonwealth (99 Ky., 132), this section was considered. The court held that the section could not be enforced as a penal statute for want of certainty, and said:

"That this statute leaves uncertain what shall be deemed a 'just and reasonable rate of toll or compensation,' can not be denied, and that different juries might reach different conclusions, on the same testimony, as to whether or not an offense had been committed, must also be conceded.

"The *criminality*"—

Italicizing the word—

"The *criminality* of the carrier's act, therefore, depends on the jury's view of the reasonableness of the rate charged; and this latter depends on many uncertain and complicated elements."

* * * * * * *

There is no standard whatever fixed by the statute, or attempted to be fixed, by which the carrier may regulate its conduct; and it seems clear to us to be utterly repugnant to our system of laws to punish a person for an act, the criminality of which depends, not on any standard erected by the law, which may be known in advance, but on one erected by a jury. And especially so as that standard must be as variable and uncertain as the views of different juries may suggest, and as to which nothing can be known until after the commission of the crime.

This was approved by the Supreme Court in the McChord case.

The court referred to and quoted from Chicago, Burlington, etc., Railroad *v.* Jones (149 Ill., 361) and Chicago, etc., Railroad *v.* The People (77 Ill., 443), in which it was held under a similar statute that the want of certainty in lack of reference to a standard under its first section was obviated by its eighth section, providing for the making by the railroad and warehouse commissioners of schedules of reasonable and maximum rates, which, being done, the supreme court of Illinois said: "There will be a standard of what is fair and reasonable, and the statute can be conformed to and obeyed." (McChord *v.* Louisville and Nashville Railroad Co., 183 U. S., pp. 498, 499.)

I simply wanted to commend it to the Senators in charge of this bill with a view to some amendment here or elsewhere of the bill in the respect to which I called their attention awhile ago and again now as to necessity for standards or definiteness as to offenses.

Mr. HEYBURN. Mr. President, I regret it did not occur to the Senator to raise this question earlier. The time now before the vote is so short that I can only say it is not customary, nor has it ever been held necessary in providing for the punishment of a crime, to define in the act what constitutes the crime. Certain offenses are so well established in the law as to their meaning by the interpretation of the courts that we do not, every time we say that a man shall be guilty of burglary, define the term "burglary." When, in another class of statutes, we say that a rate shall be reasonable and just, did the Supreme Court of the United States ever object to that statute on the ground that what was reasonable and just was a question of law for the court to determine? The statute does not say what shall be reasonable or just or what shall constitute a reasonable or just charge.

I might follow that out; there are plenty of authorities to sustain the proposition; but I have not the time at this hour.

Mr. McCUMBER. The Senator might simply add that, in this case, we have no standard of anything. We simply say that if a party mixes two kinds of liquor, he should mark it "Blended." There is no standard to go by.

Mr. HEYBURN. Mr. President, I have but a very few minutes in which to call the attention of the Senate to a conclusion we have reached, and to the situation of the bill now before the Senate. On page 2, in line 19, after the word "drugs," the committee propose to amend by inserting the words "or liquors"—that was merely left out in printing—so that the bill may be perfected in that way. The committee amendments already passed upon some time since are in italics.

The VICE-PRESIDENT. The amendment will be stated at the desk.

The SECRETARY. On page 2, line 19, before the word "drugs," strike out the word "or;" and in line 18, after the word "food," insert a comma, so as to read "food, drugs;" and after the word "drugs" insert "or liquors."

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. HEYBURN. Then, on page 5, there is a committee amendment, which is re-formed, and which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Amend, on page 5, line 3, by inserting after the word "and" the words "after final judgment of the court." Strike out the word "the" on the same page, line 4, and insert in lieu thereof the word "such." After the word "as," in the same line and page, insert the words "may be prescribed by."

After the word "regulations," line 5, on the same page, insert the words "of the Department of Agriculture." Strike out the remainder of line 5, same page, also all of lines 6 and 7, and all down to the last word of line 8, the word "party," and insert the word "any" before "party" as the beginning of a new sentence, so as to read: "Any party," etc. In line 9, on the same page, strike out the words "as may be;" and after the word "act," in the same line, on the same page, insert the words "shall be given."

Mr. HEYBURN. Also, in line 8, after the word "party," strike out "as" and insert "who;" so as to read: "Any party who may be charged."

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. HEYBURN. On page 10, line 5, insert the word "country" before the word "State."

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. On page 10, line 5, before the word "State," insert the word "country;" and after the word "place," in the same line, the word "therein" was proposed to be inserted by Mr. FULTON.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. HEYBURN. I am now suggesting the amendments that the committee accepts, and no others. The committee accepts the amendment offered by the Senator from Massachusetts [Mr. LODGE], in line 22, page 10, and also the amendment offered by the Senator from Massachusetts [Mr. LODGE] on page 11, lines 4, 5, and 6.

Mr. GALLINGER. Leaving out the words "or opium?"

Mr. HEYBURN. If the Senator desires to add the words "or opium" I shall not object.

Mr. LODGE. I will make that modification.

Mr. HEYBURN. Then we will accept the modification by the Senator from Massachusetts. On page 11, line 24, strike out the word "convicted" and insert the word "prosecuted."

The VICE-PRESIDENT. The proposed amendment will lie on the table. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BEVERIDGE. May I ask the Senator whether the amendment proposed by my colleague [Mr. HEMENWAY] has been accepted?

Mr. HEYBURN. No.

Mr. BEVERIDGE. You propose not to accept the modification?

Mr. HEYBURN. I will come back to that amendment.

Mr. BEVERIDGE. Very good.

Mr. HEYBURN. On page 12, line 22, after the word "of," insert the words "Agriculture or Secretary of." That is another case where in the printing they have dropped out the words.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Idaho that all the amendments that he is directing attention to now have heretofore been stated and are on the table.

Mr. HEYBURN. I understand that; but the Chair will see in a moment my object in stating them. On page 14, line 15, after the word "to," insert the words "the provisions of this act or."

I desire, before the time expires, to say, Mr. President, these are the amendments that the committee accepts. The other amendments the committee declines to accept.

Mr. BEVERIDGE. With the exception of a modification of the amendment proposed by my colleague.

Mr. HEYBURN. With the exception of a modification, if it is accepted by the Senator offering the amendment.

Mr. BEVERIDGE. It is the modification suggested yesterday. My colleague is present now.

Mr. HEYBURN. It is proposed to modify the amendment offered by the Senator from Indiana [Mr. HEMENWAY], on page 7, line 11, after the word "statement," by inserting the words "as to" and then inserting the word "constituent." Now, Mr. President——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do not want to yield now, because I have but a minute and a half.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HEYBURN. At the bottom of page 6, the committee accepts the modification proposed by the Senator from North Dakota, which I send to the desk.

The VICE-PRESIDENT. The proposed amendment of the Senator from North Dakota will be read.

The SECRETARY. On page 7, line 4, strike out the words "as originally packed" and insert in lieu thereof the words "although the standard may differ from that determined by the test

laid down in the United States Pharmacopœia or National Formulary."

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. GALLINGER. Mr. President, that is not all.

Mr. HEYBURN. On page 6, line 25, strike out the word "not." Those are the amendments that are acceptable to the committee and none others.

Mr. LODGE. I understand the Senator does not accept my amendment on page 8.

Mr. HEYBURN. No; not the amendment with reference to the wrapping.

Mr. SPOONER. I wish to ask the Senator whether the word "convicted" has been stricken out?

Mr. HEYBURN. That has already been changed and the word "prosecuted" substituted for it. Mr. President, I suppose we will vote on the substitute first.

Mr. KEAN. We must first perfect the bill.

The VICE-PRESIDENT. The bill will first be perfected. The hour of 5 o'clock having arrived, under the unanimous-consent agreement the Senate will proceed to vote upon the pending amendments and amendments to be offered to the bill. Without objection, the amendments will be taken up in the order they appear in the bill.

Mr. MONEY. Mr. President, I rise to a parliamentary inquiry. Is not a vote first to be taken upon the substitute?

The VICE-PRESIDENT. No; the question first comes upon perfecting the text of the bill, and then the substitute will be in order.

Mr. MONEY. All right.

The VICE-PRESIDENT. The Secretary will report the first amendment proposed.

The SECRETARY. The first amendment proposed by the chairman of the committee is on page 2, line 19, after the word "food," at the end of line 18, to insert a comma.

The amendment was agreed to.

The SECRETARY. In line 19, before the word "drugs," strike out the word "or;" and after the word "drugs" insert the words "or liquors."

The amendment was agreed to.

The SECRETARY. On page 5 of the bill——

Mr. GALLINGER. On page 3.

The VICE-PRESIDENT. The Chair understands the amendments proposed by the Senator from New Hampshire [Mr. GALLINGER] on page 4 have been withdrawn.

Mr. GALLINGER. They have been withdrawn, but there is an amendment on page 3, line 4.

The VICE-PRESIDENT. The committee amendments appearing in italics have hitherto been agreed to.

Mr. GALLINGER. All right.

The SECRETARY. On page 5 of the bill, line 3, before the word "public," insert the following words: "After final judgment of the court."

The amendment was agreed to.

The SECRETARY. In line 4 strike out the word "the," where it first occurs, and insert in lieu the word "such."

The amendment was agreed to.

The SECRETARY. After the words "manner as," at the end of line 4, insert the words "may be prescribed by."

The amendment was agreed to.

The SECRETARY. In line 5, after the word "regulations," insert the words "of the Department of Agriculture."

The amendment was agreed to.

The SECRETARY. After the word "regulations" strike out the following words:

May prescribe to all other persons, association of persons, or corporations in whose possession like articles may be found or known to be that such article is within the provision of this act; and shall give such.

The amendment was agreed to.

The SECRETARY. In line 8, before the word "party," at the end of the line, insert the word "Any," with a capital "A," beginning the sentence.

The amendment was agreed to.

The SECRETARY. After the word "party," in line 8, and before the word "may," at the beginning of line 9, strike out the word "as" and insert "who."

The amendment was agreed to.

The SECRETARY. In line 9, after the word "act," insert the words "shall be given."

The amendment was agreed to.

The SECRETARY. With those amendments adopted the clause will read:

The Secretary of Agriculture shall cause notice thereof to be given to the parties from whom such samples were obtained, and after final judgment of the court public notice of such facts shall be given by publication in such manner as may be prescribed by the rules and regulations of the Department of Agriculture. Any party who may be charged with violation of this act shall be given an opportunity to be heard, etc.

On page 6 of the bill, line 25, the last line, after the word "drug," strike out the word "not."

The amendment was agreed to.

The SECRETARY. On page 7, of the committee amendments, as agreed to by the committee, line 4, after the word "thereof," strike out the words "as originally packed" and insert the words "although the standard may be different from that determined by the test laid down in the United States Pharmacopœia or National Formulary."

The amendment was agreed to.

The SECRETARY. On the same page, line 11, after the word "statement," strike out the words "regarding the" and insert "as to its constituent."

The amendment was agreed to.

The VICE-PRESIDENT. The Chair understands that the amendment proposed by the Senator from Indiana [Mr. HEMENWAY] in lines 11, 12, and 13 has been withdrawn.

Mr. HEMENWAY. The modification, I think, covers the object sought to be reached by the amendment offered by myself.

The SECRETARY. As amended the clause will read, beginning line 10, page 7:

Second. If the package containing it, or its label, shall bear any statement as to its constituent ingredients or the substances contained therein, etc.

The VICE-PRESIDENT. The Chair understands that the Senator from New Hampshire [Mr. GALLINGER] has withdrawn his proposed amendment at the bottom of page 7.

Mr. GALLINGER. That is right; and also on page 8.

The VICE-PRESIDENT. Also on page 8.

The SECRETARY. The next amendment is one proposed by Mr. LODGE, on page 8, line 19, after the word "preparation," to insert the following:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

This amendment Mr. MCCUMBER has moved to amend, in line 24, by striking out the words "or otherwise," and inserting the following:

And directions for the removal of said preservative shall be printed on the cover of the package.

Mr. LODGE. I have no objection to the insertion proposed by the Senator from North Dakota, but I object to striking out the words "or otherwise."

Mr. MCCUMBER. I consent that my amendment may be so modified that it shall not strike out the words "or otherwise."

The VICE-PRESIDENT. The question, then, is on the amendment of the Senator from North Dakota [Mr. MCCUMBER] to the amendment of the Senator from Massachusetts [Mr. LODGE] as modified.

Mr. HEYBURN. We accept the amendment, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be regarded as agreed to. The question recurs on the amendment proposed by the Senator from Massachusetts [Mr. LODGE] as amended.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. The next amendment is, on page 10, line 5, before the word "State," to insert the word "country;" and in the same line, after the word "place," to insert the word "therein;" so as to read:

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular, or if the same is falsely branded as to the county, State, Territory, or place therein in which it is manufactured or produced.

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. PILES, on page 10, line 13, after the word "section," to insert:

In case of evaporated milk, or so-called "evaporated cream," if the same shall contain 25 per cent solids, of which solids 28 per cent shall be butter fat.

The amendment was rejected.

The SECRETARY. The next amendment is one proposed by Mr. LODGE, on page 10, after the word "character," at the end of line 21, to insert "and the amount of alcohol or of opium in any form, if any, contained in them."

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. FORAKER, on page 10, line 25, after the word "proprietary," to

strike out the word "goods" and insert "foods, drugs, or liquors."

Mr. FORAKER. I ask that that may be passed over until the next amendment offered by me may be voted upon.

The VICE-PRESIDENT. The proposed amendment will be passed over for the present.

The SECRETARY. The next amendment is one proposed by Mr. LODGE, on page 11, line 4, after the word "imitation," to insert "and to show the amount, if any, of alcohol or of opium in any form contained in them."

The amendment was agreed to.

The SECRETARY. The next amendment is one proposed by Mr. FORAKER, on page 11, line 8, after the word "any," to strike out the word "added."

Mr. HEYBURN. That is objected to, Mr. President.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. FORAKER], which has just been stated.

Mr. FORAKER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MCCREARY. Mr. President, I ask that the amendment may be again stated.

The VICE-PRESIDENT. The amendment will be restated.

The SECRETARY. On page 11, line 8, after the word "any," it is proposed to strike out the word "added;" so that, if amended, the paragraph will read:

In the case of liquors, an article shall be deemed adulterated if it contain any ingredient of a poisonous or deleterious character.

The Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. LATIMER]. If he were present, I should vote "nay."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). My colleague [Mr. MALLORY] is absent on account of illness. He has a general pair with the Senator from Vermont [Mr. PROCTOR].

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM], who is absent. The senior Senator from Minnesota [Mr. NELSON] has a general pair with the senior Senator from Arkansas [Mr. BERRY], who is also absent. If it will be agreeable to the senior Senator from Minnesota, we will transfer our pairs on all votes taken this afternoon, so that the senior Senator from Illinois will stand paired with the senior Senator from Arkansas, and the Senator from Minnesota and I will be at liberty to vote.

Mr. NELSON. That is agreeable to me.

Mr. MARTIN. Under that arrangement I vote "nay."

Mr. DILLINGHAM (when Mr. PROCTOR's name was called). I wish to announce that my colleague [Mr. PROCTOR] is necessarily absent from the Senate to-day. He is paired with the senior Senator from Florida [Mr. MALLORY]. I shall not make any further announcement of the pair during the remainder of the day.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I do not know how, if he were present, he would vote on this amendment, or any other amendment, or on the bill itself. I shall therefore withhold my vote. I make this announcement for the remainder of the day.

Mr. TELLER (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. I do not know how he would vote if present; but if I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. PETTUS. I am paired on this bill with the junior Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 24, nays 46; as follows:

YEAS—24.

Alger	Clark, Wyo.	Kean	Penrose
Bacon	Depew	Knox	Perkins
Brandegee	Dick	Lodge	Piles
Bulkeley	Elkins	McEnery	Rayner
Burnham	Foraker	Millard	Sutherland
Clark, Mont.	Hemenway	Nixon	Taliaferro

NAYS—46.

Allee	Dolliver	Hansbrough	Overman
Allison	Dryden	Heyburn	Patterson
Ankeny	Dubois	Kittredge	Platt
Beveridge	Flint	La Follette	Scott
Blackburn	Foster	Long	Simmons
Burkett	Frazier	McCreary	Smoot
Burrows	Frye	McCumber	Stone
Carter	Fulton	McLaurin	Tillman
Clapp	Gallinger	Martin	Warren
Clay	Gamble	Money	Wetmore
Daniel	Gearin	Nelson	
Dillingham	Hale	Newlands	

NOT VOTING—19.

Aldrich	Clarke, Ark.	Hopkins	Proctor
Bailey	Crane	Latimer	Spooner
Berry	Culberson	Mallory	Teller
Burton	Cullom	Morgan	Warner
Carmack	Gorman	Pettus	

So Mr. FORAKER's amendment was rejected.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. On page 11, line 13, after the word "substances," it is proposed by Mr. FORAKER to strike out "and such fact is not plainly stated on the package in which such liquor is offered for sale" and to insert "and the label on the package in which such liquor is offered for sale does not contain the word 'blended' or 'rectified' or 'vatted;'" so as to read:

Such liquors shall be deemed misbranded:

First. It it is blended or rectified, or consists of an admixture of different grades of the same liquor, or contains, or is mixed with, other substances, and the label on the package in which such liquor is offered for sale does not contain the word "blended" or "rectified" or "vatted," or if the label or any written or printed statement accompanying the package in which such liquor is kept or sold contains any false statement as to the character of the contents of such package, or represents such liquor to be the product of any other country than that in which it was actually produced.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. FORAKER], which has just been stated.

Mr. FORAKER. I call for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. LATIMER]. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

The roll call having been concluded, the result was announced—yeas 33, nays 35, as follows:

YEAS—33.

Alger	Foraker	McEnery	Scott
Bacon	Gallinger	Millard	Stone
Brandegee	Gearin	Nixon	Sutherland
Bulkeley	Hale	Overman	Taliaferro
Burnham	Hemenway	Patterson	Warren
Clark, Mont.	Kean	Penrose	Wetmore
Clark, Wyo.	Knox	Perkins	
Dick	Lodge	Platt	
Elkins	McCreary	Rayner	

NAYS—35.

Allee	Clay	Frye	McLaurin
Allison	Daniel	Fulton	Martin
Ankeny	Dillingham	Gamble	Money
Beveridge	Dolliver	Hansbrough	Nelson
Blackburn	Dryden	Heyburn	Piles
Burkett	Dubois	Kittredge	Simmons
Burrows	Flint	La Follette	Smoot
Carter	Foster	Long	Tillman
Clapp	Frazier	McCumber	

NOT VOTING—21.

Aldrich	Crane	Latimer	Spooner
Bailey	Culberson	Mallory	Teller
Berry	Cullom	Morgan	Warner
Burton	Depew	Newlands	
Carmack	Gorman	Pettus	
Clarke, Ark.	Hopkins	Proctor	

So Mr. FORAKER's amendment was rejected.

The VICE-PRESIDENT. Does the Senator from Ohio desire to recur to his proposed amendment on page 10?

Mr. FORAKER. Mr. President, I waive my right to offer that amendment at this time until I see what disposition may be made of an amendment which the Senator from North Dakota will now offer.

Mr. MCCUMBER. On page 11, line 13, after the word "substances," I move to amend by striking out "and such fact" and inserting "and the word blended, rectified, or mixed, as the case may be;" so as to read:

Such liquors shall be deemed misbranded:

First. If it is blended or rectified, or consists of an admixture of different grades of the same liquor, or contains, or is mixed with, other substances, and the word blended, rectified, or mixed, as the case may be, etc.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

Mr. BLACKBURN. Is not that the same as the amendment just voted on?

Mr. HEYBURN. No.

The SECRETARY. On page 11, line 13, after the word "substances," it is proposed to strike out "and such fact," and to

insert "and the word blended, rectified, or mixed, as the case may be;" so as to read:

Such liquors shall be deemed misbranded:

First. If it is blended or rectified, or consists of an admixture of different grades of the same liquor, or contains, or is mixed with, other substances, and the word blended, rectified, or mixed, as the case may be, etc.

Mr. BEVERIDGE. The only difference is the use of the word "mixed" instead of "vatted."

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. ALGER. Following section 3, I desire to offer an amendment.

Mr. FORAKER. Before we pass from the portion of the bill which has just been amended——

The VICE-PRESIDENT. The Senator from Michigan [Mr. ALGER] proposes a certain amendment. If the Senator will withhold it until this part of the bill is completed, his amendment will be laid before the Senate.

Mr. ALGER. Very well.

Mr. FORAKER. I now ask that the amendment on page 10, line 25, may be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, line 25, after the word "proprietary," it is proposed by Mr. FORAKER to strike out "goods" and insert "foods, drugs, or liquors;" so as to read:

And provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, drugs, or liquors which contain no unwholesome added ingredients to disclose their formulas of production, etc.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The SECRETARY. On page 11 of the bill, line 24, it is proposed to strike out "convicted" and insert the word "prosecuted;" so that if amended it will read:

That no dealer shall be prosecuted under the provisions of this act.

The amendment was agreed to.

The SECRETARY. On page 12 of the bill, line 22, before the word "Secretary," insert "Secretary of Agriculture or the;" so that it will read:

A sample of such drug, article of food, or liquor to any person duly authorized by the Secretary of Agriculture or the Secretary of Commerce and Labor to receive the same.

The amendment was agreed to.

Mr. HEYBURN. I desire to call attention to the fact that the proposed amendment in line 4, page 12, was not agreed to.

The VICE-PRESIDENT. The amendments appearing in italics were agreed to on a former occasion.

Mr. HEYBURN. The amendment in line 4 has not been agreed to.

The VICE-PRESIDENT. It was agreed to, as the Chair is advised by the Secretary, on the 10th of January. The next amendment will be stated.

The SECRETARY. On page 14 of the bill, line 15, before the words "the laws," insert the words "the provisions of this act or;" so that the clause will read:

But such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Michigan [Mr. ALGER] proposes an amendment which will be stated.

The SECRETARY. It is proposed to amend section 4 so as to read as follows:

SEC. 4. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable for the guidance of the officials charged with the administration of food laws and for the information of the courts; and in order that the Secretary of Agriculture may have the best and most scientific advice concerning the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, he is hereby authorized to appoint a commission of five experts, one of which shall be the Director of the Bureau of Chemistry and Foods, one an expert toxicologist, one an expert bacteriologist, one an expert pathologist, and one an expert physiological chemist, the four members of which commission (apart from the Director of the Bureau of Chemistry and Foods) shall be appointed each for a term of five years, and shall each receive a compensation to be fixed by the Secretary of Agriculture when employed in the work of said commission. It shall be the duty of said commission to meet quarterly in the city of Washington, D. C., and pass upon all questions pertaining to the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to indicate the foods in which preservatives and such other substances may be properly used, the nature of the preservatives and substances to be allowed, and the maximum amount in which they may be employed. The Secretary of Agriculture shall, for the guidance of the courts and food officials, promulgate rules and regulations governing the use of preservatives and such other substances in accordance with the recommendations of this commission; and when the use of a preservative or substance has been so authorized not less than one year's notice shall be given to the public before the same shall be prohibited. No preservative or other substance in use in foods at the time this act goes into effect shall be prohibited until after one year's notice shall be given. The Secretary of Agriculture shall cause public notice to be given of all findings made under the provisions of this section.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was rejected.

Mr. HEYBURN. Through some inadvertence on page 12, line 4, the words "such article" were substituted for the word "it." The word "it" refers to the act, and the words substituted have no meaning whatever. I move to amend the bill by striking out "such article" and inserting "it."

The VICE-PRESIDENT. Without objection, the vote by which the amendment was agreed to will be reconsidered, and the amendment will be disagreed to.

The bill is still in the Senate as in Committee of the Whole and open to amendment.

Mr. MONEY. If the bill is now perfected, I ask for a vote on my substitute.

The VICE-PRESIDENT. The Senator from Mississippi offers a substitute, which will be read.

Mr. FRYE. Is it necessary to have it read? It has been read twice.

The VICE-PRESIDENT. Without objection, the reading will be dispensed with.

Mr. PATTERSON. There are a number of Senators who have no knowledge of what the substitute is, and I think it ought to be read, however long it may be.

The VICE-PRESIDENT. At the request of the Senator from Colorado the proposed substitute will be read.

The Secretary proceeded to read the substitute.

Mr. PATTERSON. There seems to be such a strong protest against consuming time in reading the substitute that I withdraw the request.

The VICE-PRESIDENT. The Senator from Colorado withdraws his request for the reading of the substitute.

The substitute submitted by Mr. MONEY on the 1st instant is as follows: Strike out all after the enacting clause and insert the following:

That it shall be unlawful for any person, firm, or corporation to ship or transport, or deliver for shipment or transportation, from any State or Territory, the District of Columbia, or insular possession, to any other State or Territory, the District of Columbia, insular possession, or to a foreign country, for pay or otherwise, any article of food or drugs which is adulterated or misbranded within the meaning of this act, or not labeled, branded, or tagged as required in section 2 of this act; or to receive in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and deliver in the original unbroken package, for pay or otherwise, any article of food or drugs adulterated or misbranded within the meaning of this act, or not labeled, branded, or tagged as required in section 2 of this act; or to introduce into any State or Territory, the District of Columbia, or insular possession, from a foreign country, any article of food or drugs adulterated or misbranded within the meaning of this act; and any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and be fined not less than $200 for the first offense, and for each subsequent offense be fined not exceeding $360, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That every person, firm, or corporation who shall ship or transport, or deliver for shipment or transportation, from any State or Territory, the District of Columbia, or insular possession, to any other State or Territory, the District of Columbia, or insular possession, for pay or otherwise, any article of food or drugs, shall securely attach, in a conspicuous place, to every such article of food or drugs, in the form in which it is thus shipped or transported, or delivered for shipment or transportation as aforesaid (whether such form be as one individual article, package, crate, or bundle of packages), a durable label, brand, or tag, upon which shall be printed or written in the English language, so as to be easily discernible, the correct name and address, in some State or Territory, the District of Columbia, or insular possession, of the person, firm, or corporation shipping or transporting the same or delivering the same for shipment or transportation; and no person, firm, or corporation shall be convicted under the provisions of this act for having received in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and delivered in original unbroken packages, for pay or otherwise, any article of food or drugs adulterated or misbranded within the meaning of this act, if said article is labeled, branded, or tagged, in manner and form as required aforesaid, at the time of so receiving and delivering said article: *Provided*, That any person, firm, or corporation who shall receive in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, any article of food or drugs not labeled, branded, or tagged, in the manner and form as required herein, shall label, brand, or tag said article with their correct name and address, before delivering the same, for pay or otherwise, in the original unbroken package: *And provided further*, That any article of food or drugs intended for export shall not be deemed to be adulterated or misbranded within the meaning of this act when prepared and packed in accordance with the requirements of the laws of the country to which said article is to be shipped, or when prepared and packed in accordance with specifications of the foreign purchaser.

SEC. 3. That the Secretary of Commerce and Labor shall organize in the Department of Commerce and Labor a bureau to be known as the Bureau of Foods and Drugs; and it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act through the said Bureau of Foods and Drugs; and for that purpose he is hereby

authorized to employ such inspectors, clerks, and other employees as may be necessary to enforce the provisions hereof.

SEC. 4. That the Secretary of Commerce and Labor shall procure, or cause to be procured, through said Bureau of Foods and Drugs, under rules and regulations to be prescribed by him necessary to carry into effect the provisions hereof, but not inconsistent with the provisions of this act, samples of articles of food and drugs shipped or transported or delivered for shipment or transportation from any State or Territory, the District of Columbia, or insular possession, to any other State or Territory, the District of Columbia, insular possession, or to a foreign country, or received in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and delivered in original unbroken packages, and submit the samples so procured for examination or analysis to the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service, or to any director or chemist in said laboratory or any branch thereof: *Provided*, That any inspector, agent, officer, or other person authorized by the Secretary of Commerce and Labor to procure samples, as aforesaid, shall, at the time of the taking thereof, notify the person, firm, or corporation so shipping or transporting said article or delivering the same for shipment or transportation, or having received the same, delivering said article in the original unbroken package, as aforesaid, of the purpose for which said sample is taken; and shall then and there tender to said person, firm, or corporation the full selling price of said sample, if said person, firm, or corporation be present to receive said notification or said price; and if said person, firm, or corporation be not present to receive said notification or said price, then said notification and said price shall be sent to said person, firm, or corporation as soon as their address can be ascertained, with reasonable diligence in that behalf, by the Secretary of Commerce and Labor, through said Bureau of Foods and Drugs; and said sample shall then and there be divided into three equal parts, and each part sealed with an official seal provided by the Secretary of Commerce and Labor for such purpose; and one of said parts so sealed shall be tendered to the person, firm, or corporation aforesaid, if they be present to receive the same; and if such person, firm, or corporation be not present to receive the same said part shall be immediately sent to them as soon as their address can be ascertained as aforesaid, together with a statement setting forth the time of the taking of said sample and the purpose or purposes for which it was taken; and one of said parts shall be submitted for examination or analysis to the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service, as hereinbefore provided for; and one of said parts shall be retained to be delivered to the district attorney of the proper district, if it is found that the provisions of this act have been violated and proceedings are commenced on account thereof on said sample: *And provided further*, That the person, firm, or corporation receiving a part of said sample, as aforesaid, may have said part analyzed, at their own expense, and submit the results thereof as evidence in any proceedings brought on said sample, provided the chemist or person making such analysis or examination shall appear in said proceedings and testify to the same under oath: *And provided further*, That in any proceedings under this act the certificate of the chemist making said analysis or examination on behalf of the Government, duly sworn to on oath, shall be prima facie evidence of the facts therein stated, but the defendant shall have the right to cause said chemist to appear and be cross-examined, under oath, in any such proceedings: *And provided further*, That if the results of the last-named examination or analysis differ materially from the results of the examination or analysis offered in evidence by the defendant the court may, at its discretion, have the part of said sample deposited with the district attorney analyzed or examined by a disinterested chemist or other person, and the whole evidence on the examinations or analyses of the said three parts shall be laid before the court; or the whole evidence on the examinations or analyses of the first two named parts may be laid before the court in the first instance, in the discretion of the court: *And provided further*, That no proceedings shall be instituted against any person, firm, or corporation, or on any sample procured hereinunder, under the provisions of this act, after the expiration of sixty days from the date of the taking of the sample upon which said proceedings shall be commenced, nor until all the provisions of this act have been fully complied with.

SEC. 5. That it shall be the duty of the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service to make, or cause to be made, in said laboratory or some branch thereof, with as little delay as possible, examinations or analyses of samples of food or drugs submitted to it, or to any director or chemist in said laboratory or any branch thereof, by the Secretary of Commerce and Labor, or any inspector, agent, officer, or other person duly authorized by said Secretary of Commerce and Labor to procure samples and submit the same for such purpose; and the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service aforesaid shall furnish to the Secretary of Commerce and Labor, with as little delay as possible, a certificate of the results of such examinations or analyses of such samples submitted as aforesaid, which certificate shall give the results of such examinations or analyses in full and be duly authenticated under oath by the analyst or other person making the same.

SEC. 6. That if it shall appear from any such examination or analysis that any of the provisions of this act have been violated the Secretary of Commerce and Labor shall at once certify the facts to the proper United States district attorney, with a copy of the results of the examination or analysis, duly authenticated by the analyst or person making such examination under oath.

SEC. 7. That it shall be the duty of every district attorney to whom the Secretary of Commerce and Labor shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided: *Provided*, That at any time after any proceedings have been commenced under any of the provisions of this act in any United States court the defendant shall have the right to receive from said district attorney a copy of the results of any examination or analysis which will be offered in evidence against said defendant in said proceedings.

SEC. 8. That any person, firm, or corporation, including their servants, agents, or employees, of whom the Secretary of Commerce and Labor, or any inspector, agent, officer, or other person, duly authorized by the Secretary of Commerce and Labor, shall demand a sample of any article of food or drugs shipped or transported, or delivered for shipment or transportation, from any State or Territory, the District of Columbia, or insular possession, to any other State or Territory, the District of Columbia, insular possession, or to a foreign country; or received in any State or Territory, the District of Columbia, or insular possession, from any other State or Territory, the District of Columbia, insular possession, or from a foreign country, and delivered in original unbroken packages; or introduced into any State or Territory, the District of Columbia, or insular possession, from a foreign country, shall furnish a sample of such article of food or drugs in sufficient quantity for an examination or analysis of the same under the provisions of this act: *Provided*, That the words "person, firm, or corporation," as used in this section, shall include any person, firm, or corporation who, whether as owner, consignor or consignee, agent or broker, is in the possession of or in any wise entitled to the custody or control of any article of food or drugs demanded for examination or analysis under the provisions of this act.

SEC. 9. That the Secretary of Commerce and Labor may publish from time to time, in like manner as other publications of his Department, bulletins of the work done in enforcing this act, and such other information regarding the same as he may deem proper, to be distributed as public documents in like manner as other publications of his Department: *Provided*, That the name of any brand, or the name of any manufacturer, person, firm, or corporation, shall not be published in connection with examinations or analyses, or results of examinations or analyses, of articles of food or drugs found to comply with the provisions of this act: *And provided further*, That the examinations or analyses, or results of examinations or analyses, of articles of food or drugs found to be adulterated or misbranded within the meaning of this act shall not be published, nor the names of any person, firm, or corporation in connection therewith, until the person, firm, or corporation so violating the provisions of this act has been regularly convicted in a proceeding instituted therefor in the proper court and the matter finally adjudicated: *And provided further*, That the restrictions herein contained shall also apply to the division of chemistry of the hygienic laboratory of the Public Health and Marine-Hospital Service and every branch thereof.

SEC. 10. That for the purpose of this act the term "food" shall include every article used by man for food, drink, or as a confection or condiment, whether simple, mixed, or compound, other than drugs, and any article which enters into or is used in the composition or preparation of food, as defined herein.

SEC. 11. That for the purposes of this act an article of food shall be deemed adulterated or unwholesome—

First. If any substance or substances has or have been mixed and packed with it and its quality or strength is thereby reduced or lowered or injuriously affected.

Second. If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article or any natural or necessary constituent or ingredient thereof.

Third. If any valuable or necessary constituents or ingredients of the article have been wholly or in part abstracted from it.

Fourth. If it contains any substance or ingredient, whether added or otherwise, which, in any quantity in which it might reasonably or advantageously be used in food or drink, will injure health; or contains any substance or ingredient which, by chemical combination or otherwise, renders such article of food unwholesome or injurious to the health of the consumer.

Fifth. If it is mixed, colored, coated, polished, or powdered whereby damage or inferiority is concealed; or if by any other means damage or inferiority in such article is concealed.

Sixth. If it is decomposed, putrid, infected, tainted, or rotten, or contains any added decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or if it is the product of a diseased animal or any animal that has died otherwise than by slaughter.

Provided, That an article of food shall not be deemed adulterated or unwholesome in the following cases:

First. Articles having distinctive names of their own, and that are not adulterated within the meaning of the fourth and sixth paragraphs of this section, and that are not misbranded within the meaning of section 12 of this act: *Provided*, That the term "distinctive name," as used herein, shall mean a name which is not the name of any recognized article of food.

Second. An article of food shall not be deemed adulterated or unwholesome by reason only of being artificially colored with harmless coloring matter if it is plainly stated on the label that said article is colored.

Third. An article of food shall not be deemed adulterated or unwholesome by reason only of the addition of a harmless preservative, or by reason of the addition of any substance for legitimate purposes, or in case of fruits or vegetables by reason of containing any substance or ingredient existing naturally in such fruits or vegetables.

Fourth. That the following preservatives shall not be permissible in greater quantities than the following amounts: Boric acid, one-half of 1 per cent, or its equivalent in borax; sulphurous acid, one-twentieth of 1 per cent, or its equivalent in sodium sulphites; salicylic acid, one-tenth of 1 per cent, or its equivalent in sodium salicylate; benzoic acid, one-fifth of 1 per cent, or its equivalent in sodium benzoate; saltpeter, one-fourth of 1 per cent: *Provided*, That the name of any substance added to food shall be plainly stated on the label of said article, together with a statement of the purpose or purposes for which said substance is added to such article: *And provided*, That said substance be applicable for the purpose for which it is added to such article, and not fraudulently added to increase the bulk, weight, or measure of the article: *Provided further*, That in stating the name of any added substance it shall be in compliance herewith if the trade name only of any proprietary preparation which has been added to food is plainly stated on the label of such article, if said trade name of said proprietary preparation, together with the formula of said preparation, has been placed on file with the Secretary of Commerce and Labor: *And provided further*, That any formula placed on file with the Secretary of Commerce and Labor under the provisions hereof shall be held by him and treated as private documents of his Department, and be accessible only to himself or duly authorized officers, and the contents thereof held in secrecy, except when necessary to disclose the same in any proceedings brought to enforce the provisions of this act, but the same shall not be otherwise published, nor published outside of said proceedings.

SEC. 12. That for the purposes of this act an article of food shall be deemed to be misbranded—

First. If it be an imitation of or below the standard of the article which it purports to be by the label, or otherwise, on any package, bottle, or receptacle containing such article, or on such article itself.

Second. If it, or any package, bottle, or receptacle containing it, shall, by label, brand, or tag, or otherwise, be deceptive as to its weight or measure, or bear any statement, design, or device regarding the article or the ingredients or substances contained therein, which statement, design, or device shall be false or misleading in any particular; or if the same is falsely labeled, branded, or tagged, either on itself

or on any package, bottle, or receptacle containing it as to the State, Territory, or place in which it is manufactured or produced, so that such article shall be deceptive or tend to deceive.

SEC. 13. That this act shall not be construed by any specific standards for food not incorporated herein; but in any proceedings hereinunder the commonly accepted standard for any article of food upon which such proceedings shall have been commenced shall, when not in conflict with the provision of this act, be the guide in determining whether or not the provisions of this act have been violated: *Provided*, That this section shall not contravene any of the provisions of this act expressly permitting certain added substances in articles of food.

SEC. 14. That the term "drug," as used in this act, shall mean all drugs, medicines, and preparations intended for medical purposes and recognized in the United States Pharmacopœia or the National Formulary as drugs or medicines for internal and external use.

SEC. 15. That for the purposes of this act an article of drugs shall be deemed to be adulterated—

First. If, when a drug intended for medicinal purposes is represented as a drug or medicine under or by a name recognized in the United States Pharmacopœia or the National Formulary as a drug or medicine, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or the National Formulary official at the time of investigation: *Provided*, That no drug shall be deemed to be adulterated within the meaning of this provision if the standard of strength, quality, or purity of such drug be plainly stated upon the bottle, box, or other container thereof, although such standard may differ from that determined by the test laid down in the United States Pharmacopœia or the National Formulary.

Second. If its strength or purity fall below the standard it is represented to be: *Provided*, That an article of drugs shall not be deemed to be adulterated in the following cases: Articles having distinctive names of their own, and that are not misbranded within the meaning of section 16 hereof: *Provided*, That the term "distinctive name," as used herein, shall mean a name which is not the name of any other article of drugs.

SEC. 16. That for the purposes of this act an article of drugs shall be deemed to be misbranded—

First. If it be an imitation of or below the standard of the article which it purports to be by the label, or otherwise, on any package, bottle, or receptacle containing such article, or on the article itself.

Second. If it, or any package, bottle, or receptacle containing it, shall, by label, brand, or tag, or otherwise, be deceptive as to its weight or measure; or if the same is falsely labeled, branded, or tagged, either on itself, or on any package, bottle, or receptacle containing it, as to the State, Territory, or place in which it is manufactured or produced, so that such article shall be deceptive or tend to deceive.

SEC. 17. That the provisions of this act shall not apply to common carriers, as such, or to persons acting in the capacity of servants, agents, or employees for said common carriers.

Amend the title so as to read: "A bill to regulate commerce in foods, drinks, confections, condiments, and drugs among the States and Territories, the District of Columbia, insular possessions, and foreign countries, and for other purposes."

The VICE-PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from Mississippi.

The substitute was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. MORGAN]. I was authorized to vote as I chose on all the amendments, but upon the bill I am paired with him at his request. Were he present, I should vote "yea" and he would vote "nay."

Mr. BAILEY (when his name was called). I am paired with the senior Senator from West Virginia [Mr. ELKINS]. If he were present, he would vote "yea" and I should vote "nay." He is not present, but he has extended me the privilege of voting anyway, and I vote "nay."

Mr. FRAZIER (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE]. He is unavoidably detained from the Chamber. If he were present, I should vote "nay."

Mr. FRYE (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. GORMAN], but under its terms I feel at liberty to vote. I vote "yea."

Mr. HOPKINS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. LATIMER]. If he were present, I should vote "yea."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). I again announce the unavoidable absence of my colleague, who is paired with the Senator from Vermont [Mr. PROCTOR].

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE] on this subject.

Mr. SPOONER (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. CARMACK].

Mr. TELLER (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. If he were present, he would vote "yea" and I should vote "nay."

The roll call having been concluded, the result was announced—yeas 63, nays 4, not voting 22, as follows:

YEAS—63.

Alger	Depew	Heyburn	Overman
Allee	Dick	Kittredge	Patterson
Ankeny	Dillingham	Knox	Penrose
Beveridge	Dolliver	La Follette	Perkins
Blackburn	Dryden	Ledge	Piles
Brandegee	Dubois	Long	Platt
Bulkeley	Flint	McCreary	Rayner
Burkett	Foraker	McCumber	Scott
Burnham	Frye	McEnery	Simmons
Burrows	Fulton	McLaurin	Smoot
Carter	Gallinger	Martin	Stone
Clapp	Gamble	Millard	Sutherland
Clark, Mont.	Gearin	Money	Taliaferro
Clark, Wyo.	Hale	Nelson	Warren
Clay	Hansbrough	Newlands	Wetmore
Daniel	Hemenway	Nixon	

NAYS—4.

Bacon	Bailey	Foster	Tillman

NOT VOTING—22.

Aldrich	Crane	Hopkins	Proctor
Allison	Culberson	Kean	Spooner
Berry	Cullom	Latimer	Teller
Burton	Elkins	Mallory	Warner
Carmack	Frazier	Morgan	
Clarke, Ark.	Gorman	Pettus	

So the bill was passed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 22, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 21, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SMITHSONIAN INSTITUTION.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 28, which I send to the Clerk's desk.

The joint resolution was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of Richard Olney, a citizen of Massachusetts.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to discharge the Committee on Library from further consideration of Senate joint resolution and consider the same. Is there objection? [After a pause.] The Chair hears none.

The Senate joint resolution was considered, was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Army appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14397—the Army appropriation bill.

Mr. HULL. Mr. Speaker, pending that motion I would like to see if we can arrange as to the time for general debate. It has been suggested to me by the representative of the minority that debate shall run for four hours on a side, making eight hours of general debate. I ask unanimous consent that there be eight hours of general debate, one-half to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate be limited to eight hours, one-half to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by the gentleman from Iowa [Mr. HULL]. Is there objection?

There was no objection.

The motion of Mr. HULL was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House in now in Committee of the

Whole House on the state of the Union for the consideration of the Army appropriation bill, which the Clerk will read.

The Clerk read as follows:

The bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, the report on the bill is so full that if Members have given attention to it they will see practically all the new legislation incorporated in this measure. There is no question but that many of the provisions that the committee have passed upon favorably are subject to a point of order, but we hoped they would so commend themselves to the judgment of the House that no Member would feel called upon to make the point. The bill carries $69,708,000 in round numbers, being about $1,000,000 less than the same measure carried for the current fiscal year. The estimates were only a little ever $71,000,000, so that there is not a very radical change in the amount asked for by the Department and the amount allowed by the committee. In fact, the committee is rather of the opinion that some of the appropriations asked for by the Department are so small, the cut made by the Secretary was so great, that in all probability a deficiency in the appropriation will exist in the bill as it will pass the House and make necessary additional appropriations.

One of the measures incorporated by the committee will be found on page 5 of the bill, and is as follows:

Provided further, That when the office of Lieutenant-General shall become vacant it shall not hereafter be filled, but said office shall cease and determine.

This is legislation changing the highest office of the military establishment by abolishing it. When the reorganization act was passed the Committee on Military Affairs and the Congress of the United States believed that the officer in command of the Army should have one grade higher than the other officers of the Army, so as to give greater force and effect to his authority as a commanding officer. Of course this committee understands perfectly that under our system of government the President of the United States is at all times and under all circumstances the Commander in Chief of the Army. Since that reorganization act passed creating the grade of Lieutenant-General Congress has adopted another law creating a General Staff, and with that General Staff a Chief of Staff, who is practically at the head of the Army of the United States under the President, and issues the commands to the Army, exercises the controlling influence in its organization and government, and has more power than any other general in the Army.

At the time this law was passed no action was taken in regard to the Lieutenant-General for the reason that it was assumed, and, in fact, stated at the time that the Lieutenant-General would naturally be the chief of staff. Up to this time that has been the case. But, the indications now are, and no one desires to curtail the power of the President in this respect, that for the next few years at least the Lieutenant-General of the Army, if the office shall be continued, will have no power beyond that which can be legitimately exercised either by a brigadier or a major general in charge of a department and really subject to a junior, who will be Chief of Staff, and therefore the head of the military establishment, and receive his orders from a junior in grade and rank.

I do not believe, as one Member of this House, that that is good military organization. In time of war it may frequently be necessary on account of the superior ability displayed on the field by junior officers to assign them to supreme command and place the higher generals on waiting orders, or in independent commands that will not be so particularly under the command of the junior. That this action of the committee has met with the approval of the country at large I am led to believe from the fact that from almost every section of the country I have had commendatory notices sent me of the action. I have one here from the St. Louis Globe-Democrat, in which the matter is very plainly set forth, and I ask that the Clerk may read this as a part of my remarks.

The Clerk read as follows:

THE LIEUTENANT-GENERAL ABOLISHED.

The House Committee on Military Affairs urges that the grade of Lieutenant-General in the Army be abolished, and the people will sanction this proposition. At the outset the rank meant something, but it has had no significance in recent years. It was well to bestow that rank on Washington, Scott, Grant, Sherman, and Sheridan. Those men rendered service of particular value to the country, but scarcely any of the other wearers of the title deserved any especial honors.

For all the men now on the active roll of the Army the rank of major-general would be high enough to reward them for their deeds. The grade of Lieutenant-General should be reserved for service of especial worth. In the coming time men will appear who will merit that honor. When the crisis comes demanding service of particular value the men will be on hand. This has usually been the case with the United States, although in the second war with England men of that caliber were very slow in making their advent, and, except Jackson, no such man appeared during the whole struggle.

But it was different in the Revolution, in the Mexican war, and in the rebellion. In those conflicts men appeared who made themselves masters of the situation, and they were rewarded, in most cases, for their work. The Spanish war was too short and too small an affair to give much of a chance for the display of military genius, and no genius was displayed, though, as in all wars, there was lots of patriotism and courage at the front. In the wars of the future Grants, Shermans, and Sheridans are likely to be evolved. Let us keep the rank of Lieutenant-General and General for those personages.

Mr. HULL. Mr. Chairman, while I do not indorse all that the article says in regard to these generals that are now in the Army, for I think that many of them are as much entitled to this grade, if it were a permanent grade, as any other man that we have had, yet I do believe that the organization of the Army will be better maintained with the abolition grade under the present circumstances than it will be maintained by continuing the office. I want to call the attention of the committee to the further fact, in the line of the article that has just been read, that the Lieutenant-Generals of the Army of the United States from the beginning of the Government are: George Washington, from July 3, 1798, to December 14, 1799; U. S. Grant, March 2, 1864, to July 25, 1866; W. T. Sherman, July 25, 1866, to March 4, 1869; P. H. Sheridan, from March 4, 1869, to June 1, 1878. We had only four Lieutenant-Generals of the Army for almost the first hundred years of the Government. Some men say that General Scott was also a Lieutenant-General, but that is not quite so. He had the pay and allowances of a Lieutenant-General without being commissioned of that rank. He was retired on that pay, but never was commissioned and confirmed as a Lieutenant-General.

Mr. GROSVENOR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Ohio?

Mr. HULL. Oh, yes.

Mr. GROSVENOR. I desire to ask the gentleman if he indorses that portion of his speech which he has inserted in the form of an editorial?

Mr. HULL. Mr. Chairman, I stated specifically that I did not.

Mr. GROSVENOR. Then what is the particular object in slandering the officers of the Army in this indirect way?

Mr. HULL. Mr. Chairman, I shall try to answer that if it is necessary before I get through, if the gentleman calls it slander. I do not, and if he will read my remarks he will not. It is not the fault of the officers that the Spanish war was a small affair.

Mr. GROSVENOR. This is slanderous in the fullest degree.

Mr. HULL. Mr. Chairman, since 1888 we have had J. M. Schofield, February 8, 1895, to September 29, 1895. Only a short time before he went out of office he was made a Lieutenant-General. We have also had Nelson A. Miles from June 6, 1900, to August 8, 1903; S. B. M. Young, August 8, 1903, to June 9, 1904; A. R. Chaffee, January 9, 1904, to February 1, 1905; J. C. Bates from February, 1905, to be retired, as I understand, in April, 1906.

Mr. KEIFER. Mr. Chaffee is not a Lieutenant-General now.

Mr. HULL. He is retired. He is on the retired list. I am talking about the active list. General Schofield is still a Lieutenant-General on the retired list. General Young is still a Lieutenant-General on the retired list.

There is one thing, Mr. Chairman, that I think I can say without slander to anybody, and that is that the war with Spain has made more Lieutenant-Generals than all the other wars that the Republic has engaged in. Now, I suppose that my friend from Ohio [Mr. GROSVENOR] might say that that is slander. To my mind it is simply stating the truth—not the fault of the men and nothing against the men; it was the organization provided for by Congress that has brought it about. If I had my way in the organization of the Army, I would provide that every President when he goes into office may designate a Chief of Staff to serve during the pleasure of the President, and that while so serving he should have the rank and pay and allowance of a Lieutenant-General, and that we would have no retired Lieutenant-Generals, for the reason that it would only be on temporary pay, the same as you have for your officer here in Washington in charge of public buildings and grounds.

We have a law which provides that while he is serving in such capacity he shall have the rank, pay, and allowance of a colonel. He may be a captain or a lieutenant or any officer below the grade of a colonel whom the President may select, but while so serving he shall be a colonel. That would always insure two things: It would insure the President selecting a

man with whom he could work in perfect harmony in the organization, control, and direction of the Army; and the other that a man having that power while so serving would have a higher grade than those whom he would command—something which I believe good military discipline demands at all times, that the higher grade should command the lower grade and never the lower grade command the higher.

Mr. CRUMPACKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. HULL. Certainly.

Mr. CRUMPACKER. I confess to a lack of knowledge respecting the organization of the Army. Under the law now does the title of lieutenant-general go to the senior major-general?

Mr. HULL. Not necessarily. It goes to the man appointed by the President.

Mr. CRUMPACKER. And at the same time the President has power to select a chief of staff who is the real head of the Army?

Mr. HULL. Yes.

Mr. CRUMPACKER. And the title of lieutenant-general carries with it only the titular headship and not the real headship of the Army.

Mr. HULL. That is correct, unless he is also made chief of staff.

Mr. KEIFER. As you are being interrupted now, will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HULL. I do.

Mr. KEIFER. For simply one question. I want to know if the gentleman remembers when the law was passed that made the office of Lieutenant-General a continuous one?

Mr. HULL. I think it was the act of February 1, 1901, the act reorganizing the Army. Not having the data before me I may not have the exact date. Now, I want to say to this committee that some of the men who, in the judgment of many Members, would fill the office of Lieutenant-General of the Army with distinguished honor have not had this position yet, and if the House rejects the provision they may have it in the near future. I am willing to say to the House and the country that, in my judgment, no man who has held that position for the last five years is more entitled to it than some of those men who are now behind and are coming into the higher office if it is not abolished; but in my view of the situation, and the Committee on Military Affairs agrees in this, the time has come to commence action for the abolition of this office in the interest of the Army and of the Government, and I hope that the Committee of the Whole House will retain this provision in the bill. The gentleman from Illinois [Mr. PRINCE] will later address the House on the retired list much more fully than I propose to do at this time. We have another little amendment here to which I want to call your attention and that is in regard to the amount that is deducted from the pay of retired enlisted men of the Regular Army for the support of the National Home in Washington. On page 6, line 8, the committee has inserted this proviso:

Provided further, That so much of section 4819, Revised Statutes, as requires that 12½ cents per month be deducted from the pay of retired enlisted men of the Army and passed to the credit of the commissioners of the Soldiers' Home in the District of Columbia, be, and the same is hereby, repealed.

I was personally in favor, Mr. Chairman, of repealing that whole section and not having the dollar and a half a year taken out of the salary—of the pay—of the private soldiers of our Regular Army. There has been built up by this system a great Home of seven or eight hundred acres of land, large buildings, and expensive administration, by the pittance taken from the Regular Army itself.

There has been nothing appropriated by Congress that I can now recall. Very few soldiers of the Regular Army know that the money is taken out. They know that there are deductions for different things when they come to adjust their pay, and the testimony before the committee was that hardly one in ten, hardly one in fifty, knew that they were paying it, and therefore it did not hurt them any; but when a man is getting $13 a month, when there is not one in a thousand who can receive a particle of benefit from it, when this Government is strong and rich and great, and cares for its volunteer soldiers so splendidly, allowing their pension while inmates of the Home, while we are taking this small pittance from the Regular Army until we have accumulated a fund of $4,000,000 which has been taken out of their pay, it does seem to me that the time has come when this Government should take control of that $4,000,000 in the administration of this Home. It is now administered by the War Department, and, of course, that is in one sense Government administration; but this Congress should take charge of it, look after its expenditures, look after its Regular Army soldiers as it does the volunteers, and appropriate the necessary amount to maintain it. But we were afraid of the point of order, and so we agreed to an amendment only repealing the section so far as it applies to the enlisted men on the retired list.

He gets three-quarter pay after thirty years' service. He has no show on earth to ever get any benefit from the Home, and yet the Government for the last fifty years has been taking from this little pittance of three-quarters of a private soldier's pay a dollar and a half a year, devoting it to charity that he can not under any conditions or circumstances ever hope to receive one dollar of benefit from.

Mr. CRUMPACKER. Why can not he receive it?

Mr. HULL. Because he is not eligible to admission.

Mr. CRUMPACKER. Who are eligible?

Mr. HULL. Those who are discharged for injuries may be admitted to the Home. Now, it seems to me no man will raise the question as to repealing the law letting these old men, who have served their Government thirty years in the ranks, at least enjoy the little pittance the Government gives, which is not half as much as many of the pensions, and, in fact, not a quarter as much as some of the pensions that are given. So that I hardly think that any Member here will object to that. The retired officers of the Army serve there, and I have no doubt serve well. They get their full pay while serving, as well as their quarters. The increase pay is from the funds contributed by the enlisted men. It is all paid by the private soldier. And I am addressing myself to this question now more with the hope that in the near future the Congress of the United States will by appropriate legislation take from the present organization this Home and place it under the control of the Congress of the United States, and relieve the private soldiers from the burden of keeping up a Home that not one in a thousand can ever hope to enter. I think the $4,000,000 would very nearly support it now under proper management.

There is another matter that the committee has entered into legislation upon in connection with the pay of enlisted men that I desire to call your attention to and that the committee believed to be of very great value to the Government. It reads as follows:

Provided, That hereafter enlisted men qualifying as expert riflemen shall receive, in addition to their pay, $3 per month; those qualifying as sharpshooters, $2 per month, and those qualifying as marksmen, $1 per month, under such regulation as the Secretary of War may prescribe.

There was a time in the history of this Government when nearly every man was a sharpshooter. That was when the frontier was being developed, when there was an abundance of game, when men lived nearer to nature than they do to-day. Then we were the greatest nation of sharpshooters on earth. Probably no nation has ever approached us in the use of the rifle except the men of South Africa. To-day, with our large cities and our dense population, the skill in the use of firearms has practically gone out. The Government has taken some steps in the erection of rifle ranges and throwing them open to the militia, in the passing of appropriations giving medals and trophies for expert riflemen, to stimulate rifle practice in the United States.

But, Mr. Chairman, there is no special inducement to bring members of the Regular Army to qualify as marksmen. The present law gives $1 a month without dividing into classes. This increases the compensation as they show the greater skill, and in my judgment will be of as much benefit to us if in the future we have war as any provision we can enact. It is not enough to have a man who can carry a gun to be effective in war. It is the man that can shoot straight, that has become so familiar with his gun and its capacity that when he aims at a certain point he will reach the mark that makes an army effective. When this question was up a few years ago my colleague from Iowa [Mr. HEPBURN] called attention to one battle where this was shown in such a marked degree, namely, the battle of New Orleans. There the backwoodsmen, the man with his squirrel rifle, the man who had had a gun from the time he was able to carry it until he reached manhood, and had become familiar with its use, was pitted against the best-trained troops of Europe.

You all remember that there never has been in the history of any battle such marvelous execution as that done by the force under General Jackson as against the force of the British in the battle of New Orleans in the war of 1812. I believe that marksmanship should be stimulated in the Army. It is estimated it will cost the Government $76,000 a year to do this work, but while that is true, we believe that the appropriation that is carried in the bill is sufficient to meet that increased expense without further increasing the amount carried by the bill, and for

this reason—that the amount appropriated is for the full number authorized by law in the Army. But there is always a shortage in the enlisted force. For instance, to-day we have a shortage of over 4,000——

Mr. FITZGERALD. If the gentleman will allow me to ask him this question. If a man qualifies as a marksman, how long does he get the extra pay?

Mr. HULL. I suppose as long as he continues in the service and keeps up his practice.

Mr. FITZGERALD. Must he qualify at different dates?

Mr. HULL. It is all under such rules and regulations as the Secretary of War shall prescribe; and the report of his company commander will determine how long the extra pay will continue. I should think it would not continue at all unless he continued to be an expert marksman.

I was speaking about shortage. We have great difficulty in enlisting men for the artillery. There is no trouble in enlisting the number authorized by the direction of the President, not the full number authorized by law, because the law allows the President to increase the number from 60,000 to 100,000, if, in his discretion, it should become necessary. But there now is a shortage of over 4,000 in the artillery, largely in the coast-defense arm of the Government, because we have largely specialized the work there. A man who serves a three-year enlistment in the Coast Artillery becomes a pretty fair electrician, and when his term of service is out he can get two or three times as much pay from electrical companies as he can secure from the Government. Therefore we are always having difficulty in keeping our force for the Coast Artillery even sufficient to do the necessary work in this arm of the service.

We have a bill before us, Mr. Chairman, which, while not largely increasing the pay of the artillery, not increasing it as a whole, does increase the pay of certain noncommissioned officers of the company, and thereby we hope perhaps more of them will remain, after becoming experts, on our giving them larger pay than is now provided by law. It will not cost the Government very much more money and will obviate the difficulty we have now in securing artillerymen. It will hang up a prize for every man to strive for. That is not in this bill. I would be in favor of enacting some law that would give to the militia of the States on the seacoast such inducements for enlistment as would provide a strong reserve of artillerymen in case of war.

Whenever we have war we would have to increase our force enormously, especially for the Coast Artillery, because if the entire 18,000 now authorized by law were enlisted it would not furnish one shift of men to the gun. It would be no effective force at all. It would not even furnish one shift of men. The Committee on Appropriations have very properly gone along and appropriated for coast defenses from year to year, and if the plan now proposed is carried through a large sum of money will be expended in the future and a very large increase of our defenses will be made. These defenses are absolutly worthless unless you train men to take charge of the guns and handle them in case of need. All that the service is doing to-day practically is to keep the guns oiled and cleaned, and it would require a very great deal larger force to practice the use of the guns.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman from Iowa allow me to ask him a question on that subject? What is the reason that there is not an available force sufficient to man the guns of the coast defenses? Is it in the law or is it a lack of ability to secure recruits for that service?

Mr. HULL. It is lack of ability to secure recruits. I will say to the gentleman that you can get men to enlist in the infantry and cavalry. You can get men who will be attracted by the pomp and circumstance of war in time of peace. They wear the uniform, are part of the parades, they march, and are part of an attractive pageantry, but the man who enlists in the Coast Artillery wears overalls half of the time. He is a laboring man, skilled in mechanism, and it does not appeal to the imagination of young men to go into that class of work at present wages.

Mr. CRUMPACKER. Is it in the power of the War Department to detail men from the infantry or cavalry to the coast-defense service?

Mr. HULL. I should say not if they specifically enlist for a certain branch of the service. If it is a general enlistment for service in the Army of the United States, I should imagine they could be detailed to the artillery.

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. HULL. I do.

Mr. CLARK of Missouri. I should like to ask two or three questions. This bill provides for abolishing the rank of Lieutenant-General in the Army, does it not?

Mr. HULL. It does?

Mr. CLARK of Missouri. Does this bill make any provision for mustering that Porto Rican regiment out of the service?

Mr. HULL. It does not. I will say to the gentleman that by the law which was agreed to two years ago the Porto Rican regiment expires by limitation of law in two years more.

Mr. CLARK of Missouri. When does it expire?

Mr. HULL. Two years from now—the 30th of June, 1908, as I remember. I may be mistaken as to the date, but I am not mistaken as to the fact that when that question was before Congress, and was fought over here, a compromise was finally reached between the House and the Senate. The Senate wanted to continue the Porto Rican regiment as a permanent part of the Army. The House wanted to abolish it entirely. A compromise was finally reached that in four years from that time there should be no Porto Rican regiment; that it should cease to exist.

Mr. CLARK of Missouri. Now, is there any provision in this bill increasing the term of enlistment of the Porto Rican regiment?

Mr. HULL. No, sir; not at all. It has not been asked for from the House.

Mr. CLARK of Missouri. Is it liable to be put into the bill?

Mr. HULL. I should say not by the House.

Mr. CLARK of Missouri. I saw where the Secretary of War had changed base on the subject, and was asking that the term of enlistment of that regiment be lengthened.

Mr. HULL. The House committee has had no document of that kind. I saw in the paper, as a matter of news, that such a request had been sent to the Senate.

Mr. SLAYDEN. If the gentleman from Iowa will yield to me, I want to say to my friend from Missouri that former Secretary of War Root, while he was Secretary of War, expressed himself as of the opinion that it would be to the advantage of the Government to discontinue this regiment.

Mr. CLARK of Missouri. What I saw in the paper was that the Secretary of War had asked the committee to extend the length of service of this Porto Rican regiment. Now, it turns out that Secretary Root was in favor of abolishing it.

Mr. SLAYDEN. But I wish also to say to the gentleman from Missouri that Secretary Root changed front on that question finally.

Mr. CLARK of Missouri. He changed over, too?

Mr. SLAYDEN. Yes; finally.

Mr. CLARK of Missouri. It is a very mysterious sort of a performance that gets them to change all the time.

Mr. HULL. There is another proposition in the bill, on page 14, that is legislation. It is contained in line 14, to and including line 17:

Provided further, That hereafter no officer holding a rank above that of colonel shall be retired on his own application until he shall have served at least one year in such rank.

The intention of that provision is plainly to avoid giving men a promotion simply to get them out of the way. In other words, to promote a man to-day and retire him to-morrow on his own application. The committee believes that a man who is entitled to promotion to the grade of a brigadier-general ought, unless his time expires by limitation of law, to be compelled to serve one year in that grade before he is retired.

Mr. GROSVENOR. That will not affect an officer who becomes entitled to promotion to-day and entitled by operation of law to retirement to-morrow?

Mr. HULL. It does not affect him at all.

Mr. KEIFER. Why not?

Mr. HULL. Because it says "on his own application." It does not affect him at all. It simply cuts off the gristmill, through officers coming and saying, "If you will give me the grade of brigadier I will retire." If a man is entitled to be a brigadier-general and he has yet remaining years of service to the Government under the law, he ought to perform that service, and not be a charge upon the Government simply to get him to retire.

Mr. LAWRENCE. I should like to ask the chairman of the committee if he can tell us to what extent that custom has prevailed?

Mr. HULL. The gentleman from Illinois, Mr. PRINCE, my colleague on the committee, will make, as I understand, a full statement on that subject. I have not gone into the subject with such detail that I could possibly answer the gentleman's question.

Mr. LAWRENCE. It has, in the judgment of the gentleman from Iowa, prevailed to some extent?

Mr. HULL. My understanding is that within the last three weeks three men have been promoted from the grade of lieutenant-colonel to that of brigadier-general with their agreement to immediately retire. Now, the minute a man becomes a brigadier-general he is above the grade of colonel, and the very

minute he becomes that he has under this provision no right to apply for retirement until he shall have served one year. With all respect to my friend from Ohio, I think it covers that. He does not retire as lieutenant-colonel, and he can not agree as a lieutenant-colonel to retire as a brigadier-general and make it binding. He must retire after he gets to the grade of brigadier-general, and if he applies for retirement under that grade he must serve one year.

We have incorporated in the bill a provision for maneuvers this year. I want to take a little time of the House on that. Ordinarily I prefer to debate and discuss a bill under the five-minute rule, but the House is in such circumstances now that I am not trespassing on the patience of the House by taking all the time I want under general debate.

We provide, without taking time to look it up in the bill, an appropriation of $700,000 to enable the militia to participate in the maneuvers this year. The provision will be found on page 22, lines 11 to 20, inclusive.

We had a supplemental estimate sent to us asking for $1,200,000, in round numbers, for the purpose of permitting the militia to participate in these maneuvers. There seems to be a little cross purpose and a little misunderstanding between the War Department and the committee on this appropriation. The War Department claims that they intended their estimates not for the militia, but for the Regular Army, and yet in the estimate it was specifically stated that it was for the militia. The Assistant Secretary of War was before the committee, and in the hearings this language was used by him:

> What is proposed is that you should give us a moderate appropriation to permit such regiments of the National Guard as may be recommended by the governors of the States, and as may be approved by the Secretary of War, to go to these camps of the Regular Army that are to be established and take part with them, if they desire to, in the exercises they may have there. For instance, if there is a permanent camp in the center of Indiana or Iowa for two or three months, the regiments of the adjoining States which have proved themselves at previous State camps to be efficient can be ordered there for ten days, or whatever time they can spare—two or three regiments at a time. And they will have a very much better education by observing the regular troops in these camps than they could obtain in any other way. There is no one so eager to learn as the National Guardsmen, and they learn much by observation.

We cut the appropriation from $1,200,000 to $700,000. It is proposed by the Department, and I think wisely, to establish at least seven camps of instruction for regular troops this year. They are to be marched from their permanent quarters to places where the camps are to be held. For instance, those of Iowa and Missouri would probably be marched—I am speaking of the Regulars—to Fort Riley, Kans., where, I understand, one of the camps is to be held. The seven camps established throughout the country will bring it in reach of a very large portion of the militia. It is not proposed to have the maneuvers as they were the last time, and thus have the $700,000 expended in only five days' exercises. They propose to have at least three months with the Regular Army, living in camp and marching to and from the places of destination. It will be a great school of instruction for the Regulars and of marvelous advantage to the militia.

Now, I want to call the attention of the House to the fact that under the present condition of the Department the amount carried by this bill may not pay the extra expenses of the Regular Army. It is supposed that the Department will go to another branch of this Congress and ask for an increase in the appropriation for the purpose of meeting the expenses of the Regular Army. I do not want the committee to feel that we may not be called upon—I do not say that we will give it—but that we may be called upon later to increase the amount.

Mr. Chairman, it seems to me that at this time, with the present conditions existing all over the world, that we should give to our great reserve—the National Guard—the very highest instruction that it is possible to extend to them. We have never in this country depended on the Regular Army for the main fighting line. There has never been a war of any magnitude in this country where the country was not compelled to rely on its citizen soldiers for maintaining itself on the battlefield.

The Regular Army is, however, just as much a volunteer force as the National Guard, in some cases more, because every man that enlists in the Regular Army does so upon his own motion, subscribes his own name, gives his own certificate of character before he can enter the Army at all, so that he is practically a volunteer; but we designate them regulars and volunteers for the convenience of carrying them in our minds. I hope, as does every other Member of this House, that we will have no trouble in the near future that will call for the use of an armed force, but there are conditions existing to-day in the Orient that may make it necessary for us, in order to preserve our prestige, our power, and our rights, to employ force and show that we are ready, if necessary, to fight for them. I think that in some respects that has been brought about by the injudicious utterances of the gentleman who represents this country at the court of Peking. I am not very familiar with diplomatic usages, but have regarded silence in foreign affairs as golden. I have here a letter sent me from China some months ago, inclosing a clipping from a newspaper published in November, that I would like very much to have the House indulge me in hearing while the Clerk reads the same. I send it to his desk to be read.

The Clerk read as follows:

THE BOYCOTT.

PEKING, *November 30, 1905.*

The American minister (Mr. Rockhill) has paid a visit to H. E. Na Tung, president of the Waiwupu, and reminded him that the United States of America intend to pay back the sum of £20,000,000, their share of the Boxer indemnity, and that a bill to that effect is to be placed before Congress, but that the anti-American boycott movement has displeased the Members of Congress and made it difficult to pass the bill.

H. E. Na Tung in answer said the Chinese Government had already issued orders to stop the anti-American movement and is endeavoring to establish more intimate relations between the two nations; also that many Chinese wish to proceed to the United States, and therefore it is desirable that the American Government shall extend more liberal treatment to enable Chinese to enter America.

It is understood that the Chinese Government is really rather pleased with the effect of the anti-American movement. (Special service.)

Mr. HULL. Mr. Chairman, I do not believe that the representative of this Government had a proper conception of the character of the Chinese people when he offered them a bribe of £20,000,000, or any sum supposed to represent this Government's part of the Boxer indemnity, to be good. They are a people that, in my judgment, would take any such offer as that as an indication of our being rather more afraid of them than otherwise, and it seems to me that a man occupying his position should have let whatever information was necessary come from the Government of the United States direct, and not give it to the newspapers. I have here a letter from a man who talks the Chinese language and is well acquainted with the characteristics of the people. I read:

CHINA, *December 4, 1905.*

Hon. J. A. T. HULL, *Washington.*

DEAR CAPTAIN HULL: The above clipping reminds me of a matter concerning which I have been minded to write you for some time. Knowing the Chinese as those of us do who live among them, we can not but feel that it would be a great mistake on the part of our Government to return the Boxer indemnity money to them, especially at this time. For after all is said and done, the candid man must admit that the Chinese, judged by all recognized canons of civilization, are but partially civilized. And the longer men live here among them the more thoroughly convinced must they be of the truth of this statement. The great rank and file of the people (and it must be of them by which we judge a people) know but little of any law between man and man, and between one nation and another, other than the law of might. Nor are the people so much to blame for this condition, for from the cradle to the grave this conception is ground into them by their system of government and by the abuses of the governing classes. Deeds of gratitude, of magnanimity, or charity they practice but little, nor do they know how to appreciate such. According to their codes and manner of thought, such deeds are signs of weakness, and hence gratitude is seldom found among them.

The Boxer indemnity was demanded of the Chinese as compensation in some degree for the unheard-of and diabolical outrages upon the American minister and his family, upon the American missionaries and their families, the slaughter of innocent women and children, and the destruction of property owned by American citizens by the Chinese people. Nor was the amount of the indemnity thus demanded, according to the standards of the most enlightened Chinese, thought to be at all too great. They had sought by all the powers of their might to annihilate the foreigners in China, but being sorely defeated they accepted the inevitable with astonishing equanimity.

Moreover at the culmination of this crisis a strong movement was set on foot by certain of the more powerful European nations to divide up the Chinese Empire among the various nations whose commercial interests were large in China by way of punishing the Chinese. And it is freely admitted on all sides now that the plan failed; that had it not been for the strong attitude of the American Government, through its late Secretary of State, the whole scheme would have succeeded and the Chinese Empire would have been no more. And for this service on the part of America toward China, what has China given in return? The boycott of Americans and American goods, the villainous attack on Admiral Train and his officers, and the dastardly crime at Lienchow. And these are only typical illustrations of the Chinese conceptions of gratitude.

And now on top of all this it is proposed in certain quarters to pay back the Chinese indemnity to the Chinese Government. For what purpose or to what end it is most difficult for those of us who live here to conceive. The moment the American Government pays back a penny of that indemnity it will lose what little remaining respect the Chinese have for America. They will take the money—Oh, yes—very gladly; but then they will turn about, laugh us to scorn, because they can not appreciate our leniency and patience or our generosity. Just as long as a Chinese can make you think he is your friend, and get you to act toward him as your friend, just so long will he take every advantage of you; "for," he reasons, "he is my friend, and as such he will not give me any trouble so long as I can keep him in a good humor." Who in the past few years have obtained most of the commercial privileges in China? Has it been America, with her lenient and indulgent policy? Never. Rather it has been England, Germany, France, and Japan, who, when they want anything of the Chinese, simply demand it, and keep demanding until they get what they want. America, by reason of her golden-rule policy, has, instead of reaping commercial or other advantages, reaped a whirlwind in which the boycott, the Lien-Tchou massacre, the Admiral Train incident, the Hankow-Canton Railway squabble, and the prevalent strong anti-American attitude of the Chinese are the main features.

Better a thousandfold keep the Boxer indemnity, and besides using a part of it in building three or four battle ships against the not very far off need of them, if our position in the Orient is to be maintained, to use the remainder in purchasing adequate grounds and buildings for the American consulates in China. Of all the nations represented in China the American consulate quarters are the poorest and meanest. Little wonder that a people who are so greatly influenced by display and grandeur as are the Chinese should look with somewhat of contempt upon a nation that persists in maintaining such miserable consular establishments as does America in China.

But with a part of the Boxer indemnity money America could purchase suitable sites and erect buildings thereon for all its consular establishments in China, and thus take a great step toward regaining the confidence and respect of the Chinese people. Nor would this be in anywise unjust to the Chinese people, for all such money spent in China would naturally find its way into the pockets of Chinese laborers, merchants, and landholders. And in this manner may the indemnity be sent back to China under conditions the most advantageous to all parties concerned.

Suppose, however, that the money is turned back to the Chinese in toto, what will become of it? About 99 per cent will find lodgment in the "squeeze" pocket of the Chinese mandarins, and the poor, deluded people will never receive a penny's worth of value from it. And this same will be true, even though the American Government stipulates that the money must be used in the erection of public school buildings and hospitals. How is the American Government to supervise the erection of such buildings and the expenditure of that money in China?

However, the amount of money in question is a very handsome sum, and if it be found necessary to return a part of it, then enough ought to be kept back to procure suitable consulates throughout China if America hopes to enter upon that much talked and dreamed of "commercial conquest of the Orient." Republican simplicity and plainness is all right at home, where everybody is accustomed to it, but there is nothing attractive or respect begetting in it to the mind of the luxuriant oriental. Our consulates and our consular service should, at least, make as good a showing in China as do those of Great Britain and Germany if we are to keep up with those countries in the race for commercial supremacy in the Orient. And now that the opportunity presents itself to remedy one of the most serious defects in our service in China it ought not by any means be allowed to pass without grasping it.

Mr. SLAYDEN. Mr. Chairman, I would like to know who it was that made that talk referred to in the newspaper clipping.

Mr. HULL. The minister of this country to Peking.

Mr. LAWRENCE. I would like to ask the gentleman if there has been any investigation or inquiry to determine whether that dispatch is entirely correct?

Mr. HULL. I have no doubt about that.

This gentleman goes very fully into matters, closing up with the statement that he believes it would be better for this Government to take the boxer indemnity, if we have no other use for it, and build battle ships to maintain our power in the Orient. I am inclined to think that he is right and that we should not stop our work on new ships.

Mr. SIBLEY. Who is the author of that letter?

Mr. HULL. I prefer not to give his name, for it may do him some harm. Another proposition in connection with this that is set forth in this letter and one or two others I have had from China is the charge that the Government of Japan is stirring up trouble. I desire to say to you, Mr. Chairman, that I have made some investigation along that line, and I do not believe that there is one word of truth in that proposition. The merchants of Japan and the merchants of several of the European governments when this trouble first originated were delighted to see the American boycott extend, because they were rivals in trade, but as the fire spread it was found out that they would be hit equally with us, and now they themselves—the merchants—are opposed to further agitation along that line. The Japanese Government is guided by far-seeing men—men, in my judgment, of great ability, men of great patriotism—and Japan is interested to-day in peace in the Orient, so that they may be able to build up and develop the splendid empire they are developing there, and the Government of Japan will, in my judgment, be one of the strong factors in preventing trouble between the western nations and China.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield for an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. Certainly.

Mr. BARTHOLDT. China is not a military power, in the modern sense of war. A Chinaman rather regards a soldier in the light of an executioner, and I do not think, for one, that China will ever become a military power. Attempts have recently been made, however, to organize the military system according to modern standards, and if they should succeed in doing it, does the gentleman think that we will be able to cope with them on their own territory? The fact is that China would be able to bring on foot within a very short time a million and a half of soldiers. It would be a physical impossibility, in my judgment, to transport even 100,000 men across the ocean, and therefore such a question is out of the range of all possibilities.

Mr. HULL. Well, Mr. Chairman, I only know this one fact, and that is of such common knowledge that every man here is possessed of it, that to-day there have been grave questions confronting us in our dealings with this old Empire. The gentleman very truly says China has not been for the past two thousand years a military nation, but it is also true that western ideas, western progress, and western influence has been meddling and meddling with this great old people for so many years that they may finally awake to a sense of their great power; and it is also a matter of common knowledge to-day that she is under the instruction of competent officers, largely increasing her military power; and I only hope that as she increases her military power and comes in touch with the progress of the twentieth century as exemplified in the western world, as her neighbor, Japan, has done, she will also increase in broad-minded civilization that will recognize the rights of all the world while being able to defend her own right. But she is in a transition period now if she is awakening, and while that is going on every government that has business relations with China must be ready to protect their interests at all hazards or else pull down their flag, leave the Pacific Ocean, and abandon their trade.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say one word at that point in line with what has been said by the gentleman from Missouri? The most significant thing I heard in the Orient while with the Taft party last summer was said by a Chinese official in a conversation on the railway running out from Canton. I spoke to him of our visit to Japan and of the wonderful things which that nation has been doing. He replied, Yes; that Chinamen had been studying Japan; that they knew what she had been doing and how she had succeeded in accomplishing these wonderful results, and he said: "I assure you that China is going to turn over"—that was his expression—"to turn over." I said to him that his words had tremendous meaning if they meant that China is to adopt modern methods in business and warfare, and he answered: "I mean what I say." He was so much in earnest—usually they are very quiet and calm in conversation—that he struck on the window sill of the car with his hand like this, and said: "I assure you China is going to turn over. Powerful influences are opposing the movement, but China is going to turn over." Within a week after we landed in San Francisco I saw, what all of you remember to have read, a dispatch saying that China had organized an infantry establishment of a million or more of men, to be drilled by Japanese and Chinese officers educated largely in German military schools.

Mr. HULL. Well, Mr. Chairman, I have no doubt that is all true, and I can only again express the hope that when China does come to an awakening to modern ideas, modern thoughts, and modern progress it may have the same effect upon her people that it has had upon Japan, and in place of being a menace to the world it may cause them to join in the great advance of humanity everywhere for the uplifting of civilization and the protecting of the rights of men. [Applause.] Japan only a little more than fifty years ago was a kingdom as far back in all the ideas of modern progress as China is to-day. Many people might think that when it was aroused and organized it would become a menace to the civilization of the western world. I do not believe that has been the result, and I believe that the splendid progress Japan has made in a little over half a century will make for peace in the Orient during the next twenty-five years and will make for the rights of men and for the rights of commerce and for the rights of all parties having interests there for at least a quarter of a century to come. Now, while I am on that, I was quoted last year as saying that Japan was a great menace to us. I had almost forgotten it. I had letters from all over the world congratulating me on my farsightedness. I got more reputation by what I never said than I have in all my life from what I have said. [Applause.] I have never believed we were in any immediate danger and I hope never will be in any danger of a conflict with Japan. I did say that it was necessary to maintain a large Navy, since we had our possessions from Porto Rico to the Philippine Islands, across this continent, reaching to the very gate or the door of China and a next-door neighbor to Japan, with a marvelous increase of trade that has come to the Pacific Ocean, for I believe the power that controls the Pacific Ocean for the next century will largely control the commerce of a greater part of the world. [Applause.] I said I did believe that if we were to ever have trouble with any nation there and Japan was against us, we would require a strong Navy and a well-equipped Army to maintain our possessions, and I stand by that yet.

And I want to say in passing that while I have largely to do with the Army, I have the most profound admiration for the Navy of the United States. And I am willing, as one Member of this House to say that every Congress should see at least one battle ship started, until our Navy is equal to all the demands that may come to us under all the crises of the future. [Applause.] I am glad that Japan got into this discussion enough

for me to set myself right on the other proposition, and I hope the men that wrote to me from Europe and other parts of the world will not see my remarks now, as I would be delighted to retain their good will for farsighted statesmanship, even if not fully entitled to it.

Mr. SULLIVAN of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. HULL. Certainly.

Mr. SULLIVAN of Massachusetts. The gentleman says that the nation that controls the Pacific Ocean will control largely the commerce of the world?

Mr. HULL. The commerce of the greater part of the world. I did not say of the world.

Mr. SULLIVAN of Massachusetts. Is it the gentleman's idea that commerce follows the fleet or follows the battle ship?

Mr. HULL. Well, Mr. Chairman, the gentleman from Massachusetts, living upon the seaboard, should know more about that than I, because until I was old enough to enlist in the Army of the United States and be sent at the expense of the Government to the Gulf, I never saw anything bigger than a little Mississippi steamer or a prairie schooner taking a family across Iowa. [Laughter.] I will say this, that judging by the nations who have accomplished great results in commerce, judging by the fact that England, confined on land to her little isle, has reached out and has her coaling stations in every sea and her flag in every port, is the greatest commercial factor of the world; and if she had been content to house herself up on her island without establishing her great navy, without building up her great merchant marine, she would have been so insignificant and poor to-day that no part of the world would do her honor.

Mr. SULLIVAN of Massachusetts. The gentleman is aware that Holland without any great fleet, possesses a large part of the commerce of the world.

Mr. HULL. Holland has been a seafaring power, and used to be a great naval power, and she was such until she got her carrying trade and great wealth in her ships. And she would not have that if she had not been a great naval power to begin with.

Mr. SULLIVAN of Massachusetts. But to-day Holland is not a great naval power, and to-day she possesses a large share of the commerce of the world. I would like that——

Mr. HULL. I suppose next to England.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman——

Mr. HULL. I would say to the gentleman now, right on that point, further, that it seems to me the demand for good coaling stations and bases of supplies in all parts of the world is greater to-day than it was even when England reached out and took them. In those good old days a man commanding a ship depended on wind to get his vessel through the water. He could sail for months and months and months, reaching into years, if his food supplies held out, without having to land. To-day, with steam as a factor, it is necessary with these great ocean liners, it is necessary with your warships, to have coaling stations at certain points, else your vessel is utterly worthless.

Mr. SULLIVAN of Massachusetts. I agree with the gentleman that under present conditions we must have coaling stations. If his idea is that the larger fleet you have the larger your commerce is going to be, then it would follow on the gentleman's theory that if we were to get the commerce of China we must establish a fleet large enough to overcome the Japanese fleet.

Mr. HULL. I think the gentleman has misunderstood me to some extent. I said we would control that ocean, and I believe that we would control the commerce of a large part of the world. I still assert that. I do not say that we have got to do it by war. I hope my good friend and myself will not live to see another war between civilized nations of the world. But I do believe this, just as the present Chief Executive has so often said, that the best way on earth to avoid war is to always be ready for it. We have not reached the point yet when mankind is so unselfish that it would give up any right that it can hold by force. What has preserved the peace of Europe since the war of 1870 between France and Germany? The fact that every nation has stood there, ready to make war too costly for any nation to engage in it.

If the time can come when all the nations in the world can disarm at once it will be better, but I do not believe that the lion and the lamb are going to lie down together while I remain upon the earth.

Mr. SULLIVAN of Massachusetts. Is it not because the nations of the world think that each must maintain the largest military and naval establishments that these establishments are the size that they are to-day?

Mr. HULL. I think that is true.

Mr. SULLIVAN of Massachusetts. Would it not be quite as well if all the nations of the world were to cut down their naval establishments one-half?

Mr. HULL. Cut them off entirely. What is the use of having any?

Mr. SULLIVAN of Massachusetts. Coming back to the——

Mr. HULL. Abandon the Army and keep a police force to preserve peace among the people, and have a great national arbitration scheme. My friend from Missouri is working out a scheme of that kind, and I hope he will succeed, but I do not believe he will during my lifetime. Just one moment further. The gentleman and I fully agree as to the fact that war is an evil that results in the destruction of property and life, and creates untold misery, although the world is often pushed ahead to higher things through its horrors. But the world is, I hope, coming to the point where it shall settle its disputes without war. It has come to the point where the taxpayers should be relieved from the awful burden, the suffering, and the deaths occuring in war. [Applause.] That, following the doctrine of the Prince of Peace, should no longer carry the gospel with the sword into any land. That is all coming about, but, my friends, we have not reached that point practically, and until we do reach it we must deal with conditions as they exist.

Now I will yield to the gentleman.

Mr. SULLIVAN of Massachusetts. In regard to the gentleman's statement that preparation for war is the best means of averting war, I would like to say it always seemed to me that in those sections of this country where men carried large revolvers at their belts there was much more shooting done than there was where men were not armed. It always seemed to me that the prize fighter was more ready to fight than the man not trained to fight; that the man who carries the revolver in his belt was more ready to shoot than the man who was never accustomed to carry arms. I will be glad to furnish the gentleman with statistics from any of the States in the northern and eastern section where that is very limited, and the gentleman well knows that there are statistics of the early days, when in the States and Territories of the West almost every man carried a weapon at his belt and shooting was frequent—and death also.

Mr. HULL. I do not know, Mr. Chairman, whether the gentleman ever lived in the West in the days when martial law was practically created for public safety by the individual citizen, but I have. The gentleman is from Massachusetts, one of the oldest settled States in the Union, but when it was first settled every man carried his gun. He would not go out into the field to plant corn without his gun. Pennsylvania was settled by a man who felt that if a fellow struck you on one cheek that you should offer him the other, and the Indians were not unfriendly. Now, gentlemen, we are not all animated by that idea. Massachusetts has, however, evolved itself out of the condition when every man was prepared to protect himself, and now no man from Massachusetts will carry a gun unless he belongs to a military organization or the police force. We did not get to that condition in the West as soon as Massachusetts because we did not start as soon. I was in Montana just after the civil war. I went there for my health, and there was such a general lawlessness that you could not live there at all in safety.

A great criminal class had grown up there, and one morning when I woke up and looked across the street seven splendid scoundrels were hanging from one limb of a tree. After that we could leave our doors open, you could leave your goods unguarded and not have one single thing touched. It was the love of law in the hearts of the decent people of the camp which impelled them to administer this punishment to the lawless. Every man carried a gun, but it was a precautionary measure and the use of the gun rarely necessary.

My friend the gentleman from Arizona [Mr. SMITH] has probably seen something of that in the great West. But we have outgrown these conditions. A man then who did not carry a gun was in danger of not being able to take a drink when he wanted it. A man who did not carry a gun then (while he might never have to fire his gun if he did carry it) would have been regarded as a crank and drummed out of the community. But that is of the past. They have law and order there now. Now we are developing as rapidly in civilization and orderly government as any part of the nation.

Mr. SULLIVAN of Massachusetts. That is just the point. Are we? The thing that strikes me as peculiar is this: I agree with the gentleman's remarks that society in the United States has developed, that we have had an evolution from the barbaric period he mentioned——

Mr. HULL. Now, if the gentleman will allow me a minute,

I will try to work out my idea. Otherwise, I am afraid it will get so mixed that I shall not be able to straighten it out.

Mr. SULLIVAN of Massachusetts. But the nations of the world have not kept pace in civilization with the individuals of particular countries, because instead of disarming, as the men out West have done, the nations are increasing their armament every day. They are increasing both their standing armies and their naval establishments. In that particular the nations have failed to keep up with the march of civilization attained by the individual citizens of the leading nations of the world.

Mr. HULL. The gentleman from Massachusetts must be too great a philosopher and too profound a thinker to believe that the great nations of the world, under widely different circumstances, can keep up with the progress of the individual citizen in the freest government on earth. He must be too great and broad a thinker to believe that the peasantry of Europe, or even the lower classes of the most advanced monarchies of Europe, would keep pace with the splendid progress of the individual citizen of the United States, where the public school is taken to his door, and where he is taught from infancy up that after he reaches 21 years of age part of the responsibility of administering the affairs of this great Government will rest upon his shoulders. It develops him in mind, in character, and in civilization in a way that can not be brought to the individual in any Government where the individual is not the supreme power of the land. And when you come to the advancement of the nations, let the gentleman look back a hundred years, when wars were frequent, when petty conflicts between nations were constantly going on, and compare that time with to-day, with the peace that has lasted during the last quarter of a century, with the advanced thought that is coming into all the chancelleries of the nations, into the interchange of views, into the rapid communication.

Why, the whole world is getting akin to-day. The telegraph, the rapid transit by land and water, the constant intercommunication of all the communities of all the nations of the world, are bringing the world into closer relationship all the time; and while the advancement of other nations may be slow, because they have not the advantages that we hold for individual development, yet I believe in the Providence of God the time is coming when all the nations will recognize each other as akin and entitled to all the rights of manhood and of self-government. [Applause.] But until that time comes we have got to face the world as it is to-day, and be ready to maintain our rights in every quarter of the globe where any individual American citizen is attacked, or when any principle is involved that calls for the exercise of the sovereignty of this great nation.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. HULL. Yes.

Mr. BARTHOLDT. It may seem illogical for the friends of peace and arbitration to vote appropriations for armies and navies, but on their behalf I should like to state here and now, since my name has been mentioned in connection with the discussion of this subject, that as long as the civilized nations of the globe have failed to negotiate arbitration treaties for the settlement of controversies by peaceful means, the same as differences are settled between individuals by courts—as long as that has not been done, the friends of peace and arbitration find it necessary to continue to vote for the maintenance of naval and military establishments. So that there is no controversy between us. But while I am on my feet I would like to call the attention of the House, with the permission of the gentleman from Iowa——

Mr. HULL. I will yield to the gentleman what time he wants.

Mr. BARTHOLDT. I have introduced a resolution providing that the delegates to be appointed by President Roosevelt to The Hague conference be instructed in favor of two propositions. One is that arbitration treaties be concluded between the different nations signatory to the first Hague treaty, and, secondly, an international congress be provided by that conference at The Hague. If we can pass these resolutions through the House and the American delegates sent to represent us there will favor these propositions, I have no doubt but that the European cabinets will be ready to accept the American plan. And if that plan is adopted, then, gentlemen, it will be no more necessary to discuss questions of the increase of the naval power and the Army, because the reduction of these armaments will gradually do away with them, and that will follow as certain as the sun rises in the morning. [Applause.]

Mr. HULL. Mr. Chairman, I think I have trespassed upon the patience of the House about long enough. I will take up the rest of the bill under the five-minute rule. Before closing, however, I want to say one word. I do not want the House to believe that I have in my remarks on China criticised the higher or governing classes, because I believe they have tried and will try to preserve a peaceful condition. The governing class in China, in my judgment, has great difficulties to contend with to-day in their administration of affairs. I would not want by any chance remark of mine on the floor of the House to lead to the idea that I was criticising them.

The Chinese people are not a people familiar with law or with government as we understand it. They are not much in love with our Christianity. They resent our missionary methods. They resent many of the things that our people do there. But I believe that the awakening of that country, if it can be guided and directed aright, will ultimately result in China joining the civilized nations of the world. That will not come in my day, because the reenlightenment and work of development of an entire people situated as China is, without railroads or telegraphs or the daily papers, will take more than the short span of life allotted to a man of my age. But I believe it will come, and while that great work of development is going on, I do not want any chance remark that I may make on the floor of the House to add to the difficulties of those who must solve this problem in their own land.

Mr. DAVIS of Minnesota rose.

Mr. HULL. I will yield to the gentleman from Minnesota.

Mr. DAVIS of Minnesota. The gentleman is no doubt very well posted in military and naval affairs, and I assume that his statements thus far have this tendency: That preparation for war is the most effective remedy to prevent war; that large armies, at least of civilized nations, will have a tendency to keep peace throughout the civilized world.

To a certain extent I agree with that proposition, yet it has developed at the present time that old China, which has been asleep for many thousand years, is now becoming awakened, and, as the gentleman from Wisconsin said, is about to turn over. I would like to ask the gentleman, who is a statesman of no mean ability and, on the contrary, of great ability, if he thinks that this civilized nation of the United States at the present time ought in any manner to encourage the Chinese Empire, with its hundreds of millions of population, in an armament of that horde or in presenting to the world a live, wide-awake navy for the purpose of perfecting business in the Orient?

Mr. HULL. I do not understand that we are trying to get them to arm. I think one of our troubles there, and I say it with all reverence as a believer in the Christian religion, one cause of our trouble is that our missionaries are overzealous in demanding that they burn down their joss houses and erect Christian temples. I think that is one of the great troubles. I would like to get them so civilized that they would allow the missionaries to preach any doctrine that they pleased—Buddhism, Mahometism, or Christianity—without disturbing the placid course of their national life, and because I am in favor of their advancing with civilization is no reason to argue that I am in favor of a large armament or large navy. I will say this to the gentleman, that if when they have awakened and do turn over, as suggested by the gentleman from Wisconsin, and the world stands as it does to-day, practically an armed camp, she will organize an army and she will build a navy, and let us hope that as she turns over she may reach the broader and higher ground of our civilization, which teaches that peace is best for all nations, and that she will not use her army or her navy except when it becomes necessary for the preservation of her rights, her dignity, her commerce, or her laws. [Applause.]

Mr. DAVIS of Minnesota. Fifty years ago the Japanese nation, as the gentleman has stated, was as far back in barbarism as the Chinese nation is to-day.

Mr. HULL. Oh, it is a little over fifty years ago—that is, from western civilization.

Mr. DAVIS of Minnesota. They began to become civilized and at the same time they began to arm their people and build a navy, and the result of that armament showed itself in the present Russian-Japanese war and the resultant civilization, as the gentleman states and as I firmly believe. Now, if the Chinese nation is to be rejuvenated the same as the Japanese and the armament the same, what will be the result on the peace of Europe and of Asia if they have to establish their civilization and power in the same manner that the Japanese have established theirs?

Mr. HULL. Mr. Chairman, I want to say to the gentleman that I would not like to say that the Japanese half a century ago were not a civilized people. They were not civilized from our point of view, but they had had a civilization there for more than four thousand years that answered their purpose very well. I would not like to say to-day that the Chinese are not a civilized people, because they have had a civilization there reaching back when our ancestors were wearing skins and living principally upon raw meat. They have their civilization.

They have their religion. It is not according to our ideas or our views. Does the gentleman believe that the awakening of Japan and the war with Russia was a disadvantage to the civilization of the world? Does he believe that Japan's power to resist the encroachments of the "bear" has resulted in any injury to mankind?

Suppose that Japan had not been able to defend herself. Suppose that the great power of Russia had gone and found Japan as defenseless as China; that power of Russia would have swallowed up Formosa, Korea, and Japan, and it would have forced at the point of the sword and by Russian methods a civilization that to the American mind is just about as bad as the civilization of China and Japan ever was. The fact that she could resist the progress of this great power of the north has let mankind breathe more freely, and to my mind in place of being something to dread it is something that we should rejoice in; and if China's great might in the future should be exercised as beneficially as that of Japan, then I am willing that she should have soldiers to the number of a million, or more than that, which will enable her to do so. [Applause.]

Mr. DAVIS of Minnesota. I agree with the gentleman in what he says has resulted for the advancement of civilization, but does the gentleman believe in awakening old China simply for the purpose of advancing civilization, even if she, with her four or five hundred millions, is to overrun and conquer every nation in the Orient?

Mr. HULL. No; she is not going to do it. Let us have more faith in the future.

Mr. DAVIS of Minnesota. Does the gentleman believe that she is going to do it?

Mr. HULL. I am too much of an optimist to believe that there is any danger of that. I do not believe that we are going to witness any dreadful effects from awakening China.

Now, Mr. Chairman, I feel again like apologizing for having taken so much as an hour and a half, and I shall reserve the balance of my time. There are many points of the bill that I intended to speak of, but I was sidetracked off the subject, but which I will explain under the five-minute rule.

Mr. FITZGERALD. Mr. Chairman, there is one question that I would like to ask the gentleman. On page 5 of the bill there is the following language:

Provided, That until June 30, 1907, the line receipts of the Alaskan military cable and telegraph system may be utilized in making such extensions to the system as may be approved by the President as a military necessity, such extensions to be reported to Congress by the Secretary of War.

Does the gentleman not think that it would be better to ascertain how much money could be judiciously used for that purpose and appropriate the money, not make an appropriation in this indefinite and unsatisfactory language?

Mr. HULL. Mr. Chairman, I will agree with the gentleman on that proposition as a rule. This, however, does appropriate about $200,000 a year as the outside amount. The receipts of the Alaskan cable for the last year were about $150,000, and it was estimated the receipts would be about $200,000 for the coming year. It is a question in my mind whether we should make such appropriations, but as originally submitted to the committee and urged upon us, it was to appropriate the entire receipts for the advancement of the telegraph communication with Alaska, regardless of military necessities.

The committee believed we ought to safeguard that so that the President could only use the amount necessary to protect the different posts and build such additional lines as in his judgment would be demanded as a military necessity. I will say to the gentleman that there is a very wide feeling, not only in Congress but in the country at large, that we can hardly treat Alaska as we do the other Territories. It is isolated, of great extent, its population is far scattered, and it is impossible for them to carry on the work of public improvement that would be done in other places, and while I am not willing to enter into the building up of Alaska by governmental action, yet I thought it was but a small concession to let them have this much money.

Mr. FITZGERALD. My objection is not to the extension of the lines there, either for military or commercial purposes. My objection is to the form of the provision, and that is to take indefinite receipts and utilize them for doing this work without having them turned into the Treasury and reappropriated, and I would suggest, regardless of the amount, it is much better practice to appropriate directly the money, authorizing the entire sum, or so much as may be necessary, to be expended under the direction of the President.

Mr. HULL. That can all come up when we reach it under the five-minute rule, and I think that is a question that deserves very careful consideration.

Mr. FITZGERALD. The gentleman knows we had some questions of that kind in connection with the Panama Railroad, which is a Government institution.

Mr. HULL. This is a question which demands and should have careful consideration, and, so far as I am concerned and so far as the committee is concerned, in my judgment, we have no preconceived prejudices in the matter which would lead us to oppose a fair adjustment of this question. It is a proposition that was particularly championed by the gentleman's colleague, the senior member of the minority of the Committee on Military Affairs. The committee did restrict the amount by putting in that it must be, in the opinion of the President, for military purposes, and we did that not because we were not willing as individual members to go beyond it, but we did not believe our committee would have jurisdiction over any line of improvement that was not connected with the military establishment of the United States. [Applause.]

Now, Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 20.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives H. R. 1059, granting an increase of pension to Elijah Spangler.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3318) to allow the entrance and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania.

Resolved, That a committee of four Senators be appointed by the Vice-President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. PENROSE, Mr. KNOX, Mr. CARTER, and Mr. CLAY.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4016. An act for establishing a light-vessel off Nantucket Shoals, Massachusetts.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I do not desire to occupy time by discussing the salient features of the bill, which have been covered by the discussion given to it by the chairman of the committee. There are, however, some provisions in the bill which I will discuss later on under the five-minute rule.

Therefore, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Chairman, from the beginning of the Government the question of taxation has been the most important issue with which Congress has had to deal. Parties have been divided on this question when divisions on other questions have been imperceptible or transient. To-day the Republican party stands for a protective tariff, while the Democratic party stands with equal determination for a tariff for revenue only. The policies of the Republican party have been ruling the policies of the country for practically fifty years, and have confessedly resulted in the enormous trusts which are dominating the industrial conditions of the country. Republican legislation has tended to hold back the progress of agriculture, and the farmer has been taxed to build up other industries than his own. The Dingley Act, the latest and most unjust achievement of high protection, has finally incited Germany to retaliate against the United States by the adoption of tariff schedules avowedly directed against our agricultural products.

It is admitted that we produce a surplus of agricultural products, and every intelligent farmer knows that we must have a market for this surplus. Germany for years past has been a market for a portion of this surplus. Her new tariff schedules go

into effect on March 1, 1906, and as I will show later on we will virtually be deprived of this market. If Germany has retaliated we may expect other nations to follow her example, and the Dingley Act is a constant menace to the agricultural interests of the country. Unless some remedy is found, this action on the part of Germany will injure permanently the agricultural classes of the United States, and also the commercial classes.

The agitation in Germany which has resulted in the passage of the new German tariff act was based upon the idea that Germany's present commercial relations with the United States were most unsatisfactory. It is asserted that since 1890 the imports into Germany from the United States have increased $128,520,000, while the exports from Germany to the United States during the same period have increased only $18,088,000, thus proving that this international exchange trade is overwhelmingly in favor of the United States. From the standpoint of a German high protectionist, goods from the United States will stand a higher rate when imported into the German Empire; that higher rate will protect German manufactures and German labor, besides yielding a large revenue. This argument is the basis of Dingleyism, and the only wonder is that the consequence of Dingleyism has not come sooner. Dingleyism exploits a favorable balance of trade and claims credit for it. Why should not the protectionists of Germany seek a more favorable balance through Dingley methods?

Our export trade is our greatest source of prosperity. We have been exporting:

Total exports, domestic merchandise:	
1903	$1,392,231,302
1904	1,435,179,017
1905	1,491,744,695
Our imports were:	
1903	1,025,719,237
1904	991,087,371
1905	1,117,512,629

(See Monthly Summary of Commerce and Finance, June, 1905.)

Germany began the agitation of this question as early as 1902. A German tariff commission was appointed, which sat for many months and made a most voluminous report. These findings became the basis of a new tariff act, passed in December, 1903, by the German Reichstag. This law goes into effect as against all the world except such nations as have treaty agreements with the Empire, on March 1, 1906.

We have had warning that this war would come, not only by the passage of the act itself, but by the discussion which it has engendered in all economic circles of the world. And our own consuls to the German Empire, some of whom seem to think themselves authority upon the vexed question, have gathered a vast amount of "patriotic" matter, showing that the United States need not be afraid. These consular reports abound in one-sided statements and serve to inflame and keep alive the sectional jealousy of the two nations.

Notwithstanding this notice, things have been permitted to drift along until at the present moment the threatened tariff war is at hand, without any preparation whatever having been made upon our part to meet it.

That the Dingley tariff was the occasion in large part for the new German tariff is undoubtedly true. Upon the passage of the Dingley Act twelve countries—the United Kingdom, Germany, Netherlands, Belgium, Italy, Japan, Denmark, China, Argentina, Austria-Hungary, Greece, and Switzerland—protested. This was in 1897. Little regard was attached to the protest, and because nothing was done at once it was thought that nothing ever would be done. The Republican campaign text-book of 1904 calls attention to the protest, and, because of the fact that nothing was done at once, made sport of the idea of retaliation.

The reason that a policy of retaliation was not taken at once may be found in the fact that Germany in 1897 was under treaty obligations with several European countries and would not move in the direction of increase until the expiration of the time limit of those treaties, viz, between 1903 and 1905.

Germany was at that time operating under what is called "the general and conventional tariff system." A general system of tariff alone has but one rate of duties for all countries. The system of Germany, on the contrary, has two rates, the general and the conventional, the conventional being brought about by a series of conventions or agreements with other countries. One of these conventions was made with the United States in 1900.

The system of France differs from the general and conventional tariff system in form and origin. It has two rates, the maximum and minimum, the minimum schedule being given to those nations alone which receive the most-favored-nation treatment. In origin it differs more materially in that it is entirely legislative. The legislature fixes two rates of duty on each article in the tariff. The higher rate attaches to all goods coming from countries with which there is no commercial agreement; the lower rate attaches to all goods coming from such favored countries. The multiple or maximum or minimum tariff systems are in vogue in France, Spain, Russia, Brazil, Greece, and Norway, and the new tariff of Germany is but a change from the general and conventional system to the multiple system. Before the new system could become effective Germany had to give notice to all those countries with which she had negotiated conventions under the old system. And as our arrangement with Germany in 1900 was founded expressly upon the tariff duties of Germany's old commercial treaties, it of course ended with the abrogation of these treaties.

The new German tariff becomes operative against all the world on March 1, 1906.

Chancellor Von Buelow's public expression of the case is as follows:

A continuation of the present conditions unchanged is not possible, if only for the formal reason that our arrangement of 1900 with the United States is founded expressly upon the tariff duties under the old commercial treaties with Austria-Hungary, Italy, Switzerland, Belgium, Servia, Roumania, and Russia. These duties, in consequence of our new tariff and our new commercial treaties, will be abolished at the end of February, 1906. Thus the German-American agreement will lose its basis when the new tariff goes into effect March 1 next, and therefore the Imperial Government is under the necessity of giving notice of the termination of this agreement on March 1.

We by no means wish, however, that the present agreement should not be superseded by another arrangement. We have naturally a lively interest to reach a new agreement with the United States, and this wish corresponds not only with the friendly political relations of the two people, but also with the economic needs of both. Of course, we wish in our new agreement with the United States to maintain the same points of view as those that controlled us in recasting our general commercial relationships and in the new commercial treaties already negotiated.

The Official German Report on the Tariff for 1902 states that in the future any measures for the protection of the export industries shall not lead to any reduction of the tariff duties which are regarded as necessary for the protection of agriculture.

The new tariff bill of Germany is in high favor with the agricultural classes and is opposed to some extent by the other classes. Consul-General Guenther, in July, 1905, said:

In an overwhelming majority, the shipping line, manufacturing and exporting interests, and the working population of Germany are averse to the new commercial treaties and look with prospective dread on the new tariff law.

The German law seems to favor the agricultural classes of Germany and to conserve their interests while attempting to fashion a tariff law. The new law will hurt the manufacturers of Germany, but will help its farmers; it will not hurt the manufacturers of the United States materially, but it will hurt the agricultural classes of the United States. But who cares for the farmers of the United States? The manufacturing interests dominate the legislation of the United States, and so long as the manufacturing interest is not hurt materially, are willing to stand pat on the Dingley tariff bill, or even to raise its rates 25 per cent to meet the German law, even though every farmer should be driven into bankruptcy.

The new German tariff law discriminates against nearly every article of import between the United States except cotton, oil, copper, and a few other raw products that are needed by German manufacturers and which, under the new law, will be admitted practically free.

THE NEW RATES.

The following synopsis, under three heads, gives, first, the present rate of duty; second, the minimum rate to which these duties have been hitherto reduced by treaties with certain favored nations, including the United States; third, the rate under the new law, per 220.4 pounds:

Description.	Present maximum.	Treaty duties.	New rates.
Wheat	$1.19	$0.83	$1.78
Rye	1.19	.83	1.66
Oats	.95	.67	1.66
Barley	.53	.47	1.66
Barley malt	.95	.85	2.44
Corn	.47	.38	1.19
Wheat flour	2.50	1.74	4.36
Potatoes	Free.	Free.	.50
Oatmeal	2.50	1.74	4.36
Hops	4.76	3.38	16.66
Dried apples, pears, etc.	.95	.95	2.38
Fresh apples in barrels	Free.	Free.	16.66
Sausages	4.76	4.04	2.97
Lard	2.38	2.38	10.71
Cured meats	4.76	4.04	7.14
Butter	4.76	3.80	7.14
Cheese	4.76	4.76	1.42
Eggs	.71	.47	7.14
Oleomargarine	4.76	3.80	

Description.	Present maximum.	Treaty duties.	New rates.
Cows and oxen, per head	$2.14	$2.14	$4.28
Horses, per head	4.76	4.76	21.42 / 85.68
Hogs, per head	1.42	1.19	4.28
Oysters, shell	11.90		23.80
Wood alcohol	Free.	Free.	4.76
Shoes:			
Coarse	11.90	11.90	20.23
Medium	16.66	15.47	28.86
Fine	16.66	15.47	42.84
Lumber:			
Rough			1.42
Dressed	2.38	2.38	2.38
Sewing machines:			
Treadle	5.71	5.71	8.33
Power	5.71	5.71	4.76
Bicycles		9.52	35.70

Raw cotton, flax fiber, and most other raw materials, including copper, lead, and aluminum, remain free of duty.

Spades, shovels, hoes, and plowshares, hay and manure forks, scythes, sickles, and straw cutters were reduced from $2.38 per 220.4 pounds to $1.07 for spades, shovels, and plowshares, $1.78 for hay and manure forks, and $2.85 for scythes, sickles, and straw cutters.

The whole bill was a triumph for the farmers; but this reduction upon these articles, coming as it did after one of the fiercest fights ever made in the German Reichstag, illustrates the power which the agricultural classes maintain against the industrial and mercantile classes.

Wheat under our present treaty goes into Germany at 83 cents, but on March 1, 1906, will pay $1.78 per 220.4 pounds, unless a new arrangement shall be made. No arrangement can be made, however, under the law, which reduces wheat below $1.30 per 220.4 pounds. The minimum rate on rye is $1.19; on barley malt, 95 cents; on oats, $1.19. The rate on flour, $4.06 per barrel of 196 pounds, is practically prohibitive. The milling interest of Germany includes a vast number of small mills, located in every part of the Empire, and owned by so large a number of persons that their interests are certain to be permanently and securely protected, even though a conventional treaty should be negotiated. American flour is practically dead in Germany. The millers will buy American wheat, even under these rates, and undersell American manufacturers of flour at every bend of the road.

This tariff will also affect the fruit interests of the United States. Fresh apples, pears, and quinces have been admitted free heretofore, and a large export to Germany has been built up since 1898. During eleven months of the year 1902, 110,327 tons of fresh apples went into Germany, of which the United States contributed 1,071 tons. Under the new tariff unpacked apples, pears, and quinces shall go in free from September 25 to November 25 of each year. During the other ten months all packed apples must pay $2.38 per 220.4 pounds. This is a very ingenious device. It enables the farmers of Germany and of the countries contiguous thereto to sell their fruit during the apple harvest at a nominal tariff, while the fruit going over sea or long distances by rail will be assessed at about $2 per barrel. The question of future German trade in fresh fruit will depend, therefore, on whether it can be shipped in sacks or loose over sea or long distances by rail. The Germans like American apples, but it is very doubtful whether the fruit can stand this duty.

This is the first tariff law passed with the avowed purpose of enhancing the interests of agriculture. Every other tariff law had been dominated by the protective idea to manufactures.

A comparison of the preceding German rates shows that they are higher than were the Dingley rates upon wheat, rye, oats, barley, and corn. The Dingley rate on wheat is about 92 cents per 220.4; on rye, 56 cents; on oats, $1.05; on barley, $1.38; on corn, 60 cents. The Dingley rate on wheat flour is, ad valorem, 25 per cent. The Dingley rate on green apples in barrels is about 68 cents per barrel. The Dingley rate on horses is from $25 to $30 a head; hogs, $1.50 per head; cattle, $2 to $4 per head, and if valued at more than $14, 27½ per cent. The Dingley rate on lard is higher than the new German rate, being $4.40 per 220.4 pounds. The Dingley rate on meats is also higher than the German tariff. The Dingley rate on butter is still nearly twice as high as the German rate, as is cheese. The Dingley tariff on eggs is 5 cents a dozen, which I think is still higher than the German tariff. But our agricultural products do not need these rates, for we export all of these articles, and practically none of them are imported.

VALUE OF OUR EXPORTS AS TO KINDS.

The total value of our exports to all countries for the year ending June 30, 1905, as to the class from which they originate, is as follows:

Description.	Value.	Per cent.
Products of agriculture	$821,074,439	55.4
Products of manufactures	543,620,297	36.44
Products of mining	50,646,447	3.39
Products of forests	62,008,899	4.16
Products of fisheries	7,318,705	.49
Miscellaneous products	6,985,908	.48
Total	1,491,744,695	100.00

The Republican Campaign Text-Book for 1904 states that the object of a protective tariff is to conserve and develop the home market for the home producer. This looks like an intention to save that market, not alone for the manufacturer, but for the agriculturalist. An analysis of the tariff, however, shows that the higher or prohibitive rates are upon manufactured articles. To conserve the home market means that the home trade shall have that market, and the higher rates, called "protective rates," do save that market, not to the agriculturalist, for he must seek his market outside of the home market for all those products which go to make up the great bulk of our export trade. It conserves the home market to the manufacturing class alone by a tariff which excludes foreign competition. In other words, higher prices are thereby guaranteed to the manufacturing interests than would obtain were competition more general.

Why should agriculture, which sustains itself in the home market and sells to the world more than half our export trade, bear a greater burden than the manufacturing interest, which sells to the market at inflated prices, and one-third of our export value at prices less than are charged at home?

EXPORTS TO GERMANY.

For the year ending June 30, 1905, we exported the following valuation of goods to Germany (see Monthly Summary of Commerce and Finance of the United States, July, 1905):

Description.	Value, 1904.	Value, 1905.
Agricultural implements	$1,579,026	$1,246,101
Horses[a]	29,153	35,300
Books	215,000	176,000
Corn	7,157,359	9,200,575
Oats	(b)	(b)
Wheat[c]	5,962,000	84,760
Wheat flour	2,182,000	586,000
Cycles	131,000	60,000
Other carriages	163,000	216,000
Clocks and watches	14,000	23,000
Bituminous coal	20,000	3,000
Copper ore	9,000	Nothing.
Copper ingots	11,000,000	14,000,000
Cotton, raw	109,000,000	87,000,000
Cotton cloth	9,000	10,000
Other cottons	1,000,000	591,000
Fertilizers	2,600,000	2,500,000
Fruits and nuts	3,600,000	2,800,000
Furs and skins	873,000	1,122,000
Hides and skins	515,000	535,000
Scientific instruments	596,000	596,000
Iron and steel rails	(d)	(d)
Builders' hardware	891,000	720,000
Electrical machinery	76,000	182,000
Sewing machines	967,000	983,000
Typewriting machines	858,000	847,000
Sole leather	2,000	9,000
Upper leather	824,000	1,122,000
Boots and shoes	353,000	328,000
Naval stores:		
Turpentine and pitch	1,859,000	2,026,000
Turpentine and spirits	1,403,000	1,262,000
Oil cake	4,039,000	5,784,000
Mineral oil	8,824,000	8,504,000
Paper	152,000	175,000
Paraffin	889,000	515,000
Beef:		
Canned	122,000	89,000
Cured	450,000	306,000
Tallow	614,000	245,000
Bacon	1,014,000	825,000
Ham	28,000	33,000
Salted pork	248,000	289,000
Lard	15,000,000	14,860,000
Oleo		
Butter	2,000,000	2,000,000
Cheese	2,000	2,000
Seeds	515,000	1,214,000
Sugar	719	253
Tobacco:		
Leaf	5,000,000	4,800,000
Manufactured	96,000	125,000
Wood:		
Timber	1,600,000	1,300,000
Lumber	1,800,000	1,400,000
Furniture	159,000	124,000
Wool, raw	(e)	(e)

[a] The export of other animals to Germany is unimportant.
[b] No exports.
[c] We had no wheat to sell.
[d] Very little sold in all Europe.
[e] Practically no export.

OUR TRADE BALANCES.

For thirteen years prior to 1905 the excess of Germany's imports from the United States were as follows:

1892	$22,000,000
1894	22,000,000
1895	11,039,000
1896	3,656,000
1897	14,000,000
1898	85,000,000
1899	71,000,000
1900	89,000,000
1901	91,000,000
1902	71,000,000
1903	74,000,000
1904	105,000,000

From 1883 to 1892 the balance was on the other side, as it was in 1893. (See Statistical Abstract, 1904.)

The Dingley tariff was prohibitive. Germany could not on account of the tariff sell us her manufactured goods, practically all she had to sell, and the balance went still more heavily against her. She bought our agricultural products freely, even putting raw cotton on a practically free list, but we taxed her out of our markets.

From 1882 to 1892 the balance of trade was with Germany, we during those years buying more of her than she of us, but the highest balance was never more than $22,000,000. (See Statistical Abstract, 1904, p. 584.)

The tariff of France, being higher than the old German tariff, works more evenly, and makes a more evenly divided balance. In 1904 we bought of France $81,000,000, and she bought of us about $84,000,000. The average run of yearly balances is about equally divided between us and France. One year it is on one side, and vice versa.

We have been buying more of Austria than we have sold her for several years.

Italy has been discriminated against by Dingleyism, and the balance is on our side.

We sell England about three times as much as we buy from her year after year, and she remains our best customer. It is a remarkable commentary on the doctrine of free trade that the only nation which practices it is not only our best customer, but the one which does more for our agriculturists than does our home Government. Our Constitution forbids export duties. Were this not so the high protectionists of the United States would doubtlessly stop free cotton to Germany and free farm products to the United Kingdom. The countries of Europe exist to support the farmers of the United States. The Government of the United States exists to support home manufacturers.

Said Mulhall in 1904:

> The United States produce about one-third of the manufactured totals of nations, as they do also of grain and wheat, while their population is less than one-sixth. * * * American manufacturers have multiplied just twentyfold since 1840, while those of Europe have only doubled. Nearly all American manufactures are produced by machinery, while in Europe less than one-half is hand work. * * * The value of American manufacturers is artificially raised by protective tariffs fully 33 per cent over the real value; the latter amounts, therefore, in 1894, to about £,464 millions sterling, or the value conjointly of British and French manufactures.

There were 29,000,000 persons in the United States in 1900 employed for gain, of which the manufacturing class formed about 7,000,000. Why should 22,000,000 workers pay a toll of 33 per cent in higher prices to conserve the interests of 7,000,000 that confessedly need more protection? How are we to know that they do not need it?

1. The manufacturers themselves, in their divided sentiment, make this admission: Some demand no change; some ask a revision of the tariff, and they represent no insignificant class; some, a lesser number, are willing to eliminate the tariff upon leather for free hides, etc.

2. Leading protection papers say that the tariff is too high.

3. The academic and economic thought of the country is almost a unit against the Dingley schedules.

4. The President favors a revision.

5. The unequal distribution of wealth since 1850 proves that protection, as a principle, transfers an unwarranted part of the gains of 22,000,000 of workers into the pockets of 7,000,000.

We want manufactures, and no power on earth can destroy them. But we do not want a system of predatory manufactures taking to itself an unwarranted part of the gains of the country.

City wealth, almost synonymous with manufacturing wealth, started in 1850 with about the same figures as rural or agricultural wealth. Rural wealth doubled from 1850 to 1860, but did not double again until 1890, a period of thirty years. City wealth doubled in every decade from 1860 to 1880 and almost doubled in each decade since. City wealth in 1900 was $73,786,000,000, while rural wealth was but $20,514,000,000.

Agriculture kept pace with manufactures in the low-tariff period 1850–1860, but has never done so since.

It would seem that the farmers of the United States, in their own interests, ought to be against the system of high protection. The time is ripe for a change, a change which will give to the farmer a market for his produce and insure better and permanent prices for the products of his farm.

Mr. Chairman, I yield thirty-five minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, the continued failure of the Republican party to modify the oppressive schedules of the Dingley tariff demonstrates its utter incapacity for further control of the American Government. Almost nine years have passed since the Republican party imposed upon the American people the highest tariff taxes in American history. For almost nine years the American people have borne these tariff outrages without rising in righteous anger against the Republican party. The American people have shown the Republican party such leniency, such indulgence, such submission that it seems to have lost all sense of responsibility. Although Republican leaders know that the revision of the tariff is the most clamorous necessity of the time, they treat the question with a silence so persistent and so insolent that it can result from no other source than a sense of power as complete as it is merciless, as absolute as it is corrupt. [Applause on the Democratic side.] So universal has become the clamor, so pressing the need, so just the cry for relief from excessive tariff taxes that the inactivity of the Republican party may be explained only on the ground that it considers the people's support an asset so permanent as to be the easy subject of perpetual disregard. Whenever any political party reaches this stage of swollen egotism and contemptuous defiance it becomes a distinct peril to American institutions. [Applause on the Democratic side.]

The course of the Republican party on the subject of the tariff has been singularly treacherous and oppressive. The entire history of the party is a history of increasing tariff charges. It failed to reduce the enormous emergency tariffs of the civil war when the return of peace had removed the necessity for abnormal rates. It has remained under the domination of the classes its tariffs have fostered. It has evaded every demand for revision. In 1867, in 1870, in 1872, and in 1882 it pretended to undertake tariff modification, but the taxes which shielded the favored interests were never lowered. The McKinley bill of 1890 established schedules from 10 to 50 per cent higher than those of the war. In 1897 the Dingley bill—the bill now in operation—added still higher rates. The highest tariff of the war was that of 1864. It reached an approximate average of 49 per cent. The duties of the Dingley bill range from 50 to more than 200 per cent. It is amazing that the people should tolerate such exactions. In the present Congress a prominent Republican has introduced a bill increasing the Dingley rates under certain conditions.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. SHEPPARD. Certainly.

Mr. BARTLETT. The gentleman having referred to a distinguished Republican introducing a bill for the purpose of increasing the rates, I beg to call his attention to the fact that a Washington paper of yesterday contained an interview with the gentleman in which he said that was done for the purpose of scaring Germany, and that Germany now having been scared, he did not propose to insist upon it.

Mr. CAMPBELL of Kansas. Then the bill served its purpose.

Mr. SHEPPARD. I understand in reality, however, that the bill will not prevent Germany from imposing the high tariff rates. The only thing that can be accomplished in the German Reichstag is a mere postponement of the high tariff rates which were to go into effect on March 1.

Mr. BARTLETT. I trust the gentleman did not understand me to agree with the gentleman who introduced the bill. I think there are some other reasons behind the introduction of the bill, and some other reasons behind the statement contained in the press than the one which the gentleman gives.

Mr. SHEPPARD. I thank the gentleman for the enlightenment he gives on that subject.

Each Republican Administration seems to have replied to the popular prayer for tax reduction as Rehoboam, King of Israel, answered the clamors of his subjects for the remission of the taxes levied by his father, Solomon, saying:

> My little finger shall be thicker than my father's loins. And now, whereas my father did lade you with a heavy yoke, I will add to your yoke; my father hath chastised you with whips, but I will chastise you with scorpions.

[Applause on the Democratic side.]

While studying the subject of scriptural taxation I noted the fact that the men who grew rich through the gathering of taxes in Jerusalem were called "publicans." And I thought of that party of men in the United States who create vast fortunes through tariff taxes. And as they seemed to me a reappearance of that ancient class who consumed the people's substance

in Judea, it struck me as particularly appropriate that these modern tax mongers and tariff fashioners should be called "Re-publicans." [Laughter.]

Mr. STANLEY. Are not those gentlemen usually referred to as publicans and sinners? I never saw the word used by itself. [Laughter.]

Mr. SHEPPARD. The present Republican party is worthy of both designations. [Laughter.]

The Dingley tariff is a constant challenge to the world. It is a menace to the peace of man, a perpetual provocation of commercial war. It is a fruitful source of international contention. Already retaliatory tariffs are frowning from foreign boundaries. We can not forever close our markets to the peoples who consume the surplus products of our factories and farms. We can not interpose the closed door in the face of the world and command it to hold out to us the open door. Harmonious trade relations form the most permanent basis of national and international progress. Wars of commerce lead to wars of arms. How grotesque is the spectacle presented by the President of the United States, who towered into a veritable archangel of peace in beginning the movement for a second conference at The Hague and in summoning Russia and Japan to Portsmouth, and yet who, through his silence on the Dingley law, gives advocacy to a policy which invites universal hostility and universal war. [Applause.] If Portsmouth and The Hague have fashioned him into a peacemaker, Dingleyism has made him a peace destroyer. Indeed the very war which he helped to settle, the war between Russia and Japan, found one of its leading causes in the imposition of a high protective tariff, a Russian Dingley law, along the Manchurian frontier.

If the President would follow with sincerity the rôle he has assumed, let him contribute his energies to the abolition of a commercial system which strikes at the vital sources of the world's tranquility. The Dingley system produces oppression and inequality at home; it arouses hostility abroad. Almost every important country is contemplating or inaugurating retaliation. Germany has prepared a new tariff, which singles out the United States as the especial object of commercial enmity; a tariff which levies a duty of 58½ per cent on wheat; a tariff which increases the duty on rye 100 per cent, on oats over 148 per cent, on corn over 200 per cent, on mules 200 per cent, on cattle and beef over 150 per cent, on flour over 150 per cent, on shoes over 80 per cent, and on practically all our exportations to Germany from 50 to 100 per cent. These rates were to become effective on March 1; it is possible that the time may be extended. Nothing, however, can prevent their final and permanent imposition except a reduction of the Dingley charges. And yet we have had in Germany a market for one hundred and thirty-two millions of agricultural products and thirty millions of manufactured articles. Brazil has adopted a new tariff which increases duties on flour, wheat, harvesting machinery, and many other articles almost to the prohibitive point. France, Venezuela, British South Africa, and other countries have adopted similar measures.

Canada is slowly but inevitably building obstacles to our trade which ere long, as history counts time, we shall be unable to surmount. Canada is destined to become one of the richest and most populous regions of the world. It is an unspeakable shame that this marvelous country, a country made one with us by nature, the most promising market of our products on the globe, should be gradually estranged in commerce and in affection by the truculence of the Republican party to the beneficiaries of a barbarous customs tax. [Applause.] The estrangement is unavoidable unless Dingleyism is overthrown. The world is rising in commercial arms against us.

Foreign markets are the breath and blood of life to the producing masses of the United States. We have reached the period of internal development in which our sternest and most fundamental need is a widening foreign market.

The demand of the time is not for the erection of barriers against foreign trade. If foreign markets are to remain open to American products, American markets must remain open to foreign products. Trade is an exchange of commodities. Ability to sell depends upon an equal ability to buy. Burdens on the buyer affect his ability to buy, and necessarily react upon the seller. High tariff rates on foreign goods diminish the ability of foreign customers to purchase American goods, and thus imperil our foreign trade. If the commercial paramountcy of the United States is to be preserved, foreign markets must be encouraged, not destroyed. Close these markets and unparalleled distress will follow. The loss of foreign markets means the cessation of progress, the ruin of agriculture and all kindred occupations, the depopulation of cities, universal desolation, the precipitation of conditions which the language of despair would be insufficient to describe. How prophetic in the light of subsequent events is the speech of William McKinley on that September day in Buffalo, the speech which he delivered from the portal of the tomb, the speech in which he seemed to penetrate the future and to summarize the past—so wise, so liberal, so true that he seemed to possess the prescience of the God in whose presence he was about to stand.

The period of exclusiveness is past—

He said—

The expansion of our trade and commerce is the present problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations prevents reprisals. Reciprocity is in harmony with the spirit of the times. Measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should not they be employed to extend and promote our markets abroad?

Such were the words of one of America's purest statesmen, showing either that he was about to surrender the doctrine of extreme protection or his conviction that there was no longer sufficient occasion for its application. He was too great to hate. He rose above the noisy prejudices of his time. He illustrated the holiness of sympathy, the sublimity of tolerance. Although many of us differed from him fundamentally on many questions, let us pause to mourn and praise him. The memory of his gentle dignity, his exalted character, in which the elements of nobility shown brightest against the gathering shadows of eternity, will receive the laurels and the tears of coming ages. [Applause.]

His death had a patriotic significance. For while the blood the soldiers of the North and South poured out in common in defense of Cuban liberty did much to erase the enmities of the past the American people were more lastingly united by the tears they shed together at William McKinley's grave. [Applause.] More than four years have passed since McKinley died, and his last message to the American people, his warning against the continuance of high tariff taxes, seems to have been buried with him. It has found no response in Republican legislation. The hosts of greed now dominant in the councils of the Republican party revere neither the living nor the dead, neither God nor the sepulcher. [Applause on Democratic side.]

The Dingley tariff bill itself contains an admission of the excessiveness of its schedules, a distinct acknowledgment that they are at least 20 per cent too high. In section 4 of the bill provision was made for a 20 per cent reduction of its rates by such reciprocity treaties as might be effected with foreign countries within two years from its passage.

Let it be remembered that the reciprocity of section 4 of the Dingley bill is entirely different from the unsatisfactory and illusive reciprocity of the Republican tariff of 1890, the latter being a false and meaningless reciprocity, confined principally to the noncompeting products of tropical countries—a reciprocity shrewdly designed to allay the objections of the farmers to high customs through the pretense of cultivating wider and more generous markets for agricultural commodities, a system of commercial blackmail which, while making apparent concessions to the rising sentiment against exorbitant protection and the general fear of a consequent loss of foreign markets, provided no substantial relief from excessive taxation and offered no permanent basis of effective negotiation. This counterfeit reciprocity had a pitiful revival in section 3 of the Dingley law with sugar and hides restored to the sheltered schedules and with argols, crude tartar, wine lees, brandies, sparkling wines, still wines, vermuth, paintings, statuary, coffee, tea, and tonka and vanilla beans constituting the insignificant list of concessionary articles.

The distinction between the reciprocity of section 4 of the Dingley bill and the reciprocity of the tariff of 1890, which was reexpressed in modified form in section 3 of the Dingley bill, can not be too strongly emphasized. It is as instructive as it is fundamental. The reciprocity of the tariff of 1890 and of section 3 of the Dingley law applies almost exclusively to articles not produced in the United States. It is the noncompetitive and ineffective reciprocity of partisan Republicanism, the reciprocity of deception at home and retaliation abroad, the empty semblance of tariff reduction and trade extension worn by high protection to disarm objection among its votaries and rebellion among its victims. [Applause on the Democratic side.] The reciprocity of section 4 applies the 20 per cent clause to every dutiable article regardless of the country of its production. To countries and to articles it is universally applicable. It makes possible a substantial exchange of commercial concessions with every country in the world. The result of its general operation would be a remarkable approach to an effective revision of the tariff. Its embodiment in section 4 is an admission of the insufficiency of the pretended reciprocity of section 3 and of the act of 1890.

Although the bare letter of McKinley's speech at Buffalo may be said to have referred more especially to the doctrine of section 3 and of the act of 1890, still the spirit of that great utterance and indeed its inevitable corollary is the reciprocity of section 4. This contention is strengthened by the fact that although McKinley was the author of the act of 1890, there was no reference to reciprocity in the bill as introduced by him in the House of Representatives, and by the further fact that he had seen the failure of the treaties negotiated under the reciprocity clause inserted in the act of 1890 under pressure from Mr. Blaine after the bill had reached the Senate.

But there is another and more significant distinction. Under the reciprocity of 1890 and of section 3 of the Dingley Act the President was empowered by treaty to modify, to suspend, or to impose certain specified rates on the articles enumerated whenever the countries producing these articles should make such trade arrangements with the United States as he might deem equitable, and the proclamation of the President was sufficient to put the treaty into operation.

Under section 4 of the Dingley law the treaties negotiated by the President can not become effective until ratified by the Senate. The former measures were simply threats of retaliation involving the exercise of mere ministerial powers by the Executive with reference to noncompeting articles and afforded no substantial relief. The latter measure, on account of its unmodified application, involved a reduction of the tariff on competing as well as noncompeting articles, a reduction which embodied substantial benefits for the American masses both as to lighter taxes and wider markets. A few treaties under section 3 were put into operation, but so powerful were the tariff-fed classes in the United States that the treaties negotiated under section 4 by a commissioner especially appointed for that purpose, Mr. Kasson, were allowed to rot in the Senate. The political history of the United States contains no gloomier illustration of the hopelessness of tariff relief through Republican agencies than the failure of the Republican Senate to ratify the reciprocity treaties negotiated under section 4 of the Dingley law. [Applause on the Democratic side.]

Perhaps the most interesting commentary on the Dingley tariff law and the failure of the Republican party to modify its schedules may be found in the speech of Mr. DOLLIVER, a Republican Senator from Iowa, in the United States Senate in January of 1903. Mr. DOLLIVER had served with marked distinction in the House of Representatives, having been a member of the Ways and Means Committee when it framed the Dingley bill. He was in position to speak with authority.

It is true—

He said—

that in the bill which Governor Dingley reported from the Committee on Ways and Means, of which I had the honor at the time to be a very humble member, duties were put up for the express purpose of being traded down.

This is Republican testimony of the highest character. When the American people understand that they have been victimized for nine years by a system of tariff taxes, which the Republican party deliberately made too high, and which it has never attempted in any effective way to decrease, which it has promised before every succeeding election to correct and after elections has left untouched, they will avenge their betrayal at the polls.

Mr. DOLLIVER further said that section 4 of the Dingley bill was as distinctly a part of the tariff policy of the United States as the coal schedule or any other schedule, and that more violence had been done the protective system of the United States by the quiet and uncommunicative failure of the United States Senate to take action upon the treaties negotiated under this section than by all the protests of the Democracy. He referred to McKinley's speech at Buffalo, and dramatically stated that the time had come when somebody whose convictions did not lie along the path of silence and quietude and ease in our political Zion should declare that the whole future of the protective system in the United States depended upon the wisdom with which the Congress of the United States fulfilled the aspirations which found expression so lofty in the last public utterance of William McKinley. This speech was delivered on the 13th of January, 1903. More than three years have passed since then, and nothing has been done to modify the outrages of the Dingley law.

And there was the gentleman from Wisconsin [Mr. BABCOCK], the celebrated chairman of the Republican Congressional campaign committee, who some few years ago by the rivers of Wisconsin sat down and wept over the tyrannous schedules which enabled the trusts to sell their products in foreign lands cheaper than at home. [Laughter.] And let us not forget the President of the United States, who in his sincerer days, before the politician had supplanted the scholar, declared protection vicious in theory and harmful in practice, who recommended in his first annual message, his message of 1902, that a commission of business experts be appointed to correct the inequalities of the Dingley tariff. But in his message of 1903, his message of 1904, and his message of 1905 there was absolute silence on the subject. The ineffectual character of the bill for the regulation of railroad rates, which may become a law at this session, shows that he will accomplish little for rate reform, although he has succeeded in absolutely obstructing tariff reform. [Applause.]

And yet this is the man who in that tragic hour at Buffalo as there descended upon him the mantle stained with McKinley's blood solemnly assured the American people that he would carry out the policies of McKinley, chief among which was the abolition of despotic and unnecessary tariff taxes. Never in all the reach and sweep of time was there in a free Republic an instance of such enormous audacity, such official perfidy, as is illustrated in the Republican "stand-pat" attitude on the Dingley tariff. The situation indicates either the supreme incompetency of the Republican party or its unqualified contempt for both the intelligence and the welfare of the American people. [Applause on the Democratic side.]

With an arrogance that has become habitual, Republicans attribute to high protection the chief credit for the vast material development of the last four decades. It is true that the economic growth of the United States, with its ambitious and progressive citizenship, its limitless area, its varied and exhaustless resource, its unrivaled configuration and environment, has exceeded human hope and computation. It is true that with a population of 83,000,000, less than 6 per cent of the earth's population, we produce and consume more than one-third of all the staple commodities that supply the world's comforts, necessities, and luxuries, and that this assures the commercial suzerainty of the globe and makes us the leading agricultural and industrial power of the time; but it is also true that the wealth of this modern Eden has been diverted by vicious legislation into the hands of the few, and that of the thousands of millions annually consumed in commodities by the American people a stupendous proportion is taken through the indirect taxation of an indefensible tariff to swell the countless revenues of the pampered element. If this insatiate absorption of the people's means continues, the popular cry will not be for "a square deal," but for "a square meal." [Laughter and applause.]

It is shown by the census of 1900 that of the 16,000,000 families in the United States less than 5,000,000 own their homes entirely free from incumbrance, and that over 10,000,000 American families either do not own their homes or have them mortgaged for debt. These figures are an eloquent portrayal of the concentration of wealth under Republican legislation. In the face of such conditions it is idle to talk of averages and per capitas. One man may possess a million dollars and nineteen others $100 each, and yet the average per capita wealth of the twenty would be over $50,000. Such is the situation in this Republic, where a few thousand millionaires own the overwhelming bulk of the nation's wealth, while the masses must be contented with being told that their average per capita wealth is the largest in the history of the country. Republican prosperity means superabundance for the few and privation for the many. It is not a matter of surprise that the fundamental injustice of the Dingley law has led to unparalleled corruption in almost every phase of American life—a corruption that has sullied this once immaculate temple of the people's liberties and beaten a pathway from the high places in politics, in business, and in society to the penitentiary and the grave. [Applause on the Democratic side.]

Too many violated promises and broken oaths surround the record of the Republican party to justify the people in again placing it in control. It has never made a sincere and effective revision of the tariff. The Democratic party is the only party in American history that has shown the capacity and the courage to reduce offending schedules. Democrats believe that the power of taxation is the most dangerous and far-reaching power with which governments are invested. They believe that the use of this power to concentrate the earnings of the masses in the possession of favored interests, or to defray government expenditure of unnecessary and extravagant character, is tyranny in its most subtle and infamous form. The Democratic party will remove the abuses of the tariff with conservatism and intelligence. The Wilson tariff bill of 1894 was the first effective revision of the tariff since 1857. The Democratic party was given the task of modifying the destructive tariff taxes of 1828; it skillfully supplied the needed reform. It was summoned by the American people to reform the despotic tariff of 1843. It met the emergency with conspicuous success, enacting the tariff of 1846, which remained in force longer than any

other tariff law in American annals, which solved the fiscal questions of the country so fairly and so justly that the tariff ceased to be an issue, and under which the American people enjoyed a more genuine prosperity, a more equitable distribution of wealth, than at any former or subsequent period of American history.

The Democracy will overthrow the absolute monarchy of the dollar which Republican policies have established. It will modify the pitiless tariff taxes which enable the petted few to strip and to despoil the people, which invoke retaliation abroad and imperil foreign markets. It will restore the tariff to the just and reasonable level determined by a careful, sane, and economic management of Government expenditure. The Democratic party is the only party in American history that has lived from the first national election to the thirtieth. It is as eternal as the principles of liberty and equality which its doctrines embody and its disciples worship. It will again be summoned by the American people to reconstruct the original Republic upon the foundations of the original Constitution. We shall then rebuild truth's broken altars, the shattered fanes of justice, and "our feet shall stand within thy gates, O Washington!" [Loud and prolonged applause on Democratic side.]

Mr. HOPKINS. Mr. Chairman, the consideration of the pending measure serves to remind us that we are annually expending hundreds of millions of dollars in strengthening our coast and fortification defenses, equipping and maintaining a large army, enlarging and maintaining a magnificent and powerful navy, all with the sole end in view of defending ourselves against the invasion of foreign enemies, although there is not a whispered suspicion or fear of any danger from this source; but as a justification for these enormous expenditures we are assured that the surest guaranty of peace is complete preparation for war. And this theory our people accept as true, and cheerfully pay the bills.

While we have thus taken steps to guard our country against an open enemy from without whose coming and purpose would be heralded by the marshaling of armies, beating drums, and waving banners, we must not deceive ourselves to the belief that these are our only dangers which threaten our peace and safety. There is going on every day an apparently peaceful invasion of our country by thousands of people from foreign lands who come under the guise of friendship, which enables them to plot against our Government, to inoculate our people with the noxious diseases they have, and to destroy the standard of living and wages of the American laboring man and drag them down to the level of pauper labor of the Old World.

Mr. Chairman, this should remind us that one of the most important questions demanding the attention of the Federal Congress is that of foreign immigration. And whom can we admit into the circle of our national family without injury to our domestic, moral, social, healthful, and commercial well-being? Our Government was nearly a hundred years old before Congress thought it necessary to close our doors against anyone or place any barriers in the way of free and unobstructed entry into our ports. This was in 1875, when a law was passed excluding prostitutes and persons convicted of felony and serving out their sentences for other than political crimes.

Prior to that time almost the entire immigration to this country came from northern Europe, of the same stock as our ancestors, of a brave, hardy, and industrious type of men and women, who were willing to brave the dangers of a new country where they could build homes for themselves and children and enjoy the full measure of freedom and independence guaranteed by our Constitution. We needed no laws to exclude them then. We need none now. We still have an abundance of room for healthy, industrious, law-abiding, and patriotic citizens, who, inspired by an admiration for our institutions, voluntarily come to make this their permanent home. It has been with the aid of this kind of immigration that we have developed the wonderful resources of the country until to-day, although one of the youngest among recognized nations of the earth, we are the greatest of them all. [Applause.]

It was not until after the civil war that we began to feel the evil effects of an undesirable foreign immigration, and this was promoted largely through the operation of the contract labor law, which brought to our shores thousands of the most abject and poverty-stricken of Europe, whose future there was so dark that they were willing to sell themselves into slavery for a time in order to get their way paid to this country, where they might perchance improve their condition. There are instances where these white slave dealers even went into the jails and prisons of Europe, and, under the promise of bringing the inmates to this country, secured the release of deep-dyed felons; and into the slums of the cities where lost women dwelt, gathering them together, brought them all to become fit subjects and citizens of the United States. It was this menace to our morals and security which prompted Congress to enact the first exclusion law.

New contingencies arising from time to time have made it necessary to enact other laws enlarging the excluded list; and the crying needs of to-day demand the turning away of thousands of people who should not be allowed to come among us. Before the war the people who came to our shores were patriotic and liberty-loving home seekers and home builders, who are a treasure in any land. But since that time the tide of immigration has shifted from northern and western Europe to southern and eastern Europe and to an entirely different people, different in manners, customs, education, mental and moral training, many of them without any sense of patriotism or regard for our free institutions, though they are allowed to profit by them with the ultimate purpose in view that they intended to appropriate our advantages to their own selfish ends, and in a given time return to their mother country, taking with them there every dollar they earn except what was necessary to keep soul and body together.

In fact, the difference between the immigrants who came to the country previous to the year 1880 and those coming since that time might be thus described: That the former were of our own family—kith and kin—who bade adieu to the land of their nativity and came and cast their lot with ous, pledging their lives and fortunes with ours unto the fullest development and achievements of this then but young Republic of the West.

As to the latter, most of them come only at the dictates of a spirit of commercialism, greed, and rapacity, intending only to stay long enough to gather to themselves sufficient of our wealth to enable them to live comfortably in their frugal way, and with it to return to their native country without even thanking us for our generosity in allowing them to hoodoo us. This position I will fully sustain further on, when I will go into full detail.

The following table shows the annual immigration to the United States for the past eighty-six years, which is the first year our Government began to keep such a record:

Number of immigrants arrived in the United States each year from 1820 to 1905, both inclusive.

Year ending September 30:	
1820	8,385
1821	9,127
1822	6,911
1823	6,354
1824	7,912
1825	10,199
1826	10,837
1827	18,875
1828	27,382
1829	22,520
1830	23,322
1831	22,633
October 1, 1831, to December 31, 1832	60,482
Year ending December 31:	
1833	58,640
1834	65,365
1835	45,374
1836	76,242
1837	79,340
1838	38,914
1839	68,069
1840	84,066
1841	80,289
1842	104,565
January 1 to September 30, 1843	52,496
Year ending September 30:	
1844	78,615
1845	114,371
1846	154,416
1847	234,968
1848	226,527
1849	297,024
1850	310,004
October 1 to December 31, 1850	59,976
Year ending December 31:	
1851	379,466
1852	371,603
1853	368,645
1854	427,833
1855	200,877
1856	195,857
January 1 to June 30, 1857	112,123
Year ending June 30:	
1858	191,942
1859	129,571
1860	133,143
1861	142,877
1862	72,183
1863	132,925
1864	191,114
1865	180,339
1866	332,577
1867	303,104
1868	282,189
1869	352,768
1870	387,203
1871	321,350
1872	404,806
1873	459,803
1874	313,339

Year ending June 30—Continued.

1875	227,498
1876	169,986
1877	141,857
1878	138,469
1879	177,826
1880	457,257
1881	669,431
1882	788,992
1883	603,322
1884	518,592
1885	395,346
1886	334,203
1887	490,109
1888	546,889
1889	444,427
1890	455,302
1891	560,319
1892	579,663
1893	439,730
1894	285,631
1895	258,536
1896	343,267
1897	230,832
1898	229,299
1899	311,715
1900	448,572
1901	487,918
1902	648,743
1903	857,046
1904	812,870
1905	1,026,499

An analysis of this table will disclose the countries from which these people came and support what I have just said. The whole number of immigrants during these years was 22,931,983. To this number Great Britain has been the largest contributor, sending us 7,286,443 of her sons and daughters. In 1851 she sent us 272,740. From the year 1892 up to and including 1904, her annual emigration was less than 40 per cent of what it was the preceding forty years, although last year it shows a material gain over the preceding thirteen years. Her figures of 1851 were never reached by any other country until last year, when Austria-Hungary outnumbered her with 275,693. Next comes Germany, a close second, with her contribution of 5,187,092. Her largest number in any one year was 215,009, in 1854, standing second to Great Britain until last year she was outnumbered by both Austria-Hungary, with 275,693, and Italy, with 221,479.

Like her neighbor, Great Britain, after the year 1893 her annual immigration fell off so largely up to and including the year 1905 that it was not more than 30 per cent of what it had been the preceding forty years. Italy ranks third in total immigration, sending in all 2,000,252, but, unlike the United Kingdom, our advantages did not attract them sufficiently until after the year 1880. Up to that year she did not send us as many as 9,000 in any one year. In 1832 she only sent 3; in the year 1880 the number reached 12,354. From that year on there was a steady and rapid increase, until the year 1903, when it reached the astonishing figures of 230,622.

Fourth in order comes Austria-Hungary, with 1,971,431, her entire emigration to the United States. Though very late in discovering the great advantages for exploitation our country afforded, she sent her first emigrants, 13 in number, in 1861. From this small beginning it grew steadily until 1900, when it took new impetus, that year reaching 114,840; 1901, 113,390; 1902, 171,989; 1903, 206,011; 1904, 177,156, and in 1905, 275,639. This is the greatest number ever sent us from any country in one year, and before I close I expect to be able to convince you that this is an unnatural condition brought about by improper influences exercised by steamship companies, foreign governments, and violators of our contract-labor laws, which demands prompt action by Congress to stay its evil consequences.

Next in order comes Scandinavia—Denmark, Norway, and Sweden—with 1,730,722 of loyal, intelligent, and industrious home builders. Beginning with 23 immigrants in 1820, which number steadily increased until in 1882 it reached 105,326, the largest number sent in any one year. During the last twenty-three years her emigration has fluctuated from 81,921 in 1888, the largest, to 19,228 in 1902, which was the smallest number.

Sixth in order comes Russia, who, like her neighbor, Austria-Hungary, was slow to awake to the great possibilities of the new country of the West, but has since made haste to seize upon the great advantages it affords.

In 1820, 14 Russians alone sought homes among us; the years 1829, 1831, 1845, 1848, and 1850 brought but one emigrant each. In 1840 not one came, but with the year 1881 there came 10,655, and since that year it has made a steady increase until last year it reached 184,879.

Seventh comes France. Though a rich and populous country she has never furnished a large quota to our immigration list. In eighty-six years only 428,869 of her people have sought our shores. The largest number came in 1850, being 20,126. Only one other year has it exceeded 15,000.

Eighth. From the terraced and vine-clad hills of Switzerland have come 220,299 welcome guests, and we have need and room for more of them. [Applause.] Although they do not seem willing to come and mix up with the ignorant, diseased, depraved, and motley set they daily see us admitting to our household from her neighboring borders of Austria-Hungary and Italy, with whom they do not commingle at home.

Least in numbers, but not in moral worth, the Netherlands have sent us 146,168 desirable sons and daughters from her small but loyal and energetic family. China, too, like Austria-Hungary and Russia, though much farther distant, was slow to learn of the great advantages our country offered, and it was not until the bewildering stories of wealth accumulated in the rich gold fields of California had spread to her shores that they began to come asking to share our blessings. In 1853 42 of them landed in California. These were followed the next year by 13,100 more. In the following twenty-nine years the number reached 288,398, the largest number in any one year being 39,579 in 1882, the year before the passage of the Chinese-exclusion act, which was prompted by no other sentiment except that they were a threatening menace to the laboring people of the United States; that their habits, customs, and religion would not permit them to imbibe the genius of our institutions or to assimilate their blood with ours, and that they only came for temporary sojourn, intending to return to their native land with all their earnings.

Mr. CHARLES B. LANDIS rose.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Indiana?

Mr. HOPKINS. Certainly.

Mr. CHARLES B. LANDIS. Mr. Chairman, I would like to ask the gentleman from Kentucky if he does not think it strange that this great army of immigrants come to this country in the face of the alleged conditions of robbery and plunder that exist here as set forth by the gentleman from Texas [Mr. SHEPPARD].

Mr. HOPKINS. Well, it is a game of robbery against robbery, sir. Many of them are robbers themselves, and they have been sent, as I will be able to show you later, to rob us. But while they are at it your system of protection will rob them some if they buy anything to eat, wear, or use while here.

Mr. CHARLES B. LANDIS. The gentleman contends that this vast army of immigrants that have come to this country is an army of robbers?

Mr. HOPKINS. I did not mean to say that, sir. I say that part which is unnaturally similated or come here for spoils are robbers in a sense, not the honest immigrants that come seeking a home among us, not the men who would help develop our resources and become American citizens; but it is the horde that comes here for spoils and gain, that gather from us all they can, and then return to the mother country to enjoy them. Those are the people I protest against allowing to come into this country. [Applause on the Democratic side.]

Mr. GOLDFOGLE. Just when the gentleman was interrupted by the gentleman from Indiana [Mr. CHARLES B. LANDIS] he spoke of the immigration from Austria-Hungary. I would ask the gentleman from Kentucky whether he is not aware of the fact that a very large portion—in fact, the largest portion—of the immigration from Austria-Hungary become excellent citizens of this Republic and proved themselves thrifty and industrious, and in the large cities and in some of the smaller places of this country proved by their patriotism, their good conduct, and their work the right to be enrolled into the citizenship of this Republic. [Applause.]

Mr. HOPKINS. Many of them likely do. I do not apply the appellation to all of them. Of course, out of the large number coming there are many good ones, who are capable of becoming good citizens, and do.

Mr. GOLDFOGLE. That is not in answer to the question that I put to the gentleman from Kentucky.

Mr. HOPKINS. The gentleman says a majority of them——

Mr. GOLDFOGLE. Will the gentleman from Kentucky [Mr. HOPKINS] pardon me for a moment. He said some of them. I asked him whether it is not a fact that most of them—in fact, the largest number of them—proved themselves to be of the kind and the character referred to in the inquiry I put to the gentleman?

Mr. HOPKINS. No, sir; I do not admit it; and I will sustain that point from the records which I find in the archives of this Government, in which it is alleged that a majority of the people who are coming here from Austria under the present system come here under contract to perform labor, and come

here with the avowed intention of returning to the mother country. That, sir, is the record here, and it is this fact which the records show, and upon that I stand. [Applause.]

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield further?

Mr. HOPKINS. I would like very much to answer the gentleman's inquiry, but I see that his questions are long, and my time is limited.

Mr. GOLDFOGLE. I will prefer to say just now, with the gentleman's permission——

Mr. HOPKINS. Go ahead.

Mr. GOLDFOGLE. I want to say to the gentleman from Kentucky, as I want to say to this entire House, that in the district I have the honor to represent, as in the district that immediately joins it on the north, there are a large number of this class of American citizens, who within the last twenty-five years have come from Austria-Hungary, and are of as good a character and fine a quality as any man born on American soil. [Applause.]

Mr. HOPKINS. I do not question the gentleman as to his immediate neighborhood, nor as to these immigrants who have come in former years, but my objection is to these recent arrivals sent here by the Austrian Government.

Mr. GOLDFOGLE. I have reference not only to my neighborhood, but I have reference to various parts of New York City, as I have reference also to every other city in this country, from the Atlantic to the Pacific.

Mr. BENNET of New York. Will the gentleman yield to me a moment?

Mr. HOPKINS. Yes.

Mr. BENNET of New York. I just want to say one word. The statement of the gentleman from New York is true, not only of his own district but of two-thirds of the Congressional districts of New York as it is in his.

Mr. GOLDFOGLE. Will the gentleman from New York allow me to add that it is also true of the Austro-Hungarian immigration in the various parts of the United States.

Mr. BENNET of New York. Yes, sir; so far as I am advised.

Mr. HOPKINS. If you gentlemen feel justified in making that kind of a statement you have perfect liberty to do so. I have not intended to speak against that class of people, but it is the undesirable portion that I would exclude. Doubtless there are a number—evidently there is—out of 275,000, a number of worthy ones; but, sir, as I said, I am speaking of the undesirable class of all nationalities, not only in New York, but all over the country, wherever they are found. It may be that in New York you have them under control.

Mr. GOLDFOGLE. They need no control.

Mr. HOPKINS. This may be true of your district, where I am informed a large majority are Jews who have come to this country to make it their permanent home, and against all such I would not utter one sentence of disrespect.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him a question purely for information?

Mr. HOPKINS. Yes, sir.

Mr. SMITH of Iowa. I would like to know what record the gentleman refers to that shows that people come here in violation of the law, under labor contracts?

Mr. HOPKINS. Yes, sir. You will find this on pages 15 and 23 of Document No. 384, Fifty-ninth Congress.

Mr. GOLDFOGLE. Does Mr. Braun say that the greater number are of the class which are described by you in your speech, or does Mr. Braun merely mention certain instances?

Mr. HOPKINS. He said in broad terms that three-fifths of the people who come from Austria-Hungary come under contract to perform labor, and a very large per cent return to their mother country. [Loud applause.] He says three-fifths of them.

Mr. GOLDFOGLE. I am astounded.

Mr. HOPKINS. Well you may be, perhaps, and if you will refer to that report you would be further astounded at the conditions that exist in this country. [Applause.]

Mr. Chairman, right here I want to prove to you that a very large part of the immigration which has steadily grown since the year of the Chinese exclusion act from southern and eastern Europe and Asia is much more undesirable than that of the Chinaman. He not only possesses all the objectionable features alleged against the Chinaman, but in addition he comes nursing the sentiment of anarchy and sedition, and that his coming is aided and encouraged by the Government he represents, and that during the time he is here secret agencies sent by his Government keep constant watch over him, poisoning his mind against our institutions and alluring him to remain loyal to the mother country.

First, to prove that foreign governments are encouraging their subjects to come here for temporary stay, the Austro-Hungarian Government has made a contract with the Cunard Steamship Company, plying between Fiume and New York, by the terms of which the Government obligates itself to furnish the ship company 30,000 steerage passengers a year for twelve years or pay a penalty of 100 crowns for each one short of that number. In return for this service the ship company appointed the Bureau of Tourists and Travel, an organized company subsidized by the Government for the ostensible purpose of attracting tourists to Austria-Hungary, its sole agent to sell tickets to emigrants coming to the United States, paying said agency 18 crowns for its own service and the further sum of 10 crowns to be paid over to the Government. In order to facilitate the business of the Bureau of Tourists and Travel and to relieve the steamship company of any responsibility for violating the law which forbids any steamship company from encouraging emigration to the United States, this bureau is authorized to name as many subagents as they desire and the Government issues to them a license. They are called "runners" and are paid a commission on every emigrant they can send to the bureau. In order to induce emigrants to come to the United States they tell the most roseate stories of the country, the pleasures of the voyage, and the wonderful success their countrymen have made here. As they are not responsible to anyone and their commission depends solely upon the number they induce to emigrate, they are not particular who they are, but, like all other games of deceit, it is most easily practiced upon the ignorant, weak, and unfortunate, and this is the chief reason why we are daily receiving so many paupers, diseased, depraved and ignorant immigrants, which we may expect to continue until we enact such legislation as will remedy it.

The 10 crowns paid to the Government upon each immigrant coming to the United States is used first to pay the salary of the commissioner of immigration and his inspector, which is small, and the remainder is to keep alive the Magyar spirit among the Hungarians who have come to the United States by building and establishing schools, churches, and homes in New York and in other cities, and to return such Hungarians to their mother country as have failed to make a success and have not the means to pay their own way back. During the year 1904, and largely due to the rate war, ships other than the Cunard Line made a clear profit of $2,000,000 on Hungarian immigrants embarking at other ports than Fiume. This at once attracted the attention of the Government, who, anxious to reap all the profit possible out of the immigration business, at once extended the terms of the contract with the Cunard Line to the North German Lloyd, Hamburg-American, and other steamship lines. Since the date of the contract with the Cunard Line, and up to June, 1905, that steamship company has paid to the Austro-Hungarian Government 2,600,000 crowns, and the North German Lloyd paid her 100,000 crowns during the month of March, 1905. Out of this fund the Hungarian Government has established a home in New York, with an annual subsidy of $6,000 per annum and $2,000 to furnish it. How many other such, together with schools and churches, they have planted among us to teach anti-Americanism, I can not tell. But when I tell you that during the recent visit of Herr Franz Kaltenbrunn, imperial and royal councilor of the ministry of the interior of Austria, he visited every place where Austrians were grouped in colonies, urging them not to become American citizens, but to remain loyal to the mother country, and by the practice of industry and frugality be able soon to return to the land of their birth with the money they had gathered here, and when called to speak to the Austrian Association in New York City, made this statement:

> That in view of the fact that this association is liberally subsidized by the Austrian Government, it should extend no aid or assistance to any but such Austrians as actually remain Austrian subjects, though residing in this country.

The Rev. Bela Lorick, a Hungarian priest, while officiating at the dedication of a Hungarian Roman Catholic Church at Connellsville, Pa., on the 16th day of July, 1905, made these statements:

> It is not the first time that I open my lips before you, dear brethren and compatriots, for since one and a half years am I laboring here with you in loving mission, to the end that we may create for ourselves, true believing Hungarians, in this truly weakening valley, a house of the Lord, which is the entrance to heaven, for the salvation of our souls and for the fostering and redeeming of our Magyar national spirit and sentiment in the midst of this hundredfold conglomeration of nationalities.
>
> My God, here in America, in this godless atmosphere, where nothing is holy and everything is business, a small number of Hungarians have done wonders.
>
> The Hungarian people must not deny themselves; but, on the contrary, even though living in Africa or Australia, among the savage pagans, they must not forget their sweet fatherland, the one-thousand-year-old beautiful Magyar land, spotted with thousands of hills and

filled with balmy air, where the black bread that is wetted by our tears is sweeter than here the finest honeyed cakes and pastries.

The dissemination of such statements with their evil effect, coming as they do from the head of both state and church, should not be tolerated in our land. The most effective way to accomplish this is to remove the cause. Make it impossible for strangers to plunder our household under the guise of friendship, which they are systematically doing every day. It is not exaggerating to say that fully one-half of all the emigrants who come to this country from Italy, Austria-Hungary, Greece, and Turkey do not intend to make it their permanent home, and every influence of the power of church and state is used to insure their return with the booty they have gathered, in dollars they have earned, which rightly belong to our own laboring people. In support of this statement I have but to turn to the report of Immigration Inspector Marcus Braun, who was specially detailed by the Bureau of Commerce and Labor to visit the foreign countries from which we are receiving emigrants and study and report to find the cause, explaining why we are receiving such an unusual number of emigrants from Italy, Austria-Hungary, Russia, Greece, Turkey, etc. His first report was made August 12, 1904, and the second one June 13, 1905. Each of these reports contained such surprising revelations as to the means resorted to by foreign governments to flagrantly abuse the privileges accorded by our Government to foreigners that it was thought best to suppress them. Consequently they were not made public until called for by a resolution of this House adopted on the 6th day of January, 1906.

He makes the unqualified statement that Italy, Austria-Hungary, and Greece use all kinds of means to induce their subjects to emigrate to the United States for temporary sojourn, with the ultimate purpose of returning with all their earnings, and that they try to keep them grouped together as much as possible in order to maintain their influence over them and prevent them as far as possible from being converted to American ideas and citizenship.

He says that south Italy is so poor and overcrowded that if their present system of emigration to the United States was checked it is the almost universal dread among the people that it would cause inevitable famine and not unlikely rebellion. This is not surprising, when he tells us in the next breath that Italian bankers and steamship agents told him that Italy received annually from the United States an average of $1 a day for every Italian who comes to this country for temporary sojourn. It is not, therefore, surprising that she should use every available means to retain her influence over her subjects while in the United States. And, as he says, she sends on every steamer leaving her ports for the United States a royal commissioner, whose mission is to coach and instruct Italian emigrants, so as to insure their entry and also to impress upon them the importance of retaining their allegiance to the mother country and not become American citizens.

I have already made some reference to the manner in which Austria-Hungary is prostituting her character as a nation and the imposition she is inflicting upon a friendly power by the methods she pursues to wrong and despoil us, which is nothing short of a disgrace upon her civilization.

When we are reminded that during the year 1904 $50,000,000 went to Austria-Hungary from her subjects in the United States, you need not be surprised at the unwarranted, unscrupulous and extraordinary means resorted to by her to continue this flow of wealth, and that Sigmund Kornfeld, director of the Hungarian Credit Bank, goes about the country speaking and lecturing in favor of wholesale emigration to the United States. He painted in glowing terms the splendid opportunities afforded the Hungarian immigrant here, offering as proof of this statement that there had passed through his bank alone in the last year 139,000,000 crowns sent home by Hungarian subjects in the United States. In one of these lectures he grew so enthusiastic over the thoughts of the great profit his country was realizing from this new and novel enterprise, that he exclaimed:

> Let all go who can earn all the money they can, learn the practical ways of the American laborer, and come home with both money and experience.

The public press is also a strong factor in organizing and promoting this heretofore unknown or unheard of foreign raid upon our institutions, and Commissioner Braun charges that the Hungarian Government maintains subsidized papers, published in foreign language, in the United States for the twofold purpose of, first, inducing immigration here, and then keeping alive the native spirit so as to insure the return to the mother country with the rich spoils gathered here.

In one of the semiofficial organs of Austria-Hungary, under date July 26, 1904, it was stated that Hungarian peasants returning from the United States had purchased in one county alone 10,158 acres of land for the sum of 1,874,917 crowns of American-earned money. It was also stated that after a given time the Government would only charge half fare to prospective emigrants over the railroads.

He further discloses the fact that there is an organization in the United States giving material aid to this movement, such as steamship agents, publishers of newspapers in foreign languages, would-be bankers, etc., who not only send to foreign countries their publications giving glowing accounts of the chances to make money here, but they actually travel in foreign countries giving public lectures in which they propose to establish homes and banks in the United States in which emigrants can deposit their money and to negotiate land sales in Hungary with their American-earned money. So complete is this scheme that a chart is published showing all the available land in Hungary, which is being offered to prospective emigrants at most reasonable prices. It is plain to read between the lines that the real agency behind this movement is the Hungarian Government.

Commissioner Braun says that in interviews with no less than twenty-five members of the Hungarian Parliament they admitted that their Government was adopting active measures to maintain connection with the people residing in the United States, such as the publication of newspapers in foreign languages, alleged bankers, priests, ministers, teachers, and private individuals with whom their Government is in constant touch, with the one view of maintaining their control over her emigrants to this country.

Through these several channels hundreds of thousands of printed cards are annually sent to foreign countries and posts of embarkation, giving full detail of the extraordinary efforts taken by these agencies to look after the welfare of emigrants. From the home countries are sent thousands of national flags and hundreds of thousands of copies of patriotic literature, priests, ministers, and teachers to keep alive the native spirit and to prevent their subjects from falling into the ways of the American people and failing to return to the fatherland, adding to its wealth their earnings of American money.

The astounding revelation is contained in this report that there are now at least 500 priests and ministers in the United States who are not American citizens and whose only mission is to teach and plead with their countrymen not to forsake their native country and become citizens of this, which one of them has proclaimed to be "this godless hemisphere where nothing is holy, but all is business." To prove the statement that these men are not chosen and sent here because of their fitness to look after the spiritual welfare of their people, but because of their ability to exercise the temporal control of their home governments over them and to prevent their assimilation with American ideas of freedom and independence, which, once tasted, would strangely induce in them a desire to enjoy the full measure of its blessings by becoming American citizens. This was the purpose which induced the Hungarian Government in the year 1902 to issue a document to the Roman Catholic bishops of Hungary requesting them not to send any other than very strongly patriotically inclined Magyar priests to America. Of course, this was intended to be a secret communication, but through some means it became known and was published in some of our papers. Such revelations as these justify the charge that the influence of the church is being subordinated to commercialism by these governments. In the countries from which these ministers, priests, and teachers come no one except a loyal citizen is allowed to practice these callings; foreigners are not.

Encouraged by their great success in securing immigrants from Austria-Hungary and the handsome revenue paid by the steamship companies, these agents and subagents have extended their field of operations in Servia, Montenegro, Bulgaria, and Macedonia, from which countries we have not had any immigration until very recently. These countries have no emigration laws.

Greece, which is practically without emigration laws, is also a fruitful field for the operation of the steamship ticket agents. Strange to say we have a rigid law against the importation of contract labor, and but a few immigrants are refused admission because of that objection. A semiofficial organ of the Austrian Government makes the statement that three-fifths of the emigrants who come from that country to the United States come under contract, adding: "God forbid that the American Government should read this."

Commissioner Braun say that nearly all the immigrants from Servia, Montenegro, Bulgaria, Macedonia, Greece, and Syria come to this country under contract. It is boldly stated in Greece by the agent of the White Star Steamship Company that every emigrant coming from that country has his place secured in advance and starts to work the day he arrives at his destination. Many of these are boys from 10 to 18 years of age, and

are brought under contract to work and have their transportation paid. These are usually brought by their older compatriots, who have a monopoly on the bootblack stands in our large cities. During the last four months of the year 1904, 898 of these youths arrived at the port of Boston alone; 127 of them had not been sufficiently coached to conceal their mission, and were returned because they came in violation of that law. A journey through the bootblack stands in this, our nation's capital, will convince you that there is ground to suspicion that a species of white slavery exists here which our officials have so far been unable to break up.

The thirst for gain which has so signalized the steamship agent in southern and eastern Europe has carried him to the Far East, where in Syria he is able to ply his avocation with profit to himself, but serious detriment to us. It is a generally conceded fact that these are the most undesirable of all our immigrants, as they are recognized to be professional liars and intriguants, and 90 per cent of them return to their native country after a few years, stay here, taking with them an average of $1,000, which they have in different ways gathered together. It is from Syria that women are brought to act as peddlers of cheap jewelry and other light articles of merchandise, because they can gain admittance to a house where a man would be turned away. They come under contract, and the day they arrive here they are supplied with a pack and start out to do the country. Instances are related where mothers have left young children and come here, staying long enough to make money enough to return home, pay off mortgages on her home, and support her family. It is a common expression in Syria when a new house is seen, or a new roof, or otherwise repaired, that the owner has lately returned from America or is still there and sending money home.

Mr. Chairman, right here is a good place to make a pertinent inquiry, which is this: Out of whose pockets does the money come to build and repair these homes in Syria; to purchase the 10,000 acres of farm land in a single county in Hungary—the stupendous sum, equivalent to $1 per day for every Italian subject in the United States who is a day laborer, which annually goes to Italy and the fifty millions to Hungary? The answer is easy. Every dollar of these sums was paid for wages to foreign laborers, and therefore comes directly out of the pockets of the American workingmen. The houses built and repaired in Egypt, the farms purchased in Hungary, and the millions sent to Italy and Hungary coming from their wage-earners while temporarily here means that many less homes and comforts for our own worthy laboring men.

Mr. Chairman, we are told every day that the cardinal principle of the Republican party is and has always been protection to American industries and American labor; that by levying a duty on articles of foreign manufacture, the product of cheap foreign labor, coming into our markets in competition with the products of our factories, made by intelligent, well-paid American labor, our manufacturers would be enabled to sell their products high enough to permit them to pay their laborers a scale of wages much higher than those paid to the poorly fed, poorly clothed, poorly housed, and poorly paid laborers in other countries.

To do this meant an increase of prices on all goods purchased and consumed in the United States, but as it was the declared purpose of such a law to better the condition of the laboring men of our country it has been acquiesced in by a majority of the people until now we find ourselves confronted by entirely changed conditions, brought about, as it is claimed, largely by the manufacturers of protected articles who, greedy for still greater profits, clandestinely aid in the importation of contract labor from Europe, with which they are filling the places of American labor at reduced prices, so that the American laborer, who was intended to be a beneficiary of this protection system, now wakes up to find that the cheap labor of foreign countries, against whom he could not compete, are in large numbers knocking at the doors of factories, workshops, and mines, asking to supplant him and to be allowed to take their places at a lower scale of wages. In this way the menace from foreign cheap labor, which the country has been taught by the advocates of protection to fear, has been transferred from foreign countries to our own hearthstone; and the American laborer is confronted with the proposition that he has to pay protection prices for everything he buys, while the only thing he has to sell, with the proceeds of which to buy, is his labor, and that the price of this is daily in danger of decrease and absolute loss from the cheap and poorly paid laborers of other countries who are daily being dumped on our shores by the thousands, who never in their lives received a fair wage, and whose poor and destitute condition compels them to seek work at any price.

Mr. Chairman, the whole situation is capable of but one solution, and that is larger profits and more money for the wealthy manufacturer and less wages and fewer family comforts for the American laboring man. Then if you are the friend of the poor man, reduce the schedules on imported goods so that he will have a chance to purchase them as cheaply in proportion as his wages are reduced by the competition with these foreign immigrants, and amend your laws so as to make impossible this system of peonage and commercial immigration, which means no good for anyone and ruin for our wage-earner. [Applause.]

Mr. Chairman, this is not an imaginary evil which confronts us, but a real one, and the country is fast working up so that a spirit of unrest is widespread among our people, not only prompted by dread of labor disasters, but of the inoculation of disease not only into our families, but into the body politic as well. Prior to the eighties, when the tide of our immigration changed from northern to southern Europe, labor troubles were few and strikes were practically unknown. But since their advent in any considerable numbers the country has been the scene of almost constant social turmoil, the result of innumerable strikes and lockouts, attended with violence and destruction, not only of the lives and property of private individuals, but oftentimes breeding a contempt for the law and a desire to accomplish its overthrow, culminating in such tragic scenes as the Haymarket massacre, the assassination of President McKinley, the assassination of ex-Governor Steunenberg, of Idaho, and the currently reported plot against the lives of ex-Governor Peabody, as well as Governor Pennypacker, of Pennsylvania, and Governor Pattison, of Ohio.

The only cause of complaint against any of these victims is that they represented and upheld the law. These are but some of the evidences of the spirit of anarchy born of oppression and the misrule of centuries in the Old World, which comes to us as the pledge of loyalty and appreciation from these new-found friends. Strange to say that while our laws deny this class of people entry to our ports, our officers in the last twelve years have been able to detect but two of them. These came from south Italy, one in 1904, and the other in 1905. The following table is referred to for information as to the excluded classes:

Report of immigrants refused admission at seaports, showing also those returned in one year after landing, under the provisions of the alien contract-labor laws and the laws regulating immigration, during the twelve years 1892 to 1905, inclusive.

Year.	Immigrants.	Debarred.												Returned in 1 year after landing.	Returned in 2 years after landing.	Returned in 3 years after landing.
		Idiots.	Insane persons.	Paupers, or likely to become public charges.	Loathsome or dangerous contagious diseases.	Convicts.	Polygamists.	Anarchists.	Prostitutes.	Persons who procure or attempt to bring in prostitutes.	Assisted immigrants.	Contract laborers.	Total debarred.			
1892	579,663	4	17	1,002	80	26	.....	.....	80	.....	23	932	2,164	637	.....	.....
1893	439,730	3	8	431	81	12	.....	.....	.....	.....	.....	518	1,053	577	.....	.....
1894	285,631	4	5	802	15	8	.....	.....	2	.....	.....	553	1,389	417	.....	.....
1895	258,536	6	.....	1,714	.....	4	.....	.....	.....	.....	1	694	2,419	177	.....	.....
1896	343,267	1	10	2,010	2	.....	.....	.....	.....	.....	.....	776	2,799	238	.....	.....
1897	230,832	1	6	1,277	1	1	.....	.....	.....	.....	3	328	1,617	263	.....	.....
1898	229,299	1	12	2,261	258	2	.....	.....	.....	.....	79	417	3,030	199	.....	.....
1899	311,715	1	19	2,599	348	8	.....	.....	.....	.....	82	741	3,798	293	.....	.....
1900	448,572	1	32	2,974	393	4	.....	.....	7	.....	2	833	4,246	356	.....	.....
1901	487,918	6	16	2,798	309	7	.....	.....	3	.....	50	327	3,516	303	.....	.....
1902	648,743	7	27	3,944	709	9	.....	.....	3	.....	.....	275	4,974	465	.....	.....
1903	857,046	1	23	5,812	1,773	51	1	.....	13	.....	9	1,086	8,769	547	.....	.....
1904	812,870	16	33	4,798	1,560	35	.....	1	9	3	38	1,501	7,994	300	.....	479
1905	1,026,499	38	92	7,898	2,198	39	8	1	24	4	19	1,164	11,480	98	519	228

A high official in Washington, in close touch with the immigration of the country, is my authority for the statement that nearly every immigrant from south Italy is more or less imbued with the spirit of anarchism, and that it is with these people that we have introduced such dreaded and deadly organizations as the Mafia, the Vendetta, "Black Hand," and kindred anarchist organizations into the United States.

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman for his authority for the statement that nine-tenths of the immigration from southern Italy comes here imbued with anarchistic ideas?

Mr. HOPKINS. Mr. Chairman, I don't know whether I have the authority to give the source of my information, but will say it comes to me from a high official engaged in the immigration bureau of this country. I know nothing of the fact myself.

Mr. BENNET of New York. I desire to say to the gentleman that I believe he is thoroughly in the wrong. We have a great deal of that class of immigrants in New York City, and I desire to say that the statement which he makes is not true of one-tenth of 1 per cent of the Italian immigration.

Mr. HOPKINS. Well, Mr. Chairman, I don't know whether the gentleman is in their secrets or not, but it took a wholesale hanging in the city of New Orleans in 1889 to develop how many were in it there, and it will take a wholesale hanging over in Pennsylvania, where only last week it was developed that dozens and scores of these people had not only committed murder of their own people, but had entered into a plot against the life of the governor of Pennsylvania.

Mr. BENNET of New York. I think the gentleman misapprehends. I am not a Representative from the State of Pennsylvania, but from New York, and so far as we are concerned in New York I don't think this fact is true, and I do not make this statement for the purpose of interrupting the gentleman, because I know from his appearance before our committee he is earnest——

Mr. HOPKINS. Does the gentleman know I am wrong?

Mr. BENNET of New York. I do not say that, but I know you are thoroughly in earnest, and I want to make a statement in the same spirit that as far as New York State is concerned the Italian element is as law-abiding citizens, and in about the same degree, as other citizens of the State of New York are.

Mr. HOPKINS. I do not know. We get some terrible reports about New York through the public press, but I know nothing of them myself. Of course, you do right to defend your home and the people whom you represent, and you would not do right if you did not defend them, but we would not go to New York to find a model citizenship if, as you say, the Italian element is as law abiding as its other citizenship. [Applause and laughter.]

Mr. BENNET of New York. Our ideas of model citizenship differ, but you come to New York for almost everything else. As far as my district is concerned there are not 150 Italians in the whole of my district, to the best of my knowledge.

Mr. HOPKINS. If you haven't more than a hundred and fifty, then you may be justified in your statement.

Mr. BENNET of New York. I want to ask the gentleman this question: How many immigrants has he in his whole Congressional district?

Mr. HOPKINS. We have not very many, but we want to shut our doors before we get them. We do not want to have this trouble you and the rest of the country realize now. We do not want this strike element or pauper element or anarchistic element. We do not want men to come from foreign countries to do the labor which our people at home can do. We do not want our people reduced to the level of the pauper labor of Europe. We do not want to deprive our people of an opportunity of earning American wages and living according to American standards. [Appaluse.]

Mr. BENNET of New York. Our mechanics, artisans, and skilled laborers in the city of New York are higher paid men than any other men in similar avocations west of——

Mr. HOPKINS. What per cent of the whole number are the higher paid men?

Mr. BENNET of New York. We have more artisans and high-priced men in our city than the whole State of Kentucky combined.

Mr. HOPKINS. You may have, because you have such a large population as well as wealth, and naturally you would have in proportion a larger number of skilled workmen. We are not objecting to this class of people.

Mr. BENNET of New York. And they get the high wages, too.

Mr. HOPKINS. How many have you got up there who are living in sweat shops to-day, who are eking out an existence and barely earning their bread?

Mr. BENNET of New York. By the law of the State of New York there can not be a man, woman, or child living in a sweat shop, and no one lives there.

Mr. HOPKINS. Is that law enforced? That is the claim that comes from every paper published in your State, sir, that your laws are not enforced [applause] and are not carried out. I must decline to yield further to the gentleman.

Mr. BENNET of New York. I will state it is in force and there is not a person living in a sweat shop in New York.

Mr. HOPKINS. I am glad that some one denies the existence of such unwholesome conditions anywhere in our country.

Mr. BENNET of New York. We have thirty-seven who defend it.

Mr. HOPKINS. For the benefit of the gentleman from New York [Mr. BENNET], who seems to have such high opinion of the Italian immigrant, I want to say that I should like to think he was right. But his opinion is badly refuted by the following clipping from the Washington Post under date of January 24, 1906:

MONONGAHELA, PA., *January 24, 1906.*

Warrants were issued to-day for the arrest of 136 foreigners, believed to be members of a band of anarchists, whose headquarters, at Baird, Pa., were raided by the police early Tuesday morning and a mass of literature threatening the life of Governor Pennybacker, of Pennsylvania; Governor Pattison, of Ohio, and other prominent men in different parts of the United States was found. According to the police, the members of the organization are scattered over a large area, and it will take several days to serve the warrants. Secret-service officers from Pittsburg and other points are here to-day to assist in the apprehension of the foreigners. The charge against the men is conspiracy against the Government.

PATERSON, N. J., *January 24, 1906.*

The police of this city to-day conducted a search for accomplices in the plot to assassinate Governor Pennypacker, of Pennsylvania; Governor Pattison, of Ohio, and other leading men. Information has been sent here that letters which were found at Baird, Pa., yesterday, named among other intended victims both of these governors and bore the Paterson (N. J.) postmark. Some of these letters were apparently sent from an organization known as Liberta Sociologia, located at 495 Madison avenue, this city.

The house at this number on Madison avenue is the only one in the block. The only occupants which the police found in it to-day were two Italian silk weavers and their families. Both these men told the police that they had no knowledge of a society called Liberta Sociologia or of the letters said to have been found at Baird, Pa.

WASHINGTON, PA., *January 24, 1906.*

While Washington County officers were hunting to-day for leaders of the gang of anarchists whose existence was revealed yesterday, a meeting of the society was held this afternoon at Courtney, about 2 miles north of Monongahela. Knowing that nothing was suspected at this place, leaders of the "Reds," who are charged with various conspiracies gathered in a saloon and with impassioned speeches urged the members of the society to resist arrest and conceal their fellow-members wherever possible.

Vincenzio Valdi and Petro Guiseppo, leaders of the band, are said to have made fiery addresses, in which they urged their countrymen to carry out their prearranged plot of assassination and not to be intimidated by officers. They advised the Italians, it is reported, to use every means possible to overthrow the Government. "Use bloodshed, if necessary," said Valdi, and Guiseppo reiterated his advice. The meeting lasted until about 5 o'clock, the Italians then quietly dispersing.

The officers did not learn of the meeting until it was too late to apprehend any of the leaders.

One startling disclosure of the day was the discovery that Judge J. F. Taylor, of the Washington County court, had been threatened by the "Black Hand." During the campaign preceding the November election, when Judge Taylor was a candidate for reelection, he received two letters warning him that the society was working against him, and that he was in danger. It developed that the decree ordering his death was never issued, as influential Italians persuaded the organization that an attempt on his life would only balk the more important conspiracy involving the assassination of more prominent men.

The county authorities stated to-night that they have almost indisputable evidence that the death of two prominent Italians in this county recently was due to the planning of this band. Assistant District Attorney C. L. V. Acheson, who has taken personal charge of the trailing of the leaders of the gang, has secured evidence that the anarchistic society has practically honeycombed the county.

Mr. Chairman, while I am on this subject I want to give some other reasons why we should stop this wholesale and indiscriminate immigration, for it is not only filling up the country with conspirators against all forms of law, but is filling our prisons, almshouses, and asylums, entailing extra burdens upon our people.

In 1904 there were 44,668 alien inmates in our penal reformatory and charitable institutions. Of this number 4,011 were criminals of grave offenses, 5,664 were criminals of minor offenses, 20,389 were insane, and 14,604 were paupers. The number of insane are life patients to which can be added 5,000 more from the table. The city of New York is charged with the burden of 6,000 of these unfortunate people. The following table shows that more than half of these people are in but four States:

Location.	Character of institution and number of inmates in each.		Alien inmates.
New York	Insane	5,952	
	Penal	2,283	
	Charitable	4,205	
			12,440
Pennsylvania	Insane	1,352	
	Penal	1,265	
	Charitable	2,984	
			5,601
Massachusetts	Insane	2,304	
	Penal	1,430	
	Charitable	1,756	
			5,490
Illinois	Insane	2,478	
	Penal	227	
	Charitable	654	
			3,359

Of the number confined for criminal offenses, 809 are murderers, 253 of whom are Italians; 373 are confined for attempted murder, and 139 of these are Italians. Of all the aliens confined in our criminal and penal institutions in 1904, 32 per cent of them were of the Celtic and Teutonic races of northern and western Europe, and 64 per cent were Slavic and Iberic races of southern and eastern Europe.

In 1905 the total number of all inmates was 349,885. Of this number, 97,074, 28 per cent were foreign born. Of these, 39,646 are aliens, while the remaining 57,424 have been naturalized. The foreign-born population of the United States, including both alien and naturalized, is only 14 per cent of the whole population. In other words, while they furnish only a little more than one seventh of our population, they furnish nearly one-third of our criminals, insane, and paupers.

Further demonstrating the undesirability of the large majority of our immigration, I append hereto a table showing the illiteracy and poverty of these people:

Race or people.	Illiteracy, 14 years and over.		Immigrants bringing—		Total amount of money shown.	Have been in the United States before.
	Can read but can not write.	Can neither read nor write.	$50 or over.	Less than $50.		
African (black)	18	481	456	1,864	$88,016	1,443
Armenian	3	307	220	1,110	55,784	188
Bohemian and Moravian	8	147	1,206	6,347	331,517	668
Bulgarian, Servian, and Montenegrin	12	2,213	177	5,379	101,739	391
Chinese	3	95	222	1,517	39,697	1,117
Croatian and Slovenian	87	12,788	1,221	31,710	539,337	7,068
Cuban	2	455	2,053	1,544	289,730	4,942
Dalmatian, Bosnian, and Herzegovinian	6	985	200	2,315	55,575	309
Dutch and Flemish	14	349	2,171	3,182	453,165	1,455
East Indian		17	70	55	13,550	29
English	60	493	21,205	15,563	2,924,030	15,558
Filipino		1	4	1	206	5
Finnish	161	118	1,286	13,432	362,047	2,635
French	4	276	5,019	3,319	931,095	3,674
German	180	2,813	17,847	41,648	3,600,845	13,472
Greek	10	2,665	1,152	10,310	331,871	1,041
Hebrew	807	22,770	7,091	59,319	1,824,617	2,698
Irish	130	1,445	6,851	37,161	1,421,682	14,658
Italian (north)	25	5,058	4,893	28,780	1,169,980	8,249
Italian (south)	97	95,407	8,922	146,868	3,127,207	39,264
Japanese		4,287	3,475	5,905	416,395	1,515
Korean		1,925	27	80	3,931	18
Lithuanian	2,133	7,606	531	14,953	224,219	767
Magyar	78	4,828	1,541	37,064	695,108	6,575
Mexican	2	17	108	37	14,266	109
Pacific Islander		3	7	9	628	7
Polish	3,519	33,167	2,534	82,653	1,352,230	9,230
Portuguese	3	2,543	557	2,789	125,962	998
Roumanian	14	2,194	103	7,269	110,068	605
Russian	30	996	519	2,052	133,576	259
Ruthenian (Russniak)	139	8,513	148	13,144	179,839	2,243
Scandinavian (Norwegians, Danes, and Swedes)	159	157	7,139	42,915	1,604,205	12,773
Scotch	17	75	5,744	6,168	810,678	3,945
Slovak	430	11,554	1,169	44,429	818,207	12,532
Spanish	23	583	2,143	2,496	336,105	2,327
Spanish-American	4	39	1,070	141	157,196	733
Syrian	11	2,178	784	2,553	211,485	744
Turkish	6	1,297	103	1,958	53,634	132
Welsh	11	62	847	911	130,148	680
West Indian (except Cuban)	3	35	695	506	96,242	563
All other peoples		50	102	129	23,152	69
Total	8,209	230,882	111,652	679,565	25,159,012	175,624

This table shows that out of the total immigration for 1905, 8,209 of them who are 14 years of age and over can read but can not write, that 230,882 above that age can neither read nor write. This table also shows that the whole number brought $25,159,012, which, if equally divided, would give each person $24.60. That 111,652 of them brought over $50 each, and that 679,565 brought less than $50 each, while 235,282, representing minors and dependents, did not bring any money. Fifty thousand eight hundred and sixty-five English brought $2,924,080, or an average of $57 per capita, while 46,030 Magyars brought $695,108, an average of $15 per capita. Eighty-two thousand three hundred and sixty Germans brought $3,600,845, an average of $44 per capita, while 186,390 South Italians brought $3,127,207, an average of $16 per head.

The following table shows the relative percentage of illiteracy of the people of northern and western Europe to those of southern and eastern Europe:

	Per cent.
English	1
German	4
Scandinavian	1
Irish	3
Scotch	1
Welsh	4
French	3
Polish	40
South Italian	56
Slovak	25
Lithuanian	57
Greek	23
Russian	33
Portuguese	67

The low type of people, as is indicated by the foregoing statement of amount of money owned and percentage of illiteracy, compose almost two-thirds of last year's immigrants, and makes it easy for the home governments to group and control them as their subjects in this country.

Having quoted the statement of Commissioner Braun that it was the policy of foreign governments to group their subjects in colonies in this country in order that they might more effectively retain their control over them through their ministers, priests, teachers, etc., and more effectively and certainly secure their return with their booty, I will give the following facts taken from the report of Commissioner-General of Immigration to sustain this statement:

In 1904 the total immigration to the United States was 840,714.

Of this number, 541,979 (67 per cent) settled in the North Atlantic States, as follows:

State.	Number.	Per cent.
New York	263,150	32
New Jersey	41,780	5
Pennsylvania	146,478	18
Massachusetts	58,411	7
Connecticut	18,526	2

Fifty-seven thousand four hundred and fifty (7 per cent) went to Illinois; 33,077 (4 per cent) to Ohio. In these States are the largest of our cities.

In 1905 the total number coming to the United States was 1,026,499. Of this number 699,340 (68 per cent) settled in the North Atlantic division.

State.	Number.	Per cent.
New York	315,511	31
New Jersey	57,258	5
Pennsylvania	210,708	20
Massachusetts	71,159	7
Connecticut	26,174	2

Of the remainder, 72,770 (7 per cent) went to Illinois and 49,351 (5 per cent) to Ohio.

In 1904 50 per cent of the entire immigration settled in New York and Pennsylvania, and in 1905 51 per cent settled in the same States. The remarkable feature in the question of distribution of the large numbers of immigrants is that less than 10 per cent of them went to the rich agricultural States of the Northwest in either of these years or even during the year 1903.

And practically none of them go to the South.

I here desire to have inserted a letter which I have to-day received from the Immigration Restriction League, of Boston, Mass., which shows the growing interest in this question:

IMMIGRATION RESTRICTION LEAGUE,
Boston, Mass., February 20, 1906.

Hon. FRANK A. HOPKINS,
Washington, D. C.

DEAR SIR: It was with much interest and pleasure that we read the immigration bill (H. R. 14602) which you introduced on the 12th instant. With every one of its provisions we thoroughly agree and sincerely hope that they will become a law before the end of this session. I beg of you to let us know if any way occurs to you in which we can be of use in making public opinion felt so that needed legislation along the lines of your bill can be secured.

For several years the league has been engaged in a quiet effort to secure the further judicious regulation of immigration by improving its character and securing more assimilative immigrants, not only as to quality, but also as to quantity, along the very lines of your bill. Under separate cover we are sending you some of our publications and

beg of you to look them over, for we feel certain they contain matter of interest to you in this field.

We believe that your stand on this question is in perfect accord, not only with the attitude of the North, but also with the attitude of the South. The southern demand for labor has been misconstrued by certain selfish interests into a demand for indiscriminate immigration, as is shown by the numerous canvasses of the wishes of the South as to immigration, which have been made recently by disinterested persons, organizations, and newspapers. The results of the first one of these were published in the Manufacturer's Record, of Baltimore, on July 20, and showed the South to be very discriminating and to be very much opposed to the introduction of western Asiatics and southeast Europeans. With this conclusion, the Tradesman, of Chattanooga, the leading trade paper of the South, which certainly understands the needs and wants of the South, is in thorough accord and constantly runs matter in favor of immediate legislation.

The league has also made a canvass. It sent out over 5,000 letters to various State and local officials and representative citizens all over the South. The results showed a deep-rooted hostility to the illiterate classes from southeast Europe and a decided preference for Americans and a desire only for aliens from northwestern Europe. The newcomers most wanted everywhere was the small family with some money that would settle in the rural districts.

With regard to further legislation, there was striking unanimity in favor of the exclusion of illiterates, persons of poor physique, imbeciles, persons desirous of settling in the cities and averse to country life, and in favor of increasing the head tax.

These results are borne out by the various conferences which have been held, practically all of which were promoted in their inception by foreign interests—employers of cheap labor and certain transportation interests. On June 19 the Alabama immigration conference, which met at Birmingham, passed strong resolutions in favor of the exclusion of illiterates, persons of poor physique, etc. Similar action was taken by the Farmers' National Congress at Richmond, Va., on September 14. On November 8, the Alabama Industrial and Commercial Association adopted the thorough-going report of its committee calling for restrictive legislation.

It is sometimes said that existing laws are sufficient. In refutation of this I beg to submit a few new immigration figures. The last report of the Massachusetts State Board of Charities shows that since 1900 there have been 1,723 cases of foreign paupers in Massachusetts, for whom the Commonwealth has been reimbursed $19,613. Massachusetts prison records show that the foreign born, who are less than one-third of the total population, furnish three times as many prisoners as those of native birth and parentage, and that the foreign element furnishes five times as many criminals as the native born.

According to the commissioner-general's report there are about 45,000 aliens confined in public institutions of the United States, two-thirds of whom are of the Slavic-Iberic races of southeast Europe. Out of 800 aliens now confined for murder, 253 are Italians, and out of 273 confined for attempts at murder, 139 are Italians.

Magistrate Wahle, of New York City, has just made his report on crime, and says that the increase in arraignments last year of 18,388 is due entirely to persons born in southeast Europe. He also shows that there were 2,450 more persons arrested for felony in 1905 than in 1904 in New York City.

In Chicago recently there have been two stirring public anticrime meetings and an anticrime league formed. According to the 1905 report of the New York State Lunacy Commission, there was last year in New York State an increase in insanity of 20 per cent, which Doctor Spitzka says is due to the fact that New York City is unfortunately the port of entry for the bulk of our present immigration. Ninety per cent of the applicants for poor relief in New York City last year were of foreign extraction.

With regard to the recent large increase of idiotic, insane, and poverty stricken, referred to by the Commissioner-General in his report, Mr. Broughton Brandenburg, writing in Charities, says that they are "part and parcel of thousands of insane and idiotic persons turned over to the Cunard Line to fill the contract which the Hungarian Government secretly made with it, to supply immigrants to the line, with an alleged number of 30,000 per year."

The steamship companies seem to be making a great deal of the number of tickets which they claim to have sold last year for outward passage. Of the 1,026,499 aliens that entered the country last year, only 175,624 had ever been in the United States before. Consequently there was, at the very least, a net alien addition to our population last year by immigration of 850,875 immigrants.

Have you noticed that only 8 per cent of last year's 1,000,000 influx went to the thirty-six States and Territories south of the Potomac and west of the Mississippi rivers? The previous year 10 per cent went to those sections. The point is that the present immigration is a community-living, sweat-shop-working people that will not go out into the rural districts and settle the country, as previous immigrations from northwestern Europe did and would at present if it were not for the coming and competition of the classes now entering the country.

Knowing your interest in the immigration question, I have taken this liberty of writing you at some length, trusting that my letter would contain matter of interest to you. I hope that you will find time to look over, at least, publications Nos. 30, 33, and 43, which I am sending you, as I feel certain that they contain matter of interest to you.

Hoping that this is not too much of an intrusion upon your good time, and begging of you to send me copies of any speeches that you may deliver on the question, I am, sir,

Most sincerely, yours, J. H. PATTEN, *Assistant Secretary.*

Mr. Chairman, the spirit of commercialism which has of recent years so largely displaced the spirit of patriotism, which once induced immigrants to seek homes among us, is producing evil results in still other ways than those which I have mentioned. I refer to the frauds practiced to acquire citizenship and the fraudulent uses of naturalization papers.

The report of the United States district attorney for southern district of New York shows that two Italians had esablished themselves in New York and were regularly engaged in the wholesale issue of fraudulent naturalization certificates and placing them on the market through secret allies; that many of them are sent to Italy, where they are sold for good prices. Through the efforts of our officers these men have been caught and convicted, and 1,916 of their forged certificates have been detected and canceled. Not only are foreigners engaged in these frauds, but citizens and officers of the United States are also flagrantly violating the law, as shown by the following memoranda, now on file in the Department of Justice in this city, which accidentally fell into my hands:

CONFIDENTIAL MEMORANDUM.

Hon. C. B. Witmer, of Sunbury, Pa., stated as follows, January 26, 1906:

That in Northumberland County, Pa., during the year 1901, from 1,500 to 1,700 aliens were naturalized; that in one day over 300 were made citizens, and that at the present time the abuse continues. He further stated that the son of a local judge has his office next door to the court over which his father presides, and that he receives a fee of $10 for each alien naturalized, and no questions are asked so long as the fee is forthcoming. The son appears in court and hands up the papers to his father, who signs the necessary documents without questioning the sufficiency of the evidence as to the right of the alien to be naturalized.

He further stated that he would be willing to give the information to a trusted representative of the Government who would call on him at Sunbury, but he did not desire to make any public announcement because he is required to practice before the judge, and he is also a fellow-townsman. The abuses have grown so in number that he feels it his duty as a friend of the Administration to give this information.

These are but some of the abuses, which are by far too many for me to go into detail. Before I leave the subject I wish to say that 16 per cent of all the persons who become naturalized citizens of the United States leave within six months thereafter. A great many of them are subjects of Turkey, and not in favor with their Government, and that they only take out naturalization papers in order to return home, and under the protection of being American citizens defy the Turkish Government while they engage in keeping gambling houses and other places forbidden by law.

Mr. Braun says many instances of this kind came under view while in Turkey, both in Europe and in Asia. That in the city of Jerusalem more than a thousand of these patent-made American citizens live, very few of whom can speak a word of English, and that they are constantly involving our Government in trouble with foreign countries.

The following table shows the annual immigration, by countries, since the year 1856, and is offered to show the very decided change in recent years in the source of our immigration:

Number and nationalities of immigrants arrived in the United States from 1857 to 1905, inclusive.

Country.	1857.	1858.	1859.	1860.	1861.	1862.	1863.
Austria-Hungary					13	78	93
Belgium	1,011	160	197	90	100	124	136
Denmark	762	490	470	527	154	1,565	1,473
France	4,441	2,747	2,772	3,080	3,389	2,898	2,314
German Empire	86,407	69,586	46,635	43,946	52,116	23,811	29,741
Italy	1,046	1,414	1,051	920	954	621	514
Netherlands	986	1,901	168	342	369	339	349
Norway	1						20
Portugal	116	203	85	88	92	22	104
Russian Empire and Finland	74	108	314	156	129	134	135
Spain	637	922	1,454	974	804	381	336
Sweden	881	2,045	1,850	629	287	1,021	1,179
Switzerland	1,719	1,671	800	676	1,243	587	696
United Kingdom:							
England	27,000	21,013	15,188	12,838	13,207	7,659	13,615
Ireland	59,370	41,500	34,410	40,547	43,351	16,800	36,545
Scotland	3,853	3,202	1,981	1,995	1,244	730	954
Wales	601	492	320	547	554	366	632
Europe, not specified	20,191	16,823	11,884	12,633	13,771	7,055	33,432
Total Europe	209,130	164,177	119,585	119,928	131,777	64,191	122,268
China	4,524	7,183	3,215	6,117	6,094	4,174	5,289
Other Asia	4	5	1	8	14	7	9
Total Asia	4,528	7,188	3,216	6,125	6,108	4,181	5,289
Africa	26	8	20	119	48	8	12
British North America	6,068	5,260	4,544	4,412	3,221	2,538	3,388
Central America	277	11	5	7	9	31	8
Mexico	401	942	301	243	207	197	101
South America	85	130	116	204	148	90	139
West Indies	808	922	718	1,158	853	543	575
All other countries	9,223	13,804	1,066	947	506	404	1,145
Grand total	230,546	191,942	129,671	133,143	142,877	72,183	132,925

Country.	1864.	1865.	1866.	1867.	1868.	1869.	1870.
Austria-Hungary	136	518	87	392	553	1,499	4,425
Belgium	411	282	1,515	1,173	97	1,922	1,062
Denmark	738	772	1,092	2,031	1,506	3,649	4,083
France	2,128	2,949	5,724	5,886	5,119	3,879	4,097
German Empire	41,155	58,153	120,218	124,076	122,677	131,042	118,225
Italy	694	594	1,313	1,585	1,549	1,489	2,893
Netherlands	520	572	1,613	2,598	718	1,134	1,066
Norway	205	84	9,220	2,510	4,296	16,068	13,216
Portugal	48	336	249	320	294	87	255
Russian Empire and Finland	985	217	999	618	376	527	1,130
Spain	681	902	613	862	870	1,123	993
Sweden	1,192	2,500	2,840	5,919	11,253	24,224	13,443
Switzerland	1,022	1,738	3,751	4,056	3,405	3,050	3,075

Number and nationalities of immigrants, etc.—Continued.

Country.	1864.	1865.	1866.	1867.	1868.	1869.	1870.
United Kingdom:							
England	29,349	25,964				35,673	60,957
Ireland	69,161	51,018	133,061	126,289	115,392	40,786	55,996
Scotland	3,136	3,195				7,751	12,521
Wales	856	332				630	1,011
Europe, not specified	29,222	19,599	13	15	9	40,380	29,216
Total Europe	181,099	169,772	282,313	278,930	268,210	315,543	328,184
China	5,240	3,702	1,872	3,519	6,707	12,874	15,740
Other Asia	2	11	25	60	63	68	85
Total Asia	5,242	3,713	1,897	3,579	6,770	12,942	15,825
Africa	25	45	32	26	21	72	31
British North America	3,642	3,763	37,419	18,128	5,373	21,117	40,411
Central America	1	1	6	5	2	3	33
Mexico	78	139	244	237	202	320	463
South America	142	128	225	263	197	90	69
West Indies	494	743	988	891	839	2,237	1,679
All other countries	391	2,034	9,453	1,042	485	444	508
Grand total	191,114	180,339	332,577	303,104	282,189	352,768	387,203

Country.	1871.	1872.	1873.	1874.	1875.	1876.	1877.
Austria-Hungary	4,887	4,410	7,112	8,850	7,658	6,276	5,396
Belgium	774	738	1,176	817	615	515	488
Denmark	2,015	3,690	4,931	3,082	2,656	1,547	1,695
France	3,137	9,317	14,798	9,643	8,321	8,002	5,856
German Empire	82,554	141,100	149,671	87,291	47,769	31,937	29,298
Italy	2,816	4,190	8,757	7,667	3,631	3,017	3,195
Netherlands	993	1,909	3,811	2,444	1,237	855	591
Norway	9,418	11,421	16,247	10,384	6,083	5,173	4,588
Portugal	290	416	24	60	763	471	1,291
Russian Empire and Finland	1,208	2,665	4,972	5,808	8,981	5,700	7,132
Spain	558	595	541	485	601	518	665
Sweden	10,690	13,464	14,303	5,712	5,573	5,603	4,901
Switzerland	2,260	3,650	3,107	3,033	1,814	1,549	1,686
United Kingdom:							
England	56,591	69,764	74,801	50,905	40,130	24,373	19,161
Ireland	57,413	68,732	77,344	53,707	37,957	19,575	14,599
Scotland	11,984	13,916	13,841	10,429	7,310	4,582	4,135
Wales	899	1,214	840	665	449	324	281
Europe, not specified	16,078	65	104	130	77	86	74
Total Europe	264,548	351,265	396,380	261,232	181,635	120,106	105,092
China	7,135	7,788	20,291	13,776	16,437	22,781	10,594
Other Asia	102	37	39	61	57	153	39
Total Asia	7,237	7,825	20,330	13,837	16,494	22,934	10,633
Africa	23	38	22	14	35	41	16
British North America	47,082	40,176	37,871	32,960	24,051	22,471	22,116
Central America	4	8	38	20	15	15	7
Mexico	402	569	606	386	610	631	445
South America	96	101	163	144	132	156	87
West Indies	1,251	1,351	1,657	1,829	1,832	1,413	1,300
All other countries	707	3,473	2,736	2,917	2,694	2,222	2,071
Grand total	321,350	404,806	459,803	313,339	227,498	169,986	141,857

Country.	1878.	1879.	1880.	1881.	1882.	1883.	1884.
Austria-Hungary	5,150	5,963	17,267	27,935	29,150	27,625	36,571
Belgium	354	512	1,232	1,766	1,431	1,450	1,576
Denmark	2,105	3,474	6,576	9,117	11,618	10,319	9,202
France	4,159	4,655	4,313	5,227	6,003	4,821	3,608
German Empire	29,313	34,602	84,638	210,485	250,630	194,786	179,676
Italy	4,344	5,791	12,354	15,401	32,160	31,792	16,510
Netherlands	608	753	3,340	8,597	9,517	5,249	4,198
Norway	4,759	7,345	19,895	22,705	29,101	23,398	16,974
Portugal	660	392	260	171	42	176	701
Russian Empire and Finland	3,595	4,942	7,191	10,655	21,590	11,930	17,226
Spain	457	457	389	484	378	262	299
Sweden	5,390	11,001	39,186	49,760	64,607	38,277	26,552
Switzerland	1,808	3,161	6,156	11,293	10,844	12,751	9,386
United Kingdom:							
England	18,405	24,183	59,454	65,177	82,394	63,140	55,918
Ireland	15,932	20,013	71,603	72,342	76,432	81,486	63,344
Scotland	3,502	5,225	12,640	15,168	18,937	11,859	9,060
Wales	243	543	1,173	1,027	1,656	1,597	901
Europe not specified	48	58	80	131	274	246	504
Total Europe	100,832	133,070	347,747	527,441	646,764	521,154	452,206
China	8,992	9,604	5,802	11,890	39,579	8,031	279
Other Asia	22	56	37	92	50	82	231
Total Asia	9,014	9,660	5,839	11,982	39,629	8,113	510
Africa	12	17	21	25	32	56	13
British North America	25,568	31,268	99,705	125,391	98,295	70,241	60,584
Central America	50	9	44	29	20	9	23
Mexico	465	556	492	825	366	469	430
South America	88	69	88	110	91	77	65
West Indies	1,019	1,123	1,351	1,690	1,291	903	2,208
All other countries	1,421	2,054	1,909	2,448	2,504	2,300	2,553
Grand total	138,469	177,826	457,257	669,431	788,992	603,322	518,592

Number and nationalities of immigrants, etc.—Continued.

Country.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
Austria-Hungary	27,309	28,080	40,265	45,814	34,174	56,199	71,042
Belgium	1,053	1,300	2,553	3,212	2,552	2,671	3,037
Denmark	6,109	6,225	8,524	8,962	8,699	9,366	10,659
France, including Corsica	3,495	3,318	5,034	6,454	5,918	6,585	6,770
German Empire	124,443	84,403	106,866	109,717	93,538	92,427	113,554
Gibraltar		8	12	18	13	9	13
Greece	172	104	313	782	158	524	1,105
Italy, including Sicily and Sardinia	13,642	21,315	47,622	51,558	25,307	52,003	70,055
Malta	4	7	1	3		1	6
Netherlands	2,689	2,314	4,506	5,845	6,460	4,326	5,206
Norway	12,356	12,759	16,269	18,264	13,330	11,370	12,568
Poland	3,085	3,939	6,128	5,826	4,922	11,073	27,497
Portugal, including Cape Verde and Azore islands	2,024	1,194	1,360	1,625	2,024	2,600	2,999
Roumania	803	494	2,045	1,186	883	517	957
Russian Empire and Finland	17,158	17,800	30,706	33,487	33,916	35,598	47,426
Spain	350	344	436	526	526	813	905
Sweden	22,248	27,751	42,836	54,698	35,415	29,632	36,880
Switzerland	5,895	4,805	5,214	7,737	7,070	6,993	6,811
Turkey in Europe	138	176	206	207	252	206	265
United Kingdom:							
England	47,332	49,767	72,855	82,574	68,503	57,020	53,600
Ireland	51,795	49,619	68,370	73,513	65,557	53,024	55,706
United Kingdom:							
Scotland	9,226	12,126	18,699	24,457	18,296	12,041	12,557
Wales	1,127	1,027	1,820	1,654	1,181	650	424
Europe, not specified	39	54	130	12	16	32	43
Total Europe	353,083	329,529	482,829	538,131	434,790	445,680	546,085
China	22	40	10	20	118	1,716	2,836
Other Asia	176	277	605	817	1,607	2,732	4,842
Total Asia	198	317	615	843	1,725	4,448	7,678
Africa	112	122	40	65	187	112	103
Australia, Tasmania, New Zealand, and Pacific islands, not specified	679	1,136	1,282	2,387	2,196	1,167	1,301
British North America	38,291						
Central America	24	32	23	67	88	147	285
Mexico	323						
South America	44	246	366	440	427	458	664
West Indies	2,477	2,734	4,876	4,880	4,923	3,070	3,903
All other countries	115	87	78	78	91	240	297
Total immigrants	395,346	334,203	490,109	546,889	444,427	455,302	560,319

Country.	1892.	1893.	1894.	1895.	1896.	1897.	1898.
Austria-Hungary	76,937	57,420	38,638	33,401	65,103	33,031	39,797
Belgium	4,026	3,324	1,709	1,058	1,261	769	695
Denmark	10,125	7,720	5,003	3,910	3,167	2,085	1,946
France, including Corsica	4,678	3,621	3,080	2,628	2,463	2,107	1,990
German Empire	119,168	78,756	53,989	32,173	31,885	22,533	17,111
Greece	660	1,072	1,356	597	2,175	571	2,339
Italy, including Sicily and Sardinia	61,631	72,145	42,977	35,427	68,060	59,431	58,613
Netherlands	6,141	6,199	1,820	1,388	1,583	890	767
Norway	14,325	15,515	9,111	7,580	8,855	5,842	4,958
Poland	40,536	16,374	1,941	791	691	4,165	4,726
Portugal, including Cape Verde and Azores islands	3,400	4,631	2,196	1,452	2,766	1,874	1,717
Roumania			729	523	785	791	900
Russian Empire and Finland	81,511	42,310	39,278	35,907	51,445	25,816	29,828
Spain	4,078	205	925	501	351	448	577
Sweden	41,845	35,710	18,286	15,361	21,177	13,162	12,398
Switzerland	6,886	4,744	2,905	2,239	2,304	1,566	1,246
Turkey in Europe	1,331	625	298	245	169	152	176
United Kingdom:							
England	34,309	27,931	17,747	23,443	19,492	9,974	9,877
Ireland	51,383	43,578	50,231	46,304	40,262	28,421	25,128
Scotland	7,177	6,215	3,772	3,788	3,483	1,883	1,797
Wales	729	1,043	1,001	1,602	1,581	879	1,219
Europe, not specified			69	24	9	23	1
Total Europe	570,876	429,130	277,052	250,342	329,067	216,397	217,786
China	(a)	472	1,170	539	1,441	3,353	2,071
Japan		1,380	1,931	1,150	1,110	1,526	2,230
Other Asia	(a)	540	1,589	2,806	4,213	4,773	4,336
Total Asia	(a)	2,392	4,690	4,495	6,764	9,652	8,637
Africa	(a)	(a)	24	36	21	57	48
Australia, Tasmania, New Zealand, and Pacific islands, not specified	(a)	(a)	244	141	112	199	201
British North America			194	239	273	290	359
Central America	(a)	(a)	32	21	17	6	7
Mexico			109	116	159	91	107
South America	(a)	(a)	39	36	35	49	39
West Indies	(a)	2,593	3,177	3,096	6,828	4,101	2,124
All other countries	8,787	5,606	70	14			
Total immigrants	579,663	439,730	285,631	258,536	343,267	230,852	229,299

[a] Included in all other countries.

Number and nationalities of immigrants, etc.—Continued.

Country.	1899.	1900.	1901.	1902.	1903.	1904.	1905.
Austria-Hungary	62,491	114,847	113,390	171,989	206,011	177,156	275,693
Belgium	1,101	1,196	1,579	2,577	3,450	3,976	5,302
Denmark	2,630	2,926	3,055	5,060	7,158	8,525	8,970
France, including Corsica	1,634	1,739	3,150	3,117	5,578	9,406	10,168
German Empire	17,476	18,507	21,651	28,304	40,086	46,380	40,574
Greece	*2,333	3,771	5,910	8,104	14,090	11,343	10,515
Italy, including Sicily and Sardinia	77,419	100,135	135,996	178,375	230,622	193,296	221,479
Netherlands	1,029	1,735	2,349	2,284	3,998	4,916	4,954
Norway	6,705	9,575	12,248	17,484	24,461	23,808	25,064
Poland	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Portugal, including Cape Verde and Azores islands	2,054	4,234	4,165	5,307	9,317	6,715	5,028
Roumania	1,606	6,459	7,155	7,196	9,310	7,087	4,437
Russian Empire and Finland	60,982	90,787	85,257	107,347	136,093	145,141	184,897
Servia, Bulgaria, and Montenegro	52	108	657	851	1,761	1,325	2,043
Spain	385	355	592	975	2,080	3,996	2,600
Sweden	12,797	18,650	23,331	30,894	46,028	27,763	26,591
Switzerland	1,326	1,152	2,201	2,344	3,983	5,023	4,269
Turkey in Europe	80	285	387	187	1,529	34,344	4,542
United Kingdom:							
England	10,402	9,951	12,214	13,575	26,219	38,626	64,709
Ireland	31,673	35,730	30,561	29,138	35,310	36,142	52,945
Scotland	1,724	1,792	2,070	2,560	6,143	11,092	16,977
Wales	1,324	764	701	763	1,275	1,730	2,503
Europe, not specified	6	2	18	37	5	143	13
Total Europe	297,349	424,700	469,237	619,068	814,507	767,933	974,273
China	1,600	1,247	2,459	1,649	2,209	4,309	2,166
Japan	2,844	12,635	5,269	14,270	19,968	14,264	10,331
Other Asia	4,468	4,064	5,865	6,352	7,789	7,613	11,428
Total Asia	8,972	17,946	13,593	22,271	29,966	26,186	23,925
Africa	51	30	173	37	176	686	757
Australia, Tasmania, New Zealand, and Pacific islands, not specified			498	568	1,349	1,555	2,166
British North America	1,322	396	540	636	1,058	2,837	2,168
Central America	159	42	150	305	678	714	1,195
Mexico	161	237	347	709	528	1,009	2,657
South America	89	124	203	337	589	1,667	2,576
West Indies	2,585	4,656	3,176	4,711	8,170	10,193	16,641
All other countries	1,027	441	1	103	25	90	161
Total immigrants	311,715	448,572	487,918	648,743	857,046	812,870	1,026,499

b Beginning with 1899, Polish immigrants have been included in the countries to which they belong.

Mr. Chairman, having presented the abuses of our present system of immigration, it is in order to suggest a remedy. I have introduced a bill which, I think, if enacted into a law, will greatly cure the evil.

First, it contains a provision providing for an educational test, but very easy to comply with, as it only requires persons over 16 years of age to be able to read, although this would have excluded 230,882 persons who were admitted last year, of whom 202,445 came from southern and eastern Europe.

Another provision of the bill excludes children under 16 years of age unless accompanied by parents or guardian. This is intended to stop the traffic in boys who are being brought here in violation of the contract-labor law.

Another provision prohibits the admission of all persons who have not as much as $30. This would debar quite a large number from southern and eastern Europe, who are now pouring into the United States, and because they have no money with which to get farther into the country, settle in New York and Pennsylvania and other North Atlantic States, causing a congestion in the great centers of population, which is taxing all the ingenuity of both municipal and State authorities to lessen the many evils consequent upon such a condition.

Being without the means of support, in a strange land, they of necessity are crowded like cattle into cheap tenements, and take work at any price offered them. In this way they become the competitors of our labor, and do of necessity supplant many an American who can not live upon the wages they are glad to accept. It is this class who are easiest grouped into colonies by the foreign governments for the purpose of retaining their control over them. It is in these inhospitable abodes where vice is bred, and the anarchist finds receptive minds to accept his dread teachings, where the Mafia, the Vendetta, Black Hand, and kindred organizations meet and plot against the lives of unoffending officials, simply because they stand for the law.

Mr. Chairman, it has been proposed to remedy this evil by increasing the head tax. I am opposed to this plan, for this Government should not go into the business of speculating off of people who are worthy of becoming good citizens. By taking their means of support from them you only perpetrate the evils I am now deploring, and whatever sum would be thus realized would have to be expended to care for the needs of some and punish the evil deeds of others, while to leave it with them would leave them in a position to select their future homes and take care of themselves until they can secure employment. No, if we are to receive them, let us not despoil them and thereby lessen their chances of becoming fit for citizenship. Let the test be worthy manhood and womanhood and not paltry dollars and cents. [Applause.]

This bill also provides for the creation of a board of medical examiners at each of the principal ports of embarkation, whose duty will be to examine all persons seeking passage to the United States, with a view of discovering whether they can or can not be admitted to the United States. The report of Commissioner Braun says that at a number of foreign ports hundreds of sick and diseased persons who apply for passage are placed in the hospitals under the control of the steamship companies and kept only long enough to be patched up sufficiently to enable them to gain admittance to the United States.

The fact that we are daily admitting immigrants who are weak, diseased, and of poor physique accounts for the large number of dependents, insane, and paupers among our foreign population. If this evil is not arrested, it will in time have a degenerate effect upon the health and strength, the manhood and womanhood, of our whole people, of whom we boast as the perfection of an assimilation of the best bloods of the strongest, bravest, hardiest, and most intelligent people of the world.

The Government encourages us to improve the blood of our flocks and herds by admitting free of duty breeding stock. For this purpose hundreds of thousands of dollars are sent abroad every year to buy the purest bred and highest types of horses, cattle, hogs, and sheep, etc., that we may cross them with our own and thereby cause them to attain the highest commercial value. If we are justified and repaid for improving the blood of our dumb brutes, how much greater is the necessity of our keeping our own blood pure, strong, and healthy, which alone can insure our further progress, development, and perpetuity as a nation?

In addition to correcting this evil, the board will be in position to detect many a criminal and anarchist, as well as those seeking admission in violation of the contract-labor laws. Under the present law, the only check we have on these debarred classes is through the boards of inspection at our ports of entry, who have to rely very largely on the statements of the immigrants themselves, and it is the almost invariable rule that those having defects debarring them are coached in such a way as to deceive the officers and gain admission.

The bill also provides for the publication of our immigration laws in foreign languages and for their distribution through the countres from which we get our immigrants. This will at least place it within the reach of foreigners to become acquainted with our laws and to be able to judge for themselves whether they are admissible or not, and not be, as many of them now are, the dupes of unscrupulous ticket agents who get all they have for passage to this country, and when they get here find for the first time when they are refused entry and ordered deported that they have been the victims of misplaced confidence. Instances are given where families have been separated by the admission of some and the deportation of others, causing the most heart-rending scenes, for which our Government is responsible through the inefficiency of our laws.

Mr. Chairman, before closing, I want to refer to two other important statements made in the report of Mr. Braun. One of them is that Germany does not allow Russians or Hungarians to enter her territory, and when any such are found they are at once taken in charge by an officer and required to state their business, and if found to be a person seeking to reach a port of embarkation, they are at once conducted to the nearest port and kept in charge of the officials until placed on board the vessel. During all this time they are not allowed to enter any cities or towns or commingle with the German people. The chief reason for this is that the German Government is in constant dread of the disease so common among these people.

Now, if Germany, which is next-door neighbor to these people, and should be presumed to know most about them, should so discourage their presence in their Empire, and that her officials should give as a reason why the German immigrants have so largely ceased to come to the United States is because they can not compete with these people in wages, manners, and customs of living, is it not time that we should take steps not only to guard our country against disease but our Government against an element constantly plotting against it and planning its overthrow, as well as the possibility of the ultimate reduction of American laborers to the level in wages and manner of living of these abject peoples from foreign lands, for whose unfortunate condition we are not responsible?

Now, Mr. Chairman, charity begins at home, and we should

first give earnest thought to our own people who have to work for their bread, who are our neighbors and kin, and have intrusted us with the responsibility of protecting their interest. In these days of our too often vaunted prosperity we are likely to forget that they can not last always or to realize that the other extreme is sure to follow, and when depression does come who are the greatest sufferers?

The answer is ready: That it will be those who have to work for their daily support, then when consumption ceases from lack of ability of the people to buy, mines will have to close and factories shut down, turning out their employees without other means of support, then will the true test of endurance between our own people and these foreigners come, with all the advantage on the part of the latter; because they can live on less, and will work for less than our laborers can and support themselves and families according to American standards. That these evil days are not far distant we must not deceive ourselves. Russell Sage and John D. Rockefeller are each credited with having said months ago that the present prosperity could not last more than two years longer, while Henry Clews & Co., in their weekly financial review of the 10th instant, in summing up the trade condition of the country, used these words:

> The fact that we are at the top of a big boom is universally recognized; and the moment that it is perceived that the unexpected turn has been reached, we are likely to see a very decided abatement in new projects, with a consequent slackening of demand for crude material and labor.

Mr. Chairman, I have already said that in 1883 we closed our doors against the Chinese, whose total immigration up to that time only amounted to 288,398, and they had been thirty-one years getting here. This was done chiefly because they threatened to injure the opportunities of our laborers. If such action was necessary then, how much greater is the present demand to weed out the tremendous flow of immigrants from all the rest of the world, which last year reached 1,026,499? At least one-half of these are of that class which offers an equal if not far greater objection than those alleged against the Chinaman. Does not the law of self-defense demand that we effectively deny admission to the unworthy, diseased, and dangerous who are daily supplanting American labor in mines, factories, and workshops, furnishing an unnatural proportion of the inmates of our asylums and other charitable institutions, as well as prisoners in our jails and penitentiaries, and those who sell themselves into slavery, in violation of existing law?

Last, but not least, those who stealthfully teach the lessons of anarchy and plot against all forms of government. Does not the voice of both duty and danger urge us to action, to purge our household of this lurking disease which threatens us from within, and to place additional guards at our gateways of entrance to see that none are permitted to pass who will harm our social, political, or economic well-being?

Let the watchword be "America for Americans," and those only who come imbued with the spirit of patriotism, love, and admiration for our institutions and the opportunities which our country affords to the worthy, frugal, and industrious to live and enjoy the full measure of freedom and independence which our Constitution guarantees to everyone who takes shelter under our flag. [Loud applause.]

Mr. HULL. I yield ten minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I had the good fortune to listen to a part of the able and eloquent address of the gentleman from Texas [Mr. SHEPPARD], and so far as I could understand and comprehend his remarks he was severely arraigning the Dingley tariff, the principles of protection, and those of us who believe that under existing conditions in this country it is wiser and better not to disturb them by any tariff agitation or legislation at this session of Congress.

I beg to dissent from the views that he advocated. I presume I am one of those to whom he refers as a "stand-patter." I believe, however plausible in theory free trade may be, that for this country of ours, with its diversified interests, with its vast resources, and its wonderful diversity of soil and climate, a protective tariff better promotes the prosperity and welfare of all. I am a believer, therefore, in the principle that to-day, with unrivaled prosperity everywhere, with labor constantly and remuneratively employed, with the wheels turning, the furnaces blazing everywhere throughout the land, with a prosperity such as was never known before everywhere, he would be a bold man indeed who would attempt to do aught that should change or imperil this present happy condition of things.

I admit that there are some schedules in the Dingley tariff that I would like to see changed, and I do concede that perhaps it may be advisable in some future time to revise some of those schedules; but I do claim—and I speak advisedly—that that tariff was framed by a man who, though he came from my State, understood more of tariffs than any man, in my judgment, that ever served upon the floor of this House. I refer to Nelson Dingley, who was the chairman of the committee that framed that bill and from whom it takes its name. I also claim that that tariff is framed along protective lines more perfectly than any that has ever been enacted by Congress; and we all know that under it we have experienced a wonderful and unprecedented prosperity. We have but to contrast the condition of our country to-day everywhere with the conditions under the Wilson bill, enacted by the party whom the gentleman from Texas [Mr. SHEPPARD] represents; a tariff that was supposed to be framed upon revenue lines, with protection as an incident. I can recall the contrast very plainly. I know that in my State not a new mill was built, not a new loom was set up while we were living under it. Our lumbermen worked, if they got employment at all, for one-half the wages they are getting to-day. What did it cause throughout the country? It gave us labor out of employment. It gave us soup houses in our cities. It gave us Coxey's army marching upon Washington. It gave us prostrate business and bankruptcy everywhere.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. POWERS. Yes.

Mr. SHEPPARD. Did not this depression begin before the Wilson bill went into operation?

Mr. POWERS. When a person or a party has threatened to do a certain thing, and has the power to accomplish it, and you know they are determined to do it, the effect of the threatened evil is quite as strong and paralyzing as the reality, when you receive the blow and know the worst. [Applause on the Republican side.]

Mr. SHEPPARD. I would like to ask the gentleman how the Wilson bill of 1894 could have produced the panic of 1893?

Mr. POWERS. Because the people of the United were afraid of what the Democratic party had threatened to do, and their fears were amply realized. That is the plain truth of the situation. [Applause on the Republican side.]

Mr. GILBERT of Kentucky. Will the gentleman allow me to ask him a question?

Mr. POWERS. Certainly.

Mr. GILBERT of Kentucky. I want to know how long it was before the election of Cleveland that the statement of "Rum, Romanism, and rebellion" was made which defeated Mr. Blaine?

Mr. POWERS. My recollection is that that was almost at the close of the Blaine-Cleveland campaign, but I confess to the gentleman that I do not see what relevancy that statement has here.

Mr. GILBERT of Kentucky. The point is that you all expected to win up until that time, and it was not the expectation of a Democratic victory that brought the panic.

Mr. HULL. That was not the election of 1892.

Mr. LOUDENSLAGER. That was eight years before.

Mr. HULL. It was in the election eight years before.

Mr. POWERS. Eight years. That is no very great mistake for one of our Democratic friends to make, and it does not surprise me any. It is as close as our Democratic brethren often get to the facts of history. I do not care to discuss the tariff any further. Neither do I wish to discuss the question of reciprocity with Canada nor any other country. I am opposed to all reciprocity that would allow the products of any other country to compete with the products of our own. I am not opposed to reciprocity for noncompetitive articles. I believe our own markets are the best markets in the world, and I believe that our own workmen, our own farmers, and our own manufacturers should have the monopoly in our markets.

Now, I believe also that it is perfectly proper during the sitting of this committee to discuss almost any topic, and for a few moments I wish to call attention to the bill which was brought in the other day, and refused consideration by a vote of somewhere near two to one, to give the President power to consolidate customs districts without limit and without regard to State lines, which being privileged the gentleman in charge threatens to call up again when it shall suit his convenience, and declines to enter into any arrangement by which we shall know the time and be prepared to meet it.

Mr. SHACKLEFORD. Before the gentleman leaves the topic of the tariff may I ask him a question?

Mr. POWERS. Yes.

Mr. SHACKLEFORD. Is the gentleman in favor of any amendment whatever to the existing tariff law?

Mr. POWERS. I could, if I would, specify a number of schedules that I would like to see changed. Any tariff that can be passed, any revision that can be made, must necessarily be

largely a compromise; all the history of tariff legislation shows that, and knowing that fact I would rather bear the few ills we now have than fly to others we know not of. [Laughter and applause.]

Mr. SHACKLEFORD. Is the gentleman in favor of removing the duty on hides?

Mr. POWERS. No, sir; I stand by the farmer on that. [Laughter.]

Mr. SHACKLEFORD. He doesn't know it. [Laughter.]

Mr. POWERS. He knows it in my district. The gentleman may learn that he does in his.

When the gentleman interrupted me I was about to refer to H. R. 7114, introduced by the Committee on Ways and Means by its chairman [Mr. PAYNE].

I have generally followed the lead of the distinguished gentleman from New York [Mr. PAYNE], and have generally, if not always, voted for every measure that he has brought in here for consideration, but I object to this bill. I object to it for two reasons. First, I do not believe that this House should surrender its rights to legislate upon a subject of this kind, because it has done enough of that already. I do not believe in its abdicating its right to legislate in the interest of the people and transfer the same to some Department or Bureau. We resumed one of our rights the other day when we took back the right to grant registers to vessels, which we had surrendered. I do not believe it is good legislation to permit the Secretary of the Treasury, no matter how wise and able a gentleman he may be—for that is what this means; the President will not have the time to look at it—without any consultation or any hearing to disregard State lines and to blot out customs districts that have been established by act of Congress going back to the days of George Washington.

I think that whenever one of these districts should be blotted out, whenever a change should be made, the proper way is to bring in a bill, discuss it before the House on its merits, and if it is in the interests of economy, if it is right to do so, let the House pass the bill—let is keep its own functions and not delegate them to some executive officer. I am opposed to bureaucracy. I believe it is better that the people should govern themselves, even if they do not do it as well as some bureau might, and that the same rule should apply to this House of Representatives, which especially represents the people.

Again, I want to say gentlemen, that in my deliberate judgment this bill will not effect what its authors claim for it; that it will not decrease expenses and that it may do injury to trade and commerce.

Mr. BARTLETT. Will the gentleman allow me an interruption?

Mr. POWERS. Certainly.

Mr. BARTLETT. I agree thoroughly with the gentleman in being opposed to bureaucracy; I am in accord with that sentiment, and I apprehend that the gentleman would be opposed to a bureau set up in the Agricultural Department to fix what sort of food we shall eat.

Mr. POWERS. I am afraid they might raise the standard so high that I couldn't get any of it. [Laughter.]

Mr. BARTLETT. Then the gentleman ought to be opposed to it.

Mr. POWERS. Now, the authors of this bill point out fifty-one collection districts where the amount received is less than the amount paid out. I want to make this proposition, that whether the amount received is more or less than the amount paid out is not the true criterion to judge of the necessity of a port of entry or a custom-house. I make the statement advisedly, having had something to do with customs matters, and having been collector of customs under President Grant on the eastern frontier of Maine, and had charge of a great portion of that frontier. One of the duties that every customs officer on the frontier or coast has to perform is to prevent smuggling, and unless you have an officer at the small ports and other places where smuggling can be carried on, you will not collect duties at the large ones.

The whole frontier of our country, the whole seacoast of our country has to be policed to-day by customs officers and revenue cutters. Now, how many of these customs districts might be dispensed with I can not say. There is no evidence in the report of the committee and none before this House that any can be, and, so far as I know, the doing away with any of them would increase rather than decrease expense and discommode commerce.

The report of the committee accompanying this bill gives us a certain number of districts where receipts are less than the expenditures, but it does not go any further and show us what services are rendered by the officers stationed there. The gentleman from New York [Mr. PAYNE] says that he believes that the one down at Brownsville—that is the one where the expenditures are so much larger than are the receipts—may be necessary. I have no doubt that it is necessary. As I understand it, Brownsville was one of the old ports of entry, and as I am informed to-day the several deputy collectors and inspectors who have charge of the frontier for hundreds of miles along the Rio Grande are paid at Brownsville. If they were paid at El Paso, then the receipts at Brownsville would probably exceed the expenditures. Every customs officer is a disbursing officer. These various officers are paid sometimes at one place and sometimes at another, depending on who has charge of that particular territory.

Now, I desire to make another point as to the cost of these various offices. The amount paid to the several collectors in these fifty-one districts is $43,982.25. That includes some half dozen that I think no one will question are absolutely necessary where the salaries are large. For instance, I refer to the one down at Brownsville. There the collector gets a salary of nearly $2,000, having charge of all this matter, and there are several others. There is one at Eureka, Cal. I know nothing about that, but there is quite a salary paid; and there is one at Newbern and Pamlico, N. C., and at Sandusky, Ohio, where I understand the officer has charge of a large part of Lake Erie, and has to have persons all along the shore. It is a large shipping point on that lake. One of the large salaries is that of the collector of Grand Haven, which, I am informed, is the shipping port of Grand Rapids, Mich. But let me say to you, if any one of these collectors are receiving a larger salary than is a fair compensation for services, then let gentlemen show the fact and bring in a bill and have it cut down. Of the fifty-one nonpaying collection districts which are enumerated in their report, in thirty-six of them salaries of less than $1,000 are paid to the collector.

The principal expense of these ports is not in the salaries of collectors, for, as I have stated, the salaries are $43,982.25 all told in these fifty-one districts, being some $900 to a district. If you send a special deputy there in case you abolish them and it is necessary to have some one there, they all get $3 a day or $4 a day, and you can see very easily how you would increase the expense from twelve to fifteen thousand dollars in maintaining this cordon or guard, unless the best interests of the revenue do not demand that anyone should be stationed there. Now, there are two in my own State, which I shall refer to in a moment. There is one in Kennebunk, Me., where the collector receives the enormous graft—and I believe I am using the words of the gentleman from New York—of $78.75. There is another in Saco, where there is considerable shipping. Saco and Biddeford are cities served by this office having 30,000 people, where the collector receives $298.55. It so happens that I met the collector of Portland yesterday, and I asked him about these two places, for they are some 20 and 30 miles from his district. He said:

> If you will take away the small salary we are paying there, we will have to send a deputy collector and it will cost much more.

I presume that is true of most of these small ports. One word more. The amount paid out at all these small ports is somewhere in the vicinity of $150,000. The collector has many duties to perform, and in some places is the only officer at the port. He is there to certify to vessels and give them their register and clearance papers, and do everything that is to be done; and wherever there is anything paid out at any one of these ports beyond the salary of the collector, it is paid then to a deputy collector or an inspector, and there can not be a deputy collector or an inspector at any port unless the Secretary of the Treasury, looking to the best interests of the Government, decides that he shall be there. And whether there shall be one there or not, or how many any collector shall have, is determined by the Secretary of the Treasury. He can cut the force down whenever he pleases, as I have known him to do, or he can enlarge it if it is necessary and he wishes to do so, at least that was the rule when I was a collector of customs. Therefore, as in the case of Brownsville, Tex., and as in the case of a number of others that I could cite where there is quite a large expenditure, that expenditure is in excess of the small sum that is paid to the collector, which in nearly all cases is less than that paid to an inspector who would have to be there, because the Secretary of the Treasury decides it is necessary for the best interests of the revenue that the men should be there.

Because we have given the right to consolidate internal-revenue districts, whether wisely or unwisely, it does not follow that we should extend that to customs districts, for I do not think that they are similar in many respects. Neither do I think that it is fair to compare the cost of collecting the internal revenue of the country with that of collecting the customs of the country.

Internal revenue is collected upon a very few articles and, of

course, at no very great expense, and the customs upon very many articles, and in addition to that the entire costs of preventing smuggling and policing the frontier is charged up to the customs expense. Therefore it necessarily follows that the expense of one would naturally be greater than the other.

You will notice, if you will look at the statement in the Treasurer's report of the cost of collecting the revenue in the several customs districts, that he reports other costs amounting to $127,204.40. Now, there are what are called "special agents" of the Treasury Department connected with customs who travel all along the frontier, and they visit the collection districts and they report to the Secretary of the Treasury, and on their report the force is often cut down or raised. Under these circumstances I submit to any person here if there is not a safe remedy to-day for a large part of the expense attendant upon these small collectorships unless the expenses are necessary to protect the Government and prevent smuggling.

Mr. SPERRY. You were a collector of the port?

Mr. POWERS. I was collector of a customs district.

Mr. SPERRY. And you know these facts which you have reported here to be true?

Mr. POWERS. I know they were as stated when I was collector, and I think they are the same to-day.

Mr. SPERRY. You know that to be true?

Mr. POWERS. Yes, sir. These collectorships are established somewhat for the benefit of commerce and shipping.

Mr. GILBERT of Kentucky rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. POWERS. Certainly.

Mr. GILBERT of Kentucky. I want some information and the gentleman from Maine seems to be entirely conversant with the details of this. Do these collectors at these little ports issue licenses to vessels in the coastwise trade?

Mr. POWERS. Certainly.

Mr. GILBERT of Kentucky. And do they give clearance papers?

Mr. POWERS. Certainly; and more than that they see the vessels are properly manned and proper food is there. They have a large number of duties to perform, which if you look at the RECORD of last Thursday you will find were enumerated. Now, I have no doubt but what you will find that in almost every one of these cases, except some few of earlier date which were established away back in the days of the Adamses and George Washington, that they have been established for the benefit of the merchants, as in the interior ports, or for the benefit of commerce and shipping, as in the cases along the coast.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. POWERS. Yes, sir.

Mr. CRUMPACKER. I supported the motion the other day to go into the Committee of the Whole House for the consideration of this bill with the understanding there is no power under the law now in the Secretary of the Treasury to abolish a certain port.

Mr. POWERS. That is so.

Mr. CRUMPACKER. And I had the impression that there were some ports that might be dispensed with, and probably it would be good policy to vest the discretion in the Secretary of the Treasury to dispense with the supernumerary or unnecessary ports. Now, does the gentleman contend that there is not a single port of entry that ought not to be dispensed with, or it is not profitable it be dispensed with? Is that his opinion?

Mr. POWERS. I will say this: I know not but there may be some such port, but I will say the report of the committee accompanying this bill points out no such port, and personally I know of none.

Mr. CRUMPACKER. One other suggestion——

Mr. POWERS. And if the committee will bring in a bill or designate ports, and assign a reason why it is not necessary to have a collector, though his salary is the meager one of that of the collector at Port Jefferson, N. Y.—$62.30—I will cheerfully vote to abolish it, or any other one.

Mr. CRUMPACKER. The gentleman from Maine, I presume, will agree with me in the belief that if this authority were conferred upon the Secretary of the Treasury no port that is of use to commerce or the country would be abolished or dispensed with.

Mr. POWERS. Well, I do not know that I should fully agree with the gentleman as to that point. I will say this to the gentleman, that I prefer, so far as the four customs districts in my Congressional district are concerned, to be able to be heard before the Congress if any of them are to be changed or abolished, for I believe every one is very strongly in the interest of the people of my district, necessary to prevent smuggling and to promote the interests of commerce and shipping.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Massachusetts?

Mr. POWERS. In a moment; and if this Congress shall find that any one of them is not for the best interest of the revenue, is not necessary in order to accommodate the mercantile and shipping interest of my district, I will cheerfully acquiesce in having it blotted out, but I do not care to delegate to any Secretary of the Treasury through all coming time the right between two days or without notice to blot out or transfer to Massachusetts, as this bill obliterates State lines, any of the four customs districts I have the honor to have in my Congressional district.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Will the gentleman from Maine [Mr. POWERS] yield to the gentleman from Massachusetts [Mr. GARDNER]?

Mr. POWERS. Certainly.

Mr. GARDNER of Massachusetts. I should like to answer the question of the gentleman from Indiana [Mr. CRUMPACKER]. In my district is a custom-house which from the point of view, perhaps—I do not say certainly—of the Treasury Department, is retained for sentimental reasons. Now, there is a good reason why I, for one, should prefer to present the question of its retention to this Congress rather than to the head of any Department. I call the gentleman's attention to the fact that the other day the Secretary of the Navy recommended the discontinuance of the appropriation for the maintenance of the old United States ship *Constitution*. So far as the head of that Department was concerned, no sentimental consideration for preserving a historical landmark had any weight, and therefore the people of Massachusetts, with one accord, presented their case to Congress through your Committee on Naval Affairs. I venture to say that this body will take a very different view from the Secretary of the Navy as to the advisability of retaining such a memorial, even if it be not profitable.

Mr. CRUMPACKER. Does the gentleman have any idea how many ports of entry may have been established and are maintained now for purely sentimental reasons?

Mr. GARDNER of Massachusetts. Mr. Chairman, I do not know that a single one is maintained for sentimental reasons. I know that fifty-one in the United States failed to pay expenses in the last fiscal year, and that altogether the cost of those fifty-one was some $156,000.

Mr. GARDNER of New Jersey rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GARDNER] yield to the gentleman from New Jersey [Mr. GARDNER]?

Mr. GARDNER of Massachusetts. It is in the time of the gentleman from Maine [Mr. POWERS].

Mr. GARDNER of New Jersey. I wanted to ask the gentleman if he had observed that where the ports failed to pay the expenses that the greater the deficit the greater the amount of business done, and the more reason for them to exist?

Mr. GARDNER of Massachusetts. I quite observed that. I will point out to the gentleman that the most offending port of the United States from the point of view of profit is the port of Brazos de Santiago, or Brownsville, which the chairman of the Committee on Ways and Means tells us can not possibly be abolished. That port alone costs $40,000 to maintain. Another is Grand Haven, in Michigan, which for very good reasons can not be abolished. This costs $9,000. Next is the port of Astoria, in Oregon, which costs $14,000 to maintain and yet can not be abolished. Those three ports alone cost $63,000 out of the $156,000 expended for nonpaying ports, and yet no Secretary of the Treasury would think of abolishing them. The leader of the Democracy [Mr. WILLIAMS] said that in a conversation which he had with Mr. Assistant Secretary Reynolds over the telephone he was informed that there was no intention of abolishing any paying ports. I do not know, so far as New England is concerned, of a single one of the nonpaying ports that could with advantage to the commerce of the country be abolished, although I will admit that there possibly may be found some of the paying ports that could to advantage be consolidated with other ports. Yet we are told that there is no question of interference with paying ports.

Mr. POWERS. The gentleman from Massachusetts has anticipated me and presented this question where the principal cost comes in better than I could. I wish to call the attention of the House to the fact that, of the fifty-one nonpaying districts, in thirty-six of them the salaries of the collectors are less than $1,000, and in many a very small amount. Now, I presume these small salaries resulted from the fact that way back in the early days of the Republic, when we had not these notions about money we have to-day, salaries were made very small for

collectors in those ports, and as they have not increased in business they have been kept there ever since. In the ports that have been established in later days you will find larger salaries. As I remarked, the report does not show a single place where it is not necessary to have some one to protect the revenue and to do the business of the country, and I repeat I shall cheerfully sustain and support and vote for any bill that blots out any port that it is not necessary for that purpose. An act of Congress alone established each of these ports and Congress alone has the power to abolish them now, and I believe it should retain it.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. HULL. Mr. Chairman, I yield to the gentleman ten minutes more.

Mr. POWERS. I have, as I said, in my district four customs districts. One of them is in the nonpaying list, and I believe it is as essential as any one of the four.

The salary of the collector is $990.70. He has under him four inspectors. He has some 200 miles of coast line. He has twelve ports at which vessels are entered and cleared.

The gentleman from Massachusetts remarked that he believed that some of the paying ports could be consolidated better than some of the nonpaying ports. I agree with the gentleman from Massachusetts as to that. I have in my district of coast line and frontier between seven and eight hundred miles, and probably there are stationed along that line at least forty-five men. Within the district is the nonpaying port of Machias, just referred to.

I wrote to the collector of Machias and asked him something about what he had to do. There is no district, in my judgment, in Maine or in New England, where the services are paid so lightly for as in the Machias district, for it is generally the case that in those small ports where the expenses exceed the revenue you can not get very much salary for anybody connected with them. That is always so. So I asked him something about what he has done this last year. He said the number of vessels entered from foreign ports were 91, and cleared for foreign ports, 179. Vessels entered from domestic ports, 16; cleared for domestic ports, 82. Then he gives the number of permits—305—and he goes through a whole list of the various things, and he wrote me this letter, which I shall read a little from. He says:

> Some of my ports are only a few miles from Grand Manan, and a few hours' sail from British possessions, and hence we have to be on the alert to prevent smuggling, especially of wool and fish.

It is very necessary that a collector should be in Machias to attend to the shipping interests of these twelve ports.

With all these vessels and ports they have to look after and give clearance papers to, he gets, not the salary that you would have to pay a deputy collector, for they get from $3 to $4 a day, but he gets $990.70 a year, somewhere over $100 less than would be paid a deputy collector. Now, I submit, gentlemen, under these circumstances, if it is good legislation to take these various ports that have been established, many of them, since the days of Washington, that are necessary to protect the interest of the revenue, and that are necessary to have a collector somewhere on the spot, in order to facilitate our commerce; I submit if it is good legislation to place in the power of the Secretary for all time the privilege of blotting them out, of transferring them, of paying no regard to State lines or anything of that kind.

From the earliest foundation of the Republic down to the present time this establishment of ports for the collection of duties has always recognized the State line. It has been a little recognition of something of State sovereignty that has been let alone. Therefore, while I am willing to meet the question on the floor of this House at any time as to the necessity of any port in my district, and ready to vote, I think, as cheerfully as the gentleman from New York for doing away with any port not essential, if that port shall be designated and a bill brought in for that purpose upon a report showing the facts, I contend that this report does not show any such facts or give any good reason for so doing. I do not know of any that should be done away with. I presume there may be some; but I do protest against this House vacating its right to legislate and turning it over to a bureau, a Cabinet minister, or to anyone for all future time. An act of this kind will permit the Secretary of the Treasury, with the consent of the President, to blot out and obliterate or consolidate districts established by the legislation of a century. Therefore I voted against going into Committee of the Whole, though I may say in all frankness I preferred to discuss and settle the question then and there, but I was overruled by other gentlemen, and when the majority are against me I cheerfully submit.

Mr. CLARK of Missouri. I would like to ask the gentleman from Maine a question if he will yield to me.

Mr. POWERS. Certainly.

Mr. CLARK of Missouri. Do you suppose there is the slightest possibility either of the present President or any future one we might have abolishing one of these nonpaying ports that it is necessary to retain in order to prevent smuggling? Do you think we would ever get such a Secretary of the Treasury or President as that?

Mr. POWERS. I will say to the gentleman from Missouri that while I have the greatest confidence in the President and all of the officers of the President and all the Secretaries and Cabinet ministers, yet people are human and we can not penetrate the future. It is not for to-day; it is for the future; and, therefore, without any showing of anything that we need done, I for one prefer that this House of Congress do not vacate its right, but maintain the right to pass upon this question itself.

Mr. CLARK of Missouri. Now, if you will permit me, that was exactly my own idea in the committee; but men who had served on the committee longer than I, and who had had more experience in this very same question, said that it was utterly impossible to accomplish this result that way; that if the committee, for instance, brought in a bill here abolishing one port in Maine that the whole Maine delegation in all probability would fight it; if there were one in Massachusetts, the entire Massachusetts delegation would fight it, and so all around, all over the country, they would "double team," to use a common expression in the country, or, as some people say, "logroll," and they would all get together and would beat any bill that the committee would bring in. So at last I gave my adherence to this bill; but I do not care that much about it one way or the other.

Mr. POWERS. I am sorry the gentleman gave his adherence. I think his views were right, and I wish he had held to them.

But in answer to the other proposition, that no legislation could be passed, I am not of those who believe that this Congress or this House of Representatives is so corrupt that it will be swayed from doing its duty, and doing it faithfully, by any representations from the delegation from Maine or the delegation from Massachusetts. I believe that this Congress in a matter of this kind, when it is presented to them, will do justice and do what is right fearlessly, and it is to them that I would appeal.

Mr. CLARK of Missouri. Some of the grave and reverend seigniors on that committee said that human nature is the same everywhere——

Mr. POWERS. Yes; that may be so. If you can not trust this House, how can you trust a single individual?

Mr. CLARK of Missouri. And each delegation fighting for its own right, or what it supposes to be its right, at least, that there would be enough of them get together to constitute a majority of the House and beat it. Now, it turns out that without specifying the districts, there was an overwhelming majority of the House against the bill or its consideration. I have no pride of opinion about it one way or the other.

Mr. POWERS. A great many Members of this House voted against this bill because they did not like the principle involved.

Mr. CLARK of Missouri. I do not like the principle involved any more than the gentleman from Maine does.

Mr. POWERS. I voted against it and will vote against any bill of that kind, surrendering the right of the Congress to legislate, as often as it is brought before the House.

Mr. CLARK of Missouri. You are getting to be a pretty good States rights Democrat.

Mr. POWERS. I was born a Democrat, but I got out of the party as soon as I was old enough to know better. [Laughter.]

Mr. CLARK of Missouri. If you were born a Democrat, you are likely to become one again.

Mr. POWERS. I thank the committee and yield back the remainder of my time.

Mr. SLAYDEN. Mr. Chairman, I yield twenty minutes to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Chairman, inasmuch as the gentleman from Maine [Mr. POWERS] has seen fit to make an argument at this time against the bill which was recently presented to the House by the Ways and Means Committee, providing for the consolidation, reorganization, and formation of the customs-collection districts of the United States, and his arguments appearing to me to be so untenable, I have concluded that it would not be unwise for me to offer a few observations in support of the measure.

The first mistake the gentleman makes is when he undertakes to argue the proposition from a Democratic standpoint. He says he was once a Democrat, but that he got out of the party

at an early age, and then argues that it would be un-Democratic to give the President of the United States power to reorganize and reform the custom districts of the country so as to weed out all such districts as do not furnish revenue sufficient to maintain the operation of them. I have been a Democrat all my life, and I have never seen nor do I ever expect to see the moment when I had or will have the least desire to leave the grand old party of the people for a single second of time, and hence I believe I am in a little better attitude to argue this question from a Democratic standpoint than is the gentleman from Maine, who so willfully and maliciously deserted it. I am not a deserter. I stand by my colors at all times and places. [Applause.]

Mr. POWERS. I did not desert the Democratic party. It deserted me.

Mr. MACON. Your evidence of that fact is no doubt satisfactory to you, but it is not satisfactory to the members of the Democratic party, that you turned your back upon when you deserted the party. I therefore decline to accept your statement that the party deserted you, instead of you having deserted it. The Democratic party stands now where it has always stood, upon the great economic principle of administering the affairs of the Government in the best possible way at the least possible cost to the people. The Democratic party stood there when you were a member of it, and whenever it reaches the point that it is willing to willfully and maliciously desert that great principle, as you deserted it, I hope it will be blotted from the face of the earth. I thank God that the Democratic party has no higher ambition than that of doing right by every community and every individual, regardless of locality or conditions. [Applause.]

A few days ago, when the urgent deficiency bill was before the House, I offered an amendment to the provision making an appropriation for the collection of revenues through custom-houses, limiting the expenditure so that none of the funds so appropriated could be used for the maintenance of a custom-house where the expenditure exceeded the customs receipts. While I was speaking to the amendment the gentleman from New York [Mr. PAYNE], chairman of the Ways and Means Committee, arose in his place and stated that if I would withdraw my amendment his committee would report a bill to the House to correct the evils that I complained of. To which I replied that if he would promise me that he would report such a bill promptly, I would withdraw my amendment. He agreed to do so, and I withdrew the amendment, and, according to his promise, he reported the bill; but, strange to say, when he asked the House to go into the Committee of the Whole on the state of the Union for the purpose of discussing it, a large majority of both Democrats and Republicans who voted upon the proposition said by their votes that they did not even want to consider the question of getting rid of a system that filched more than $100,000 from the purses of the toiling masses of this country without returning a single cent to take the place of what had been filched from them.

In the report of the committee accompanying the bill there appears a list of fifty-one ports at which customs expenses exceeded receipts for the fiscal year ending June 30, 1905, which said list I will incorporate in full in my remarks, in order that the people from one end of this country to the other may acquaint themselves with this governmental leech that has been insidiously sapping it of a portion of its lifeblood for many years:

List of ports at which customs expenses exceeded receipts for the fiscal year ending June 30, 1905.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle (Elizabeth City), N. C.	$5.00	$1,600.94	2	$321.388
Annapolis, Md	5.00	929.41	2	185.882
Apalachicola, Fla	1,237.87	3,629.45	4	2.932
Barnstable, Mass	438.80	3,532.42	7	8.050
Beaufort, N. C.		1,400.01	2	
Beaufort, S. C.	607.85	3,278.72	4	5.394
Brazos de Santiago (Brownsville), Tex.	5,504.89	40,131.37	31	7.173
Bridgeton, N. J.	491.99	1,411.01	5	2.868
Burlington, Iowa	176.44	456.15	2	2.585
Burlington, N. J.	50.61	200.77	2	4.086
Cairo, Ill.	47.10	382.25	1	8.116
Castine, Me.	682.64	4,503.34	6	6.597
Chattanooga, Tenn.	42.73	502.55	2	11.761
Cherrystone (Cape Charles City), Va.	5.00	1,001.13	4	200.226
Eastern (Crisfield), Md.	57.10	2,402.18	3	42.070
Edgartown, Mass.	461.72	2,762.71	4	5.984
Frenchmans Bay (Ellsworth), Me.	208.07	3,584.90	5	17.229
Galena, Ill.	12.00	403.86	1	33.655
Georgetown, S. C.	266.79	583.50	3	2.187
Great Egg Harbor (Somers Point), N. J.	41.59	1,115.25	2	26.815

List of ports at which customs expenses exceeded receipts, etc.—Cont'd.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Humboldt (Eureka), Cal.	$635.86	$2,806.39	1	$4.414
Kennebunk, Me.		95.17	2	
La Crosse, Wis.	25.54	363.42	2	14.229
Little Egg Harbor (Tuckerton), N. J.		303.25	1	
Machias, Me.	701.98	4,299.77	5	6.125
Michigan (Grand Haven), Mich.	6,470.61	9,315.81	14	1.440
Nantucket, Mass.		370.55	1	
Natchez, Miss.		500.00	2	
Oregon (Astoria), Oreg.	13,771.24	14,198.65	12	1.031
Paducah, Ky.		450.05	2	
Pamlico (Newbern), N. C.	1,607.54	6,130.08	5	3.813
Patchogue, N. Y.		474.90	2	
Plymouth, Mass.	1,027.24	1,417.89	2	1.380
Port Jefferson, N. Y.		12.00	2	
Portsmouth, N. H.	537.21	4,595.19	6	8.554
Rock Island, Ill.	111.09	741.60	2	6.676
Saco, Me.	26.71	484.65	2	18.145
Sag Harbor, N. Y.	12.95	877.22	4	67.739
St. Marys, Ga.	7.23	606.81	1	83.929
Salem and Beverly (Salem), Mass.	1,631.10	5,868.66	6	3.598
Sandusky, Ohio	2,669.20	4,281.02	9	1.604
Southern Oregon (Coos Bay), Oreg.	29.60	1,252.13	2	42.302
Tappahannock, Va.	5.62	702.75	2	125.044
Teche (Brashear), La.	87.48	3,069.20	3	35.085
Vicksburg, Miss.		513.65	1	
Waldoboro, Me.	2,029.21	6,891.75	7	3.396
Wheeling, W. Va.	94.94	624.50	2	6.578
Wilmington, N. C.	4,598.07	6,511.77	5	1.416
Wiscasset, Me.	726.83	3,308.50	3	4.552
Yaquina, Oreg.		1,040.75	2	
York, Me.	2.50	253.67	1	101.468
Total	47,242.94	156,185.67		

Mr. Chairman, when I offered my amendment to the urgent deficiency bill I certainly thought it would have the entire Democratic membership of this body behind it, because it sought to abolish custom-houses where they were not needed and where it was shown by facts and figures that as much as $1,400 per annum was being paid out for the maintenance of a custom-house where not a single cent of customs duties was being received; the thought of maintaining anything that cost the people $1,400 per annum, without giving them a single penny in return therefor, was so repugnant to my sense of right and so contrary to the principles of the Democratic party, as I have always known them, that I could not help but think that Democrats would support a proposition to correct the wrong.

But, sir, to my great surprise and utter chagrin, when the bill correcting the wrong was presented to the House and the simple request made by the gentleman from New York that the House go into a Committee of the Whole on the state of the Union for the purpose of considering whether or not this incubus should be removed from our body politic two Democrats voted against the proposition where one voted for it.

I confess candidly that I do not understand that kind of Democracy. It may be that my education along that line has been sadly neglected, but, whether educated upon the point or not, I defy anyone to show me a single plank in any Democratic platform ever adopted by a township, county, State or national convention that stood for a policy that sought to dissipate the revenues of the people of this country to the tune of $1,400 per annum where no consideration of any kind or character was given therefor.

The Democratic party cries out against the perpetration of such a wrong against the people's rights, and no man can logically justify the continuation of such an evil, and as an humble representative of my party I repudiate such a proceeding with all the force of my nature. [Applause.]

The gentleman of North Carolina [Mr. THOMAS], who represents the district in which Beaufort is situated, undertakes to defend the policy of maintaining a custom-house at that place at the expense of $1,400 per annum for nothing, and yet he offers no argument for its continuance except that at some time in the dim and distant past it furnished more revenue to the Government that was required to maintain it and that perhaps, if it is permitted to exist, it may at some indefinite time, in some vague way, again return to the point where it would pay a greater sum into the Treasury than it extracted therefrom for its maintenance. Such an argument would be silly were it not presented by so serious a gentleman.

The gentleman from Maine [Mr. POWERS] says that he does not know of a single one of the ports enumerated in the list embraced in the report of the Committee on Ways and Means that it is not necessary to maintain in order to prevent smuggling. I believe that in my benighted condition I can point out a port or two that I am sure it is not necessary to maintain in order to prevent smuggling.

Take the port of Vicksburg, Miss. (And I speak of Mississippi with the kindliest feeling possible, because that great State is close kin to Arkansas; we in Arkansas look upon Mississippians as brothers and sisters. A great many of them are now making their homes with us, and many of us sprung from a worthy Mississippi ancestry. But that is no reason, sir, that honest Democrats from Arkansas should not be against wrongs existing in Mississippi.) At that point a custom port is being maintained at an expense of $513.65 per annum, when it does not return a single cent in compensation or justification of such expenditure. Is it possible that the gentleman from Maine thinks that anybody could smuggle anything into Vicksburg? There are customs ports below that point on the coast line that would prevent such a thing.

Natchez, Miss., is in the same boat with Vicksburg. We pay out $500 per annum at that point for the maintenance of a customs port and do not receive a penny in return.

But, Mr. Chairman, before getting too far away from the port of Vicksburg I can not refrain from applauding the vote of the gentleman who represents the district in which that city is situated, the Hon. JOHN SHARP WILLIAMS, the illustrious minority leader of this body. He voted to consider the bill reforming the customs districts, and would vote to strike down an evil in his district as quickly as he would vote to strike one down in the most remote bounds of this Union. He is a Democrat of the pure type, and realizes that a man can not be a Democrat in the true sense and vote a Democratic vote upon one question and a Republican vote upon another. He knows that Democracy means Democracy everywhere and at all times, and that whenever you surrender any part of its teachings you surrender all, just as the Christian surrenders his Christianity when he violates any one of the Ten Commandments.

After having pointed the gentleman from Maine to Vicksburg and Natchez as being two points where no smuggling could be done, because of the ports upon the coast line, I will ask him to go a little higher up the Mississippi River with me, and let us turn up the Ohio until we reach Paducah, Ky. It is true that when this subject was before the house a few days ago the gentleman who so ably represents the First district of Kentucky [Mr. JAMES] undertook to show that there were several rivers at that point, and therefore the port was necessary. Why an interior port upon two rivers should be any more necessary than a port upon a great river like the Mississippi is something that I am too dull to understand. Paducah is more than a thousand miles from any border or coast line of the United States, and certainly nothing could be smuggled into that city.

The gentleman from Maine [Mr. POWERS] and the gentleman from North Carolina [Mr. THOMAS], who are unusually exercised over this proposition, attempt to frighten us from our position by referring to the port at Brownsville, Tex., where the cost of maintenance exceeds the revenues received; and they seem to fear that if this bill is enacted into law the Government will abolish that port. Why, Mr. Chairman, a President would be a simpleton of the worst character if he abolished a port like Brownsville, Tex. The Republic of Mexico, a foreign country, is just across the Rio Grande River from us, and at most seasons of the year that river can be forded, and were that port abolished smuggling from Mexico into the United States would be carried on the year round by the greasy inhabitants of that country.

Therefore it is absolutely necessary to maintain that port, and a President would be a fool to even give a thought to a discontinuance of it. Therefore the argument they offer, to the effect that if this bill becomes a law the President would abolish the port at Brownsville, is what I would call "tommy rot." I do not know just what that means, and in the absence of better information as to the meaning of the term I am going to assume that it is the cheapest kind of rot on earth. [Applause.]

If Beaufort, N. C., can show that it has a foreign territory just across a shallow river from the United States, where its citizens can ford the river and smuggle articles into this country the year round, the gentleman who represents that district need not fear that the port at that place will be abolished, any more than that the port at Brownsville, Tex., will be abolished.

Sir, gentlemen can not make such illogical argument as the gentleman from Maine and the gentleman from North Carolina have done in regard to this matter and expect sensible men to listen to it, much less believe it.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman point out on that list which, in his opinion, could with advantage be abolished, in order to give the gentleman representing the port an opportunity to testify before this meeting?

Mr. MACON. Mr. Chairman, I have just pointed out three ports that no one on earth who desires to do right by the American people could object to the abolishment of, and I think I can safely point out one in the district that the gentleman from Massachusetts represents, because a few minutes ago, in the time of the gentleman from Maine [Mr. POWERS], he stated in effect that the necessity for the maintenance of the port in his district was founded upon sentiment; and I assert here that a sentiment that works to the injury of the whole people for the sole purpose of gratifying the sickly whim of a few in a given locality is as injurious to the proper conduct of the affairs of a great Government like ours as is foul air to the habitation of a cellar.

Mr. GARDNER of Massachusetts. Apart from the one that I represent, and in time I shall endeavor to inform the House more fully upon that question, can the gentleman point out any other port on that list where a condition of things is shown that the port can be abolished with advantage?

Mr. MACON. Why, in my judgment, many of them could be consolidated with others, and in that way many of them abolished. I have just named several that could be abolished without regard to consolidation. It might be that the gentleman who represents Beaufort, N. C., might be able to save his much-beloved port at that place if the process of consolidation were to set in, for I notice, in glancing over the list of ports, that he has another port in his district that does not pay sufficient revenue to justify its maintenance.

It will not do to heed his argument, that if you allow the ports to remain as they are now that there may come a time in the unfathomable future when some vessel of some sort might bring enough railroad iron to Beaufort to in part compensate for having maintained it for so long a time when it paid no revenue. Gentleman, do you think that to be a wise policy to pursue? I do not, nor can I find anything but pure and unadulterated selfishness upon which it can be given a place to stand.

He says that at one time, in the long drawn-out history of Beaufort a vessel did land there and unload a lot of railroad iron, upon which there was sufficient revenue paid to maintain the port for several years. But, gentlemen, in view of the fact that this country is manufacturing railroad iron and sending it abroad and selling it for from five to eight dollars less per ton in the foreign markets of the world than it is sold to the people of this country, and in view of the further fact that it can be manufactured here and sold abroad at all, when it must compete in the open markets of foreign countries, can you justify a belief that another vessel will ever unload railroad iron at Beaufort, N. C., again? [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, may I interrupt the gentleman?

Mr. MACON. Yes, sir.

Mr. THOMAS of North Carolina. I understand the gentleman is referring in his remarks to the port of Beaufort, N. C., upon which I commented in my speech the other day. I want to ask the gentleman if he noticed in my speech that I showed by letters from Secretary Shaw that the receipts from duties upon imports into the harbor of Beaufort for three years amounted to $120,000 and the expenses of the port are $1,400.01 per year? Now, $120,000 duties upon imports would pay the expenses of the port of Beaufort from the foundation of the Government—from the time of George Washington down to the present time.

Mr. MACON. Oh, yes; I remember all that. It is in the RECORD. But because the port paid for three years of its existence is no reason why it should be eternally maintained when it is not paying.

Mr. THOMAS of North Carolina. Well, I want to impress it upon the committee——

Mr. MACON. The gentleman will have to excuse me for not allowing him to interrupt me further if it his purpose to make a speech in my time.

Mr. THOMAS of North Carolina. I want to call the attention of the committee——

Mr. MACON. The gentleman has made his speech already, and it is in the RECORD, so anyone who cares to may read it. I therefore decline to yield to him to make it again in my time. I will say to the gentleman that there was a time no doubt when Beaufort was of some importance as a port, and possibly as a town, perhaps of more importance in every way than the city of Chicago was at that time; but he can not say that it occupies that position to-day.

Mr. THOMAS of North Carolina. Will the gentleman let me ask him another question?

Mr. MACON. Yes; I will yield for a question, but not for a speech.

Mr. THOMAS of North Carolina. Is the gentleman aware of

the fact that the port of Beaufort, N. C., has become the terminus practically of a through system of railway extending from the mountains of North Carolina to the seashore, and that the last river and harbor bill carried for that port an appropriation of $45,000 to deepen the water to make a depth of 24 feet at high tide——

Mr. MACON. Is that a question or a five-minute speech?

Mr. THOMAS of North Carolina (continuing). Up to the railroad wharves and piers?

Mr. MACON. I can not afford to yield for that kind of a question. It is too long. [Laughter and applause.]

Mr. THOMAS of North Carolina. Does the gentleman know it?

Mr. MACON. No; the gentleman does not know it, and in his opinion such a condition does not exist, unless it be a little two-by-four railroad that amounts to no more shan a side-show affair leading out from some insignificant railroad station to a tolerably fair town a few miles distant.

Mr. THOMAS of North Carolina. Now, I want to say further——

Mr. MACON. Mr. Chairman, I must decline to yield further to the gentleman who seeks to take my time in which to make his speech over again. [Laughter and applause.] Mr. Chairman, I will say, as a further response to the gentleman's long drawn-out question, that I was not aware that Beaufort was of such consequence as he undertakes to make us believe it is, and I do not think any other Member of this House believes it to be so important a place. In dealing with it in relation to the matter now under discussion we must deal with it by the amount it extracts each year from the Treasury and the returns it makes to it, which I have shown to be $1,400 to nothing against the port.

It might be, Mr. Chairman, if this bill becomes a law, that the President could re-form the various districts so as to preserve the gentleman's pet port—Beaufort—that he seems to desire to have maintained at all hazards and regardless of cost.

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. MACON. Ah, the gentleman from Massachusetts seems to have joined forces with the gentleman from North Carolina in his effort to maintain his port, which is founded upon sentiment, while the gentleman from North Carolina's port is founded upon nothing and has nothing but old age to support it; for, he says, it used to be one of the ports of colonial days. Perhaps, sir, it has sentiment connected with it, too, on account of its age.

Mr. THOMAS of North Carolina. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. MACON. No, sir; I will not yield for the gentleman to make a speech.

Mr. THOMAS of North Carolina. Just a question.

Mr. MACON. Then begin. I can tell better after you have started whether it is to be a question or a speech.

Mr. THOMAS of North Carolina. Does the gentleman think $120,000 in three years is sentiment and not solid fact?

Mr. MACON. That is the same old question; you have asked that two or three times. But let us see how long it took for it to pay that amount.

Mr. THOMAS of North Carolina. Three years.

Mr. MACON. How many years has it been maintained in order to pay that amount?

Mr. THOMAS of North Carolina. Well, that is enough to pay the expenses of the port since the days of George Washington.

Mr. MACON. Then you believe that because it was a paying institution for the period of three years under peculiar circumstances—circumstances that will not arise again in the nature of things within all time—it ought to be maintained at a loss to the Government forever? You might as well talk to me about working a coal mine forever that only paid for three years, and had to be worked for all time at a loss because it once paid to work it. There is just as much sense in working that kind of a mine as there is in maintaining a port that paid for three years and will never pay again.

Mr. THOMAS of North Carolina. With the construction of the Panama Canal it will be one of the greatest ports on the South Atlantic coast.

Mr. MACON. Then, sir, when that day comes I will join forces with you to have your port reestablished.

Mr. THOMAS of North Carolina. It is already a port of great importance.

Mr. MACON. Perhaps so, if viewed through abnormally selfish or greatly exaggerated glasses. No facts that you have shown or can show will justify your declaration as to its being of great importance. There is nothing in this bill nor in the history of the Presidents of the United States that justifies anyone in concluding that if the bill is passed ports will be abolished indiscriminately and without regard to their importance.

You gentlemen who are opposing this bill know that there is no necessity for maintaining the ports that you now attempt to defend. You know that the President, under his oath, will not abolish any port if given the power to do so, if the port, in the judgment of a sane man, is worthy of maintenance.

If you really and truly felt that the Government was justified in maintaining such ports as Beaufort, N. C., you would be no more afraid of the passage of this bill than you are of the zephyrs that press your brow each day.

Mr. THOMAS of North Carolina. Will the gentleman allow me there——

Mr. MACON. No, sir; your questions are too long, and they are the same thing over and over again. Hence I must decline to yield. To my Democratic colleagues I want to say that candor compels me to admit that one of the most humiliating moments that I remember to have experienced since I have been a member of this body was when the gentleman from New York, the chairman of the Committee on Ways and Means, delivered himself of the following language upon this question a few days ago:

> Now, I have picked out a few of these cases. I have noticed since I have been in Congress a good deal has been said on the other side of the House in favor of economy and reform. Economy has been the watchword always with the Democratic party—

And here he goes out of his way to make an exception that I do not think relevant and that I know is not true—

> except when it is in power, and still I noticed almost a solid phalanx on the other side of the House coming up and voting against going into the Committee of the Whole on a bill that did what? Cut off possibly a few ports in the South where Republicans are holding down a comfortable salary for doing not a thing the whole year round. That is economy, I suppose. That is the highest standard of Democratic economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I yield ten minutes more to the gentleman from Arkansas.

Mr. MACON. I thank you, sir.

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. MACON. Not just now. Mr. Chairman, the idea of a majority of the Representatives of a party that has ever been so clean and upright, so vigilant, economic, and just in all of its acts pertaining to the maintenance and conduct of the affairs of this Government, having committed an act that justified a dyed-in-the-wool Republican in standing upon this floor and flinging into our very teeth the fact that the Democratic membership of this body had willfully violated the obligation of the party along the line of economy, is revolting to me; and the worst of it all is, gentlemen, he can turn a few pages back in the RECORD and prove it by a majority of the Democratic votes cast upon this question a few days ago. [Applause.] Great God! Has it come to that—that Democrats, chosen by the honest yeomanry of their party to represent them, can come to this House and so conduct themselves, so vote, that Republicans can flaunt into our faces that we have violated party faith and trampled upon the rights of those we represent? [Applause.] Has it come to that—that the Democratic representation upon this floor can be taunted with the fact of traveling the road of a wayfarer and have it proven by the record that they made only a few hours before? [Laughter and applause.]

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Massachusetts?

Mr. MACON. Yes, sir; for a short question.

Mr. GARDNER of Massachusetts. Does the gentleman think it is fair to the chairman of the Ways and Means Committee, who is on his side of the question, to prejudice the minds of his colleagues against his support of the bill?

Mr. MACON. The gentleman from New York [Mr. PAYNE] is amply able to take care of himself without the aid of the gentleman from Massachusetts, and I expect the gentleman from Arkansas will be able, in a sort of way, to maintain himself as he goes along without the aid of the gentleman. [Laughter and applause.]

Mr. THOMAS of North Carolina. Mr. Chairman——

Mr. MACON. I do not care to hear that old, old story any more. The House has heard it until it is tired of it, and I am just a little tired of it myself. [Laughter and applause.]

Mr. THOMAS of North Carolina. Explain how much economy this is.

Mr. MACON. The saving of the small sum of anywhere from $100,000 to $200,000, and it may be that in the wisdom of the President he will be able to find a way whereby he can save more.

Mr. Chairman, in his speech of a few moments ago the gentleman from Maine [Mr. POWERS] undertook to deliver a lecture upon the subject of State rights. Mighty Jehovah! [Loud laughter and applause.] The very thought of State sovereignty coming from his lips would be offensive if it was not so ridiculous. [Great laughter and applause.] Gentlemen, what have the States to do with this question? They have no more to do with it than I have to do with working the eternal hinges of heaven. [Great laughter and applause.]

The gentleman seemed to be bowed down under a great load of State sovereignty, but, judging by his close affiliation with a party that cares no more for State rights than I care about the seasons of a century ago, I am constrained to think that what he said was all a sham. He must have thought that he could deceive some State rights Democrat and induce him to come to his assistance in his opposition to the abolishment of unworthy ports.

It is enough to make an ordinary Democrat sick to hear State rights utterances fall from the lips of the gentleman from Maine. He did not tell us the names of the four ports in his district, and hence I am unable to tell from the list before me just what ports he is afraid will be abolished if this bill becomes a law. I can easily imagine, however, judging by the uneasy appearance of the gentleman, that all of them are unworthy of maintenance and ought to be abolished without delay.

Upon the same principle that "the guilty fleeth when no man pursueth," the gentleman protests against the abolishment of his ports when there is nothing in the bill that we are considering that says anything about abolishing them, but only provides for the abolishment of such ports as return no revenue to the Government and are not needed.

The truth is, Mr. Chairman, that these gentlemen who protest so loudly against the passage of this bill know that in justice to the honest citizenship of this country their nonpaying ports will be abolished, and ought to be abolished, if this bill becomes a law.

The fact that the Government has long maintained a nuisance does not justify it in continuing it when it finds by facts and figures that it is such; and it is not the judgment of right-thinking people that an institution that once paid, but has ceased to do so should be continued forever because it did pay at some time in the past. We owe it to the American people to dispense with every nonpaying institution within the bounds of this Union, and if we mean to be honest with them we will do it.

We pledged our people at home that if they would send us here to represent them we would stand for economy, and we owe it to them to vote to carry out that pledge whenever an opportunity presents itself, like this one has, and we should embrace it with joy and gladness. [Applause.]

Mr. Chairman, in the short time allotted me, I can not hope to enter into the details of this important question, but I can, in an humble way, call the attention of the country to the fact that we have fifty-odd customs ports in this country that are being maintained at a great sacrifice, and then let it consider whether or not it wants such a policy continued. But knowing the integrity and wisdom of the people as I do, I am inclined to think that when their attention is called to this particular evil they will exact a pledge of their representatives to correct it or they will retire them to the shades of private life.

The CONGRESSIONAL RECORD goes to every community, and by searching it it can easily be discovered what Members of this body are in favor of upholding this unjust charge upon the people.

Mr. Chairman, the gentleman from Maine, in his speech, indicated that something terrible would come of allowing the President to reorganize and re-form the customs districts of the country. I thought he had more faith in the ability and integrity of his President than that. Why, sir, I am not even afraid of the President, and I do not believe there has been a President from the days of George Washington down to this good hour that has ever had so little sense, integrity, or patriotism as that he would deliberately enter upon the destruction of any privilege or necessary institution, no matter where located in this broad land.

Mr. Chairman, the gentleman from North Carolina [Mr. THOMAS], in his speech upon this question a few days since, stated that he opposed this bill because it placed too much power in the hands of the President; that he was opposed to the centralization of government. I confess that all he said upon that subject was lost upon me, for when I consider that our forefathers saw fit to place the selection of the judiciary of this country, that passes upon the liberty and the rights of all the people, in the hands of the President of the United States, and did not consider it too much centralization of power, I can not help but laugh at the gentleman's argument about placing too much power in the hands of the President when he is given this slight additional power.

Some of the opponents of the bill have said that they thought this matter ought to be left with Congress, to which I answer that Congress seems to have made such a bad job of its management of it in the past that I, for one, am not willing to trust it to deal with it in the future.

Whenever any branch of this Government refuses or fails to discharge efficiently and honestly the duty laid upon it by the Constitution and laws of this country, I am in favor of taking from it the further right of dealing with the abused or neglected question.

Mr. POWERS. If the gentleman will allow me, I understood him to say that there would be a saving by the abolition of these customs districts of some $150,000.

Mr. MACON. I said anywhere from $100,000 to $200,000, and that I hoped that the President would be able, in reorganizing and re-forming the districts, to find a way of saving even more than that.

Mr. POWERS. The entire salaries of every one of the collectors, good and bad, those that should be retained and those which should not, if any such could be found, is $43,928.

Mr. MACON. I am surprised that the gentleman should undertake to tell us that $43,928 would virtually be all the saving that could be had by the abolishment of all the custom-houses, good or bad, in the face of the fact that the list that I referred to, as showing the fifty-one custom-houses that did not pay, shows that the expenses of maintaining them are $156,185.67, and that the revenues received from them only amount to $47,292.94.

Mr. POWERS. Every other officer is subject to be removed now, just as the law is.

Mr. MACON. That may be so; but has the gentleman from Maine seen any of them removed under existing law? [Laughter.] Under this bill several districts could be combined, and in that way there is no telling how much could be saved; but it is reasonable to assume that much good would come of the passage of the act, and we owe it to our constituents to do all the good we can for them, whether it be little or much.

In conclusion, I appeal to you gentlemen who stand upon the Democratic platform, that proclaims so loudly against the profligate waste of the people's money, to do what you can to correct the wrong you perpetrated against them the other day when you voted against going into the Committee of the Whole for the purpose of considering this bill. [Applause.]

While I know I am not the keeper of your conscience or your politics, still my great desire to have every wrong committed against the people righted and to see Democrats cast Democratic votes has impelled me to attempt to show you this matter as I see it. I am sure many of you did not fully understand the question when you voted "no." Gentlemen who seem to be greatly burdened with a desire to defeat the measure started runners out to tell gentlemen as they came in from their committee rooms to vote "no," and the idea soon prevailed on this side of the House that the question had been made a party one, and that we were to vote "no."

We have voted against the propositions of the gentleman from New York so regularly and unanimously since we have been here that I can easily understand how you, without being informed, could arrive at the conclusion that you ought to vote "no" when he voted "aye." [Applause.]

Ah, gentlemen of the Democratic faith, "be not like Esau, who sold his birthright for a single meal of meat," and sell one of the cardinal principles of your party for an unprofitable customs port for your Congressional district, "for you know that afterwards, when he would have inherited the blessing, he was rejected, for he found no place of repentance though he sought it carefully with tears." [Loud applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. HULL. I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. Mr. Chairman, I do not care to be heard at this time regarding the pending bill, but I do desire to submit some brief remarks regarding the subject of railway mail pay.

We all like to feel and know that we stand for the economical administration of governmental affairs.

Quite often economy is sought to be practiced in the reduction of the pay of some Government clerk or teacher who can illy afford to have their salary reduced, rather than apply the remedy in cases like this.

There has been no reduction in railway mail pay since 1878, but there has been a marked reduction in freight and passenger rates, and the receipts of the railroads are largely in advance,

both in passenger and freight earnings, as compared to what they were when railway mail pay was last reduced.

It is to be regretted that the correct solution of this matter can not be arrived at with greater precision, but it does seem to me that a reduction of 10 per cent would be no more than fair and just and that the railroads ought to have no cause for complaint.

I hope, after a most thorough and careful consideration of this whole subject, that the Committee on Post-Offices and Post-Roads will be able to arrive at a unanimous decision recommending a reduction of at least 10 per cent in railway mail pay, and I believe that no one thing will commend itself more to the people than this action upon the part of the committee.

There is a general feeling that the railroads are being overpaid for carrying the mail, and much has been said and written upon this subject. To those who have manifested any interest in this matter there must be cause for feeling greatly encouraged, because the Washington Post has recently taken up this subject, and in several able and well-written articles has spoken in no uncertain manner as to what ought to be done in this connection. For this reason, and because of the widespread influence of this paper, I ask to insert in the RECORD as a part of my remarks several articles which have recently appeared from the pen of Ira E. Bennett.

[The Washington Post, February 19, 1906.]

PAY FOR IDLE CARS—MAIL-CARRYING RAILROADS GET ENORMOUS PROFITS—CLERKS' LIVES IMPERILED—USUALLY ARE KILLED IN ACCIDENTS OWING TO INFERIORITY OF VEHICLES—ON ONE ROAD IN MICHIGAN ONLY 100 MILES LONG THE GOVERNMENT PAYS 58 PER CENT OF THE EXPENSE OF OPERATION AS COMPENSATION FOR THE CARRYING OF LETTERS—SHALLENBERGER SPENT A YEAR IN MODIFYING VIEWS ON THE SUBJECT.

[By Ira E. Bennett.]

The little railroad running from Pontiac to Caseville, Mich., constitutes postal route 137064, 100 miles long. Two trains carry mail on this route, the daily weight of the mail being 926 pounds. The United States pays $8,262.17 a year for this service. The trains also carry passengers and express. The total cost of operating these two trains is $14,160 a year. The United States therefore pays 58 per cent of the cost of operation.

The subjoined statement of the actual expenses for wages and supplies for running the two trains in question was obtained from an authentic source:

Train 1-2, leaving Pontiac 8.15 a. m., returning at night:

WAGES.		
1 conductor, per month	$75.00	
1 brakeman, per month	50.00	
1 baggageman, per month	50.00	
1 engineer, per month	100.00	
1 fireman, per month	50.00	
		$325.00
SUPPLIES.		
Fuel, per month	$250.00	
Water, per month	15.00	
Oil and waste, per month	15.00	
Other supplies, per month	10.00	
		290.00
Total wages and supplies, per month		615.00
Total for one year		7,380.00

NEW ADJUSTMENT NEXT YEAR.

Train 3-4, running at night, has the same expenses as train 1-2, less the wages of one brakeman. This train therefore costs $565 a month, or $6,780 a year, making the total cost of the two mail-carrying trains $14,160 a year. This is making no allowance for interest and taxes, but the proportionate cost of these items is very small, the total fixed charges for interest and taxes of the railroad and its entire equipment being only $37,784.

The last adjustment of mail pay in the section through which the railroad runs was made July 1, 1903. Next year there will be another weighing, and it is reasonable to expect a decided increase in the weight of daily mail carried over the route. The cost of operating the two trains, however, remains the same, so that the Post-Office Department may look forward to contributing much more than 58 per cent to the expense of operating these trains.

Counting the receipts from express as well as from mail on the two trains, the total is more than 85 per cent of the total operating expenses, leaving the passenger traffic almost clear profit so far as these two trains are concerned.

The foregoing specific comparison between the cost of operating mail-carrying trains and the compensation received from the Government gives added force to the recent statement of Second Assistant Postmaster-General Shallenberger before the House Committee on the Post-Office and Post-Roads. His attention was called to a statement he made in 1898 to a Senate committee to the effect that the rates allowed to the railroads for the carrying of mail were less than the rates allowed them by the express companies. He replied that when he made that remark he had been but a year in office, and that his views were now changed. This colloquy ensued:

HE MODIFIED HIS VIEWS.

"Mr. SNAPP. Do I understand, then, Mr. Shallenberger, that your opinion now is that the compensation to the railways for the transportation of the mails is not excessive?

"Mr. SHALLENBERGER. I can not say that it is excessive, but I can say that it is greater, in my judgment, than the pay received from express companies and for fast freight. In those particulars I have modified my views very considerably."

It required considerable time for Mr. Shallenberger to modify his views to conform to facts that are known of all men. A glance at the earnings of the railroads of the country from mail and express might have interested a less conservative man long ago. The Interstate Commerce Commission's report for 1904 shows that the earnings of the railroads were as follows for 1903:

From mail and mail cars	$41,709,396
From express	38,331,964
Excess of mail pay over express earnings	3,377,432

In 1902 the excess of mail pay over express earnings was $5,582,385.

Mr. Shallenberger proceeded to defend the present rate of mail pay on the ground of improved service. He laid stress upon the "competition between railroad companies in recent years" and the rivalry among them for favors from the Post-Office Department. That there is keen competition between the railroads for additional railway post-office cars is unquestioned, and the activity of the railroad representatives in securing these profitable concessions can not fail to have impressed the Post-Office Department. One law firm in Washington in particular is highly successful in securing satisfactory treatment for its clients. A member of this firm was formerly in the Post-Office Department, and the technical knowledge he acquired regarding this complicated subject has been very valuable to the Pennsylvania, New York Central, Burlington, and Southern systems.

SOUTHERN MOST FORTUNATE.

These railroads enjoy peculiarly pleasant relations with the Post-Office Department. The New York-Philadelphia route, on the Pennsylvania, and the New York-Buffalo route, on the New York Central, are the heaviest mail routes in the United States, and the Department takes pains to see that the service is not hampered for lack of railway post-office cars, which earn an annual average of $5,427 each for the railroads. The Burlington, too, is fortunate in holding the exclusive through mail-carrying privilege from Chicago to Omaha. The Southern, however, is most fortunate of all, as it is not only paid as much as other roads for the same service, but receives $80,947.50 a year as a subsidy.

Not only do the railroads receive excessive pay for railway post-office cars, some of which are built of such inferior stuff as to make the death or serious injury of postal clerks morally certain in case of accident, but they receive pay for cars that do not turn a wheel. At the end of the last fiscal year there were 1,015 railway post-office cars in use and 215 cars in reserve. Mr. Shallenberger and Mr. Grant, assistant General Superintendent of the Railway-Mail Service, told the committee that these reserve cars were required in order that a regular daily service might be maintained. Mr. Shallenberger made the unequivocal statement that these reserve cars were not paid for by the Post-Office Department. He also made the unequivocal statement that they were paid for. His last statement was correct.

The following extract from the committee hearings explains the manner in which idle cars are paid for by the Government:

"Mr. FINLEY. I observe on page 116 of the report of the general superintendent of the Railway-Mail Service that you had in operation how many cars on June 30, 1905?

IDLE CARS PAID FOR.

"Mr. GRANT. At the close of the fiscal year 1,015 cars in use and 215 in reserve.

"Mr. FINLEY. You do not pay for the reserve cars?

"Mr. SHALLENBERGER. They are included in what we call the 'line,' which is paid for under the law, the line requiring one car each way and one car, if necessary, in reserve.

"Mr. FINLEY. Then you do pay for the cars in reserve at the same rate as the cars in use?

"Mr. SHALLENBERGER. We pay nothing for the reserve cars; they are included in the line, which constitutes three cars, if necessary.

"Mr. FINLEY. There are 215 cars in reserve?

"Mr. SHALLENBERGER. You will understand that a line includes a car each way every day. The reserve car can only be used when one of the regular cars for some reason or other is out of service. Therefore, we are not paying for the reserve car, because it takes the place of a car out of service at that time. The full line constitutes a car each way every day. Three cars are necessary to equip a line.

"Mr. FINLEY. The smallest number in use?

"Mr. GRANT. Not necessarily. If the line is unusually short, one car may make the rounds; then we have a reserve car.

* * * * * * *

"Mr. SNAPP. What I am trying to get at is this: It appears that there are 1,015 cars in use, which at an average cost of $6,000, would represent a capital investment of something over $6,000,000; that there are 215 cars in reserve, which are not in use, at an actual cost of something like $1,500,000, for which the company receives no compensation?

"Mr. SHALLENBERGER. I would like to correct my former statement; they do receive compensation, the regular compensation that is provided for daily service without failure."

PAY FOR "ADEQUATE SERVICE."

Mr. Shallenberger practically admitted that the Post-Office Department has no authority of law for paying the railroads for cars that are held in reserve. He said the only authority was "that of securing an adequate and satisfactory service." Without reserve cars the service might fail for one day on any route through accident, and while the Government might save the compensation paid for these reserve cars, the service would not be performed. Hence the Department construed the law to mean that reserve cars should be required.

Ostensibly a reasonable construction in view of the necessity for uninterrupted service, the reserve-car abuse is conspicuous on certain railroads. More cars are held in reserve than are needed, according to reliable information. Short routes, which require only one car or two, almost invariably have a reserve car also, drawing full pay, and on heavy routes many reserve cars are drawing pay from the Government at a rate which practically pays their original cost every year.

Assistant General Superintendent Grant testified that postal cars were repaired, heated, lighted, etc., at a cost of about $1,200 a year; old cars are thereby virtually rebuilt at moderate cost, enabling them to draw more than $5,000 a year during their lifetime of fifteen or twenty years. The total earnings of a postal car represent an enormous profit, after making full allowance for repairs, maintenance, and hauling. The quality of the cars on most railroads, on the other hand, is notoriously bad. Senator TILLMAN recently secured the passage of a resolution calling upon the Postmaster-General for information as to the life of postal cars, the character of their construction, etc. He was induced to do this after reading of frequent railroad wrecks in which postal cars were smashed to kindling wood and postal clerks maimed and killed.

The General Superintendent of the Railway Mail Service asks for an

appropriation of $100,000 to enable the Postmaster-General to pay $1,000 to the legal representatives of each postal clerk or substitute killed while on duty. The number of clerks killed during the last fiscal year was smaller than during the previous year, but the percentage of those seriously and slightly injured was greater. The mortality in 1903 and 1904 was the greatest in the history of the Service.

[The Washington Post, January 29, 1906.]

PROBLEM OF MAILS—BELIEF THAT RAILROADS GET TOO BIG COMPENSATION—REDUCTION IS SUGGESTED—GROWING FEELING IN CONGRESS FAVORS LOP-OFF OF 10 PER CENT—PERFECT SOLUTION IS IMPOSSIBLE BECAUSE EXACT COST OF TRANSPORTATION CAN NOT BE DETERMINED, THE INVESTIGATIONS OF VARIOUS COMMISSIONS HAVING PRODUCED LITTLE THAT IS TANGIBLE—MANY INEQUALITIES SHOWN, BUT REMEDY IS LACKING.

[By Ira E. Bennett.]

Does the United States pay to the railroads too much money for carrying the mails?

This is a question that opens up many complicated problems, upon which able and painstaking legislators and Government officials have bestowed much study, with varying conclusions or none at all. The public conviction is that the railroads are getting too much for their service, and in Congress the feeling is growing stronger that a horizontal reduction of 5 or 10 per cent might be advisable.

If it were possible to ascertain the cost to the railroads of carrying the mails, the question of reasonable compensation could be solved with comparative ease. Or, if it were possible to ascertain the relation between the receipts in postage upon various classes of mail and the cost of transporting each class, a scheme might be evolved for paying the railroads varying rates for different classes of mail. But apparently the best experts, both on the Government and the railroad side, are unable to obtain these basic facts.

That the present system of railway mail pay and postal car pay is unsatisfactory, inequitable, and unscientific is generally admitted. It is the outgrowth of expedients adopted from time to time in the early days of railroading in an effort to meet changing conditions and to cope with the enormous growth of the service. The introduction of railway postal cars greatly complicated the task of ascertaining the cost of transporting mail, and brought about certain extravagances which seem to be increasing the Government expenditure without adequate returns.

BASIS OF MAIL PAY.

The United States mails are transported on the railroads without regard to the class of the mail, as a rule. Letters, newspapers, printed matter, and merchandise are dumped together and carried at the same rate of speed. The basis of pay is the "ton-mile"—that is, the railroads are presumed to be paid so much a ton a mile a year, whether the mail consists of letters, printed matter, merchandise, or all classes together. The weight of the mail is ascertained—or, rather, guessed at—by estimating the total weight for four years upon the weights ascertained by ninety days' actual weighing on each route.

Charges of "stuffing" the mails during the weighing period have been made frequently against various railroads. The wholesale shipment of bags of franked matter containing the speeches of Congressmen and kindred valuable information, in order that it might be counted as part of the regular daily mail, has been alleged. It has also been alleged that great quantities of bogus mail have been shifted about upon different routes, so that it would pass over the weighers' scales and swell the estimates for the four-year period.

"The opportunity and temptation to fraudulently increase the weights are almost irresistible," said Senator William E. Chandler, in his report on railway mail pay, in 1901, "because every dollar thus dishonestly secured by stuffed mails for one month is with absolute certainty a gain to the railroad company of $48."

The railroad companies themselves protest against the quadrennial weighing system, on the ground that it makes no allowance for the normal increase in the volume of mail consequent upon the growth of the country. They argue that while, perhaps, they may receive a fair compensation at the beginning of the four-year period, before it has expired they find themselves carrying great quantities of mail for nothing. It is even covertly suggested by some railroad men that stuffing of the mails is permissible, in order to equalize the pay to meet the increase during the succeeding four years.

RATES OF PAY.

The railroads receive pay in three forms for the transportation of the mails: First, compensation for the transportation of the mail itself, on the basis of weight; second, compensation for the postal-car service, and, third, direct appropriations for "special facilities."

The law fixing the rate for mail transportation was enacted in 1873, and amended in 1876 and 1878. The law of 1876 made a horizontal reduction of 10 per cent, and that of 1878 made another reduction of 5 per cent. Since 1878 no reduction in rates has been made, although the railroad rates for transporting freight and passengers have been reduced materially and great economies have been introduced in the cost of transportation.

The rate of pay for transporting mail under the law of 1873 ranged from $50 a mile a year for 200 pounds daily to $200 a mile a year for 5,000 pounds daily, and $25 for every 2,000 pounds daily weight above 5,000 pounds. The reductions of 10 and 5 per cent by the acts of 1876 and 1878, aggregating 14½ per cent reduction from the rates of 1873, fixed the rate for 200 pounds a mile a year at $42.75, with corresponding reductions in intermediate weights up to 5,000 pounds, the rate for which was fixed at $171. For every 2,000 pounds weight above 5,000 pounds the rate became $21.37 a mile a year. These rates are now in effect. A railroad carrying 100,000 pounds receives exactly as much as it received in 1879 for carrying the same volume of mail.

POSTAL-CAR SYSTEM.

The most important improvement ever made in the postal service, probably, was the introduction of the traveling post-office. This enabled the mails to keep pace with the passenger, wherever received and wherever delivered. The system began in a small way, but its adaptability to the needs of the American people caused it to expand rapidly, and railway post-office cars are steadily performing more mail distribution.

When mail is carried in an ordinary baggage or compartment car the railroad does not receive compensation for the car or any part of it occupied by the mails. Its pay is based solely on the average weight of the mail carried daily the whole length of the route. But when a full railway post-office car is added to the train, the Post-Office Department pays to the railroad a rental for the entire car, based upon its length. The mails carried in these cars are paid for, in addition, by weight. A car 40 feet long earns $25 a mile a year, a 45-foot car earns $30, a 50-foot car earns $40, and a 55-foot or 60-foot car earns $50 a mile a year.

The railway post-office cars used on most of the large railroad routes are 60 feet long, and weigh about 100,000 pounds. They cost about $5,500 each, and are built by the railroad companies according to specifications approved by the Post-Office Department. The Department requires the railroads to fit these cars with every convenience for the sorting of the mails, including lights, heating, water, etc., and they must be placed in position for use from two to seven hours before the departure of the train to which they are attached. Although capable of carrying from 20 to 30 tons of mail, these cars, as a rule, carry from 3 to 6 tons, on account of the space required for sorting. On dense mail routes storage cars are hauled, in addition to the railway post-office cars, and the railroads receive no direct pay for these storage cars. They are placed on the same footing as baggage or compartment cars, and the railroad receives its pay on the basis of weight of mail transported in them.

A railway post-office car travels on an average of 100,000 miles a year. It earns, therefore, about its own cost every year. This fact has served frequently as the basis of the erroneous charge that the Post-Office Department paid the railroads in full every year for postal cars without obtaining ownership of them. The important factor of hauling and maintenance were overlooked. Some railroad men estimate that the average cost of maintaining a postal car is $2,000 a year. The cost of hauling the car is difficult to ascertain.

The most searching analysis of the cost of hauling postal cars was made by Prof. Henry C. Adams, for the Congressional Commission, in 1901. He took the most dense mail route in the country—that between New York and Philadelphia, on the Pennsylvania Railroad. The railroad at that time carried an average daily weight of 309,000 pounds of mail a mile of line, or about 150 tons a mile a day. It was paid an annual compensation of $3,422 a mile, or $93.75 a mile a day. The mail was carried on 140 trains daily, although 90 per cent of it was carried on 26 trains. Taking the average cost a train mile at $1, although it is actually much less, and calculating that 2 tons of mail would be carried to the car, Professor Adams reached the conclusion that the cost of the mail service would be $3,796 a mile a year. This is more than was received from the Post-Office Department.

But if 3½ tons were carried in the postal cars the cost would be decreased to $2,244 a mile a year, affording the Pennsylvania a handsome profit for carrying the mails. And if the Post-Office Department should load 5 tons into a car the railroad could carry it at a cost of only $1,766 a mile a year, or less than half the sum actually paid by the Government.

This calculation was made on the estimated cost of running a train at $1 a mile, taking into account all operating expenses. The actual cost, however, is much less, according to the Interstate Commerce Commission. The New York Central estimates the cost of its passenger trains at 71 cents a mile, and mail trains are classed as passenger trains on account of the speed and other requirements.

If the actual cost a train mile could be ascertained, and if the postal cars were loaded more heavily, it is demonstrable that the Government could make a great reduction in the rates of pay to railroads, at least upon the denser mail routes. Economy in loading appears to be an important factor in readjusting rates to a reasonable figure.

RAILROAD SUBSIDIES.

The third form in which the railroads receive pay from the Government for carrying the mails is that of a direct appropriation for "special facilities." This is nothing but a subsidy paid by Congress to certain railroads, and there is apparently no reason why all other railroads in the country should not be granted the same concession. These items are:

Southern Railway: Washington to Danville, Va., 238 miles, $29,777.50 a year; Danville to Charlotte, N. C., 142 miles, $17,750 a year; Charlotte to Atlanta, 267 miles, $33,420 a year.

Western Railway of Alabama: Atlanta to Montgomery, 172 miles, $21,451.25.

Louisville and Nashville: Montgomery to New Orleans, 318 miles, $39,776.25.

Atchison, Topeka and Santa Fe: Kansas City to Newton, Kans., 201 miles, $25,000.

This is a total of $167,175 expended for "special facilities," the money going to four railroads. The attitude of Postmaster-General Cortelyou toward this method of improving the postal service may be understood from the fact that he has omitted the items altogether from his estimates of appropriations for the next fiscal year. It is well understood that the Post-Office Department has authority to improve the facilities on any railroad mail route whenever the public interest demands it, and while the railroads might refuse to comply with the Department's request, they have not done so, but, on the other hand, are invariably prompt in installing improvements. Doubtless the Postmaster-General has omitted the estimate for $167,175 for "special facilities" because he is certain that he can secure these facilities without giving the railroad companies a subsidy.

The subsidy to the Southern Railway and the other southern roads is paid to maintain two fast mail trains southward, by which a business day is saved between New York and New Orleans. The argument is made that these fast trains would not be operated without assistance from the Government. Meanwhile the running time of trains is being reduced in all other parts of the country, and the mails secure the benefit without subsidy. The time between New York and San Francisco has been cut down twenty-four hours, so that mail between those cities is carried in three and a half days. A new fast mail from St. Louis to the Southwest has recently been established without extra expense to the Post-Office Department.

The active competition between the railroads of the country is revealed in the eagerness with which mail contracts are sought. The policy of the Department is to give all through mails to the railroad making the best time, ignoring all pleas for an "equitable division." The prestige of being a fast mail route is a valuable advertisement to a railroad, aside from the profit in carrying the mails. The Post-Office Department, being unable to change the rates fixed by law, does the best it can by exacting faster time and better connections by the railroads, thereby securing what is in effect a reduction of rates. All this is done without the payment of subsidies, except in the cases mentioned. In some cases trains are run consisting entirely of mail cars. Wherever competition exists the Post-Office Department seems to be able to obtain entirely satisfactory service without the use of subsidies.

COST OF THE SERVICE.

The total number of railroad mail routes is 3,064, and the total length of these routes is 200,965 miles. The annual travel on these routes is 362,645,731 miles. The annual rate of expenditure for mail transporta-

tion by rail—not counting the rental of postal cars—was $41,504,345 on July 1 last. The estimated expenditure for the next fiscal year is $43,253,000, being 5.75 per cent more than the appropriation for the current fiscal year, which was $40,900,000.

The total number of postal-car routes is 294, the total length of these routes 53,000 miles, and the appropriation for the current fiscal year was $5,875,000. The estimated expense of this service for the next fiscal year is $6,021,000, an increase of 2.48 per cent.

The combined expenditure for railroad mail transportation and railroad postal cars was $44,695,610 in 1904, an increase of 6.70 per cent more than the preceding year. The combined expenditure in 1905 was $45,576,515, an increase of 1.97 per cent. The increased expenditure for postal-car service alone, however, was 4.08 per cent more than 1904.

It is estimated that the railway postal clerks during the fiscal year 1905 handled 18,000,000,000 pieces of mail matter, exclusive of registered matter, of which 9,050,000,000 pieces were first-class matter, and the balance pieces of other classes. Of the second-class matter, 618,000,000 pounds were handled during the year, an increase of nearly 50,000,000 pounds.

The deficit of the Post-Office Department for 1905 was $14,572,584.13.

CAUSES OF THE DEFICIT.

It is the opinion of Chairman OVERSTREET, of the House Committee on Post-Offices and Post-Roads, that a moderate reduction of the railway mail and postal car pay and a proper reclassification of mail matter would wipe out the postal deficit and enable the Post-Office Department to be self-sustaining. The necessity of overhauling the law relating to mail classification is apparent. Great abuses exist in the transportation of second-class matter, and the extravagance in the use of the franking privilege and other "Government free" matter is notorious. Mr. OVERSTREET is considering the advisability of restricting the franking privilege by permitting Members of Congress to send franked matter only within the boundaries of their districts.

Postmaster-General Cortelyou speaks frankly of the extravagance in sending "Government free" matter through the mails. He refers to the "weigh" of all mails in 1899, which affords a basis for calculating the percentage of free matter carried, and adds:

"It appears from this report that 'Government free' matter, exclusive of equipment, constituted 12.58 per cent of the entire weight carried, and applying this ratio to the revenue ($137,747,020.03) from matter mailed by the public during 1904—which, according to that report, is 87.42 per cent of the entire weight carried—the franking and penalty envelope privileges are found to have occasioned, in round numbers, an estimated loss in revenue of $19,822,000."

It is not expected, of course, that there will be an abolition of the franking and penalty envelope privileges, but a reasonable curtailment of the extravagance now rampant would unquestionably result in a comparative increase in revenue. Mr. Cortelyou suggests that each Government Department should pay postage upon mail matter according to its class, thus making each Department responsible for the entire expense of conducting its business, instead of throwing the burden of free mail transportation upon the Post-Office Department.

Second-class mail matter approximates in weight two-thirds of the bulk of all mail matter, according to estimates which are accepted as correct by the Postmaster-General. It pays, however, only 4 per cent of the postage revenue. Second-class matter pays 1 cent a pound, while the estimated cost of transporting all mail matter, according to Mr. Cortelyou, is from 5 to 8 cents a pound. This estimate, it must be conceded, is almost guesswork, but postal experts generally believe that it is near the truth. The actual revenue from second-class matter last year was $6,186,647, while the cost of transporting it, at the estimate of 5 cents a pound, was $33,155,356.

The Postmaster-General points out that the elimination of matter from the second class that does not belong there is a tedious process, but that progress is being made. The postmasters at New York and Chicago have eliminated 4,000,000 pounds annually of books which had been improperly placed in the second class. Other matter to the amount of 16,000,000 pounds has been eliminated from the second class. Legislation, however, is required to correct the great abuses that remain, and Mr. Cortelyou recommends a thorough review of the whole subject by Congress.

INVESTIGATIONS BY CONGRESS.

Congress has endeavored through at least three commissions to gather accurate information on all phases of the subject, in order to ascertain whether or not excessive prices are paid to the railroads for mail transportation and for postal-car service. Volumes of testimony have been printed. In 1876 a commission recommended that the Postmaster-General be authorized to determine the amount of space required for the transportation of mails by railroad, proportionate to the quantity of mail carried. No action was taken on this recommendation. In 1883 a commission recommended that the compensation to railroads be fixed upon the basis of space used, modified by the weight and frequency of the mails. This recommendation was ignored by Congress.

The most exhaustive investigation of the subject was made by the Congressional commission created in 1898, which reported in 1901. This commission consisted of Senators Wolcott, ALLISON, Chandler, and MARTIN, and Representatives Loud, Moody, Catchings, and Fleming. Testimony was taken in several parts of the country. The commission made seven reports, signed by one or more members. Senators Wolcott and ALLISON reported that, upon a careful consideration of all the evidence and in view of the services rendered by the railroads, they were of the opinion that the prices paid to the railroads for mail transportation were not excessive, and recommended that no reduction be made.

Senator MARTIN and Representative Loud concurred in this recommendation, with modifications. Representative Fleming recommended a reduction of 5 per cent from the existing rates of pay. Senator Chandler joined in Mr. Fleming's recommendation, with some reservations. Messrs. Moody and Catchings agreed that it was impossible to conclude upon the evidence presented that the rates of pay were excessive, and recommended that further investigation be made. The failure of the Commission to present a conclusive report resulted, of course, in a failure by Congress to reduce the rate.

AN EXPERT'S CONCLUSION.

The Commission, realizing early in its investigation that a multitude of intricate problems were presented, all bearing with more or less force upon the question of reasonableness of compensation, employed Henry C. Adams, professor of political economy and finance in the University of Michigan, as an expert investigator.

Professor Adams submitted a voluminous report, in which he analyzed, as far as possible, all the arguments presented to the Commission for and against, and discussed the fundamental principles relative to railway mail compensation. He recommended a horizontal reduction of 5 per cent from the existing rate of compensation on all railway routes and a progressive reduction of pay on all routes receiving in excess of 20 cents a ton a mile, running from 1 per cent in the case of routes receiving 20 cents a ton a mile up to 12 per cent in the case of routes receiving 7 to 7.34 cents a ton a mile.

This scheme of progressive reduction was based upon the theory that the dense routes ought to bear the burden of reduction in a greater degree than the sparse routes, because of the rule that decreased cost follows increased density of traffic. The estimated reduction of railway mail pay under Professor Adams's scheme was $3,000,000 a year.

Professor Adams made comparisons of rates received by railways for the transportation of mail, first-class freight, and express, and expressed the opinion, from the data cited, that "railway mail rates are higher than freight rates or express rates, and that this excess payment extends not only to the dense routes, but to all routes."

The conclusion of Professor Adams was as follows:

"Whether, then, the matter be looked at from the point of view of train-mileage or car-mileage cost, or from that of the comparative rate of pay received by railways from mail, from first-class freight, and from express; or from that of the ratio of the amount contributed by the Government to the gross earnings of railways to that contributed by other services, a reasonable reduction in railway mail pay is defensible."

A Post-Office Department report, made in 1900, quotes from Cowles's General Freight and Passenger Post the following:

"Our express companies carry all sorts of parcels, from the domicile in New York to the station, thence by rail a thousand miles to Chicago, and deliver at the domicile in that city, at the rate of $3 a hundred pounds, but the railways tax the Government $2.77 a hundred, $55.50 a ton, for the transportation of its mail bags for an average haul of not over 442 miles."

SENATOR CHANDLER'S VIEWS.

Senator Chandler in his views as a member of the Railway Mail Pay Commission, reached the conclusion that it was impossible with the facts at hand to demonstrate whether the compensation to the railroads for carrying the mails was just or otherwise. He mentions some of the difficulties in the way of arriving at an absolute demonstration of what is just compensation, and concludes:

"Does it follow, therefore, that the Government must go on for an indefinite period to pay the present rates for transporting the mails? The undersigned does not so conclude. The present rates per pound weights were first fixed in 1873, were reduced 10 per cent in 1876 and 5 per cent more in 1878. It is not proved that they were inadequate then, and it is not probable that it is unjust to require some reduction of rates when freight and passenger rates have been so largely reduced during the same period.

"Accuracy of compensation being impossible, the best judgment of all persons having to deal with the subject must be exercised.

"The Commission, as authorized by Congress, employed a highly competent expert (Prof. Henry C. Adams), and he recommended a reduction of 5 per cent of the compensation on all routes, and a further reduction varying from 1 per cent to 12 per cent on the railroad routes where the traffic is most dense, as being, in his judgment, below the percentage of reduction which could be justly demanded by reason of changed conditions. The undersigned joins with Representative Fleming in recommending the foregoing reductions and in the removal of the present limit of progressive reduction to 5,000 pounds, and also joins in Mr. Fleming's recommendation of $2,000 a year 'as ample special pay for railway post-office cars.'"

While the matter of railroad rate regulation is before Congress, it is possible that some attention will be paid to the question whether or not the greatest shipper in the country—the United States Government—is receiving a "square deal" from the railroads. In readjusting railway mail rates to meet the conditions that have developed since 1878, Congress is not hampered by questions of constitutional authority. Its authority to fix reasonable rates is unquestioned.

[The Washington Post, February 2, 1906.]

CUT MAIL TRAIN COST—EFFORT TO BE MADE TO KNOCK OFF 10 PER CENT—NO REDUCTION SINCE 1878—HOUSE MEMBERS LOOKING UP INFORMATION IN PREPARING AMENDMENT TO POST-OFFICE APPROPRIATION BILL FIND THAT ROADS CARRY MAIL ON SCHEDULES DIFFERENT FROM WHAT THEY MIGHT BE.

[By Ira E. Bennett.]

An effort will be made in the House of Representatives to secure the adoption of an amendment to the post-office appropriation bill, reducing the railway mail pay by 10 per cent. Members of Congress who intend to press the matter are now looking up precedents preparatory to framing an amendment that can not be ruled out of order as new legislation or matter not germane to the bill.

Skillfully worded amendments have been made to post-office appropriation bills heretofore which changed existing law or added new laws to the statute books, and if the temper of the House should be favorable it can be done again.

The House Committee on Post-Offices and Post-Roads has examined Second Assistant Postmaster-General Shallenberger on the question of railway mail pay, and while the hearings have not been made public, it is learned that Mr. Shallenberger has not only defended the present rate of pay, but has gone further, and recommended that the railroads be paid for the space used by the mails in apartment cars.

The railroads have never been paid for the space in apartment cars. When the amount of mail on any route becomes so large that additional facilities are needed, it is usually the rule to authorize the railroad company to put on "full railway post-office cars," for which the Government pays a rental. On some routes large quantities of mail are transported in apartment cars, the space occupied often amounting to 30 linear feet. The railroads are paid according to the weight of the mail, without regard to the space occupied.

Mr. Shallenberger's proposition was to allow the railroads 50 cents a linear foot for space in apartment cars and to reduce the rental of full railway post-office cars to 50 cents a linear foot. At present $25 a mile a year is paid for 40-foot postal cars, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 and 60 foot cars. At 50 cents a linear foot these rates would be reduced to $20 for 40-foot cars and $30 for 60-foot cars.

SAYS SAVINGS AND EXPENSES BALANCE.

It was argued by the Second Assistant Postmaster-General that the outlay on apartment cars would be roughly balanced by the saving on full postal cars. The object of the change, he said, was to equalize the pay to all railroads on the basis of space occupied, whether in apartment or full postal cars.

When Mr. Shallenberger was asked to produce figures showing the actual result of the proposed change, he was unable to furnish them.

Members of the committee made rough calculations which convinced them that such a change would result in increased pay to the railroads, and they were inclined to find fault with the suggestion for paying still more money to the railroads for transporting the mails.

There are 3,064 railway mail routes in the United States, with a total length of 200,965 miles. On only 294 of these routes are postal cars used, and the total length of routes covered by postal cars is 53,089 miles. During the last fiscal year full postal cars displaced apartment cars on 5,417 miles. On 2,770 routes, covering 147,876 miles, the mails are now carried with no charge for the space occupied, although constant improvement is being made in the service by installing postal clerks in apartment cars, where they perform the same service as full postal cars on heavier mail routes.

The proposal by the Second Assistant Postmaster-General was taken by the members of the committee to be a recommendation from the Post-Office Department, since Mr. Shallenberger has entire charge of the Railway Mail Service. The statement was made yesterday by a member of the committee that there might be a rumpus when it became known that an attempt was being made to pay the railroads more than they are now receiving from the Government. He thought the result would be an amendment reducing railway mail pay.

THINKS REDUCTION UNJUST.

In his annual report Mr. Shallenberger explains that, in his opinion, there can not justly be a reduction in railway mail pay. He admits that there has been no reduction in railway mail rate since 1878, but he insists that "there has been a radical change in the character and amount of service rendered by railway companies for the compensation paid them." He refers to the increased speed of trains, the allotment of space in railway stations for the use of mail transfer clerks, and adds:

"The growth of the postal business makes necessary a much greater number of special agents, inspectors, and traveling officials, all of whom must be given transportation by railroad companies without additional compensation." Mr. Shallenberger might have added that the free transportation of postal officials and clerks, their wives, children, aunts, cousins, and friends, is an old-established custom that explains, in part, the inability of postal officials to see any defects in the present system. Division superintendents of the Railway Mail Service have no trouble in obtaining transportation for their friends. Postal inspectors are cultivated by the railroads, and if there is any stuffing of the mails at weighing time the inspectors have not discovered it. The railroads did not include the families and friends of post-office officials in their anti-pass order of January 1.

Throughout the testimony of railroad officials before the Railway Mail Commission ran the note of insufficient pay. It was impossible for the Commission to ascertain the cost of transporting the mails. The railroad officials declared that it was impossible to furnish the figures of cost, but they had no hesitation in declaring that the compensation was below the cost, whatever it was. They raised questions of "dead freight" and "live freight," of the speed of trains, of the hauling of postal clerks free, of the trouble and expense of carrying mails from stations to post-offices, of the wear and tear upon roadbeds, of apartments furnished for nothing a year, and a thousand and one additional items bearing upon the cost of transporting the mails. The only inference to be drawn was that the mails were carried by the railroads at an enormous loss.

ONLY AS ADVERTISEMENTS.

Yet Mr. Shallenberger, in his annual report, speaks of competing lines between terminal points, "pleading" for an equitable division of through mail, as though the railroads were anxious to accommodate the Government, even at great financial sacrifice to themselves.

One of the great mail routes of the country is that between Chicago and Omaha, on the Burlington railroad. The officials of that company intimated that there was no profit in this business, and that they carried the mail only as an advertisement. The railroad runs three exclusive mail trains on this route, and the pay is 92 cents a train mile. As the Interstate Commerce Commission estimates that the average cost of operating a passenger train is 95 cents a mile, the public is left to infer that the Burlington is running its fast mail trains at a loss. The frantic rivalry between the Northwestern and the Burlington for this mail contract was explained on the ground of its great value as an advertisement.

Mr. Dixon H. Kennett, general traveling agent of the Missouri lines of the Burlington system, testified before the railway mail commission that he had charge of the mail on the Burlington route between Chicago and Omaha. He made this statement to the commission:

"The fast-mail trains earn, including pay for railway post-office cars, 92 cents per train mile. The six through passenger trains earn, for the same distance and over the same route, an average of $1.26 per train mile from passengers alone. The earnings of all passenger trains over the route, from passengers alone, $1.03 per train mile. The earnings of all freight trains, including 2,600 miles of main line and branches, were $1.49 per train mile."

Thus it appeared that the passenger and freight trains earned much more than the mail trains. It occurred, however, to members of the commission to ask how many cars made up these trains, and these facts were elicited from Mr. Kennett: Mail trains average 3½ cars, through passenger trains average 7½ cars, and freight trains average 25 cars.

So it was brought out that the Burlington received 26.29 cents a mile for hauling a mail car, 13.86 cents a mile for hauling a passenger car, and 5.96 cents a mile for hauling a freight car.

[The Washington Post, February 5, 1906.]

MAILS ARE PADDED—GOVERNMENT HAS NEVER BEEN ABLE TO PROVE STUFFING—SENT AT WEIGHING TIME—USE OF REPRESENTATIVE BARLOW'S OFFICIAL FRANKS IS RECALLED—RAILROADS ENRICHED AT THE EXPENSE OF UNITED STATES—PAPERS SENT OVER A SHORT NEVADA ROAD, BUT THE POSTAL CLERK'S REPORT NEVER REACHED WASHINGTON—SEEDS, CONGRESSIONAL RECORDS, AND CIRCULARS SENT BY MAIL.

[By Ira E. Bennett.]

It is rather remarkable that some railroads find fault with the system of weighing the mails, and at the same time fly to the defense of the system when it is pointed out that gross frauds may be committed against the Government and in favor of the railroads.

A recent defender of the railroads makes the unqualified statement that it is impossible to send wholesale shipments of franked matter through the mails at the weighing period, and that stuffing of the mails is not and can not be practiced without detection.

"The railroad companies," he says, "have literally nothing to say about the routing of the mails and nothing to do with the weighing, and therefore can not cause bogus mail to be twice weighed nor direct shipments of franked matter."

This is cunningly stated. Of course, the railroads have nothing to do with the routing of the mails. Nobody alleges that they have. Nor do they have anything to do with the weighing. Nor do they directly cause bogus matter to be "twice" weighed, nor do they in their own persons direct the shipments of franked matter.

But this does not mean that the mails can not be and are not stuffed. It is not a denial of the fact that bogus matter is introduced in the mails during the weighing period, and that this matter, once weighed, and sometimes twice weighed, is counted as part of the average daily mail passing over that route, and that the railroad carrier is paid accordingly. The railroad company may not have been the stuffer, but it is the beneficiary, and the United States is the loser. The railroad companies may not themselves, of course, "direct the shipments of franked matter," but the fact remains that large shipments of franked matter have been discovered during the weighing period, swelling the mails and adding to the compensation of the railroads.

The mails are weighed for a period of ninety days once in four years. There are four weighing districts in the United States, and the mails are weighed in one of these sections every year. The first section comprises New England, New York, Pennsylvania, Maryland, the District of Columbia, and the Virginias. The mails were weighed in this section last spring, and the mail pay readjusted on the basis of the new weights, beginning July 1, 1905.

The second section consists of the South, the third section of the Middle West, and the fourth section of the territory west of the Missouri River. Mails will be weighed in the fourth section during the coming spring.

DOOR OPEN TO FRAUD.

It was formerly charged that the railroad companies were secretly notified of the time selected by the Post-Office Department for the weighing of the mails, and that the railroads, or their friends, took advantage of this information to stuff the mails during the weighing period. At that time the weighing period was thirty days instead of ninety days as now. But it was pointed out by Mr. Loud, of the Postal Commission, that it was unnecessary that there should be corrupt advices from persons in the Post-Office Department as to the weighing period. In reply to a witness who alluded to an allegation that the railroads had been corruptly advised of the weighing period in a certain section and had taken advantage of the information, Mr. Loud said:

"Of course, there need be no corrupt advices in this matter, because the railroad companies, if they desire to pad the mails, could prepare themselves for the time, which always comes in the spring. The date is not set, nor need it be set, because it covers thirty days, and they would have an opportunity after the weighing actually begun to stuff the mails if they desired to do it."

There is nothing here as to the "impossibility" of stuffing the mails, but merely a statement that the way is open for fraud if the desire to commit it exists. As the padding of the mails is a misdemeanor, no one will be found who admits that he is guilty of it.

The "Barlow case" is often cited as an example of the manner in which the mails can be padded without identifying the persons guilty of the offense. Mr. Barlow was a Member of Congress from California. During the weighing period in the West a large number of sacks filled with documents bearing Barlow's frank were held up at New Orleans.

The matter had been sent from Washington and was destined for California points. If it had been weighed the Southern Pacific Company would have profited greatly through the increase of its pay based on the daily average for the four years succeeding.

Congressman Barlow was at first accused of stuffing the mails in the interest of the railroads, but it was soon found that he was innocent of any intentional wrongdoing. If he mailed the matter himself, which was not clearly shown, it was in ignorance of the fact that the weighing period had arrived. If agents or friends of the railroad obtained possession of Barlow's franks and dispatched the stuff, their identity was never disclosed. When the postal authorities at New Orleans called Mr. Barlow's attention to the accumulation of matter bearing his frank, and suggested that it be held up until the end of the weighing period, he promptly acquiesced.

SPECIFIC CASE OF STUFFING.

The Postal Commission, while taking testimony in California, unearthed a specific case of mail stuffing. The circumstances indicated to some extent, collusion on the part of the postal authorities, but the Commission did not investigate this feature to the end.

On February 23, 1898, the superintendent of the railway mail service, eighth division, issued a circular headed "Confidential instructions to railway postal clerks in connection with weighing of mails." This circular read in part as follows:

"It having developed during the recent weighings of the mails in other sections of the country that large quantities of newspapers which had up to the beginning of the weighing been forwarded by express were, during the weighing, forwarded by mail, and immediately afterwards dispatched by express, it is desired to ascertain, as far as possible, how much this is done in this division during the coming period of weighing." Then follow instructions to clerks, requiring them to keep record of daily-paper mail and to note any increase during the weighing period.

In due time a report, dated March 28, 1898, was received from J. M. Gray, a railway postal clerk in the Amadee and Reno Railway postal service, as follows:

"In response to your confidential instructions of February 23, 1898, I wish to state that I received at Reno, Nev., extra San Francisco Daily Calls, single wrappers, in the sacks, made up by San Francisco post-office for Vinton, Clairville, Beckwith, Mohawk, Johnsville, Quincy, and Crescent Mills, and extra San Francisco Daily Examiners, single wrappers, in Amadee and Reno tie sacks, for the same places on March 25, 26, and 28, 1898. On March 25 I received about 100 pounds extra, on March 26 about 200 pounds extra, and on March 28 about 600 pounds extra. All this extra mail is for the Cuba and Clairville Railroad."

The weighing began on March 22 and continued for six weeks. Mr. Gray reported, on the same form as the report just quoted, that extra newspaper mail had passed through his hands from March 29 to May 9, the daily extra weight running from 106 to 682 pounds. May 9 was the last day of the weighing, and the weighing period covered forty-nine days.

The Commission examined Henry A. Bowen, president and manager of the Sierra Valley Railway, sometimes called the Cuba and Clairville road. This road is 30 miles long. He testified that he had not secured the shipment of the extra newspaper mail in question over his

railroad, and had not authorized any other person to do so. He had regarded his mail pay as inadequate, but declared that he had never done anything to pad the mails during weighing time.

The managers of the San Francisco Examiner and the San Francisco Call were examined. The manager of the Examiner testified that one of his circulation solicitors came to him and stated that he had a list, or could get a list, of names in towns along the railroad in question, and that "it would please Goldberg, Bowen & Co. to have them sent up." The Bowen of Goldberg, Bowen & Co. was the Bowen who owned and managed the railroad. The papers were sent accordingly, and the bill was charged to Goldberg, Bowen & Co. The manager of the Examiner testified:

"Somebody in the mail service happened to see me one day and told me that we had been sending a big lot of papers to that little road of Bowen's and that they were being used for the purpose of stuffing the mails on that road. When I spoke about it to the committee I supposed, of course, it was a matter with which you were thoroughly familiar."

ORDERED BY BOWEN.

The manager of the San Francisco Call gave testimony which definitely exposed the scheme of stuffing the mails. He testified that a large number of Calls were sent as sample copies over the Bowen railroad, and that they were ordered by Mr. Bowen himself. The exact statement was as follows:

"Q. Were they ordered by anybody?—A. They were ordered by Mr. Bowen, of Goldberg, Bowen & Co.

"Q. Mr. Bowen is the president and manager of the Sierra Valleys Railroad Company?—A. Yes; so he represented at the time.

"Q. He ordered those papers sent?—A. Well, he came in here and stated that if we would send a certain number of papers to the names of different parties along his road, he would have his agents act as our agents, and thereby increase our subscription list through that section. I asked him about how long he would require those papers, and he said probably a month or so. He said he would give instructions to his superintendent to have his agents look out for our interests, do some canvassing, and get a number of subscribers. It seemed to be a very plausible proposition, and he being a man of standing, I accepted the offer. He agreed to send the list of names, which he did, and it seems to me that there were between 300 and 400 names."

The papers were sent for five weeks, and there being no report from the railroad agents, the Call manager stopped the papers. He discovered later that the papers were sent during the weighing period. "I tried to get hold of Mr. Bowen," testified the Call manager, "and tried to find out if he had fully carried out his promise to have his agents look after our interests, but he was out of town, so I simply shut off the sample copies."

The bookkeeper of the Examiner testified that 505 copies of the Examiner were sent daily to the towns along the Bowen road for a period of thirty days, and that they were charged to Mr. Goldberg, of Goldberg, Bowen & Co.

NOT REPORTED TO WASHINGTON.

The Commission examined William C. Hammond, secretary to the superintendent of the railway mail service, eighth division, who testified that the report of Postal Clerk Gray regarding the bogus mail was never forwarded to Washington. "I took these slips in my hand," he testified, "to Superintendent Flint, and asked him what I should do in the case. I asked him whether I should include this in the report I was making out on the matter on which postage had been paid. He said 'No,' and took them from my hands and put them in his desk. He told me not to report it."

Superintendent Flint was examined. He testified that he had no recollection of the matter. The copybooks of his office were inspected, and they contained no record of a report having been made on the matter. Mr. Flint admitted that he knew Mr. Bowen, but denied that he was intimately acquainted.

Herbert P. Thrall, who had succeeded Mr. Flint as superintendent of the railway mail service in that division some days before the Commission made these discoveries, was also examined. He said he would report the facts to Washington immediately. The Bowen case was the only one he had discovered, he said, which "would seem to indicate fraud." Mr. Thrall testified that Mr. Flint and Mr. Bowen were not only friends, but "closely so."

He also testified, in response to questions by Representative William H. Moody, a member of the commission, that the fraudulent mail matter in question was sent over two other railroads, "innocent roads," in order to reach their destination. The papers traveled from San Francisco to Reno via the Southern Pacific, 244 miles, and the Nevada, California and Oregon Railroad, 35 miles, where they were turned over to the Bowen railroad.

Mr. Moody asked: "So that in case this turns out to be a fraud, then, for the sake of perpetrating this fraud on the Government in the transportation of this matter 30 miles, there has incidentally been perpetrated a fraud upon the Government by the transportation of this matter 279 miles on the two railroads, which you have named, apparently without knowledge or intent upon their part?" Mr. Thrall replied: "That is correct."

In the course of the investigation Senator Faulkner remarked: "In the last appropriation bill we put in a very severe penalty for stuffing the mails. We found one case two years ago on the Seaboard Air Line in which they attempted it, but they were discovered very quickly."

An interesting outline of the manner in which the mails may be and are stuffed for the benefit of the railroad companies was made the other day by a Government official, who requested that his name be witheld from the public because he did not care to incur the enmity of the railroads. He has been in close touch with the transportation of mails for more than ten years. He said:

"There are several ways in which the mails may be padded without detection. We know it is done, but we can't bring it home to anybody. For instance, there are hanging around the Capitol a lot of railroad lobbyists who keep close watch of the railway mail situation. When the weighing period in the section covering their particular railroad comes around they can easily obtain the franks of Members of Congress and of Senators, and send out great quantities of public documents, speeches, seeds, and other stuff, so that this matter goes over scales and is weighed as part of the average daily mail. Personally, I have no doubt that these fellows used Congressman Barlow's frank, and that he was innocent in the transaction.

"The Government documents thus sent out pay no revenue whatever. The matter is very heavy and bulky. Yet it is weighed by the pound, and counts as much in mail pay as first-class mail does. Every extra pound weighed for thirty days counts for 48 pounds in the four years' mail pay. Every dollar fraudulently gained during the weighing pays the railroads $48.

"Now that the period of weighing has been extended to ninety days, there is a bigger chance for them to pad the mails.

"The reason why Congress lengthened the weighing period was to obtain a better basis for estimating the average daily mail carried for four years. The thing works the other way just as well. The ninety-day period gives three times as good an opportunity for stuffing the mails as the thirty-day period gave. The 'average' thus obtained is just that much more a fraud upon the Government.

"It is probably true that no railroad company puts franked documents or other fraudulent matter into the mails during the weighing period. It doesn't have to, and the risk would be too great. It has friends who attend to that detail. The men who do this are experts at their business, and I don't see how you are going to detect them.

"Take the big mail routes as examples. Who is able to pick out a bag of franked matter on the Pennsylvania Railroad and prove that it is put there to pad the mails? Route No. 113001, between Washington and Philadelphia, carries 217,740 pounds of mail daily, according to the readjustment of July 1, 1905. In this great mass of mail matter, who can determine what is bogus during weighing time? Between Philadelphia and Pittsburg the average daily weight of mail is 362,006 pounds; between New York and Buffalo the average daily weight is 411,838 pounds, and between New York and Philadelphia, the heaviest mail route in the United States, the average daily weight of mail is 498,874 pounds.

"It is perfectly easy to stuff the mails on any of these routes and upon dozens of other routes without fear of detection. It is nonsense to say that it is not done. To prove it is quite another matter.

OTHER FRAUDULENT METHODS.

"One usual way of stuffing the mails is to divert newspaper bundles from the express to the mails during the weighing period. This was done more in former years than now, because the Department keeps a pretty close watch on these things. Another method is the distribution of circulars and catalogues advertising commercial houses, hotels, railroad companies, and so on. In the big cities a single commercial house may send out at any time of the year a thousand pounds of circulars or catalogues. If it happens to send this stuff out during the weighing period, it must be counted as part of the average daily mail, because there is nothing to show that fraud has been perpetrated.

"I have heard of cases where a lot of stuff was sent over a certain route upon which the weighing was going on, and then reshipped over another route a few weeks later, where the weighing clerks were at work. Thus bogus matter is made to do double duty for the benefit of more than one railroad.

"One of the bad features of this system is the constant temptation of postal inspectors by the railroads. I know of inspectors who have received great favors from the railroads in their districts. They are nicely treated always, they get transportation for their families and friends, and they make warm friends among the railroad men, who are invariably pleasant, congenial fellows. It is natural under these circumstances for an inspector to be a little easy at weighing time. He is not goiong to stir up trouble by seizing upon matter which he can't prove is fraudulent.

"The railroad boys say the weighing system is bad, because it fixes a daily average at the beginning of a four-year period, and makes no allowance for the normal growth of the mails. Some of the boys have hinted to me that the stuffing of the mails is the only way they could get even. They don't admit, of course, that the mails are padded, but they seem to think that if they were padded it would only reimburse the railroads for the increase of mail carried in the latter part of the four-year period.

"The conclusion of every man who has studied this matter, I should think, must be that the system of weighing the mails is very bad. The 'average daily weight' estimate is guesswork. No one knows what the legitimate daily weight actually is, even during the weighing period, because it may be stuffed, and probably is. How, then, can anybody tell what the daily weight is during the ensuing four years, when no count is made of the natural increase? The system is grossly unjust to the Government, which is liable to be defrauded by dishonest carriers, and it is unjust to honest carriers, who do not get an allowance for the natural increase of mail."

[The Washington Post, February 7, 1906.]

SAFES SENT BY MAIL—ABUSE IN THE DEPARTMENTS OF "GOVERNMENT—FREE"—MADDEN STATES THE FACTS—THIRD ASSISTANT POSTMASTER-GENERAL TELLS HOUSE COMMITTEE HOW BILLIARD TABLES, OFFICE FURNITURE, AND SOMETIMES PERSONAL CHATTELS GO IN POSTAL CARS—SOURCE OF GRAFT TO RAILROADS.

[By Ira E. Bennett.]

Billiard tables, heavy steel safes, desks, chairs, lounges, carpets, canceling machines, typewriters, letter files, bookcases, and dozens of other articles, without regard to bulk or weight, are shipped through the United States mails at all times of the year according to testimony given yesterday by Edwin C. Madden, Third Assistant Postmaster-General, before the House Committee on the Post-Office and Post-Roads. The weight of this matter runs up into millions of pounds annually.

Mr. Madden has charge of the finances of the Post-Office Department. It is his duty to make both ends meet, or at any rate to keep the income somewhere within gunshot of the outgo. He pointed out that the indiscriminate use of the "Government—free" penalty envelope by thousands of persons in the nine Executive Departments of the Government was one of the chief causes of the postal deficit. The Treasury Department is the worst offender, but all the Departments, he says, ride the free postal horse to death.

The Treasury Department, according to Mr. Madden, takes advantage of the "Government—free" mailing privilege to furnish the public buildings throughout the United States with furniture, carpets, and fixtures of all kinds. Sometimes this freight goes from Washington and sometimes from the factory direct.

BLANK BOOKS BY THE TON.

Printed matter in the shape of blank books and revenue stamps is mailed by the ton from the Treasury building. Big vans are employed by this and other Departments in handling the tons of supplies sent through the mails to Army and Navy headquarters, land offices, post-offices, mints, subtreasuries, courts, Indian agencies, weather stations, fish hatcheries, pension agencies, and other Government offices throughout the country.

Mr. Madden mentioned the shipment of a billiard table by mail from an Army post. It was part of the post equipment, and was, therefore, regarded as "Government—free." It was piled into a postal car and

sent to its destination by the simple expedient of tying to it a "Government—free" envelope. The transfer of a big safe by mail is no uncommon thing, although it may weigh 1,000 pounds or more. The establishment of a Government office of any kind anywhere means the shipment by mail of desks, chairs, tables, and complete equipment. Sometimes personal effects are included, as a matter of course, in these shipments.

In 1899, when the report of the "weigh" of all mails was made, it was stated that this "Government free" matter, exclusive of bags and wrappings, constituted 12.58 per cent of the entire weight carried. Applying this ratio to the postal revenue from the public in 1904, Postmaster-General Cortelyou found that the matter carried free by the Government occasioned a loss of $20,000,000, in round numbers.

DONE IN WEIGHING PERIOD.

The transportation of this stuff goes on throughout the year, without regard to the weighing periods. There are four weighing sections in the United States. Every year the mails are weighed for ninety days in one of these sections. If it happens that a public building is to be furnished with safes, furniture, carpets, etc., and the stuff is sent in the mails through any section where weighing is going on, every pound goes upon the scales and helps to swell the estimate of the "average daily weight of mails." Upon this estimate the railroad companies are paid for mail transportation for the ensuing four years.

The railroads, therefore, are not at all averse to transporting safes, billiard tables, and other heavy freight as mail matter during the weighing period. If the stuff is sent at any other period subsequent to weighing the railroads get nothing extra for transportation. It is difficult to obtain evidence that influence is used with Department officials to stuff the mails with this character of freight during the weighing period, but some officials of the Post-Office Department express the conviction that improper influence is used in this direction. The way is always open for fraud, and no check worthy of the name is provided.

The injustice of throwing this vast bulk of freight into the mails, to be paid for by the Post-Office Department in its settlements with the railroads, consists not only in the overpayment to the railroads for transportation, but in placing upon the Post-Office Department the entire burden of mail carriage for the nine executive Departments. Mr. Madden made this clear to the Post-Office Committee, and indicated that, so long as the law permits the shipment of this stuff without regard to size or weight, by almost any official of the Government, and at periods whereby the railway mail pay is swelled, Congress must expect to face a deficit in the postal revenues.

WOULD CHARGE IT TO DEPARTMENTS.

Postmaster-General Cortelyou's remedy for this state of affairs is a proposal that each Department of the Government shall pay postage upon its mail matter according to its class. He said in his annual report:

"The weight of opinion seems to be in favor of this plan, so modified as to eliminate the necessity of affixing stamps, but maintaining the principle that each Department be charged with the whole expense of conducting its business. From this change there would come some great advantages; the tendency to use the mails for matter that ought to be otherwise transported would be restrained; merchandise, including heavy quantities of printed matter not requiring expeditious handling, would be sent by cheaper modes of conveyance; only matter requiring expeditious delivery and on which postage can properly be paid for as Government business would be sent by mail, and the true relation of the Post-Office Department to the other Departments as regards actual receipts and expenditures would be more accurately determined."

Chairman OVERSTREET, of the House Committee on Post-Offices, expressed the opinion yesterday that a law should be framed requiring each Executive Department to keep count for a year of its mail shipments, both as to weight and character. This would give a clew to the kind and quality of mail transported "Government free," and might furnish an idea of how heavily the mails are stuffed with this kind of matter, innocently or otherwise, in favor of the railroads. It would have a tendency, in his opinion, to put a stop to the shipment of billiard tables, safes, and heavy office furniture by revealing the identity of the offenders.

RECORDS AGAINST NUMBERS.

The fact has developed incidentally during the hearings of the House committee that a record is kept in the Post-Office Department of the quantity of franked matter sent out by every Senator and Representative and the time of shipment. Nearly every member of both branches of Congress, it is said, is on record as having unwittingly sent franked matter through the mails to some portion of the country at the time the mails were being weighed. This matter has thus added to the estimated daily average of mail transported by the railroads, and they have drawn pay accordingly.

It has been brought out that railroad lobbyists have approached clerks to Senators and Representatives, suggesting that they withhold bags of documents and other franked matter until such time as it might pass over routes then being weighed.

A Southern Representative asserted that he had received at his home 3,000 pounds of franked matter from Washington which he had not ordered and did not want. It came during the weighing period and passed over several railroad routes. He was unable to ascertain the identity of the person making the shipment. A Representative also intimated that he had been approached by the vice-president of a railroad company with the proposal that he should save up his franked matter and dispatch it over the railroad during the weighing period.

[The Washington Post, February 12, 1906.]

MAIL CARS WANTED—WOULD INCREASE COST OF SERVICE BY 5.75 PER CENT—DATA BEFORE COMMITTEE—DEPARTMENT URGES APPROPRIATION OF $43,250,000—FACTS SHOW MINIMUM OF $5,427 IS PAID IN RENTAL, WITH ANNUAL OUTLAY FOR MAINTENANCE OF $1,200—EXTRA AMOUNTS EARNED BASED ON WEIGHT CARRIED—MR. SHALLENBERGER FAILS TO GIVE LIGHT ON IMPORTANT POINT AT ISSUE.

[By Ira E. Bennett.]

The appropriation for railway mail transportation for the current fiscal year was $40,900,000, and the Post-Office Department asks for $43,250,000 for the next fiscal year, an increase of 5.75 per cent.

The appropriation for railway post-office cars for the current fiscal year was $5,875,000, and the Department asks for $6,021,000 for the next fiscal year, an increase of 2.48 per cent.

The appropriation for officers, clerks, and other items of the Railway Mail Service for the current year was $14,487,500, and $15,681,100 is asked for the next fiscal year, an increase of 8.24 per cent.

The increase in the length of railroad mail routes over the preceding fiscal year was 2.06 per cent; in length of railway postal car routes, 2.02 per cent, and in the number of pieces of ordinary mail matter handled was 5.77 per cent. Yet the increase of cost in transportation was 1.67 per cent; of postal cars, 4.08 per cent; in number of employees, 7.34 per cent, and in expenditure for employees, 10.74 per cent.

The percentage of increase in the total cost of the Railway Mail Service was 9.75 per cent, while in the total number of pieces handled it was only 5.77 per cent. If Congress grants the recommendations of the Department, the discrepancy between the expenditures and the amount of work performed will be still greater. This is not taking into account the out and out gift of $167,175 to certain railroads for "special facilities" or the losses sustained by failure of the Post-Office officials to exact fines from railroads for failing to perform their obligations.

INCREASE IN MAIL PAY.

The increase in the appropriation for railway mail pay, including both transportation and postal cars, was only 3.2 per cent for the current fiscal year over that of 1905. Yet the proposed increase for the ensuing fiscal year is 5.75, nearly double that of last year.

The bulk of the proposed increase of pay to the railroads is for railway post-office cars. The increased expense to the Government in the use of railway post-office cars is a matter of grave concern to Congress, and several matters have come to light in the past few days which are likely to call for further explanation. The railroads in some cases have secured chief clerks and other postal employees by paying them larger salaries, and these men are now employed in obtaining from the Post-Office Department additional postal cars for their employers. Postal clerks in some cases are suspected of being in the employ of the railroads over which they travel. Through them a demand is made for additional postal cars, and if the division superintendent is "all right" the increase is usually recommended.

The railroad companies make it a point to win and hold the good will of the postal authorities, from the head officials to the cheapest clerk. The families of railway postal clerks are carried free, and division superintendents and others are the recipients of valuable favors. It is these division superintendents, and not the post-office inspector, who have general supervision of the postal-car service.

CARS INCREASE RAPIDLY.

In the five years, from 1900 to 1905, inclusive, the number of full railway post-office cars increased 32.5 per cent. The number of pieces of mail handled during the same period increased 31.39 per cent, while the greater cost of the service was 50.28 per cent. When these figures were called to the attention of Second Assistant Postmaster-General Shallenberger the other day by Chairman OVERSTREET, of the House Committee on the Post-Office and Post-Roads, Mr. Shallenberger explained that the cost of the service was dependent upon the "fineness of separation." He said the Department was separating mail in postal cars not only for distribution in cities, but for rural mail routes. Further questioning brought an admission from him that the attempt to separate rural-delivery mail on postal cars was not a success.

It was brought out in the hearings that three full lines of post-office cars are run over the same piece of railroad in the Southwest. Between Afton, Ind. T., and Sapulpa, a distance of 90 miles, two trains are run in the same direction twenty-five minutes apart, in the night, both carrying post-office cars. The cost of these two services is $4,500 a year.

Chairman OVERSTREET also brought out the fact that a full postal-car service exists between El Paso and Tucson, on the Southern Pacific, a distance of 312 miles, and that only two postal clerks are employed in the cars. All the mail handled by these clerks could be handled in apartment cars, thus saving the rental of postal cars—about $7,800 a year.

COULDN'T TELL THE WEIGHT.

Mr. FINLEY, of South Carolina, a member of the committee, asked Mr. Shallenberger to state the average weight of mail carried in railway post-office cars. Mr. Shallenberger replied that he did not have the information, and that the Department had no data of that kind. The Department, he admitted, made an "estimate" of the amount carried, in passing upon requests from the railroads for full railway post-office service. Mr. FINLEY wanted a little more light:

"Mr. FINLEY. Can your office give a statement of information along that line?

"Mr. SHALLENBERGER. I do not at present see how we could give a statement that would be at all intelligible."

The total number of railway post-office cars in service last year was 1,015, and the number in reserve was 215. The Government paid $5,500,044.65 for the cars in service, an average of $5,427.62 a car. The cars cost about $5,500 or $6,000 each and are maintained and repaired at an annual cost of about $1,200. They are built and owned by the railroad companies and rented to the Post-Office Department. The pay for a line of these cars is $25 a mile for 40-foot cars, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 or 60 foot cars. A "line" consists of a car each way every day over a specified route, with a car in reserve for use in case of accident. Three cars, as a rule, constitute a "line," although a short run may be covered by one car alone, in which case this one car receives full pay as an entire line.

REMAINS A MYSTERY.

Repeated efforts have been made by legislators and investigators generally to obtain from the Post-Office Department a statement of the money earned by railway post-office cars—not as lines, but as cars. This information has never yet been obtained. The Department officials insist that as the pay is for "lines," and not for particular cars, they are unable to furnish the information. It is said that some postal cars on certain routes earn as much as $10,000 a year each. This is in addition to the pay for the mail carried in the car, which is paid for by the pound.

The representatives of the railroads lay great stress upon the fact that a comparatively small amount of mail is carried in a postal car. Nobody knows just how much is carried—at least nobody who knows will tell. At first glance it would appear that the railroads should receive higher pay proportionately for a car carrying only 2 or 3 tons of mail than for a car carrying 20 or 30 tons. It is argued that while a freight car carries an immense amount of live paying freight in proportion to its own weight, a mail car carries a very small proportion of live weight. The fact is, however, that a railway mail car is fully paid for by the Government whether it carries a pound of mail or not. It earns pay by the mile, without regard to its load. If empty, it earns just as much as when full. If loaded, the weight of the load is paid for by the pound in addition to the rental of the car.

If a man should engage an expressman to haul his trunk to the station, and should pay for the service according to the weight of the trunk, and should then pay in addition a certain sum as rental of the wagon, according to the distance traveled, he would be conferring upon the expressman the same benefits as are conferred by the Government upon the railroads for the transportation of mail.

LIVELY SCRAMBLE FOR CARS.

It is not remarkable, under the circumstances, that there is a lively scramble for railway post-office cars by the railroads, and that the chief item of estimated increased expense of the service for the next fiscal year is for postal cars. Mr. Shallenberger told the committee that demands for railway post-office cars came from division superintendents, based upon personal information and from reports of chief clerks; from postmasters, and from postal clerks, who aimed to increase the number of crews, and thereby secure promotions; but he endeavored to remove from the committee's mind the impression that the railroads themselves demanded postal cars.

This colloquy illustrates how Mr. Shallenberger met the issue when pressed by Chairman OVERSTREET:

"The CHAIRMAN. Is is not true that railways often seek the establishment of new full railway post-office service in order to prevent competing lines from getting possession of mail which they would haul?

"Mr. SHALLENBERGER. They ask additional railway post-office service in addition to pay for transportation, both of which would justify them in putting on a given train service and expediting the mail.

"The CHAIRMAN. My question is, Do not roads often seek to have full railway post-office service established in order, by reason of that full railway post-office service on their lines, to prevent competing lines from getting the haul, as you give preference to a road where there is full railway post-office service—the natural preference—by reason of the fact that the mail is more readily worked on railway post-office cars; and as between two competing lines, one having a full railway post-office service and the other not having that service, the probabilities are that the one having the full railway post-office service will get the larger amount of pay?

SHALLENBERGER IS DIPLOMATIC.

"Mr. SHALLENBERGER. But I think I may say that we do not listen to the appeal for that railway post-office service for the reason stated—that a given line of railway post-office cars is preferred necessarily by the Department. It is only preferred when it will expedite the mail, hence a competing line, knowing that that is the only point involved, is just as likely to get the full railway post-office service as the line seeking to draw mail from it. There is no preference necessarily given to a line because it has railway post-office service, because we can get railway post-office service on any line.

"The CHAIRMAN. You never have any difficulty in having it inaugurated?

"Mr. SHALLENBERGER. No.

"The CHAIRMAN. They are always glad to have it inaugurated, are they not?

"Mr. SHALLENBERGER. Not always glad. When it is apartment-car service purely, which requires them to give us space without additional pay, they are not always ready to do it, but they are, as a rule, willing to do it—not anxious to do it."

At this point Chairman OVERSTREET dropped the subject, and the record fails to disclose any admission on the part of the Second Assistant Postmaster-General that the railroads are glad to secure full railway post-office service, which pays them an average of $5,427 a car at an annual cost for maintenance of $1,200.

WHAT REPORT DISCLOSES.

The report of the Second Assistant Postmaster-General shows that there was a net deduction of only $5,658.68 in the pay of the railway mail service during the fiscal year 1905. When questioned by the committee, Mr. Shallenberger acknowledged that the exaction of fines for certain failures had been practically abandoned, but he insisted that fines were still exacted in certain cases. Fines for delay in keeping schedules have been abandoned for the reason, as advanced by Mr. Shallenberger, that increased frequency of train service prevents any great delay in delivering the mails. When a train fails to make the only connection possible it is sometimes fined and sometimes not. There does not appear to be any rule in the matter.

When asked how the trains were kept up to schedule, Mr. Shallenberger replied that competition was all that was depended upon. "They feel that they will lose the mail if they do not carry it as well as the competing roads," he said. This testimony was received with interest, in view of the often-repeated assertion of the railroad representatives that the mails are carried at a loss.

Mr. MACON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. HULL. Mr. Chairman, gentlemen who had intended to speak upon the bill have gone home on the idea that those to whom time has been yielded would take up the entire time for the day. I therefore move that the committee do now rise.

Mr. BARTHOLDT. Pending that motion, I would like to ask the gentleman a question. I would like to know whether this bill contains a provision for the restoration of the canteen?

Mr. HULL. Oh, no.

Mr. BARTHOLDT. It does not?

Mr. HULL. No.

Mr. BARTHOLDT. Then I have this to say, Mr. Chairman, in face of all the evidence submitted on the canteen question, and in face of the unanimous demand of the Army for its restoration, if we fail to restore it we are cowards.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa, that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14397 and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, by direction of the Committee on Indian Affairs, reported the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 8773. An act granting an increase of pension to William H. Joslin;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay;

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River, in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4016. An act for establishing a light vessel off Nantucket Shoals, Massachusetts—to the Committee on Interstate and Foreign Commerce.

REPRINT OF BILL.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 14611) to establish a Bureau of Geology and Mining and the report accompanying it, being Report No. 1184.

There was no objection; and it was so ordered.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for the Industrial Home School—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for the deportation of nonresident insane persons and transportation of paupers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the papers in the pension claims of Minerva and Elizabeth Robinson, contesting widows of James Robinson, with a letter from the Commissioner of Pensions recommedning such relief as Congress may give—to the Committee on Invalid Pensions.

A letter from the Secretary of War, transmitting a reply in reference to the expenditures of the State of Texas on account of State volunteers or rangers in defense of the frontier—to the Committee on Appropriations.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for relief of officers and crew of relief light-vessel *No. 58*—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, in response to the inquiry of the House, a statement as to appropriations for permanent specific and indefinite objects—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, a draft of a bill for the relief of Albert R. Herlig—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of North Haven, Me.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cape Fear River at and below Wilmington, N. C.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a correction of his response to the inquiry of the House as to the sale of the custom-house in New York City to the National City Bank—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. REID, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 134) establishing an additional recording district in Indian Territory, reported the same with amendment, accompanied by a report (No. 1556); which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the Senate joint resolution (S. R. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, reported the same with amendment, accompanied by a report (N. 1557); which said joint resolution and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," reported the same with amendment, accompanied by a report (No. 1558); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13194) to authorize the Secretary of the Interior to reclassify the public lands of Alabama, reported the same without amendment, accompanied by a report (No. 1559); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13937) granting an increase for the authorization of a light-ship to be placed on the outer bar of Brunswick, Ga., from $90,000 to $130,000, reported the same without amendment, accompanied by a report (No. 1560); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14812) to authorize the purchase or construction of a steam or naphtha launch for use in the customs collection district of Norfolk, Va., reported the same with amendment, accompanied by a report (No. 1561); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the Senate joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina, reported the same without amendment, accompanied by a report (No. 1562); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 13192, reported in lieu the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, accompanied by a report (No. 1635); which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10101) authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota, reported the same with amendment, accompanied by a report (No. 1636); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10480) for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company, reported the same with amendment, accompanied by a report (No. 1637); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15085) to set apart certain lands in the State of South Dakota, to be known as the Battle Mountain Sanitarium Reserve, reported the same without amendment, accompanied by a report (No. 1638); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Oklahoma Territory, and making appropriations therefor, reported the same without amendment, accompanied by a report (No. 1676); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKINLEY of Illinois, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 4198) granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunste," reported the same without amendment, accompanied by a report (No. 1554); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5553) granting an increase of pension to Oliver L. Kendall, reported the same with amendment, accompanied by a report (No. 1555); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1142) for the relief of Ephraim Greenawalt, reported the same without amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14541) for the relief of C. R. Williams, reported the same without amendment, accompanied by a report (No. 1564); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6837) for the relief of Carl F. Kolbe, reported the same without amendment, accompanied by a report (No. 1565); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5539) for the relief of the State of Rhode Island, reported the same with amendment, accompanied by a report (No. 1566); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10015) for the relief of the estate of Capt. Charles E. Russell, deceased, reported the same with amendment, accompanied by a report (No. 1567); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7670) for the relief

of the legal representatives of the estate of Benjamin Lillard, deceased, reported the same with amendment, accompanied by a report (No. 1568); which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4401, reported in lieu thereof a resolution (H. Res. 278) referring to the Court of Claims the papers in the case of the estate of Joseph M. Witt, accompanied by a report (No. 1571); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 8001, reported in lieu thereof a resolution (H. Res. 279) referring to the Court of Claims the papers in the case of heirs of J. B. Fuller, deceased, accompanied by a report (No. 1572); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8002, reported in lieu thereof a resolution (H. Res. 280) referring to the Court of Claims the papers in the case of heirs of Hardin P. Franklin, deceased, accompanied by a report (No. 1573); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8003, reported in lieu thereof a resolution (H. Res. 281) referring to the Court of Claims the papers in the case of the administratrix of John H. Record, deceased, accompanied by a report (No. 1574); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7987, reported in lieu thereof a resolution (H. Res. 282) referring to the Court of Claims the papers in the case of the estate of Alfred Swearingin, deceased, accompanied by a report (No. 1575); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7990, reported in lieu thereof a resolution (H. Res. 283) referring to the Court of Claims the papers in the case of the estate of Andrew B. Conley, deceased, accompanied by a report (No. 1576); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7996, reported in lieu thereof a resolution (H. Res. 284) referring to the Court of Claims the papers in the case of the heirs of John Parham, deceased, accompanied by a report (No. 1577); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8035, reported in lieu thereof a resolution (H. Res. 285) referring to the Court of Claims the papers in the case of the estate of A. M. Doak, deceased, accompanied by a report (No. 1578); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8036, reported in lieu thereof a resolution (H. Res. 286) referring to the Court of Claims the papers in the case of the heirs of John D. Martin, deceased, accompanied by a report (No. 1579); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7993, reported in lieu thereof a resolution (H. Res. 287) referring to the Court of Claims the papers in the case of the estate of W. T. Eason, deceased, accompanied by a report (No. 1580); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7994, reported in lieu thereof a resolution (H. Res. 288) referring to the Court of Claims the papers in the case of the estate of Mrs. E. J. Matlock, deceased, accompanied by a report (No. 1581); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7995, reported in lieu thereof a resolution (H. Res. 289) referring to the Court of Claims the papers in the case of the heirs of Mrs. Charity Clements, deceased, accompanied by a report (No. 1582); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7999, reported in lieu thereof a resolution (H. Res. 290) referring to the Court of Claims the papers in the case of the heirs of William M. Kimmons, accompanied by a report (No. 1583); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8037, reported in lieu thereof a resolution (H. Res. 291) referring to the Court of Claims the papers in the case of the estate of Jacob Joiner, deceased, accompanied by a report (No. 1584); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13066, reported in lieu thereof a resolution (H. Res. 292) referring to the Court of Claims the papers in the case of the heirs of William Bailey, deceased, accompanied by a report (No. 1585); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7991, reported in lieu thereof a resolution (H. Res. 293) referring to the Court of Claims the papers in the case of Willis J. Moran, accompanied by a report (No. 1586); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4113, reported in lieu thereof a resolution (H. Res. 294) referring to the Court of Claims the papers in the case of John Heberer, accompanied by a report (No. 1587); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12107, reported in lieu thereof a resolution (H. Res. 295) referring to the Court of Claims the papers in the case of M. V. Stearnes, accompanied by a report (No. 1588); which said resolution and report were referred to the Private Calendar.

He also, from he same committee, to which was referred the bill of the House H. R. 12117, reported in lieu thereof a resolution (H. Res. 296) referring to the Court of Claims the papers in the case of the estate of M. Light, deceased, accompanied by a report (No. 1589); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4419, reported in lieu thereof a resolution (H. Res. 297) referring to the Court of Claims the papers in the case of the estate of J. C. West, deceased, accompanied by a report (No. 1590); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 8034, reported in lieu thereof a resolution (H. Res. 298) referring to the Court of Claims the papers in the case of D. W. Carpenter, accompanied by a report (No. 1591); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 7526, reported in lieu thereof a resolution (H. Res. 299) referring to the Court of Claims the papers in the case of Michael Dace, accompanied by a report (No. 1592); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8841, reported in lieu thereof a resolution (H. Res. 300) referring to the Court of Claims the papers in the case of the trustees of Allegheny College, at Blue Sulphur, W. Va., accompanied by a report (No. 1593); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4112, reported in lieu thereof a resolution (H. Res. 301) referring to the Court of Claims the papers in the case of James B. Phillips, accompanied by a report (No. 1594); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was reported the bill of the House H. R. 8039, reported in lieu thereof a resolution (H. Res. 302) referring to the Court of Claims the papers in the case of Jeremiah H. Morgan, accompanied by a report (No. 1595); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8004, reported in lieu thereof a resolution (H. Res. 303) referring to the Court of Claims the papers in the case of the heirs of Jonathan Davis, deceased, accompanied by a report (No. 1596); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8005, reported in lieu thereof a resolution (H. Res. 304) referring to the Court of Claims the papers in the case of the heirs of John P. Caruthers, deceased, accompanied by a report (No. 1597); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8040, reported in lieu thereof a resolution (H. Res. 305) referring to the Court of Claims the papers in the case of the estate of W. F. Gaines, deceased, accompanied

by a report (No. 1598); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4114, reported in lieu thereof a resolution (H. Res. 306) referring to the Court of Claims the papers in the case of Edward A. Buder, accompanied by a report (No. 1599); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 3851, reported in lieu thereof a resolution (H. Res. 307) referring to the Court of Claims the papers in the case of John A. Fairfax, accompanied by a report (No. 1600); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 5166, reported in lieu thereof a resolution (H. Res. 308) referring to the Court of Claims the papers in the case of George W. Guzer, accompanied by a report (No. 1601); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4390, reported in lieu thereof a resolution (H. Res. 309) referring to the Court of Claims the papers in the case of estate of Dewitt Slawson, deceased, accompanied by a report (No. 1602); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 8033, reported in lieu thereof a resolution (H. Res. 310) referring to the Court of Claims the papers in the case of the Old School Presbyterian Church, Panola, Miss., accompanied by a report (No. 1303); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8006, reported in lieu thereof a resolution (H. Res. 311) referring to the Court of Claims the papers in the case of the heirs of W. E. Tomlinson, deceased, accompanied by a report (No. 1604); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1306, reported in lieu thereof a resolution (H. Res. 312) referring to the Court of Claims the papers in the case of W. M. McKie, accompanied by a report (No. 1605); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4569, reported in lieu thereof a resolution (H. Res. 313) referring to the Court of Claims the papers in the case of the estate of Archibald W. Tanner, deceased, accompanied by a report (No. 1606); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12536, reported in lieu thereof a resolution (H. Res. 314) referring to the Court of Claims the papers in the case of James H. Birch, accompanied by a report (No. 1607); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 8031, reported in lieu thereof a resolution (H. Res. 315) referring to the Court of Claims the papers in the case of the heirs of Mrs. Polly Callahan, deceased, accompanied by a report (No. 1608); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4568, reported in lieu thereof a resolution (H. Res. 316) referring to the Court of Claims the papers in the case of Thomas G. Verdine, accompanied by a report (No. 1609); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7902, reported in lieu thereof a resolution (H. Res. 317) referring to the Court of Claims the papers in the case of Minor Saunders, accompanied by a report (No. 1610); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 9558, reported in lieu thereof a resolution (H. Res. 318) referring to the Court of Claims the papers in the case of Robert M. Williamson, accompanied by a report (No. 1611); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4576, reported in lieu thereof a resolution (H. Res. 319) referring to the Court of Claims the papers in the case of the legal representatives of J. P. Lamar, deceased, accompanied by a report (No. 1612); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4567, reported in lieu thereof a resolution (H. Res. 320) referring to the Court of Claims the papers in the case of Aaron B. Stripling, accompanied by a report (No. 1613); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1023, reported in lieu thereof a resolution (H. Res. 321) referring to the Court of Claims the papers in the case of the heirs of Archie B. Forbess, deceased, accompanied by a report (No. 1614); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 13062, reported in lieu thereof a resolution (H. Res. 322) referring to the Court of Claims the papers in the case of the estate of Abner W. Lanier, deceased, accompanied by a report (No. 1615); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 7998, reported in lieu thereof a resolution (H. Res. 323) referring to the Court of Claims the papers in the case of the heirs of Samuel Scott, deceased, accompanied by a report (No. 1616); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 14564, reported in lieu thereof a resolution (H. Res. 324) referring to the Court of Claims the papers in the case of William B. Payne, accompanied by a report (No. 1617); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4575, reported in lieu thereof a resolution (H. Res. 325) referring to the Court of Claims the papers in the case of the heirs at law of Emily R. Hathorn, deceased, accompanied by a report (No. 1618); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13453, reported in lieu thereof a resolution (H. Res. 326) referring to the Court of Claims the papers in the case of the heirs of James Stewart and John Lee McMichael, deceased, accompanied by a report (No. 1619); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4572, reported in lieu thereof a resolution (H. Res. 327) referring to the Court of Claims the papers in the case of the estate of Daniel Brewer, deceased, accompanied by a report (No. 1620); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4573, reported in lieu thereof a resolution (H. Res. 328) referring to the Court of Claims the papers in the case of the estate of Samuel M. Farrar, deceased, accompanied by a report (No. 1621); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7988, reported in lieu thereof a resolution (H. Res. 329) referring to the Court of Claims the papers in the case of the estate of Joseph N. Moran, deceased, accompanied by a report (No. 1622); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 13064, reported in lieu thereof a resolution (H. Res. 330) referring to the Court of Claims the papers in the case of the estate of Mark M. Harwell, deceased, accompanied by a report (No. 1623); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11481, reported in lieu thereof a resolution (H. Res. 331) referring to the Court of Claims the papers in the case of Flat Creek Baptist Church, of Pettis County, Mo., accompanied by a report (No. 1624); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 5922, reported in lieu thereof a resolution (H. Res. 332) referring to the Court of Claims the papers in the case of Paschal Henshaw, accompanied by a report (No. 1625); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 13063, reported in lieu thereof a resolution (H. Res. 333) referring to the Court of Claims the papers in the case of the estate of Harriet W. Flem-

ing, deceased, accompanied by a report (No. 1626); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 13065, reported in lieu thereof a resolution (H. Res. 334) referring to the Court of Claims the papers in the case of the estate of Francis S. Jones, deceased, accompanied by a report (No. 1627); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4574, reported in lieu thereof a resolution (H. Res. 335) referring to the Court of Claims the papers in the case of G. W. Clark & Son, a firm composed of G. W. Clark and J. H. Clark, of Spalding County, Ga., accompanied by a report (No. 1628); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 5476, reported in lieu thereof a resolution (H. Res. 336) referring to the Court of Claims the papers in the case of S. C. Stewart, administrator of the estate of Dr. J. M. Curry, deceased, accompanied by a report (No. 1629); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4175, reported in lieu thereof a resolution (H. Res. 337) referring to the Court of Claims the papers in the case of George K. Kirchner, accompanied by a report (No. 1630); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4571, reported in lieu thereof a resolution (H. Res. 338) referring to the Court of Claims the papers in the case of Mrs. Izabella R. Napier, accompanied by a report (No. 1631); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 4577, reported in lieu thereof a resolution (H. Res. 339) referring to the Court of Claims the papers in the case of Sabini Jones, accompanied by a report (No. 1632); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 8038, reported in lieu thereof a resolution (H. Res. 340) referring to the Court of Claims the papers in the case of the heirs of John C. McGehee, deceased, accompanied by a report (No. 1633); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1775) granting a pension to Alexander Kinnison, reported the same with amendment, accompanied by a report (No. 1640); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1803) granting a pension to George S. Taylor, reported the same without amendment, accompanied by a report (No. 1641); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4596) granting an increase of pension to John J. Hughes, reported the same with amendment, accompanied by a report (No. 1642); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5426) for the relief of Martha J. England, reported the same with amendment, accompanied by a report (No. 1643); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6148) granting a pension to Henry P. Will, reported the same with amendment, accompanied by a report (No. 1644); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6963) granting a pension to William P. Knowlton, reported the same with amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8607) granting an increase of pension to Arthur Haire, reported the same with amendment, accompanied by a report (No. 1646); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8891) granting a pension to Mrs. R. C. Rogers, reported the same with amendment, accompanied by a report (No. 1647); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9248) granting an increase of pension to James T. Butler, reported the same with amendment, accompanied by a report (No. 1648); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9249) granting an increase of pension to R. S. Cromer, reported the same with amendment, accompanied by a report (No. 1649); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9267) granting an increase of pension to William Cook, reported the same with amendment, accompanied by a report (No. 1650); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9287) granting a pension to Eliza Byron, reported the same without amendment, accompanied by a report (No. 1651); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9955) granting a pension to James W. Baker, reported the same with amendment, accompanied by a report (No. 1652); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10166) granting an increase of pension to Elizabeth Morgan, reported the same with amendment, accompanied by a report (No. 1653); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11078) granting a pension to Rosa Zurrin, reported the same without amendment, accompanied by a report (No. 1654); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12351) granting an increase of pension to John Foltz, reported the same with amendment, accompanied by a report (No. 1655); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12354) granting an increase of pension to Tillman T. Herridge, reported the same without amendment, accompanied by a report (No. 1656); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12715) granting a pension to George B. Kirk, reported the same with amendment, accompanied by a report (No. 1657); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13161) granting a pension to Cynthia A. Embry, reported the same with amendment, accompanied by a report (No. 1658); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13165) granting a pension to Martin Noland, reported the same with amendment, accompanied by a report (No. 1659); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13527) granting a pension to Willard V. Shepherd, reported the same with amendment, accompanied by a report (No. 1660); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13761) granting an increase of pension to John Cook, reported the same with amendment, accompanied by a report (No. 1661); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14112) granting an increase of pension to Andrew J. Baker, reported the same with amendment, accompanied by a report (No. 1662); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14140) granting an increase of pension to J. M. Cage, reported the same with amendment, accompanied by a report (No. 1663); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14538) granting an increase of pension to Eliza L. Norwood, reported the same with

amendment, accompanied by a report (No. 1664); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14642) granting a pension to James P. Himes, reported the same with amendment, accompanied by a report (No. 1665); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14646) granting an increase of pension to A. R. Fisher, reported the same with amendment, accompanied by a report (No. 1666); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14653) granting an increase of pension to Sophronia Lofton, reported the same without amendment, accompanied by a report (No. 1667); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14669) granting an increase of pension to Anna H. Wagner, reported the same with amendment, accompanied by a report (No. 1668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14694) granting an increase of pension to Samuel R. Dummer, reported the same with amendment, accompanied by a report (No. 1669); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14793) granting an increase of pension to William W. Howell, reported the same without amendment, accompanied by a report (No. 1670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14848) granting an increase of pension to Samantha E. Herald, reported the same with amendment, accompanied by a report (No. 1671); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14925) granting an increase of pension to James Grizzle, reported the same with amendment, accompanied by a report (No. 1672); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14937) granting an increase of pension to William S. Nagle, reported the same with amendment, accompanied by a report (No. 1673); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14988) granting an increase of pension to James B. Cox, reported the same with amendment, accompanied by a report (No. 1674); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15062) granting an increase of pension to Thomas Sparrow, reported the same with amendment, accompanied by a report (No. 1675); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bills of the House (H. R. 14376 and 12026) for the relief of William Bushby, reported the same adversely, accompaied by a report (No. 1569); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9573) for the relief of the legal representatives of the late firm of Lapène & Ferré, reported the same adversely, accompanied by a report (No. 1570); which said bill and report were ordered laid on the table.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1445) for the relief of Noah L. Cochen, reported the same adversely, accompanied by a report (No. 1639); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALDERHEAD: A bill (H. R. 15325) providing for the purchase of a site and the erection of a public building in the city of Manhattan, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 15326) to pay for the Government's proportionate share of the expense of paving the alleyways on the north and east sides of the public building at Janesville, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. LARRINAGA (by request): A bill (H. R. 15327) granting to Carlos Conde Casariego a franchise to build, maintain, and operate a wharf and pier in the harbor of San Juan, Porto Rico, and for other purposes—to the Committee on Insular Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 15328) to approve certain final proofs in the Chamberlain land district, South Dakota—to the Committee on the Public Lands.

By Mr. ESCH: A bill (H. R. 15329) to prevent common carriers engaged in interstate commerce, or any director, officer or agent, receiver, or operating trustee thereof, directly or indirectly, from having any control or part ownership or interest in or prosecuting or engaging in the business of mining or manufacturing or trading in any commodity transported by such carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODYARD: A bill (H. R. 15330) granting pensions to teamsters of the war of the rebellion, from 1861 to 1865, inclusive—to the Committee on Invalid Pensions.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907—to the Union Calendar.

By Mr. OLCOTT, from the Committee on the District of Columbia: A bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution—to the House Calendar.

By Mr. McGUIRE: A bill (H. R. 15333) for the division of the lands of the Osage Indians in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. BOWIE: A bill (H. R. 15334) to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 15337) to authorize the macadamizing of road from Fort Robinson across military reservation to Crawford, Nebr., and appropriating $80,000 therefor—to the Committee on Military Affairs.

By Mr. McGAVIN: A bill (H. R. 15338) to amend an act readjusting the salaries of postmasters, approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: A bill (H. R. 15339) to empower the Secretary of War to authorize the construction or extension of wharves, piers, or other structures on lands underlying the harbor areas and streams in or surrounding Porto Rico and the islands adjacent thereto—to the Committee on Insular Affairs.

By Mr. OLMSTED: A bill (H. R. 15340) to establish a fish hatchery and fish-culture station in the county of Cumberland, in the State of Pennsylvania, for the propagation of trout, bass, and other game and food fishes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 15341) to provide for the purchase of a site and the erection of a public building thereon at Carlisle, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 15342) to provide for the establishment, control, operation, and maintenance of a general hospital for the Army and Navy and marine service of the United States at Mineral Wells, in the State of Texas—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 15343) for the recognition of services of a military nature rendered by certain civilians in the late war with Spain—to the Committee on Military Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 15344) to set apart certain lands in the State of Colorado as a public park, to be known as the Royal Gorge National Park—to the Committee on the Public Lands.

By Mr. MURPHY: A bill (H. R. 15345) to create a new division in the western judicial district of Missouri, and for other purposes—to the Committee on the Judiciary.

By Mr. POLLARD: A bill (H. R. 15346) to apply a portion of the proceeds of the public lands to the State normal schools of the United States for the advancement of instruction in agriculture—to the Committee on the Public Lands.

By Mr. LIVINGSTON: A joint resolution (H. J. Res. 102) authorizing the Georgia Soldier Roster Commission to obtain copies of certain records of the War Department—to the Committee on Military Affairs.

By Mr. SOUTHALL: A joint resolution (H. J. Res. 103) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: A concurrent resolution (H. C. Res. 21) directing the Commissioners of the District of Columbia to report to Congress upon the improvement of the Anacostia River Flats—to the Committee on the District of Columbia.

By Mr. McNARY: A resolution (H. Res. 276) requesting the President of the United States to direct the Interstate Commerce Commission to furnish the House with certain information—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A resolution (H. Res. 277) for the appointment of a committee to investigate St. Elizabeth Government Hospital for the Insane—to the Committee on Rules.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 278) referring to the Court of Claims H. R. 4401—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 279) referring to the Court of Claims H. R. 8001—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 280) referring to the Court of Claims H. R. 8002—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 281) referring to the Court of Claims H. R. 8003—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 282) referring to the Court of Claims H. R. 7987—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 283) referring to the Court of Claims H. R. 7990—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 284) referring to the Court of Claims H. R. 7996—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 285) referring to the Court of Claims H. R. 8035—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 286) referring to the Court of Claims H. R. 8036—to the Private Calendar.

Also from the same committee, a resolution (H. Res. 287) referring to the Court of Claims H. R. 7993—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 288) referring to the Court of Claims H. R. 7994—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 289) referring to the Court of Claims H. R. 7995—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 290) referring to the Court of Claims H. R. 7999—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 291) referring to the Court of Claims H. R. 8037—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 292) referring to the Court of Claims H. R. 13066—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 293) referring to the Court of Claims H. R. 7991—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 294) referring to the Court of Claims H. R. 4113—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 295) referring to the Court of Claims H. R. 12107—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 296) referring to the Court of Claims H. R. 12117—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 297) referring to the Court of Claims H. R. 4419—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 298) referring to the Court of Claims H. R. 8034—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 299) referring to the Court of Claims H. R. 7526—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 300) referring to the Court of Claims H. R. 8841—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 301) referring to the Court of Claims H. R. 4112—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 302) referring to the Court of Claims H. R. 8039—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 303) referring to the Court of Claims H. R. 8004—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 305) referring to the Court of Claims H. R. 8005—to the Private Calendar.

Also, from the same committee, a resolution (H. Res 305) referring to the Court of Claims H. R. 8040—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 306) referring to the Court of Claims H. R. 4114—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 307) referring to the Court of Claims H. R. 3851—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 308) referring to the Court of Claims H. R. 5166—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 309) referring to the Court of Claims H. R. 4390—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 310) referring to the Court of Claims H. R. 8033—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 311) referring to the Court of Claims H. R. 8006—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 312) referring to the Court of Claims H. R. 13061—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 313) referring to the Court of Claims H. R. 4569—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 314) referring to the Court of Claims H. R. 12536—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 315) referring to the Court of Claims H. R. 8031—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 316) referring to the Court of Claims H. R. 4568—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 317) referring to the Court of Claims H. R. 7992—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 318) referring to the Court of Claims H. R. 9558—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 319) referring to the Court of Claims H. R. 4576—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 320) referring to the Court of Claims H. R. 4567—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 321) referring to the Court of Claims H. R. 1023—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 322) referring to the Court of Claims H. R. 13062—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 323) referring to the Court of Claims H. R. 7998—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 324) referring to the Court of Claims H. R. 14564—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 325) referring to the Court of Claims H. R. 4575—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 326)

referring to the Court of Claims H. R. 13453—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 327) referring to the Court of Claims H. R. 4572—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 328) referring to the Court of Claims H. R. 4573—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 329) referring to the Court of Claims H. R. 7988—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 330) referring to the Court of Claims H. R. 13064—to the Private Calendar.

By Mr. FULKERSON, from the committee on War Claims: A resolution (H. Res. 331) referring to the Court of Claims H. R. 11481—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 332) referring to the Court of Claims H. R. 5922—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 333) referring to the Court of Claims H. R. 13063—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 334) referring to the Court of Claims H. R. 13065—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 335) referring to the Court of Claims H. R. 4574—to the Private Calendar.

Also, from the same committee, a resolution(H. Res. 336) referring to the Court of Claims H. R. 5476—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 337) referring to the Court of Claims H. R. 4175—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 338) referring to the Court of Claims H. R. 4571—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 339) referring to the Court of Claims H. R. 4577—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 340) referring to the Court of Claims H. R. 8038—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 15347) granting an increase of pension to John M. Love—to the Committee on Pensions.

Also, a bill (H. R. 15348) for the relief of the heirs of John W. Corpier, deceased—to the Committee on War Claims.

By Mr. BROOKS of Colorado: A bill (H. R. 15349) granting an increase of pension to Alphonse L. Stacy—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15350) granting an increase of pension to Marion L. Metcalf—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 15351) granting an increase of pension to Robert Y. Thompson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 15352) granting an increase of pension to Effie L. Young—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 15353) granting an increase of pension to Abby J. Bryant—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 15354) granting an increase of pension to William Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15355) granting an increase of pension to George M. Daily—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15356) granting an increase of pension to Charles M. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15357) for the relief of Elmer E. Johnston, late postmaster at Rockwell City, Iowa—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 15358) granting an increase of pension to Thomas A. Agur—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 15359) granting an increase of pension to Joseph F. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15360) granting an increase of pension to Attison W. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 15361) granting an increase of pension to Johnson White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15362) granting an increase of pension to William H. H. Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15363) granting an increase of pension to Ezra Keeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15364) granting an increase of pension to Susannah Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15365) granting an increase of pension to John W. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15366) granting a pension to Elvia Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15367) granting a pension to George D. Wellons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15368) granting a pension to Mary M. Haney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15369) granting a pension to Charles A. Means—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15370) granting a pension to Mahala Hyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15371) to correct the military record of Jacob Lamont—to the Committee on Military Affairs.

Also, a bill (H. R. 15372) to correct the military record of Patrick Sweeney—to the Committee on Military Affairs.

Also, a bill (H. R. 15373) to correct the military record of John Freeman—to the Committee on Military Affairs.

By Mr. DRESSER: A bill (H. R. 15374) granting a pension to Alice N. Payne—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 15375) for the relief of W. R. Austin & Co.—to the Committee on Claims.

By Mr. FASSETT: A bill (H. R. 15376) for the relief of John H. Fralick—to the Committee on Claims.

Also, a bill (H. R. 15377) granting an increase of pension to Rufus J. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15378) granting an increase of pension to Isaac N. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15379) granting an increase of pension to James McNetton—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 15380) granting an increase of pension to Valentine Gunselman—to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 15381) for the relief of W. J. Kountz—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 15382) granting an increase of pension to Mary C. Moore—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 15383) granting an increase of pension to William P. Squire—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15384) for the relief of Joseph B. Johnson—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 15385) granting an increase of pension to William Lucas—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 15386) to correct the military record of Henry Finnegas—to the Committee on Military Affairs.

Also, a bill (H. R. 15387) to correct the military record of James Brady—to the Committee on Military Affairs.

Also, a bill (H. R. 15388) granting a pension to George Treat—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 15389) granting an increase of pension to George Trussell—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 15390) granting a pension to John D. Lindsay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15391) granting an increase of pension to Walker L. Cobb—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 15392) granting an increase of pension to John W. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15393) granting an increase of pension to Nancy N. Allen—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 15394) for the relief of John A. Haas—to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 15395) for the relief of the estate of W. J. Langston, deceased—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: A bill (H. R. 15396) granting an increase of pension to John T. Jacobs—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 15397) granting an increase of pension to Edward Gillespie—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 15398) for the relief of Abner C. Proctor—to the Committee on Claims.

By Mr. MARTIN: A bill (H. R. 15399) granting an increase of pension to Charles Windolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15400) for the relief of Fred F. B. Coffin—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 15401) for the relief of G. R. West—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 15402) granting a pension to Daniel Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15403) granting an increase of pension to Elisha Hedden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15404) granting an increase of pension to Norman C. Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15405) granting an increase of pension to Lewis Nassaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15406) granting an increase of pension to Christian Keuneke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15407) granting an increase of pension to Martin Shoup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15408) granting an increase of pension to Mrs. C. Wentz—to the Committee on Pensions.

By Mr. NEEDHAM: A bill (H. R. 15409) to appoint and retire George R. Rogers a second lieutenant in the Army—to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 15410) for the relief of E. L. Simpson—to the Committee on Claims.

By Mr. REID: A bill (H. R. 15411) granting an increase of pension to Jesse C. Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15412) granting an increase of pension to George F. Allen—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 15413) granting a pension to Lydia Ann Gregory—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15414) granting an increase of pension to John S. Blinn—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 15415) granting an increase of pension to Ann R. Nelson—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15416) for the relief of Mrs. S. E. Underwood—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 15417) granting an increase of pension to Charles W. Leavitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15418) granting an increase of pension to Samuel P. Sargent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15419) granting an increase of pension to Richard J. Emerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15420) granting an increase of pension to Phendeus H. Potter—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15421) granting an increase of pension to Paul Diedrich—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 15422) granting an increase of pension to John H. Ashbaugh—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 15423) granting an honorable discharge to Dewitt C. Robbins—to the Committee on Military Affairs.

By Mr. WACHTER: A bill (H. R. 15424) granting a pension to Augustus A. Rhodrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15425) granting a pension to Edward Wiegand—to the Committee on Pensions.

Also, a bill (H. R. 15426) to remove the charge of desertion from the record of Henry East—to the Committee on Military Affairs.

Also, a bill (H. R. 15427) for the relief of the heirs of Henry Hubbard—to the Committee on War Claims.

Also, a bill (H. R. 15428) for the relief of William P. Trimble, surviving executor of the last will and testament of Isaac R. Trimble, deceased—to the Committee on War Claims.

By Mr. WEBBER: A bill (H. R. 15429) granting a pension to John Bruboker—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 15430) granting an increase of pension to Oliver L. Lawrence—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 15431) granting a pension to Theresa Creiss—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2202) granting a pension to Ellen Harriman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12651) granting a pension to Louis Grossman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BABCOCK: Paper to accompany bill for relief of Patrick Mooney—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of the Pennsylvania Prison Society, for bill S. 3250—to the Committee on the Judiciary.

Also, petition of the Lawrenceville Board of Trade, for a new post-office building in Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of the Workmen's Federation of New York and the Central Federated Union of New York, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the State Federation of Pennsylvania Women, favoring the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Western Union Telegraph Company, favoring bill S. 2165—to the Committee on Invalid Pensions.

Also, petition of the United States Brewers' Association, for a Federal judicial circuit court in the Orient—to the Committee on Foreign Affairs.

By Mr. BATES: Petition of the National Bank of Erie, Pa., favoring bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of Charles Miller Division, No. 43, Brotherhood of Railway Trainmen, of Meadville, Pa., for the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Grange No. 147, of Phillipsville, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of heirs of John W. Corpier—to the Committee on War Claims.

Also, paper to accompany bill for relief of John M. Love—to the Committee on Pensions.

By Mr. BONYNGE: Petition of Benjamin Franklin Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Lawrenceville Board of Trade, for an appropriation for a new post-office building in Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of the Western Union Telegraph Company, for bill S. 2165—to the Committee on Invalid Pensions.

Also, petition of the Pennsylvania Prison Society, for bill S. 3250—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolution of Maine Division, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George C. Rounds—to the Committee on Military Affairs.

By Mr. COLE: Petition of citizens of Champaign County, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CONNER: Petition of E. Johnson et al., of Williams, Iowa, favoring a treaty of reciprocity with Germany—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COOPER of Wisconsin: Petition of Local Union No. 108, of Racine, Wis., Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Woman's Christian Temperance Union, of Allegheny City, Pa., against amendment to the law protecting cattle in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Home Missionary Society of Vernon, Pa., for maintenance of the anticanteen law—to the Committee on Military Affairs.

By Mr. DAWES: Petition of citizens of Ohio, for an appropriation to preserve the old National Road—to the Committee on Appropriations.

By Mr. DUNWELL: Petition of the State Charities Aid Association, for establishment of a bureau of information to benefit children—to the Committee on Labor.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, joint resolution of State of New York, relative to American shipping in the foreign trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Business League, for bill S. 1345—to the Committee on Foreign Affairs.

By Mr. ELLERBE: Petition of citizens of the county of Georgetown, S. C., against the bill to abolish compulsory pilotage on coastwise vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. ELLIS: Paper to accompany bill for relief of Virginia K. Hahn and Mary E. Carroll—to the Committee on Claims.

By Mr. FITZGERALD: Petition of the United States Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the New York State Sheep Breeders' Association, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Japanese and Korean Exclusion League, for continuance of the present Chinese-exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Lyon & Healy, of Chicago, for the consular-reform bill (S. 1345)—to the Committee on Foreign Affairs.

Also, petition of Carson, Pirie, Scott & Co., for consular-service reform—to the Committee on Foreign Affairs.

Also, petition of the Brooks-Cohen Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Massachusetts: Petition of the Japanese and Korean Exclusion League, relative to the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Haverhill Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Peerless Motor Car Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GARNER: Paper to accompany bill for relief of Floyd L. Frisbie—to the Committee on Military Affairs.

By Mr. GARRETT: Paper to accompany bill for relief of Benjamin F. Greer—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Sonn Brothers Company, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Lozier Motor Company, against bill S. 4094—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Merchants' Association of New York, opposing the present ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Curtice Brothers, of New York, and Marco Abeles, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Postal Progress League of California, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Homœopathic Medical Society, for a pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the New York State Charities Aid Association, for a bureau for the welfare of children—to the Committee on the Judiciary.

Also, petition of the adjutant-general of the National Guard of New York, for a law to increase the efficiency of militia, etc.—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Pennsylvania Prison Society, for bill S. 3250—to the Committee on the Judiciary.

Also, petition of the Workingmen's Federation of the State of New York and the Central Federated Union of New York, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Company A, Fourth Regiment, Sons of Veterans, Reserves of the United States Army, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Rev. J. S. Huxson and Rev. D. F. McGill, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of D. S. Greene, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Lawrenceville Board of Trade, for a new post-office building for Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of the Western Union Telegraph Company, favorable to bill S. 2165—to the Committee on Invalid Pensions.

Also, petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Lafayette Council, No. 37, Order United American Mechanics, of East Hartford, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Connecticut Lumber Dealers' Association, for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. HERMANN: Petition of the Bricklayers' International Union, of Portland, Oreg., and the Federated Trades Union, against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local Union No. 50, United Brotherhood of Carpenters and Joiners of America, of Portland, N. Y., against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

By Mr. HITT: Petition of the City Front Federation of San Francisco, against passage of the Foster bill—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of citizens of Paterson, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Olive Branch Grange, No. 142, of Matawan, N. J., for a good-roads law—to the Committee on Agriculture.

Also, petition of Olive Branch Grange, No. 142, of Matawan, N. J., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Olive Branch Grange, No. 142, of Matawan, N. J., for a 10-cent tax on imitation butter—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUFF: Petition of Mount Chestnut Grange, No. 133, of Butler County, Pa., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KENNEDY: Paper to accompany bill for relief of Thomas A. Hughes—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Great Bend Grange, No. 642, of New York, and Peru Grange, No. 938, of Peru, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LILLEY: Paper to accompany bill for relief of Loren W. Forest—to the Committee on War Claims.

Mr. LINDSAY: Petition of the Church & Dwight Company, favoring bill H. R. 11936—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Merchants' Association of New York, relative to an improved merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Sheep Breeders' Association, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Grant-Bergen Company, for the McCumber pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: Petition of Hardwood Finishers' Local Union, No. 109, of Boston, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of heirs of Harrison Davis—to the Committee on War Claims.

By Mr. MAHON: Petition of National Grange, No. 1091, for

repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MURDOCK: Petition of citizens of Stafford, Kans., relative to modification of the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Brotherhood of Locomotive Firemen, Overland Lodge, No. 123, favoring the Gilbert anti-injunction bill—to the Committee on the Judiciary.

By Mr. OLMSTED: Petition of 900 citizens of Carlisle, Pa., for passage of the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Council No. 82, Order United American Mechanics, of Harrisburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Colonel Ellsworth Camp, No. 87, Sons of Veterans, United States of America, for amendment of bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of 900 citizens of Carlisle, Pa., against sale of liquor in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. RANSDELL of Louisiana: Petition of citizens of Louisiana, for reduction of the tariff on hides—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Sugar Loaf Council, No. 150, Order of United American Mechanics, of Central, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of General James A. Garfield Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SIBLEY: Petition of Camp No. 21, Sons of Veterans, of Brookville, Pa., against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SLAYDEN: Paper to accompany bill for relief of John L. Blinn—to the Committee on Pensions.

By Mr. SPERRY: Paper to accompany bill for relief of Morgan Kavanagh—to the Committee on Claims.

Also, petition of citizens of Middletown, Conn., against bill H. R. 10501—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of Sylvanus Cobble—to the Committee on War Claims.

By Mr. SULLOWAY: Petition of Crescent Lake Grange, of North Barnstead, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of citizens of Lake Benton, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of Barre Grange, No. 1026, Patrons of Husbandry, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WATKINS: Paper to accompany bill for relief of Artemesia T. Husbrook—to the Committee on Invalid Pensions.

Also, petition of citizens of Natchitoches Parish, La., that the law be not repealed condemning Cane River as a navigable stream—to the Committee on Rivers and Harbors.

By Mr. WEBB: Paper to accompany bill for relief of John H. Honeycutt—to the Committee on Military Affairs.

SENATE.

THURSDAY, *February 22, 1906.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Who raised up the righteous man? Who called him to His foot, gave the nations before him, and made him rule over kings? Who hath wrought and done it? I, the Lord, the first and with the last, I am He.

Father Almighty, King of Kings and Lord of Lords, and our Father as well, we ask Thee to consecrate to us every memory of him whom Thou wert pleased to send forward—first in war, first in peace, and first in the hearts of his countrymen. O, God, make the people of this land remember him and his; remember what this obedience to the divine law is; remember that the fathers sought Thee and found Thee, because they sought for Thee with all their heart and will and soul and strength.

That fathers and mothers may teach their children such honor, such loyalty, such unselfishness as his, that boys and girls may grow up into men and women ready to die for their country or to live for their country—not in vain that we have the memories of this sacred day.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation. But deliver us from evil. For thine is the kingdom, is the power, is the glory, for ever. Amen.

The Journal of yesterday's proceedings was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The address of George Washington will be read, under the order of the Senate, by the Senator from Kentucky [Mr. MCCREARY].

Mr. MCCREARY (at the Secretary's desk) read the address, as follows:

An address of George Washington to the people of the United States, September 19, 1796.

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which

they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that couptry has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of a party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political

systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duty of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit

of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from which equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisons of her frendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverence, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right,

so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

ALBERT R. HEILIG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing the draft of a proposed bill for the relief of Albert R. Heilig; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

FREEDMEN'S HOSPITAL AND ASYLUM.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Board of Visitors to the Freedmen's Hospital and Asylum at Washington, D. C., and transmitting the draft of a bill to repeal so much of the act of March 3, 1903, as requires the trustees of Howard University to supply all medical and surgical service at the Freedmen's Hospital and Asylum; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles R. Delatte, administrator of the estate of Louis Delatte, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On February 15:

S. 2582. An act to authorize the American National Bank, of Graham, Va., to change its location and name.

On February 19:

S. 56. An act authorizing the extension of Rhode Island avenue NE.;

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.;

S. 16. An act granting a pension to Susan H. Cutler;

S. 164. An act granting a pension to Helen A. Frederick;

S. 314. An act granting a pension to Aletha E. Reynolds;

S. 509. An act granting a pension to Annie L. Tredick;

S. 707. An act granting a pension to Alice E. Gilley;

S. 715. An act granting a pension to Georgia A. Rollins;

S. 950. An act granting a pension to Emma M. Rea;

S. 1303. An act granting a pension to Harrison Brott;

S. 1456. An act granting a pension to Joann Morris;

S. 1709. An act granting a pension to Florence Greely DeVeaux;

S. 1841. An act granting a pension to Robert Catlin;

S. 1987. An act granting a pension to Ella T. Hapeman;

S. 2023. An act granting a pension to Amanda M. Richey;

S. 2555. An act granting a pension to Sarah A. Bargar;

S. 9. An act granting an increase of pension to David P. Bolster;

S. 11. An act granting an increase of pension to Ruth P. Gurney;

S. 74. An act granting an increase of pension to Aaron T. Currier;

S. 80. An act granting an increase of pension to Julia A. Stanyan;

S. 81. An act granting an increase of pension to David E. Everett;

S. 96. An act granting an increase of pension to George A. Francis;

S. 120. An act granting an increase of pension to John M. Buckley;

S. 122. An act granting an increase of pension to Michael Stump;

S. 126. An act granting an increase of pension to William J. Street;

S. 138. An act granting an increase of pension to Michael Linehan;

S. 140. An act granting an increase of pension to Maitland J. Freeman;

S. 142. An act granting an increase of pension to William Furlong;

S. 145. An act granting an increase of pension to Wellington Marlatt;

S. 178. An act granting an increase of pension to Irene A. Cochrane;

S. 179. An act granting an increase of pension to Charles H. Mayhew;

S. 183. An act granting an increase of pension to Henry F. Hunt;

S. 185. An act granting an increase of pension to Lewis H. Cate;

S. 193. An act granting an increase of pension to John C. Eberly;

S. 206. An act granting an increase of pension to Gordon H. Shepard;

S. 209. An act granting an increase of pension to George F. Ross;

S. 210. An act granting an increase of pension to Silas P. Hall;

S. 211. An act granting an increase of pension to Wilson J. Pool;

S. 212. An act granting an increase of pension to John T. Liddle;

S. 238. An act granting an increase of pension to John Savage;

S. 244. An act granting an increase of pension to Thomas Bramel, alias Thomas Bramble;

S. 279. An act granting an increase of pension to Horace E. Barker;

S. 315. An act granting an increase of pension to George Pike;

S. 322. An act granting an increase of pension to Isabella Workman;

S. 328. An act granting an increase of pension to John W. Warner;

S. 329. An act granting an increase of pension to William E. Blewett;

S. 330. An act granting an increase of pension to Kemenskio A. N. L. Collins, alias Lewis Collins;

S. 385. An act granting an increase of pension to George W. Gearey;

S. 393. An act granting an increase of pension to Lucinda Stamper;

S. 407. An act granting an increase of pension to George W. Purvis;

S. 472. An act granting an increase of pension to David F. Magee;

S. 493. An act granting an increase of pension to Charles F. Wittig;

S. 508. An act granting an increase of pension to William Kress;

S. 515. An act granting an increase of pension to Dennis Buckley McCready, alias Thomas Buckley;

S. 531. An act granting an increase of pension to William Satterthwait;

S. 534. An act granting an increase of pension to Dennis A. Davis;

S. 564. An act granting an increase of pension to Wilson Hyatt;
S. 565. An act granting an increase of pension to Lumbard B. Aldrich;
S. 572. An act granting an increase of pension to Henry G. Salisbury;
S. 575. An act granting an increase of pension to John Flynn;
S. 576. An act granting an increase of pension to Frederick J. Shelley;
S. 596. An act granting an increase of pension to Eliza J. Harding;
S. 603. An act granting an increase of pension to Lide S. Leonard;
S. 606. An act granting an increase of pension to John H. Crowell;
S. 622. An act granting an increase of pension to Hiram Swain;
S. 625. An act granting an increase of pension to Phebe J. Bennett;
S. 637. An act granting an increase of pension to John D. O'Brien;
S. 644. An act granting an increase of pension to William R. Hubbell;
S. 647. An act granting an increase of pension to Leonard Harmony;
S. 666. An act granting an increase of pension to Andrew Patrick;
S. 669. An act granting an increase of pension to Laurence Mericle;
S. 670. An act granting an increase of pension to Anthony Barrett;
S. 706. An act granting an increase of pension to Martha E. Saltar;
S. 727. An act granting an increase of pension to Jasper H. Keys;
S. 785. An act granting an increase of pension to Franklin C. Pierce;
S. 787. An act granting an increase of pension to Stephen Ernst;
S. 837. An act granting an increase of pension to Elizabeth C. Dunton;
S. 845. An act granting an increase of pension to Sarah A. Page;
S. 850. An act granting an increase of pension to Arthur F. Devereaux;
S. 851. An act granting an increase of pension to Frederick Houser;
S. 923. An act granting an increase of pension to Nathaniel L. Badger;
S. 943. An act granting an increase of pension to Oscar R. Arnold;
S. 949. An act granting an increase of pension to Jacob H. Epler;
S. 986. An act granting an increase of pension to Caroline M. Doan;
S. 991. An act granting an increase of pension to Jane McMahon;
S. 994. An act granting an increase of pension to Henry Weston;
S. 1015. An act granting an increase of pension to Joseph McSwain;
S. 1035. An act granting an increase of pension to Andrew McClory;
S. 1038. An act granting an increase of pension to James Frazier;
S. 1041. An act granting an increase of pension to Myron E. Billings;
S. 1042. An act granting an increase of pension to Francis Piccard;
S. 1098. An act granting an increase of pension to William J. Grow;
S. 1163. An act granting an increase of pension to Martha G. Cushing;
S. 1212. An act granting an increase of pension to John S. Wilcox;
S. 1258. An act granting an increase of pension to Charles W. Paige, alias Jackson Morse;
S. 1270. An act granting an increase of pension to John C. Barr;
S. 1271. An act granting an increase of pension to Edward Irwin;
S. 1367. An act granting an increase of pension to Almon Foster;
S. 1368. An act granting an increase of pension to William H. Hicks;
S. 1432. An act granting an increase of pension to John W. Foreaker;
S. 1466. An act granting an increase of pension to Philena Davis;
S. 1467. An act granting an increase of pension to Laura A. Blodgett;
S. 1474. An act granting an increase of pension to Joseph Davis;
S. 1509. An act granting an increase of pension to Thomas T. Hodges;
S. 1517. An act granting an increase of pension to John C. Kennedy;
S. 1524. An act granting an increase of pension to John M. Berkey;
S. 1525. An act granting an increase of pension to Zachariah Bradfield;
S. 1529. An act granting an increase of pension to James L. Small;
S. 1559. An act granting an increase of pension to Laura Clark;
S. 1735. An act granting an increase of pension to Washington Hogans;
S. 1827. An act granting an increase of pension to George C. Chase;
S. 1828. An act granting an increase of pension to Alvin Abbott;
S. 1842. An act granting an increase of pension to Ransom O. Thayer;
S. 1852. An act granting an increase of pension to Milton March;
S. 2071. An act granting an increase of pension to Henry T. Anshutz;
S. 2112. An act granting an increase of pension to John Heck;
S. 2113. An act granting an increase of pension to Agnes Zentz;
S. 2144. An act granting an increase of pension to James A. M. Brown;
S. 2229. An act granting an increase of pension to William I. Hilkey;
S. 2255. An act granting an increase of pension to James Thompson;
S. 2256. An act granting an increase of pension to Alexander F. McConnell;
S. 2293. An act granting an increase of pension to William C. Hitchcock;
S. 2415. An act granting an increase of pension to Fannie I. Edgerton;
S. 2481. An act granting an increase of pension to Elijah R. Wilkins;
S. 2564. An act granting an increase of pension to Michael Matheney;
S. 2583. An act granting an increase of pension to Thomas Robey;
S. 2730. An act granting an increase of pension to James P. Ford;
S. 2779. An act granting an increase of pension to James J. Egan;
S. 2825. An act granting an increase of pension to John M. Scott;
S. 2879. An act granting an increase of pension to Mary J. Hoge;
S. 3180. An act granting an increase of pension to Jacob A. Geiger;
S. 3243. An act granting an increase of pension to Akey C. Johnson;
S. 3244. An act granting an increase of pension to Anna F. Keith;
S. 3286. An act granting an increase of pension to Mary J. McGehee;
S. 3307. An act granting an increase of pension to Phillip W. Cornman; and
S. 714. An act granting an increase of pension to Susie Place.

On February 22:

S. 1007. An act to repeal section 4136 of the Revised Statutes, relating to the admission to registry of repaired foreign wrecks.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also announced that the House had passed the

joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 3318) to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal., and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of sundry citizens of Elizabeth, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Moundsville; of Garfield Council, No. 3, Junior Order of United American Mechanics, of Benwood, and of sundry citizens of McMechen, all in the State of West Virginia, praying for the enactment of legislation to restrict immigration and for a revision of the laws governing naturalization; which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of 56 citizens of Meriden, Conn., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Manchester, Conn., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Afternoon Musical Society, of Danbury, Conn., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. LONG presented a petition of Hoisington Lodge, No. 564, Brotherhood of Railway Trainmen, of Hoisington, Kans., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

Mr. ELKINS. I have been directed by the Committee on Interstate Commerce to present to the Senate a great many telegrams received by the committee in relation to the Hepburn bill and rate legislation generally, and to ask that these telegrams may be printed as a public document.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and that order will be made.

Mr. ELKINS presented sundry affidavits to accompany the bill (S. 2577) granting an increase of pension to F. M. Lynch; which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the congregation of the Church of the Ascension, of Auburn, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union, Washington, R. I., and a petition of the congregation of the Coventry Central Baptist Church, of Anthony, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I present a memorial of the Independent Refiners' Association, composed of independent oil companies of Titusville, Pa.; and Oil City, Pa., relative to railroad rate legislation. It is a very interesting and instructive document, and I ask that it be read and referred to the Committee on Interstate Commerce.

The VICE-PRESIDENT. The Senator from South Carolina asks that the memorial presented by him be read and referred to the Committee on Interstate Commerce. Is there objection? The Chair hears none, and it is so ordered.

The memorial is as follows:

INDEPENDENT REFINERS' ASSOCIATION,
Titusville, Pa., February 20, 1906.

To the President and Members of the United States Senate and House of Representatives, Washington, D. C.

GENTLEMEN: At this time when the railroad rate question is being generally discussed in hope of some final profitable action on the matter by Congress, it seems to be the duty of interested citizens to give such information on the subject as they can for the use of yourself, Congress, and the people to assist in showing the defects of the present laws, and the needed radical changes, if full justice is intended to be afforded by plain law, for the unprotected public.

As cases that are typical in showing what a travesty on protection is represented in the present method of legal procedure in dealing with the subject, and as making clear the need of guarding against nullifying or delaying provisions in the enactment of new rate legislation, an examination is invited of the public record of a group of cases instituted over seventeen years ago, whose final disposition is still pending. They are what are generally known as the "Independent Oil Refiners' cases" against a number of railroad companies, and were first placed before the Interstate Commerce Commission in 1888. In the shifting processes of delay they have been dragging from the Interstate Commerce Commission to the United States courts all the intervening years, with no finished result beyond that of demonstrating the sham of existing methods of holding the railroad companies to accountability for the abuse of their powers.

Chronologic statement.—Increase of freight rate on refined petroleum by railroads, September 13, 1888; complaints Nos. 153 and 154 before the Interstate Commerce Commission, filed December 4, 1888; complaint No. 163 before the Interstate Commerce Commission, filed January 30, 1889; hearing by the Interstate Commerce Commission, May 15, 1889; decision by Commission against railroad for unjust discrimination (5 I. C. C. Rep., 415), November 14, 1892; rehearing granted by Commission (6 I. C. C. Rep., 52), October 19, 1893; decision by Interstate Commerce Commission, awarding reparation to refiners (6 I. C. C. Rep., 378), October 22, 1895; proceeding instituted by the Interstate Commerce Commission before the United States circuit court to enforce its order, May, 1896; decision of the United States circuit court declining jurisdiction of reparation claims on its equity side, July, 1897; question of unjust discrimination still pending at present time (82 Fed. Rep., 192), February, 1906; decision on the law side of United States circuit court on damage claims in favor of refiners, May, 1902; judgments rendered by United States court, February, 1903; judgments set aside by the United States circuit court of appeals (137 Fed. Rep., 343), May, 1905; on appeal to the United States Supreme Court, February, 1906; after over seventeen years the increased rate still in effect, the railroads continuing to refuse to obey the Interstate Commerce Commission, February, 1906.

The main cause for these complaints may be stated briefly, as follows: From the years 1881 to 1885 the public railroad freight rate on refined oil, in barrels, from the Pennsylvania oil regions to New York Harbor, for export, was from 35 to 39 cents per barrel.

From 1885 to September 13, 1888, the rate was 52 cents per barrel, and a very large volume of business was being done at that rate.

On September 13, 1888, the rate was advanced to 66 cents, a wholly prohibitive tariff. The only reason given by the railroads for this advance is stated in a letter written by the president of the Pennsylvania Railroad Company to the shippers, dated August 27, 1888. "The advance of rates has been in accordance with the methods prescribed by the Interstate Commerce Commission for charging for the carriage of oil, and against which we protested. I regret extremely that any advance in the rates for the transportation of oil which has been forced upon us by the Interstate Commerce Commission should work harshly upon your interests." (Petitioners' Exhibit, No. 15.)

He also said of this advanced rate: "I did not want to do it; I would rather have it remain." (Testimony, p. 537.)

The head of the freight department of the New York, Lake Erie and Western Railroad Company wrote, under date of October 11, 1888:

"The present (increased) tariff on oil was agreed upon at a conference between the principal trunk lines immediately after the decision of the Interstate Commerce Commission in the Scofield case in order to strictly comply with the law, as ordered by the Commission." (Petitioners' Exhibit, No. 20.)

About November 24, 1888, the Interstate Commerce Commission issued a public statement: "Retank and barrel rates on oil" (2 Interstate Com. Rep., 245), in which they notice that these new increased rates had been made on oil and that the railroads had stated that they were made "in accordance with the directions of the Interstate Commerce Commission." The matter was explained at length, including a personal interview with the president of the Pennsylvania Railroad, in which he "was understood to say that the motive in making the (increase) change was not a dissatisfaction with the former rates." The Commission in closing said: "It is nevertheless obliged to say that the assumption on which the railroad circulars (making the increased rates) have been issued is not well founded. The Commission has made no decision applicable to the Pennsylvania Railroad Company, which would require an advance in rates. The circular is open to the construction that something done or said by the Commission requires or justifies an advance in barrel rates. This is not the case."

It was fully expected after this notice that the former rates would at once be restored, and they were by the New York Central Railroad, by published notice of December 1, 1888, that the "rates on oil will be the same as before September 3." But, on December 5, 1888, they were again advanced; the general traffic manager, writing to the refiners and shippers under date of December 4, 1888, said that when the advanced rate was canceled and restored to the old rate, "we had not conferred on the subject with the other railroad companies interested and we now find that our action is not concurred in by them."

Complaint was therefore made by the shippers to the Interstate Commerce Commission December 4, 1888. The president of the Pennsylvania railroad when asked to explain why the rates had not been restored after the notice of the Commission that the advance had not been caused or justified by any action, direction, or order of the Interstate Commerce Commission, replied: "That was their view of the case, but it was not shared in by us." (Testimony, p. 542.)

This extortionate advance, under these inexcusably insulting and arbitrary circumstances, was made now over seventeen years ago, and, hard as it may be for the general public to believe, remains still in force, though the complainant petitioners to the Interstate Commerce Commission have used every legal avenue for relief and reparation with the utmost diligence and business care on their part. What is the result after these seventeen years? That particular barrel traffic is entirely lost to the railroads. Of the original shippers many are dead, some dying bankrupt and some now living insolvent, because the awarded reparation damages for overcharge have not been paid to them; many have gone out of the business with loss and disgust, who entered it expecting the interstate-commerce law would protect them from the old style railroad outlawry of rebates, overcharges, and favored shippers. The survivors, who never dreamed that this law could be used to destroy instead of to protect their business, have carried on this just claim for equity and reparation at an extraordinary expense, and now feel, after over seventeen long years of struggling and waiting, not as near justice as when the Commission issued its circular of November, 1888.

The nominal ownership of several of the respondent railroads has changed several times since then, and this fact is claimed as their legal

release from all liability. A railroad can apparently destroy a shipper's business, then change its name, reorganize or cancel leases, and escape all responsibility. This lawyer's snarl, coupled with the decision that the Interstate Commerce Commission had not presented this plainly unusual, destructive, and inexplainable advanced rate complained of as an "unreasonable and unjust" fact, so shown by the evidence taken before them, but had merely stated it as their opinion, were the main reasons, as understood by us as laymen or business men, why the United States circuit court decided in May, 1905, in favor of the railroads and against the Commission. The only business question involved, cleared of the fog made by railroad lawyers, being whether this destructive advance of 14 cents per barrel, made from a long-established rate of 52 cents to 66 cents, and an increase which the railroads themselves declared they did not want to make, was, as a matter of fact, an "unreasonable" rate, and could be so shown unmistakably to the United States court by the Commission.

This matter involved a very large amount of money and claims against other railroads besides the ones complained of, the shippers, having large, long-time contracts, continuing to ship at the prohibitive advance for some time thereafter, fully expecting, under the extraordinary circumstances and the notice of the Commission, that the old rates would be restored and the advance refunded. As was confidently expected, the Commission did, after a long delay, decide the rates unreasonable and awarded reparation; but the railroads again refused compliance with the Commission's views, and the shippers have received no relief to this time, though, as the records show, more than seventeen years have elapsed since this arbitrary railroad action.

The Interstate Commerce Commission has thus been powerless to relieve this shameful situation themselves or through the assistance of the United States courts. What equity is there in a "judicial review" delayed until the injured parties die or their business is destroyed long before relief comes, if ever? There is nothing complicated in these cases. The foregoing is not a prejudiced private view, but is a plain statement of untangled facts, easily verified from the public records. These shippers have been jammed in a disastrous wreck for more than seventeen years between the railroads and the Interstate Commerce Commission, and the most radical railroad advocate of noninterference with railroad rate making could not insist that the law as it now stands has given the survivors anything like a "fair chance" or a "square deal."

All of which is very respectfully submitted.

INDEPENDENT REFINERS' ASSOCIATION.
THEODORE B. WESTGATE, *Secretary.*

Mr. KEAN. Mr. President, I should like to have the paper presented by the Senator from South Carolina [Mr. TILLMAN] followed in the RECORD with the unanimous opinion of the Supreme Court of the United States, delivered by Mr. Justice White on Monday last. I do not care to have it read.

The VICE-PRESIDENT. The Senator from New Jersey requests that the opinion of Mr. Justice White referred to by him may be printed in the RECORD without reading. Is there objection? The Chair hears none, and that order is made.

The opinion referred to is as follows:

[Supreme Court of the United States. Nos. 24 and 27.—October term, 1905. New York, New Haven and Hartford Railroad Company, appellant, *v.* The Interstate Commerce Commission. The Interstate Commerce Commission, appellant, *v.* The Chesapeake and Ohio Railway Company and the New York, New Haven and Hartford Railroad Company. Appeals from the circuit court of the United States for the western district of Virginia. February 19, 1906.]

Mr. Justice White delivered the opinion of the court.

Following an inquiry, begun in consequence of a complaint to it made, the Interstate Commerce Commission, through the Attorney-General of the United States, filed under the act to further regulate commerce (32 Stat., 847) in the circuit court of the United States for the western district of Virginia, this proceeding against the Chesapeake and Ohio Railway Company, a Virginia corporation, and the New York, New Haven and Hartford Railroad Company, a corporation of the State of Connecticut. In this opinion we shall hereafter respectively speak of the parties as the Commission, the Chesapeake and Ohio, and the New Haven. The petition averred that the Chesapeake and Ohio was engaged in the carriage of coal as interstate traffic between the Kanawha district of West Virginia and Newport News, Va., for delivery thence to the New Haven, in Connecticut, and charged that the traffic was being moved at less than the published rates, and in such a way as to produce a discrimination in favor of the New Haven road and against others, all in violation of the act to regulate commerce and the amendments thereto. Specifying the grounds of the complaint, it was alleged that in the spring of 1893 the Chesapeake and Ohio made a verbal agreement with the New Haven to sell to that road 60,000 tons of coal, to be carried from the Kanawha district to Newport News, and thence by water to Connecticut, for delivery to the buyer at $2.75 per ton, and that a considerable portion had already been delivered and the remainder was in process of delivery. It was averred that the price of the coal at the mines where the Chesapeake and Ohio bought it and the cost of transportation from Newport News to Connecticut would aggregate $2.47 per ton, thus leaving to the Chesapeake and Ohio only about 28 cents a ton for carrying the coal from the Kanawha district to Newport News, whilst the published tariff for like carriage from the same district was $1.45 per ton.

Referring to the developments before the Commission, and annexing as part the testimony taken on such hearing and the documents connected therewith, the petition further alleged that the Chesapeake and Ohio asserted that, although the total price which it received for the coal covered by the verbal agreement was less than the total outlay in delivering the coal, including its published rates, such fact did not amount to a departure from the published rates and was not a discrimination, for two reasons: First, because if such difference existed, it was a loss suffered by the Chesapeake and Ohio not from taking less than its published rates, but because it had received less as purchaser than the coal had cost; second, that even if it had not the lawful right thus to impute the payment of the price of the coal, the Chesapeake and Ohio had, in fact, received much more for the coal than the price in money agreed on, because at the time the verbal agreement to sell was made the New Haven had a claim exceeding $100,000 against the Chesapeake and Ohio arising from a previous written contract to deliver coal, which was to be extinguished by the completion of the delivery of the coal, and this caused that price largely to exceed the cost of the coal to the Chesapeake and Ohio, including its published rates. Averring that the prior contract was in itself void because it also embodied an agreement to take less than the published rates and was discriminating, it was charged that the New Haven had entered into both agreements with the Chesapeake and Ohio knowing that they were in violation of the interstate-commerce law. The prayer was that the Chesapeake and Ohio and the New Haven be made parties; that both roads be enjoined, the one from further executing the verbal agreement to deliver coal and the other from seeking to enforce it; that the Chesapeake and Ohio be enjoined from "accepting or receiving any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce carried by it" and be, moreover, enjoined from "doing anything whatever whereby coal or any other property shall, by any device whatever, be transported * * * at a less rate than named in the tariffs published and filed by such carrier, as is required by the act to regulate commerce, and acts amendatory thereof or supplementary thereto, or whereby any other advantage may be given or discrimination practiced," and that the New Haven road "be enjoined and restrained from accepting or receiving any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce carried by it."

A preliminary restraining order was issued conforming to the prayer of the petition. The Chesapeake and Ohio by its answer admitted that it had made, in the spring of 1903, a verbal agreement with the New Haven road for about 60,000 tons of Kanawha coal for the price alleged in the petition, to be transported by it to Newport News, and thence delivered by ocean transportation to the New Haven in Connecticut. It was admitted that the purchase price agreed to be paid was less than the market price of the coal plus the published rates and the cost of transportation and delivery from Newport News to Connecticut, but it was averred that this was only apparently the case, because the contract to sell included the discharge of a debt of about $100,000, arising from the previous written contract to which the petition referred. The validity of both the previous written contract and the later verbal agreement was averred. The right of the Chesapeake and Ohio to buy and sell coal, and to impute any loss on the sale of the coal to itself as dealer instead of to itself as a carrier, was averred. Both the original contract and the one of 1903 were averred to have been made in good faith, not with any intention to avoid the published rates, and it was charged that at about the time the original contract was made arrangements had been made by the railroad for a rate of transportation from Newport News to Connecticut which would have caused the contract price to be adequate to pay the market price of the coal and all other charges, including the published rates, but that, subsequently thereto, the persons with whom this contract for transportation was made had violated their agreement, and that by strikes the price of coal had advanced, and thereby the loss of $100,000 to the Chesapeake and Ohio was occasioned.

The New Haven road in its answer asserted its good faith in making both the original contract and the verbal agreement. It alleged that by the original contract it was a mere purchaser of coal from the Chesapeake and Ohio, and not a shipper over that road; that the coal bought was intended for its own use in the operation of its railroad; that it had no knowledge of the price which the Chesapeake and Ohio would be obliged to pay for the coal or the sum which it would cost that road to deliver it, and therefore had no knowledge that the total cost would not equal the market price of the coal, the cost of delivery, and the published rate of the Chesapeake and Ohio. It averred the validity of the agreement, the legality of the debt of $100,000 which resulted from it, and charged that, taking that debt into consideration, the sum which it paid the Chesapeake and Ohio for the coal under the 1903 verbal agreement largely exceeded the market price and the cost of delivery, including the published rates of the Chesapeake and Ohio. It denied that there was any departure from the public rates or any discrimination, asserted that at the time the original contract was made the price was sufficient to have enabled the Chesapeake and Ohio to perform the contract without losing anything either as a seller or as a carrier, and that if in execution of the contract a condition arose where a loss was suffered by the Chesapeake and Ohio in either capacity, it was caused by subsequent events which could not affect the validity of the contract when made, and especially denied that in any way, directly or indirectly, had it knowingly lent itself to any discrimination, or any taking by the Chesapeake and Ohio of less than its published rates.

The case was heard on the testimony taken in the proceeding before the Commission and the documents forming a part of the same and upon further documents and testimony stipulated by counsel.

For reasons to which we shall hereafter have occasion to advert, the court held that, considering both the original contract and the verbal agreement of 1903, there was no violation of the provisions of the second and sixth sections of the act to regulate commerce, forbidding the taking of less than the published rates. It, however, held that the contracts amounted to an undue discrimination and a violation of the third section of the act. The court hence permanently enjoined the Chesapeake and Ohio from discharging any obligation arising from the original contract of 1896 and from further executing or attempting to execute, in any manner whatever, directly or indirectly, the verbal agreement of 1903, and it permanently enjoined the New Haven from asserting or attempting to enforce any claim arising from the contract of 1896, or in any manner, directly or indirectly, attempting to enforce the verbal agreement of 1903. Thereafter the court denied a request made by the Commission, that the injunction be expanded so as in general terms to command the Chesapeake and Ohio perpetually to observe in the future its published rates.

The Chesapeake and Ohio and the New Haven appealed. The Commission also prosecuted a cross appeal because of the refusal of the court to grant its prayer to make the injunction against the Chesapeake and Ohio general in its nature.

It is apparent from the case as thus stated that, in order to decide the issues which arise, we may not confine our attention to the verbal agreement of 1903, the execution of which it was the immediate object of the proceeding to enjoin, but must consider the prior contract of 1896, since primarily the rights, if any, which arose under the verbal agreement are inextricably involved in and dependent upon the contract of 1896. In other words, the controversy as considered by the Commission on the inquiry by it conducted and as decided below, and as here presented, involves an analysis of all the dealings under both contracts and the legal rights, if any, which arose from them. We must, therefore, consider the subject in this aspect, and to do so we state at once the facts which are admitted or which are indisputably established, reserving such questions of fact as are in dispute for separate consideration when we approach the legal propositions which arise from the undisputed facts.

The Chesapeake and Ohio, chartered by the State of Virginia, operates a road which reaches both the New River and the Kanawha coal fields of West Virginia, and extends to Newport News. The New

Haven, chartered by the State of Connecticut, operates a road principally situated in New England. On December 3, 1896, these two roads entered into a written contract, the one to sell and the other to buy between July 1, 1897, and July 1, 1902, not to exceed 2,000,000 gross tons of bituminous coal to be taken from the line of the Chesapeake and Ohio road, deliveries to be made not exceeding 400,000 tons per annum. The price agreed upon was $2.75 per gross ton, New Haven basis, settlement to be made monthly. The coal was to be delivered by the seller on the line of the New Haven. The contract is reproduced, as follows:

Contract made between the Chesapeake and Ohio Railway Company and the New York, New Haven and Hartford Railroad Company.

Said Chesapeake and Ohio Railway Company, for the consideration hereinafter mentioned, hereby agrees to furnish to said railroad company not to exceed 2,000,000 gross tons of bituminous coal from its line in such quantities monthly as wanted from July 1, 1897, to July 1, 1902, without charge for demurrage. Deliveries to be made not exceeding 400,000 tons per annum.

And said Chesapeake and Ohio Railway Company further agrees that all said bituminous coal shall be of the best quality, first class in every respect, and satisfactory to said railroad company, and said railway company has the right to terminate this contract at any time if said bituminous coal be of poor quality or if its delivery be unnecessarily delayed.

And said Chesapeake and Ohio Railway Company further agrees to deliver all said bituminous coal to said railroad company in its bins at such ports upon its lines as required by the monthly requisitions of its purchasing agent.

In consideration of the faithful performance by the said Chesapeake and Ohio Railway Company of all its agreements herein contained said railroad company agrees to pay for said bituminous coal at the rate of two and seventy-five one-hundredths dollars per gross ton, New Haven basis, settlement to be made monthly.

Said railway company has the right to cancel any and all portions of said quantity of bituminous coal remaining undelivered on July 1, 1902.

Witness the names of the parties hereto this the 3d day of December, 1896.

CHESAPEAKE AND OHIO RAILWAY COMPANY,
By M. E. INGALLS, *President.*
THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY,
By C. E. MELLEN, *Second Vice-President.*

For value received, I hereby guarantee that the Chesapeake and Ohio Railway Company shall not fail to deliver coal on account of strikes.

J. PIERPONT MORGAN.

The Chesapeake and Ohio, not in its own name but through others who really although not ostensibly acted for it, made a contract with operators in the New River district of West Virginia for the delivery to it of the coal to fulfill the contract which had been made with the New Haven. In consequence of failure of some of the operators to perform their part of the contract, changes were made at various times, which it is unnecessary to note. Deliveries of the coal were made to the New Haven as required up to the winter of 1900–1901, when, because of strikes and other difficulties, delivery ceased and the New Haven bought coal in the open market and presented to the Chesapeake and Ohio a bill for the increased price which it had paid, and the Chesapeake and Ohio paid $160,000 to cover such loss. Subsequently, in 1902, further strikes supervened and deliveries again ceased, at a time when about 60,000 tons remained yet to be delivered. The New Haven again presented a bill for damages amounting to $103,000. Thereupon the verbal agreement of 1903 was made, by which it was provided that the shortage of 60,000 tons upon the original contract might be discharged by delivery on the part of the Chesapeake and Ohio of that amount of coal from the Kanawha district at the contract price of $2.75, and when this delivery was consummated it was agreed that the Chesapeake and Ohio would be absolutely relieved from the payment of the damage claim just referred to.

At the time this verbal agreement was made the contract price was, leaving out of view the claim for damages, inadequate to pay the market price, as admitted by the pleadings, of the coal plus the published rates of the Chesapeake and Ohio to Newport News, and the charges thence to the point of delivery. To put itself in a position to carry out the agreement an individual who represented the Chesapeake and Ohio made contracts in his own name with operators in the Kanawha district to furnish the desired coal. Without stopping to state the particular methods of accounting by which the result was accomplished, it is indisputable that the Chesapeake and Ohio bore the loss arising from the difference between the contract price, the price of the coal at the mines, the published rate to Newport News, and the cost of transporting thence to the point of delivery.

Undoubtedly long prior to the making of the first contract the Chesapeake and Ohio, besides its business as a carrier, bought and sold coal. This business was carried on by the company from about 1874 up to the time of the making of the contract of 1896, as testified by the president who made that contract, as follows:

"The coal was handled by a separate and distinct department of the railway company, the mine operators delivering for an agreed price at the mines to the coal agent of the railway company all coal mined by them, the net result realized from the selling price of the coal representing the freight earned by the railway company."

And the same official testified that he made the contract of 1896 as a continuation of this system.

In 1895, however, the State of West Virginia passed "An act to prevent railroad companies from buying or selling coal or coke and to prevent discrimination." The first section of this act made it unlawful for any railroad corporation to engage directly or indirectly in the business of buying and selling coal or coke. In consequence of this act, prior to the making of the contract of 1896, the coal department of the railroad was abolished. And it was the existence of the West Virginia statute which caused the Chesapeake and Ohio, when it contracted with operators in West Virginia to procure as to both contracts the coal for delivery to the New Haven, to do so not in its own name but through another.

Before applying to these undisputed facts the legal question arising for decision, we must determine a question of fact as to which there is some dispute; that is, Was the price at which the Chesapeake and Ohio contracted in 1896 to sell the coal to the New Haven sufficient to pay the cost of the coal at the mines, as well as the expense of delivery, including the published freight rate? Without stopping to go into the evidence, we content ourselves with saying that we think the court below correctly held that the price was not adequate to accomplish these purposes, and that from the inception of delivery under the contract and during the whole period thereof, except for a brief time, caused by a lowering of the freight rates, the contract price was inadequate to net the railroad its proper legal tariff.

We are brought then to determine whether the contract made in 1896 for the 2,000,000 tons of coal was void because in conflict with the act to regulate commerce and its amendments. In approaching the consideration of the act to regulate commerce we, for the moment, put out of view the provisions of the West Virginia statute and its influence upon the validity of the contract made in West Virginia for the purpose of acquiring the coal which the Chesapeake and Ohio had obligated itself to deliver. We shall also assume, for the purpose of the inquiry, that the Chesapeake and Ohio, although not expressly authorized, was not prohibited by its Virginia charter from buying and selling and transporting the coal in which it dealt. The case, therefore, will be considered solely in the light of the operation and effect of the provisions of the act to regulate commerce, and we shall not direct our attention to expressly determining whether the assertion by a carrier of a right to deal in the products which it transports would not be so repugnant to the general duty resting on the carrier as to cause the exertion of the power to deal in the products which it transports to be unlawful, irrespective of statutory restrictions.

The question, therefore, to be decided is this: Has a carrier engaged in interstate commerce the power to contract to sell and transport in completion of the contract the commodity sold when the price stipulated in the contract does not pay the cost of purchase, the cost of delivery, and the published freight rates?

The previous decisions of this court concerning the interstate-commerce act do not afford much aid in determining this question. This is the case, because, although that act was adopted in 1887, and questions concerning the import of the act have been often here, such questions have not generally involved the operation and effect of the act concerning the command that published rates be adhered to, and the prohibitions against discrimination, favoritism, or rebates, but have mainly concerned the meaning of the act in other respects; that is, involved deciding whether powers asserted as to other subjects were vested by the act in the Interstate Commerce Commission.

There are several leading cases decided by the Commission, which are relied upon by the two railroads, directly relating to the question we have stated, but, as we shall have occasion hereafter to weigh their import, we shall not now pause to analyze and apply them.

It can not be challenged that the great purpose of the act to regulate commerce, whilst seeking to prevent unjust and unreasonable rates, was to secure equality of rates as to all and to destroy favoritism, these last being accomplished by requiring the publication of tariffs and by prohibiting secret departures from such tariffs, and forbidding rebates, preferences, and all other forms of undue discrimination. To this extent and for these purposes the statute was remedial and is, therefore, entitled to receive that interpretation which reasonably accomplishes the great public purpose which it was enacted to subserve. That a carrier engaged in interstate commerce becomes subject as to such commerce to the commands of the statute, and may not set its provisions at naught whatever otherwise may be its power when carrying on commerce not interstate in character, can not in reason be denied. Now, in view of the positive command of the second section of the act, that no departure from the published rate shall be made, "directly or indirectly," how can it in reason be held that a carrier may take itself from out the statute in every case by simply electing to be a dealer and transport a commodity in that character? For, of course, if a carrier has a right to disregard the published rates by resorting to a particular form of dealing, it must follow that there is no obligation on the part of a carrier to adhere to the rates, because doing so is merely voluntary.

The all-embracing prohibition against either directly or indirectly charging less than the published rates shows that the purpose of the statute was to make the prohibition applicable to every method of dealing by a carrier by which the forbidden result could be brought about. If the public purpose which the statute was intended to accomplish be borne in mind, its meaning becomes, if possible, clearer. What was that purpose? It was to compel the carrier as a public agent to give equal treatment to all. Now, if by the mere fact of purchasing and selling merchandise to be transported a carrier is endowed with the power of disregarding the published rate, it becomes apparent that the carrier possesses the right to treat the owners of like commodities by entirely different rules. That is to say, the existence of such a power in its essence would enable a carrier, if it chose to do so, to select the favored persons from whom he would buy and the favored persons to whom he would sell, thus giving such persons an advantage over every other, and leading to a monopolization in the hands of such persons of all the products as to which the carrier chose to deal. Indeed, the inevitable result of the possession of such a right by a carrier would be to enable it, if it chose to exercise the power, to concentrate in its own hands the products which were held for shipment along its line, and to make it, therefore, the sole purchaser thereof and the sole seller at the place where the products were to be marketed; in other words, to create an absolute monopoly. To illustrate: If a carrier may by becoming a dealer buy property for transportation to a market and eliminate the cost of transportation to such market, a faculty possessed by no other owner of the commodity, it must result that the carrier would be in a position where no other person could ship the commodity on equal terms with the carrier in its capacity of dealer. No other person owning the commodity being thus able to ship on equal terms, it would result that the owners of such commodity would not be able to ship, but would be compelled to sell to the carrier. And as by the departure from the tariff rates the person to whom the carrier might elect to sell would be able to buy at a price less than any other person could sell for, it would follow that such person so selected by the carrier would have a monopoly in the market to which the goods were transported. And that the result arising from an admission of the asserted power of the carrier as a dealer to disregard the published rates conduces immediately and not merely remotely to the production of the injurious results stated, is not only demonstrated by the very nature of things, but is established to be the case by the facts indisputably shown on this record. For here it is unquestioned that the Chesapeake and Ohio, as a result of its being a dealer, had become, long prior to the adoption of the interstate-commerce law, and continued to be thereafter, up to the passage of the West Virginia statute prohibiting a carrier from dealing in coal, virtually the sole purchaser and seller of all the coal produced along the line of its road.

That the result was not merely accidental, but was in effect engendered by the power of the carrier to deal and transport a commodity, is illustrated by the case of the Attorney-General *v.* The Great Northern Railway Company (29 Law Journal [N. S. Equity], 794). In that case Vice-Chancellor Kindersley was called upon to determine whether dealing in coal by the railway company was illegal, because incompatible with its duties as a public carrier and calculated to in-

flict an injury upon the public. In deciding that the act of Parliament granting the charter to operate the railway implied a prohibition against the company's engaging in any other business, the reason for the rule was thus expressed (p. 798):

"* * * These large companies, joint stock companies generally, for whatever purpose established, and more particularly railway companies, are armed with powers of raising and possessing large sums of money—large amounts of property—and if they were to apply that money, or that property, to purposes other than those for which they were constituted, they might very much injure the interests of the public in various ways."

Illustrating the danger to the public, as established by the case before him, the vice-chancellor said (p. 792):

"Here we find this company, having the traffic from the north of England, where the great coal fields are (at least some of the principal coal fields), supplying the country with coal, or capable of supplying it; this company buys the coal, which gives to the company an interest in checking, as much as possible, those who will not deal with them; and it is quite clear that it is possible, by the mode in which this company may—I will not say has—but by the mode in which this company may exercise such powers as either it has or assumes to have, this company may get into their hands the traffic—that is, the dealing in all the coal in the large districts supplying coal to the country. They have to a considerable extent done so, and there is no reason why it should not go on progressing. I observe that in the eight (?) years from 1852 to 1857, inclusive, the amount of their coal business has increased from 73,000 tons to 794,000 tons; and there is no reason, as the affidavits show, why they should not—there is great danger that they may—get into their hands the entire business in the coal of all that district of the country. If they can do so with regard to coal, what is to prevent there doing it with every species of agricultural produce all along the line? Why should they not become purchasers of corn, of all kinds of beasts, and of sheep, and every species of agricultural produce, and become great dealers in the supply of edibles to the markets of London; and why not every other species of commodity that is produced in every part of the country from which or to which their railway runs? I do not know where it is to stop, if the argument on the part of the company is to prevail. There is, therefore, great detriment to the interests of the public, for this reason, taking merely the article of coal."

It is apparent that the construction of the statute which is now claimed by the carriers would, if adopted, not only destroy its entire remedial efficacy, but would cause the provisions of the statute to accentuate and multiply the very wrongs which it was enacted to prevent.

Without a statutory requirement as to publication of rates and the imposition of a duty to adhere to the rates as published, individual action of the shippers as between themselves and in their dealings with the carrier would have full play, and thereby every shipper would have the opportunity to procure such concessions as might result from favoritism or other causes. Interpreting the prohibitions of the statute as it is contended they should be, it would follow that every individual would be bound by the published tariff, and the carrier alone would be free to disregard it. Thus the statute, while subjecting the public to the prohibitions, would exempt the carrier and would thereby enormously increase the opportunities of the latter to do the wrongs which the statute was enacted to prevent.

And the considerations previously stated serve also to demonstrate that the prohibitions of the act to regulate commerce concerning "undue or unreasonable preference or advantage," "undue or unreasonable prejudice or disadvantage," and "unjust discrimination" are in conflict with the asserted right of a carrier to become a dealer in commodities which it transports, and as such dealer to sell at a price less than the cost and the published rates. Certain also is it, when the reasons previously stated are applied to those prohibitions of the statute, the possession of the power by a carrier to deal in merchandise and to sell and transport at less than prohibited rates would not only destroy the remedy intended to be afforded by the provisions in question, but would cause the statute to fructify the growth of the wrongs which it was intended to extirpate. In a general sense the considerations which we have previously stated, moreover, dispose of all the contentions urged at bar to establish the right of the carrier to become a dealer under the circumstances stated. Even although it may give rise to some repetition, we more particularly notice the various contentions.

(*a*) It is said that when a carrier sells an article which it has purchased and transports that article for delivery it is both a dealer and a carrier. When, therefore, the price received for the commodity is adequate to pay the published freight rate and something over, the command of the statute as to adherence to the published rates is complied with, because the price will be imputed to the freight rate, and the loss, if any, attributed to the company in its capacity as dealer and not as a carrier. This simply asserts the proposition which we have disposed of—that a carrier possesses the power, by the form in which he deals, to render the prohibitions of the act ineffective, since it implies the right of a carrier to shut off inquiry as to the real result of a particular transaction on the published rates, and thereby to obtain the power of disregarding the prohibitions of the statute.

(*b*) It is said that, as in the case in hand, it is shown that there was no intention on the part of the carrier in making the sale of the coal to violate the prohibitions of the statute, and, on the contrary, as the proof shows an arrangement made by the carrier for transporting the coal from Newport News to Connecticut, which, if it had been carried out, would have provided for the full published rate, therefore an honest contract made by the carrier should not be stricken down because of things over which the carrier had no control. The proposition involves both an unfounded assumption of fact and an unwarranted implication of law. It is true the court below found that the proof did not justify the inference that the Chesapeake and Ohio had, in 1896, made the contract to sell the coal to the New Haven with the purpose of avoiding a compliance with the published rates. But in this conclusion of fact we can not agree. Whilst it may be that the proof establishes that the contract for the sale of coal was not made as a mere device for avoiding the operation of the statute, we think the proof leaves no doubt that, in making the contract in question, the Chesapeake and Ohio was wholly indifferent to and did not concern itself with the prohibitions of the statute, of which, of course, it must be assumed to have had full knowledge. As we have seen, the president of the Chesapeake and Ohio, by whom the corporation was represented in making the contract, expressly testified that from the beginning that corporation had pursued the policy of acquiring all the coal mined on its line and sold it, relying upon the net result of such sales for its freight compensation, and that the particular contract was made in continuation of that policy. We find it impossible to conclude, from the proof, that the Chesapeake and Ohio could have made a contract for so large an amount of coal, to be delivered over so long a period, without taking into view the existing prices and the cost necessarily to be occasioned by the delivery of the coal, if the full published freight rates were to be realized. Indeed, the proof leaves no doubt upon our minds that, in making the contract, the Chesapeake and Ohio sought to accomplish results which it deemed beneficial by means which it considered effectual, even although resort to such means was prohibited by the interstate-commerce act.

In other words, we think it is established beyond doubt that, desiring to stimulate the production of coal along its line and thereby, as it conceived, to increase the carriage of that commodity and to benefit the railroad and those living along its line by the reflex prosperity which it was deemed would arise from giving a stimulus to an industry tributary to the railroad, the Chesapeake and Ohio bought and sold the coal without reference to whether the net result to it would realize its published rates. And it would seem that this means of stimulating the industry in question was resorted to instead of attempting to bring about the same result by a lowering of the published rates, because to have so done would have engendered disparity between coal rates and the tariff on all the other articles contained in the same classification, and would besides have caused other and competing roads to make a similar reduction on the published rates, and thereby would have frustrated the very advantage to itself and those along its lines which the Chesapeake and Ohio deemed it was bringing about by the method pursued. That is to say, we think it is shown that the mode of dealing adopted was simply the result of a disregard by the Chesapeake and Ohio of the economic conceptions upon which the interstate-commerce law rests and a substitution in their stead of the conceptions of the Chesapeake and Ohio as to what was best for itself and for the public. Further, as the prohibition of the interstate-commerce act is ever operative, even if the facts established that at the particular time the contract was made, considering the then cost of coal and other proper items, the net published tariff of rates would have been realized by the Chesapeake and Ohio from the contract, which is not the case, it is apparent that the deliveries under the contract came under the prohibition of the statute whenever for any cause, such as the enhanced cost of the coal at the mines, an increase in the cost of the ocean carriage, etc., the gross sum realized was not sufficient to net the Chesapeake and Ohio its published tariff of rates. This must be the case in order to give vitality to the prohibitions of the interstate-commerce act against the acceptance at any time by a carrier of less than its published rates. We say this because we think it is obvious that such prohibitions would be rendered wholly ineffective by deciding that a carrier may avoid those prohibitions by making a contract for the sale of a commodity stipulating for the payment of a fixed price in the future, and thereby acquiring the power during the life of the contract to continue to execute it, although a violation of the act to regulate commerce might arise from doing so. Besides, all the contentions just noticed proceed upon the mistaken legal conception that the application of the statutory prohibitions depend not upon whether the effect of the acts done is to violate those prohibitions, but upon whether the carrier intended to violate the statute.

(*c*) It is urged that if the requirement of the act to regulate commerce as to the maintenance of published rates and the prohibitions of that act against undue preferences and discriminations be applied to a carrier when engaged in buying and selling a commodity which it transports, the substantial effect will be to prohibit the carrier from becoming a dealer when no such prohibition is expressed in the act to regulate commerce, and hence a prohibition will be implied which should only result from express action by Congress. Granting the premise, the deduction is unfounded. Because no express prohibition against a carrier who engages in interstate commerce becoming a dealer in commodities moving in such commerce is found in the act, it does not follow that the provisions which are expressed in that act should not be applied and be given their lawful effect. Even, therefore, if the result of applying the prohibitions as we have interpreted them will be practically to render it difficult, if not impossible, for a carrier to deal in commodities, this affords no ground for relieving us of the plain duty of enforcing the provisions of the statute as they exist. This conclusion follows, since the power of Congress to subject every carrier engaging in interstate commerce to the regulations which it has adopted is undoubted.

But it is in effect said, conceding this to be true as an original question, the prohibitions of the act ought not now to be interpreted as applying to a carrier who is a dealer in commodities, because of an administrative construction long since given to the act by the Interstate Commerce Commission, the body primarily charged with its enforcement, and which has become a rule of property affecting vast interests which should not be judicially departed from, especially as such construction, it is asserted, has been impliedly sanctioned by Congress by frequently amending the act without changing it in this particular.

Passing, for the present, the legal conclusion, let us first ascertain whether the premise itself is well founded. The two rulings of the Interstate Commerce Commission upon which the premise is based are Haddock *v.* Delaware, Lackawanna and Western Railroad Company (4 I. C. C. Rep., 296; 3 Inters. Com. Rep., 302) and Coxe Brothers & Co. *v.* Lehigh Valley Railroad Company (4 I. C. C. Rep., 535; 3 Inters. Com. Rep., 460), decided respectively in 1890 and 1891.

Without going into detail, we content ourselves with saying that in both of the cases complaints were made to the Interstate Commerce Commission concerning the defendant railroads, and it was charged that whilst acting as common carriers they were dealing in coal, and as a result violating the prohibition of the interstate-commerce act as to rates and undue preferences and discriminations. It was shown in both cases that the carriers prior to the adoption of the interstate-commerce act were authorized by their charters or legislative authority to carry on both the business of mining and selling the coal so mined and transporting the same to market. Indeed it was found in both cases that the functions of producing and transporting as authorized were so interblended that it was impossible to separate one from the other. Whilst it is true that in both of the cases it was also shown that the carriers bought, sold, and transported some coal which was not produced in the mines which they owned, this fact was evidently treated, in view of the other circumstances of the case, as of minor importance, since the commingled powers of producing, selling, and transporting were alone made the basis of the conclusion reached by the Commission as to the character of relief which could be afforded. Solely in view of the lawful power of the carriers to mine, sell, and transport existing before the passage of the act to regulate commerce, the Commission decided that its authority, under that statute and under the circumstances of the case, was confined to compelling the exaction of rates which were just and reasonable. The fact that the rulings in the two cases just referred to were solely placed upon the peculiar

powers of the defendant corporations possessed by them prior to the passage of the interstate-commerce act was pointed out by the Commission in Grain Rates of Chicago Great Western Rwy. Co., (7 I. C. C. Rep., 33). In that case, in deciding that the defendant carrier was without power to purchase grain for the purpose of securing the right to transport it, and thus evade the law which would have applied to its transportation had it been owned by any other party, the Commission, in distinguishing the case before it from the Haddock and Coxe cases, said (p. 38):

"Those cases are in no respect similar to this. In both the common carrier was also the owner of extensive coal fields, and, indeed, it had become a common carrier largely for the purpose of transporting the product of those mines to market. This state of things existed before the passage of the act, and had no reference to the act. Unless the carrier was permitted to transport its coal, the result would be in effect the confiscation of its property, and to order it to charge itself with a particular rate would merely result in a matter of bookkeeping. Under these circumstances it was held that the only remedy was to inquire whether the rate charged the complainant was a reasonable one."

Now, without at all intimating that as an original question we would concur in the view expressed in the case last cited, that to have applied the act to regulate commerce, under proper rules and regulations for the segregation of the business of producing, selling, and transporting as presented in the Haddock and Coxe cases, would have been confiscatory, and without reviewing the rulings made by the Interstate Commerce Commission in those cases and adhered to by that body during the many years which have followed those decisions, we concede that the interpretation given by the Commission in those cases to the act to regulate commerce is now binding, and as restricted to the precise conditions which were passed on in the cases referred to, must be applied to all strictly identical cases in the future, at least until Congress has legislated on the subject. We make this concession because we think we are constrained to so do, in consequence of the familiar rule that a construction made by the body charged with the enforcement of a statute, which construction has long obtained in practical execution, and has been impliedly sanctioned by the reenactment of the statute without alteration in the particulars construed, when not plainly erroneous, must be treated as read into the statute. Especially do we think this rule applicable to the case in hand, because of the nature and extent of the authority conferred on the Commission from the beginning concerning the prohibitions of the act as to rebates, favoritism, and discrimination of all kinds, and particularly in view of the repeated declarations of the court that an exertion of power by the Commission concerning such matters was entitled to great weight and was not lightly to be interfered with. The concessions thus made, however, are wholly irrelevant to the case before us. This follows, since the Chesapeake and Ohio was, neither by its charter nor by legislative grant existing at the time of the adoption of the act to regulate commerce, possessed of the commingled attributes of carrier and producer, which was the controlling consideration in the decisions made in the Haddock and Coxe cases.

Concluding, therefore, that both the contracts made by the Chesapeake and Ohio with the New Haven were contrary to public policy and void because in conflict with the prohibitions of the act to regulate commerce, it obviously follows that such contracts were not susceptible of being enforced by the New Haven, and afforded no legal basis for a claim of the New Haven against the Chesapeake and Ohio, and therefore the court below was correct in so deciding.

This leaves only for consideration the question raised by the cross appeal of the Interstate Commerce Commission. That proposition is thus stated in the first of the assignments of error filed on behalf of the Commission:

"That the circuit court of the United States for the western district of Virginia, after finding that the claim of the New York, New Haven and Hartford Railroad Company against the Chesapeake and Ohio Railway Company for $103,910.69, asserted as damages arising from a partial nonperformance by said railway company of a contract of December 3, 1896, set out in the record, is, as to the whole of said claim and interest thereon, an illegal and unenforceable claim, and after finding that the verbal agreement between said companies, made in April, 1903, and set out in said record, whereby said railway company undertook to furnish to said railroad company 59,966 tons of coal, to be transported from West Virginia to Newport News, Va., over the lines of said railway company, and thence transported by vessels to certain New England ports, said coal to be delivered at said ports at the price of $2.75 per ton, New Haven basis, to be an invalid and illegal agreement; that said court merely enjoined and restrained the said Chesapeake and Ohio Railway Company, its officers, agents, and employees, from in any manner, direct or indirect, executing or performing, or attempting to execute or perform, either said contract of December 3, 1896, or said agreement of April, 1903, and from in any manner discharging or satisfying any obligation or seeming obligation arising from said agreements or either of them, or arising from any arrangement or agreement made in lieu of said agreements, or either of them; whereas said court should have further enjoined and restrained the Chesapeake and Ohio Railway Company from giving to said railroad company, or to any other person, firm, or company, any undue or unreasonable advantage or preference, and should further have restrained and enjoined the Chesapeake and Ohio Railway Company from transporting coal from one State to or through any other State for the New York, New Haven and Hartford Railroad Company, or for any firm, person, or company, at a less rate than the duly established freight rate of the said railway company in force at the time, and from further failing to observe its published tariffs, or from giving to the said New York, New Haven and Hartford Railroad Company, or to any person, firm, or company, in any manner whatsoever, any undue or unreasonable preference or advantage, and said decree, entered by the court on the 19th day of February, 1904, in addition to the provisions thereof, should have enjoined and restrained the New York, New Haven and Hartford Railroad Company and its officers and agents from seeking or accepting, in any manner, any direct or indirect rebate of the duly established freight rates of the Chesapeake and Ohio Railway Company on any interstate commerce, and from seeking or accepting in any manner from said railway company any undue or unreasonable preference or advantage."

The contention, therefore, is that whenever a carrier has been adjudged to have violated the act to regulate commerce in any particular it is the duty of the court not only to enjoin the carrier from further like violations of the act, but to command it in general terms not to violate the act in the future in any particular. In other words, the proposition is that by the effect of a judgment against a carrier concerning a specific violation of the act the carrier ceases to be under the protection of the law of the land, and must thereafter conduct all its business under the jeopardy of punishment for contempt for violating a general injunction. To state the proposition is, we think, to answer it. (Swift & Co. *v.* United States, 196 U. S., 375.) The contention that the cited case is inapposite because it did not concern the act to regulate commerce, but involved a violation of the antitrust act, we think is also answered by the mere statement of the proposition. The requirement of the act to regulate commerce that a court shall enforce an observance of the statute against a carrier who has been adjudged to have violated its provisions in no way gives countenance to the assumption that Congress intended that a court should issue an injunction of such a general character as would be violative of the most elementary principles of justice. The injunction which was granted in the case of In re Debs (154 U. S., 564) was not open to such an objection, as its terms were no broader than the conspiracy which it was the purpose of the proceeding to restrain. To accede to the doctrine relied upon would compel us, under the guise of protecting freedom of commerce, to announce a rule which would be destructive of the fundamental liberties of the citizen.

As the court below did not decide that the second and sixth sections of the act, relating to the maintenance of rates, had been violated, the injunction by it issued was not made as directly responsive to the commands of the statute on that subject as we think it should have been. We therefore conclude that the injunction below should be modified and enlarged by perpetually enjoining the Chesapeake and Ohio from taking less than the rates fixed in its published tariff of freight rates by means of dealing in the purchase and sale of coal. And as thus modified the decree below is affirmed.

True copy. Test:

_____,

Clerk Supreme Court, United States.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 2789) for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 431) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Military Affairs, to whom was referred the bill (S. 1141) for the relief of Wilbur F. McCue, reported adversely thereon, and moved that it be indefinitely postponed; which was agreed to.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 13538) to incorporate The Carnegie Foundation for the Advancement of Teaching, reported it with amendments, and submitted a report thereon.

Mr. DRYDEN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1792) to provide for the erection of a public building at Baker City, in the State of Oregon, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the Library, to whom was referred the bill (S. 39) for the erection of an equestrian statue of Maj. Gen. John Stark, in the city of Manchester, N. H., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4370) to appropriate the sum of $40,000 to the Cape Cod Pilgrims' Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims, reported it with an amendment to the title, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10853) to prohibit gambling in the Territories, asked to be discharged from its further consideration and that it be referred to the Committee on Territories; which was agreed to.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 580) to establish a Government building at the town of Moscow, Idaho, reported it with amendments, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom were referred the following bills and joint resolution, reported them severally without amendment, and submitted reports thereon:

A bill (S. 38) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.;

A bill (S. 685) for the erection of a monument to the memory of John Paul Jones; and

A joint resolution (S. R. 1) for the erection of a monument to the memory of Dorothea Lynde Dix.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 20) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 684)) providing for the erection of a public building in the city of Quincy, Mass., reported it with amendments, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 6009) to regulate the construction of bridges over navigable waters, reported it with an amendment.

Mr. STONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1694) for the erection of a public building at Carthage, Mo., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 4130) to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10697) providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2701) providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3294) to provide for the erection of a public building at Alton, Ill.; and

A bill (S. 1831) to provide for the purchase of a site and the erection of a public building at Eureka, Cal.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2264) to provide for enlarging the public building at Roanoke, Va., in order to accommodate the United States courts, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4434) ceding a parcel or strip of land to the city of Hot Springs, Ark., for use as a public street, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the Library, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 111) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; and

A bill (S. 1032) to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 1459) to encourage private salmon hatcheries in Alaska, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn., reported it without amendment, and submitted a report thereon.

Mr. MILLARD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1683) to provide for the purchase of a site and the erection of a public building thereon in the city of Kearney, State of Nebraska, reported it with an amendment, and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1878) to provide for the purchase of a site and the erection of a public building thereon in the city of Provo, State of Utah, reported it with amendments, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 4339) to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners, reported it without amendment, and submitted a report thereon.

FIVE CIVILIZED TRIBES OF INDIANS.

Mr CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, to report it with amendments.

I desire to state that under existing law the tribal relations of the Five Civilized Tribes in the Indian Territory will terminate a week from Saturday. Unless provision is made between now and then for the schools, they will all have to be closed; and in addition to that, the question of the disposition of their property will be very much involved in doubt and uncertainty as to its legal status. On behalf of the committee, therefore, I ask the Senate to allow this bill to be brought up for consideration and action to-morrow.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BAILEY. Before that order is made, Mr. President, I wish to state that I desire to examine that bill. I shall object to the order being made until I can examine it.

The VICE-PRESIDENT. The Senator from Texas objects.

Mr. BAILEY. If the Senator from Minnesota will withdraw his request until to-morrow morning, and then move to proceed to the consideration of the bill, I do not know that I shall then object. I simply want to examine it.

Mr. CLAPP. Then I give notice that I shall renew the request to-morrow morning.

Mr. BAILEY. It is more than probable that I may then readily assent to it.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

CUMBERLAND RIVER BRIDGE AT CARTHAGE, TENN.

Mr. CLAY. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 4482) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," to report it without amendment.

Mr. FRAZIER. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Georgia [Mr. CLAY] from the Committee on Commerce, being Senate bill 4482.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the act named be so amended as to extend the time for commencing the construction of the bridge to one year and for its completion to three years from the date of the approval of the proposed act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON THE JUDICIARY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CLARK of Wyoming on the 21st instant, reported it favorably without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings and proceedings as may be had before such committee, or its subcommittees, in connection with matters pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

SCHOOL LAND AT ST. AUGUSTINE, FLA.

Mr. HANSBROUGH. Yesterday I submitted a report from the Committee on Public Lands, to accompany the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes. On an examination of the report as printed I find quite a serious error. I ask that that report may be withdrawn and that the report I send to the desk may be substituted in place thereof.

The VICE-PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 4626) granting an increase of pension to George H. Root; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4627) granting an increase of pension to Jerry C. Bliss; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4628) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4629) granting an increase of pension to Mary Jane Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4630) granting a pension to Joseph Barton;

A bill (S. 4631) granting an increase of pension to Harry S. Lee; and

A bill (S. 4632) granting a pension to Mary Talbott.

Mr. HEYBURN introduced a bill (S. 4633) authorizing Government assistance in the development and encouragement of ramie-fiber silk and flax preparation and manufacture, and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor; which was read twice by its title, and referred to the Committee on Manufactures.

He also introduced a bill (S. 4634) granting an increase of pension to Charles Wescott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 4635) to approve certain final proofs in the Chamberlain land district, South Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4636) granting an increase of pension to Henry R. Pease; and

A bill (S. 4637) granting an increase of pension to Frederick Zimmerman.

Mr. WETMORE introduced a bill (S. 4638) granting an increase of pension to James F. McKenna; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 4639) for the relief of the estate of David R. Hubbard, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 4640) for the relief of Joseph B. Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 4641) to establish a fish-cultural station in the State of Kansas; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. BURKETT introduced a bill (S. 4642) to apply a portion of the proceeds of the public lands to the State normal schools of the United States for the advancement of instruction in agriculture and manual training; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4643) granting an increase of pension to Druzilla Gilmore;

A bill (S. 4644) granting an increase of pension to Carah Van Matre;

A bill (S. 4645) granting an increase of pension to Samuel L. Davis; and

A bill (S. 4646) granting an increase of pension to Ruth E. Keefer.

Mr. BACON introduced a bill (S. 4647) for the relief of the estate of W. J. Langston, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 4648) granting a pension to S. S. Lockney; which was read twice by its title, and referred to the Committee on Pensions.

REGULATION OF INTERSTATE COMMERCE.

Mr. KNOX. Mr. President, I introduce a bill to supplement and amend the act to regulate commerce, which I ask may be referred to the Committee on Interstate Commerce, but, before sending the bill to the desk, I ask for unanimous consent to say a word in explanation of my reasons for offering this bill at so late a date.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Pennsylvania? The Chair hears none. The Senator from Pennsylvania will proceed.

Mr. KNOX. Mr. President, it has been very generally reported and it is the fact that I have recently, upon request of different persons interested in the rate regulation measures now pending before the Senate, submitted my views as to a provision which I deem essential to the certain constitutionality of the bill passed by the House of Representatives. I presented my views by taking out of the bill which I now offer section 5, and that section can not be thoroughly understood independent of its context. It is not my expectation that the bill which I now introduce will receive any further consideration from the committee than they may choose to give it as throwing light upon a provision for review in the courts of the action of the Commission, and if it is of any assistance in that direction I shall be more than satisfied.

The VICE-PRESIDENT. The Senator from Pennsylvania introduces a bill; which will be read by its title, and referred to the Committee on Interstate Commerce.

Mr. ALDRICH. I ask that the bill may be read in full.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the bill be read in full. The Secretary will read as requested.

The bill (S. 4649) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887, was read the first time by its title, and the second time at length, as follows:

A bill (S. 4649) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887.

Be it enacted etc., That the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and of the acts amendatory thereof or supplemental thereto, and the provisions of this act shall extend to all common carriers engaged in commerce to which the regulative power of Congress extends under the Constitution of the United States, by the transportation of persons or property wholly by railroad or by the transportation of persons or property partly by railroad and partly by water when both are used for a continuous carriage or shipment. Said provisions shall also extend to all the facilities and instrumentalities connected therewith to which the regulative power of Congress extends, whether owned or provided by the carrier or not.

SEC. 2. That all charges made for any services rendered or to be rendered in the transportation of persons or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, and all charges for expenses incurred in connection with the receipt, transit, or delivery thereof, shall be just and reasonable; and all practices, arrangements, regulations, and agreements affecting the charges for transportation of property, or the incidents thereto, whether the same relate to the receipt, transfer, transit, preservation, or delivery of property, or services rendered or expenses incurred in connection with the receipt, transfer, transit, preservation, or delivery thereof, shall be just and reasonable; and every unjust or unreasonable charge, practice, arrangement, regulation, or discrimination in relation to any of the matters aforesaid is hereby prohibited and declared to be unlawful.

SEC. 3. That any person, firm, corporation, or any representative association, mercantile, agricultural, or municipal society, or any body politic or municipal organization, complaining of anything done or omitted to be done in violation of the provisions of this act, or the acts named in section 1 of this act by any common carrier subject to the provisions of this act, either by said carrier alone or in connection with some other carrier, corporation, or person using, owning, or controlling any instrumentality or facility of commerce subject to the provisions of this act, may apply to the Interstate Commerce Commission by petition stating concisely the facts in regard to the matter complained of, and thereupon the Commission shall forward to such common carrier and others complained of a copy of the petition with direction to answer the same in writing within a reasonable time, to be specified by the Commission.

SEC. 4. That whenever, after full hearing upon such complaint, the said Commission shall determine that any existing rate or rates or practice whatsoever affecting the same, or any regulation or practice whatsoever as aforesaid, relating to any of the aforesaid services or transportation or incidents thereto, to be unjust, unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act or the acts named in section 1 of this act, it shall be the duty of the Commission to declare and order what, in its judgment, will be a just, reasonable, and fairly remunerative rate or rates, charge or charges, practice or regulation to be charged, imposed, or followed in place of the rate or rates, charge or charges, regulation or practice declared by it to be unjust, unreasonable, unjustly discriminatory, or unduly preferential under the provisions of any act referred to in section 1 hereof: *Provided*, That when the Commission shall order a rate reduced such reduced rate shall be the maximum to be observed by the carrier, and when the Commission shall order a practice to be changed its order shall be observed by the carrier.

When necessary to give effect to any provision of this act, the Commission may also, after hearing on a complaint, establish through routes to and from points between which through routes are not maintained by the lines complained of, either by said lines or in conjunction with some other line, and joint rates as the maximum to be charged and prescribe the division of such rates.

SEC. 5. That the orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the Commission and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside by order of a court in a suit to test the lawfulness of said order; but any carrier, person, or corporation party to the proceedings affected by the decision of the Commission as to the rate or practice covered by the complaint, or by its order prescribing a different rate or practice, and alleging either or both to be a violation of its or his rights may institute proceedings against the complainant, and the Interstate Commerce Commission in the circuit court of the United States for the district in which any portion of the line of the carrier or carriers that were parties to the complaint may be located, sitting as a court of equity, to have such questions determined, but in no other way shall the lawfulness of such order be questioned, and in all such proceedings the court shall have power to make orders to secure the appearance of parties from any part of the United States, and the existing laws relative to evidence and to proceedings under the acts to regulate commerce shall be applicable: *Provided, however*, That no order of the Commission reducing a rate shall be set aside or suspended by an interlocutory decree of the court without requiring a deposit of the excess charge or sufficient bond to secure to the parties entitled thereto the repayment, if the Commission's order is sustained, of all moneys received by the carrier in excess of the rate fixed by the Commission, and the court shall determine in such interlocutory decree what practices shall be pursued by the parties pending the litigation in order to make this right of repayment certain and effective.

SEC. 6. That the defense in all such proceedings shall be undertaken by the United States district attorney for the district wherein the action is brought, under the direction of the Attorney-General of the United States, and the costs and expenses of such defense shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. That when the rates substituted by the Commission, as hereinbefore provided, shall be a joint rate, and the carriers, parties thereto, fail to agree upon the apportionment thereof among themselves within twenty days after notice of such order, the Commission shall issue a supplemental order declaring the portion of such joint rate to be received by each carrier party thereto, which shall take effect as part of the original order and be subject to review by the courts of the United States in the manner hereinbefore provided for the review of original orders of the Commission.

SEC. 8. That if any carrier, person, or corporation bound by any order of the Commission provided for in this act shall, at any time while such order is in effect, refuse or neglect to obey the same, it or he shall be subject to a penalty of $5,000 for each day of the continuance of such refusal or neglect, which, together with costs of suit, shall be recoverable by the United States in an action of debt in the proper circuit court of the United States; and in addition thereto the Commission may apply by petition to the circuit court of the United States for the district in which such carrier has its principal office, or for any district in which any portion of the line of such carrier may be located, to enforce obedience to its order by writ of mandamus, injunction, or other appropriate process.

SEC. 9. That in all proceedings arising under this act in which the United States or the Interstate Commerce Commission is a party an appeal from the final decree of the circuit court shall lie only to the Supreme Court and must be taken within thirty days from the entry thereof. No appeal shall operate as a stay or supersedeas of the decree appealed from.

SEC. 10. That where any order made by the Commission shall involve the rate on traffic passing in part over the railroad or lines of any railroad company operating in any foreign country, and passing in part over lines of railroad companies operating in the United States, or shall involve the usages of such foreign railroad with respect to such traffic, then, in case such order shall not be observed, it shall be lawful for the Commission or the court having jurisdiction, in addition to the other remedies herein provided for, to enforce the order against the traffic so passing in part through a foreign country and in part through the United States by suspension of the movement thereof within the United States, save upon the condition that the terms of the order shall be complied with.

SEC. 11. To carry out and give effect to the provisions of this act and the acts mentioned in the first section of this act, or acts which the Interstate Commerce Commission is required to execute or enforce, the Commission is hereby authorized to employ special agents or examiners, who, acting under its directions, shall have power to administer oaths, examine witnesses, and receive evidence.

SEC. 12. The powers conferred upon the Interstate Commerce Commission by this act are additional to those it now possesses.

The VICE-PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. ELKINS submitted an amendment proposing to appropriate $100,000 for the purchase of suitable ground in the District of Columbia and the erection thereon of a building to be used by the Forest Service as a laboratory for experiments in the seasoning and preservative treatment of construction and other timbers, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

COAL LANDS IN BATAN, PHILIPPINE ISLANDS.

Mr. LODGE. In accordance with the notice I gave the other day, I desire to call up the bill (H. R. 12864) to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to purchase the coal claims owned by Messrs. Munoz and Villanueva, lying on the island of Batan, Philippine Islands, and upon which the War Department now holds an option, and appropriates $50,000 for that purpose.

Mr. NEWLANDS. Before the bill is submitted to a vote, I should like to ask the Senator from Massachusetts what is the character of the island of Batan, and whether it is suited for a naval or coaling station. I should like also to have some information as to where it is located.

Mr. LODGE. The island of Batan lies off the extreme southeast coast of the island of Luzon. There is a large Government reservation upon it. Upon that island have been discovered coal measures, which have been examined during the past two years by the Government authorities. They are found to be very extensive, and the coal is better than the Japanese coal, and is available for transports, launches, tugs, the ice plant, and all Government work in the Philippine Islands, besides mercantile employment. It would not do for use by war ships except under stress, but can be used for all other purposes. The coal measures are very extensive, and are believed to be very valuable. It would reduce the cost of coal to the Government from $5 to $2 a ton. There is an ample harbor there for large ships.

There are certain Spanish titles to land lying directly across the water front of the Government land which extend down to the harbor. Those titles have been examined by the law officers of the United States and are found to be good. Those titles were acquired many years before we acquired the islands. The War Department has an option to purchase those islands, which option expires on the 1st of March. If we do not purchase them now, it will probably lead to a great increase, as the possession of those titles by those private holders practically cripples the use of these large extensive tracts belonging to the United States, which lie just in the rear.

The bill simply provides for the extinguishment of those titles. It was unanimously reported from the committee in the House. It passed the House without a roll call, on a division, by more than four to one. It is unanimously reported from the committee here. It seems to be undoubtedly necessary to protect and make available this property of the Government. The bill makes no provision for the use of the land, whether by leasing or sale, but simply puts the Government in a position where it can avail itself of the land. If the bill is not passed immediately, we shall probably have to pay more for the titles.

Mr. NEWLANDS. I would inquire of the Senator from Massachusetts whether he can give us the area and population of the island, approximately.

Mr. LODGE. It is a very small island indeed, lying, as I say, to the extreme southeast of Luzon. It is 5 by 10 miles in dimension. There is a very small population there. The only value is in the coal.

Mr. NEWLANDS. How far does it lie from Luzon?

Mr. WARREN. Four hundred and fifty miles from Manila.

Mr. LODGE. Four hundred and fifty miles from Manila, because it is on the other side of the island, off the extreme southeast coast.

Mr. NEWLANDS. How near is it to the coast of Luzon?

Mr. LODGE. I should think it is 10 miles.

Mr. NEWLANDS. Did I understand the Senator to say it has a good harbor?

Mr. LODGE. Yes; an excellent harbor.

Mr. NEWLANDS. Capable——

Mr. LODGE. Capable of taking vessels of any size, so that merchant vessels can coal there.

Mr. NEWLANDS. There is one further question I should like to ask the Senator, and that is whether this island lies on the way from San Francisco to Luzon—the way, of course, usually pursued by Army transports.

Mr. LODGE. It was stated that it would be possible for Army transports to coal there on their way to and from Manila.

Mr. NEWLANDS. May I ask whether the Senator has inquired at all as to the adaptability of this island as a naval base, a commercial base, and a coaling station; as a link in our commercial system, in case we should conclude to abandon the Philippine Islands?

Mr. LODGE. Well, Mr. President, the committee has not considered the island from the point of view of the ultimate disposition of the Philippines. It has only considered that here was a large Government property which would be of no use unless we could extinguish these claims, and it was obviously a good business proposition. The bill was introduced by the Senator from Wyoming [Mr. WARREN], who has been in the Philippines. It is strongly approved by the Senator from Idaho [Mr. DUBOIS], whom I do not see in his seat for the moment; and they have much greater knowledge of the local circumstances than I have. There has been no opposition to it that I am aware of.

Mr. BACON. I believe it is a fact that this is the first discovery of coal in those islands, is it not?

Mr. LODGE. Yes; and investigations, I will say to the Senator from Georgia, have been made most thoroughly by an officer of the Army, Lieutenant Wigmore, which occupied nearly a year.

Mr. BACON. There is none on the island of Luzon?

Mr. LODGE. No. This deposit is very valuable and very accessible, and can be used both for mercantile and governmental purposes.

Mr. NEWLANDS. Is it not a fact that there are large coal deposits on the island of Cebu?

Mr. LODGE. We are not so informed. Moreover, we do not own the island of Cebu, and we already own the coal measures on this island.

Mr. NEWLANDS. Mr. President, I do not intend to oppose the bill. On the contrary, I am in favor of it. But I wish to call the attention of the Senate to one proposition, and that is, that we will be called upon before long to determine a definite policy regarding the Philippine Islands, whether we shall continue to hold those islands as a matter of trust—a trust for civilization, a trust for the Filipino people, according to the declarations made at the time the treaty with Spain was ratified, according to the declarations of the Democratic party, according to the declarations of the leaders of the Republican party, including President Roosevelt himself—or whether we shall gradually drift, without knowing it, into the permanent occupancy and holding of those islands.

It seems to me to be absolutely essential that we should determine that within a very reasonable time, for I imagine that

if we should dispose of those islands, as the resolutions passed at the time of the treaty was ratified declared, in the best interests of the Filipino people and in the best interests of the people of the United States, we would continue to hold a coaling station and a naval and commercial base somewhere in those islands, either one or more. It is of the highest importance that we should determine now what that naval base is to be, for in the near future we shall be called upon for appropriations approximating nearly $30,000,000 for the purpose of improving either the harbor for an entrepot in Subig Bay or at Cavite, near Manila. It would be well for us to consider whether this particular island, of small area, of small population, and possessed of a magnificent harbor, will not satisfy the demands of our Navy and of our commerce better than either Subig Bay or Manila Bay, and whether or not the fortifications and improvements which will have to be constructed in the near future should not be located upon this island, which, in addition to the advantage of a great harbor, has the advantage of large deposits of coal which will supply the needs of both our Navy and our merchant marine.

While I was in the Philippine Islands last summer I observed that the sentiment of the Army officers was gradually drifting in the direction of fortifying Cavite instead of Subig Bay. It is admitted in either case that the sum which will be expended will amount to at least $30,000,000, and I have heard it stated that the fortifications necessary to properly defend those islands and the improvements in harbors essential for our Navy and our merchant marine will approximate nearer $100,000,000.

The question is whether we shall pursue the policy of drifting, as we are doing now, or whether we shall take counsel among ourselves and determine now, regardless of the question of the future disposition of the islands, where this naval and commercial base shall be. Obviously the wise thing to do will be to locate this naval and commercial base where it will serve either purpose, where it will serve our purpose in case we conclude to permanently hold on to the islands, and where it will serve our purpose in case we conclude to turn over the islands to the Filipino people.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. NEWLANDS. I yield.

Mr. LODGE. I merely wish to ask a favor of the Senator. It is nearly 2 o'clock, in which case the bill will fail. There is no objection to it. The Senator himself does not oppose it. If he will allow the bill to pass, then of course I shall be happy to yield the floor.

Mr. NEWLANDS. Do I understand that the bill can not be considered after 2 o'clock?

Mr. LODGE. At 2 o'clock the unfinished business comes up, and the bill can not be further considered.

Mr. NEWLANDS. I deemed this a very opportune time to call the attention of the Senate to this subject, and I do not know when another such opportunity will arise.

Mr. LODGE. I will say to the Senator that I have another bill here, equally unopposed, to alter the system of accounts on the admission of cotton textiles into the Philippine Islands, and he can make his speech on that bill.

Mr. GALLINGER. And on the Philippine tariff bill.

Mr. LODGE. Then I have the Philippine tariff bill, coming along later, on which he will have an opportunity, I am afraid, to make a great many speeches.

Mr. NEWLANDS. I understand, of course, that it is very important that this bill should pass now, as I believe the option expires on the 1st of March.

Mr. LODGE. The option expires in a few days.

Mr. NEWLANDS. I will detain the Senate but two or three minutes. I simply want to give point to what I have already said—namely, that it is important we should determine now where this naval base shall be, and we should determine where it is to be, so that it will serve either purpose—so it will serve our purpose in case we propose to leave the islands and to turn over the government to their own people, and so that it will serve our purpose if we propose to retain the islands.

Now, the difficulty about Cavite—and we are drifting into large appropriations at Cavite—is that if hereafter we conclude to leave the islands to the government of their own people we will then lose every dollar invested at Cavite, whereas if we invest the money either in Subig Bay or in the island of Batan, we can retain either Subig Bay or the island of Batan as a naval and commercial base.

Of course, Subig Bay has not the same advantages, except possibly in location, that the island of Batan has, for the advantage of our holding an island that is entirely cut off from the mainland, limited in area and with a limited population, is obvious. If we are to have bases for our Navy and for our merchant marine throughout the world as a part of our naval and commercial system, the less people we have attached to them the better. That was the great advantage in the Hawaiian Islands. The importance of those islands was admitted by everybody, and the great advantage we had was that there was attached to them only a small and insignificant population.

I contend that although we want a naval base and a commercial base in the Orient, we want with it as few people attached to it as possible. We want an ideal commercial and naval base, such as there is at Hongkong, separated by water from the shore of China, and with as few people attached to it as possible. We do not want a naval base with 7,000,000 people attached to it, as we will have attached to it if we permanently retain the Philippines.

It seems to me that the time to consider this question is now, and that we should not drift gradually into the expenditure of large sums of the public money in places where we will absolutely be compelled to surrender the improvements when we surrender the islands.

Subig Bay is in the north part of Luzon, nearer Hongkong than Manila. It has an incomparable harbor. It has in the surrounding country almost no population. It is divided from the adjoining country by a high range of mountains, so that it is easily defended.

It seems to me that either Subig Bay or the island of Batan has a great advantage over Cavite; and if Congress does not consider this question we will find that in the Army appropriation bills we will be gradually drifting into enormous expenditures at Cavite.

The bill was ordered to a third reading, read the third time, and passed.

CLASSIFICATION OF TEXTILES IN THE PHILIPPINE TARIFF.

Mr. LODGE. I now call up the bill (H. R. 13104) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12707.

Mr. BEVERIDGE. I ask unanimous consent that the unfinished business be temporarily laid aside until the present bill is considered, provided it does not provoke discussion.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. Is there objection to the present consideration of the bill which has just been read?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUNISHMENT FOR HAZING AT NAVAL ACADEMY.

Mr. HALE. I should like to ask the Senate to take up now Senate bill 3899. It is the bill known as the "hazing bill."

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of a bill which will be read.

Mr. HALE. I do not expect that the bill will give rise to any debate, and it is very important that it should be passed.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Naval Affairs with amendments.

The VICE-PRESIDENT. The first amendment reported by the committee will be stated.

Mr. TELLER. Mr. President, it is impossible for anyone to understand fully such bill merely from hearing it read at the desk. I should like to ask the chairman of the committee, the Senator from Maine, if it is in line with the letter of the President concerning this matter some time since? I do not know that I ought to ask if it is the result of the President's letter, but I ask if it is in line with it. Then I would know something more about what is in the bill.

Mr. HALE. The bill, which was reported from the commit-

tee and which is now before the Senate, was perfected by the committee on consultation with the Secretary of the Navy before the President's letter; but it contains all the suggestions which were afterwards made by the President, and possibly something more. The letter of the President to the chairmen of the two Committees on Naval Affairs was after the bill had been perfected by the committee in consultation with the Secretary of the Navy.

I will say that the whole sum and substance of the bill is that it provides what has never been before provided for, a gradation of punishment. It has been found by an examination of old statutes that upon court-martial or upon any proceeding touching misdemeanors and offenses at Annapolis, there is but one iron rule, and that is dismissal. There is no discretion. The offense may be slight, it may be trivial, it may almost be excusable, but the rule of punishment is stern and unyielding; it must be dismissal.

This bill, which was prepared by the committee in full consultation with the Secretary of the Navy, provides that upon minor offenses the discretion is left to adjust the punishment. If a boy at Annapolis has been guilty of some slight infraction and it is not a clear, glaring case of insubordination, the Secretary, on consultation with the Superintendent, may adjust the punishment. He may grade it; he may provide that there shall be certain demerit marks or that the offending party shall be subject to his adjudication upon the real facts of the case.

I think the bill ought to pass. The subject has excited a great deal of attention. It is intended to remove what is at present a very important and troublesome difficulty. If you must give the extreme punishment in all cases it is difficult to get any punishment. The bill is drawn upon that theory. It is left to the discretion of the Secretary on consultation with the Superintendent.

Mr. TELLER. Then I understand it contains something more than merely the question of hazing, that is to say, an offense different from hazing, may be punished as the Secretary of the Navy thinks proper.

Mr. HALE. No; that is not comprehended in the bill. The bill defines what hazing is—the exercise of improper power by one person or one class upon another. Perhaps an amendment may be offered, but the committee does not report anything in the bill except in relation to hazing, and it defines what hazing is.

Mr. TELLER. I should like to ask the Senator if he believes that the bill will prevent hazing in its present condition?

Mr. HALE. I think the agitation and the investigation of this subject will operate very much as the investigation into the conditions at West Point did some years ago, and that practically hazing will disappear. If I did not believe that I would have very little faith in the bill. I think in connection with the public feeling which has been manifested and the desire of Congress to do something that shall relieve the situation, the influence upon the midshipmen and the officers there will be such that hazing will practically disappear. That is the hope and belief of what will result not only from this bill but from the agitation in the country that has come up.

Mr. TELLER. I may be in error, but I am impressed with the idea that largely the fault of the continuous hazing in that school is due to the indifference which the officers of the school exhibit and feel toward what I think is a very serious offense.

Mr. HALE. The Senator is right there; and a provision in the bill covers that very thing.

Mr. TELLER. I am glad to hear it.

Mr. HALE. I wish the Secretary would read that provision of the bill.

The VICE-PRESIDENT. Will the Senator from Maine kindly indicate the portion of the bill he wishes to have read?

Mr. TILLMAN. It is section 4.

Mr. HALE. Yes; section 4—an amendment of the committee to section 4.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. Amend section 4 by inserting, after the word "entitled," in line 19, the following proviso:

Provided, That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this section.

Mr. HALE. That amendment was deemed by the committee as very important, and it covers the suggestion of the Senator from Colorado. I do not think the bill would be complete without that provision being included.

Mr. TELLER. Mr. President, I only want to say that I have not had an opportunity to look at this bill. I think the condition some years ago at West Point was simply disgraceful. I believe that was dealt with and that, substantially, hazing has ceased at that place. If the officers of any of these institutions take hold of hazing as they ought to do, it could be stopped without any statute. I am glad the committee have reported something in this direction, for the condition at Annapolis was simply disgraceful, and I think the feeling has been pretty strong that we had either to stop that practice or else we ought to dismantle the institution.

Mr. MCCUMBER. Mr. President, I just came into the Chamber when this bill was being discussed by the Senator from Maine [Mr. HALE]. I do not know precisely what the provisions of the bill may be, nor whether it is the only bill which will be taken up for discussion on this subject. This bill seems to be directed only to the matter of the punishment of hazing, and not for the determination of what shall be considered as hazing, although I think there is a section which denominates what hazing shall be.

Mr. President, the point I want to make is this: I desire to see amended either the law as it now exists or some other bill that shall pass this Congress, which will provide that any person who submits to hazing, willingly submits to it, shall also be dismissed. We attempt, Mr. President, to send to these academies the very best of our young men. We are educating them at the Government expense for soldiers and sailors. I know that I, having authority to recommend any young man, would never for a moment recommended one who I thought would submit, under any circumstances, to any of the hazings which we have seen discussed in the papers, and if I thought he was of such character that he would do so, I should consider that he would be absolutely unfit as an American soldier or sailor. These boys are educated at the Government's expense. The intent is to procure good men and brave men, and I do not feel that any boy who will submit willingly to the indignities that we have heard of in reference to hazing should be educated at all at the Government's expense. I do not believe that he should become an officer of the American Army or the American Navy.

Whatever bill or law we may have upon this subject, I should hope that it would affect the hazee, if he is a willing one, as well as the hazer.

Mr. HALE obtained the floor.

Mr. NEWLANDS. Mr. President——

Mr. HALE. I will yield to the Senator from Nevada in a moment.

Mr. NEWLANDS. Very well.

Mr. HALE. Mr. President, the suggestion of the Senator from North Dakota [Mr. MCCUMBER] discloses to me what is the danger of our attempting to go too far in this matter. The bill reported by me from the Committee on Naval Affairs is a conservative bill. It does not introduce any such elements as have been suggested by the Senator who has just sat down, because the committee did not believe it wise in this bill to go to extremes, but thought it better to provide a general law defining hazing, including the responsibility of the officers of the institution, which is very great, and then leaving the punishment to the discretion of the Secretary of the Navy upon conference with the Superintendent of the Naval Academy. There were other extreme suggestions brought before the committee, but we did not believe it wise under present conditions to embody them, and I doubt whether it would be wise now in this bill, which is intended to remedy existing conditions, to incorporate any further and extreme provisions.

I now yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to inquire of the Senator from Maine [Mr. HALE] whether it would not be possible to incorporate into this bill a provision relative to the men who have already been convicted, so that this act could operate on them just as it will upon those who commit similar offenses in the future.

In this connection, let me say that Mr. Coffin, who is a young midshipman recently dismissed from the Naval Academy under court-martial proceedings, is a resident of my State. He is the son of a lady, the widow of an eminent lawyer of that State who died a few years ago, and she has had a hard struggle. Her hopes are wrapped up in this boy at the Naval Academy who has committed this offense of hazing, a common offense there, I understand. When charged with it, he admitted it with candor, he attempted no subterfuge or concealment, but pleaded guilty. There was no alternative whatever, and dismissal necessarily followed.

This legislation arises, as I understand, from the impression that the punishment provided by existing law is too severe. While the punishment of dismissal may be required in some cases it is not necessarily required in all cases. I ask if in this remedial legislation, if it is passed, it would not be fair to

relieve this young gentleman from the operation of the existing law and leave him at the academy subject to punishment for his offense by the Superintendent of the academy. If his offense warrants dismissal let dismissal follow; if his offense warrants milder punishment, then let him be punished under this law. I ask the Senator whether an amendment could not be inserted to that effect?

Mr. HALE. I am very glad the Senator has made that inquiry.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. Mr. President, I want to say in this connection that there is a similar case from my own State to that which has been referred to by the Senator from Nevada [Mr. NEWLANDS], of a young man by the name of De Saussure, whose mother is a widow, and whose case appeals to me very strongly. I am, however, unwilling to join with the Senator from Nevada in asking the Senate to take any action, for the simple reason that the President, in the exercise of his supreme authority in such cases, has already seen fit to pardon certain of these young men who had been convicted and expelled. As he has put his hand to the plow, I am willing for him to continue.

But I want to call attention to the fact that, in my judgment, the present unfortunate situation at Annapolis is due entirely to meddling on the part of the Senate and the House of Representatives and of the Executive in the affairs of the academy some years ago.

Mr. HOPKINS. Before the Senator leaves that point, I wish to ask does the pardoning of a midshipman restore him to his former position?

Mr. TILLMAN. If the pardon so says. I saw that some midshipman had been pardoned and had rejoined his class and graduated the other day.

Mr. HALE. A pardon is an obliteration.

Mr. SPOONER. It is oblivion.

Mr. HOPKINS. I so understand, but it does not restore a midshipman to his position in his class, does it?

Mr. HALE. In some instances.

Mr. HOPKINS. A pardon is simply a forgiveness of the crime.

Mr. SPOONER. If the sentence is only dismissal, and that is all there is to the pardon, his offense is obliterated.

Mr. HALE. Yes.

Mr. SPOONER. The punishment is obliterated, but if the man was dismissed and was also sentenced to a term in the penitentiary, as officers of the Army and Navy have been, the pardon may go only to the remission of his imprisonment.

Mr. HOPKINS. But suppose it does not go to the extent that he is dismissed from the service and prohibited from ever holding an office of trust under the Federal Government, as most of these convictions are, as I understand, would the pardon in that instance not only permit him to have all the rights and privileges of an American citizen, but, in addition to that, restore him to his position in his class?

Mr. TILLMAN. If the Senator will pardon me, I will undertake to say, without examination, that merely to be dismissed casts no stigma on a young man at all. He merely loses the opportunity of a lifetime to become a naval officer. It is only when a man is dishonorably discharged from the Army or Navy that he loses his citizenship and becomes something of a Pariah in that regard. As I understand the situation now, those young men who are under sentence of dismissal have no hope of any redress or any opportunity for restoration unless the President does pardon them or unless the Congress may meddle again, as it did some years back, and which, as I say, in my judgment, caused the very condition now existing, which we are seeking to remedy by this legislation.

I remind Senators that three or four years ago—I do not recall how far back, but very recently—several midshipmen were dismissed for very extreme cases of hazing, some of them brutal, and the friends of the victims in this body made appeals on this floor, and the President was appealed to, and, being naturally impulsive in the direction of giving "a square deal," or something of that sort, he sent messages down here urging Congress to take action for the relief of those young men; and I attribute the outbreak of hazing, or the revival of it and the spread of it there, to flow from that Executive interference and the interference on the part of Congress in dealing with the discipline down there.

This bill, as I understand it, has for its purpose, first, the definition of hazing, and, secondly, to put it in the power of the Superintendent and the faculty there, together with the Secretary of the Navy, to grade the punishment to suit the character of hazing; in other words, not to have an ironclad rule and say that every boy who is guilty of hazing, however innocent it might be, should have his head chopped off and retired to private life and not allowed to become a naval officer, even if it had been only some innocent amusement like most boys will engage in at times. If it is hazing, punish him according to the grade of the offense; and if it is a very bad case, one indicating brutality and the lack of that civil character which should attach to a naval officer, let him be dismissed. But I beg Senators not to meddle in this thing here except to pass this bill. Let the President exercise, as he has already exercised, his authority in his discretion to restore those young men who are dangling by the heels out in the cold, if he sees fit. If he wants to make flesh of one and fish of another, he must have some good reason for it; but I feel sympathy for his action in taking steps to mitigate the punishment and not cut off those young men from a career of usefulness and honor.

I hope that we shall not put in this bill some additional provisions that will encourage those fellows down there to keep on hazing and have them say, "Oh, no matter what we do, the President and the Congress will step in and relieve us, and we can go along with our deviltment just as we see fit, and that will be the end of it."

Mr. HALE. Mr. President, the Senator from South Carolina [Mr. TILLMAN] has struck at the root of this entire matter. The purpose of the committee is to have a practical measure that will operate an effectual good.

I call the attention of the Senator from Nevada [Mr. NEWLANDS], who is an old, experienced, and careful legislator, to the undesirability of trying to make the provisions of the bill retroactive. Looking at it, or trying to look at it, in a practical way, I suppose if the bill passes as reported from the committee, with this distinctive proposition of the gradation of punishment, providing no iron rules, no Procrustean bed, that the President will, in a way, take that as a monition of what the desire of Congress is; and in cases that have come and are coming to him he will exercise the pardoning power, which lies in the Executive, largely in conformity with the provisions of the bill and the will of Congress as shown in the bill.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. Certainly.

Mr. NEWLANDS. Will the Senator permit me to suggest right there that in this very case the President might not be willing to pardon Mr. Coffin, although he might, if he had the discretion, attach a less punishment to the offense than dismissal? The only remedy, if this bill passes in this form, so far as Mr. Coffin is concerned, is a pardon which would restore him to his old place; whereas, if my suggestion were carried out, the dismissal would be set aside and the President would then be at liberty to administer the discipline provided for by this act. If his conduct was such as to warrant dismissal, the President would doubtless dismiss him; if his conduct was such as to require a less punishment, he would probably attach the less punishment, such as reduction to a lower class, or something of that kind.

It seems to me very hard not to permit the President to apply to the cases already acted upon by the court-martial the same discretion he will apply to cases in the future. It seems to me, if the Senator is willing, that I could shape an amendment to that effect, and that it would secure justice and at the same time carry out the intent of this bill.

Mr. HALE. I can only say, Mr. President, that I think it is important that the bill should pass. I think it will be a solution of these troubles; but if we undertake to go farther, I think we will fare worse. I hope the Senate will pass the bill as it is. I do not think I am actuated by any pride of opinion or feeling that the knowledge of the committee is superior to that of everybody else; but the committee examined the bill with great care and reported it in the belief that, if it is not interfered with and passes, as I suppose it is likely to pass, the other House, it will effectuate a solution of this difficulty.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Certainly.

Mr. HOPKINS. I should like to get the views of the chairman of the Naval Committee as to the effect of the pardon of one of these cadets by the President. There are other cases aside from the one suggested by the Senator from Nevada [Mr. NEWLANDS]. It happens that one of the brightest and most intelligent members of the graduating class was from Illinois.

He had a trial and was recommended for dismissal. The class in which he should have graduated has been graduated from the academy, and he has been hung up by that trial. If this bill becomes a law and it is left for the President to do as suggested by the chairman of the Naval Committee, I should like to know what effect that will have upon the young man from my State?

Mr. HALE. I will say to the Senator that I do not know. The committee did not think it wise to go into the general question of what shall be the extent of the pardoning power; but it did think it wise to establish as the law that extreme punishment as now visited upon every offending cadet, however light his offense, should not be inflicted, and that it should be left in the discretion of the Department. The committee did not go into the question—it was, I think, not called upon to go into the question—of the extent and result of the pardoning power. If we undertake to deal with that, we shall never get a bill to suit everybody. There are cadets from my State that are greatly interested and their friends are greatly interested in the proceedings of the courts-martial and their sentences, but I do not think it advisable because of that that the committee should report a bill that will cover a particular case.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. I do.

Mr. NELSON. I desire to state to the Senator from Maine, and also the Senator from Illinois, that the pardoning power is a constitutional power that inheres in the office of the Presidency, and any legislation we might enact could not divest the President of the power or in any way change his right to grant a pardon.

Mr. HALE. That is what the committee thought.

Mr. NELSON. And the President has full power, notwithstanding any legislation that we might enact here, if he wishes to grant a pardon, and our saying so by legislation would not give him additional power.

Mr. HALE. That was the view of the committee.

Mr. HOPKINS. There is no question as to the correctness of the position taken by the Senator from Minnesota [Mr. NELSON], but that does not meet the proposition. Of course, the President has the constitutional power to pardon one of these young men who has been dismissed from the Naval Academy or to pardon a man charged and convicted of crime. But the point that I am getting at is as to what effect that pardon will have upon the fortunes of the young man who has been dismissed from the academy.

The suggestion was made by some Senators here that the pardon by the President would restore the young man to his position in the class. Having some doubts about that myself, I appealed to the longer experience of the Senator from Maine, who has charge of naval affairs in the Senate, to get his judgment as to the effect of a Presidential pardon. The reason I did that was because the Senator from Maine suggested to the Senator from Nevada that it is unnecessary to amend this bill; that the cadets who have been dismissed could be taken care of by the pardoning power; but if it shall turn out that the pardoning power is simply to relieve them from the disabilities of a conviction, without restoring them to their rank in their class, then there are some of these young men who certainly ought to be protected by legislation of Congress if we are to enact into law the bill that is now proposed by the chairman of the Naval Committee.

Mr. GALLINGER and Mr. TILLMAN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Maine yield?

Mr. HALE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, in connection with this unfortunate condition of things at Annapolis, a young man from my State, bearing the name of Stephen Decatur, a name that is well known in the annals of our country, has been dismissed from the academy. He was tried for hazing and not convicted; he was then tried for encouraging hazing and was convicted and dismissed. There is not a citizen of my State who does not want that young man to become an officer of the Navy. He stood sixth in his class, and would have been graduated in a few weeks had not this unfortunate thing happened to him. As a member of the Committee on Naval Affairs, I felt extremely anxious that, if it could be done in the bill that is now under consideration, some provision should be made whereby that young man and others similarly situated might have relief.

It seems very hard that those young men should suffer, and that other young men who are in the class below them, some of them doubtless equally guilty of hazing, should by legislation be placed beyond the power of summary dismissal; but yet, as a member of that committee, I was fully persuaded that it was impracticable, and very likely impossible, to do anything by legislation to alleviate the condition that Decatur and others are now in. For that reason I gave my consent to have this bill reported, feeling that it was a step in the right direction. It is recommended by our most excellent Secretary of the Navy, and, beyond a question, it will result in a very much better condition of things so far as the administration of the Naval Academy is concerned. I join, Mr. President, in the hope of the chairman of the committee that the bill may be passed.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. GALLINGER. Yes.

Mr. McCREARY. I desire to ask the Senator from New Hampshire if he believes that granting a pardon to any of these young men who have already been dismissed would restore them to the position they occupied before they were dismissed?

Mr. GALLINGER. Of course, Mr. President, it can not restore the men who were about to gradute to their class, because, as in the instance of young Decatur, their class may have graduated. Whether or not it would enable them to take their places in the academy in the next class that will be graduated I am not prepared to say. It has been suggested to me that a pardon would not even give them that privilege.

Mr. McCREARY. I desire to say to the Senator that I gave a good deal of attention to that branch of the case when the case of John Paul Miller was under consideration. He was dismissed on account of the court-martial finding against him. I went before the President, and the President granted a pardon in his case before the dismissal was approved by the Secretary of the Navy. From my investigation of the case I believe that, after a court-martial finds against a cadet at the United States Naval Academy and the finding is approved by the Secretary of the Navy, the granting of a pardon will not restore him to his position in the United States Naval Academy.

Mr. GALLINGER. If that be so—and I am inclined to think it is correct—the Senator will agree with me that no legislation that we could enact here would of a certainty reach that end, much as we might desire it.

Mr. SPOONER. Why not?

Mr. GALLINGER. I should think not. We certainly could not restore him to his class, for, as I have stated, his class has graduated.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. GALLINGER. Certainly.

Mr. HOPKINS. I beg leave to differ with the Senator from New Hampshire upon that proposition. I think that a properly worded paragraph in this bill can reach just such cases as the one of the cadet from Nevada and the cadet from Illinois, and that Congress can restore these young men to their positions in their classes, or if they are in the position of Mr. Miller, whose class has graduated, that Congress can authorize their diplomas to be given to them and restore them to their positions in the Navy.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. I was about to conclude. I was simply going to add that I will not enter into a controversy as to how far Congress can relieve the disabilities under which midshipmen like Decatur are now placed. I am not clear about it, and on that point I would defer to the better judgment of the distinguished lawyers who are discussing the bill. Certainly if there is any means of relief for these young men I hope it will be invoked.

Mr. McCREARY. Before the Senator from New Hampshire takes his seat I want to call his attention to a bill that was passed at the last session, I believe. I think three young men had been dismissed and there was a bill passed to restore them to the position in the Army that they would have held had they not been dismissed.

Mr. GALLINGER. I recall that legislation, but before these young men were restored by Congress they were pardoned by the President. I wish simply to add that, after due consideration of this matter, I fully coincide with the view that the chairman of the committee holds, that we had better pass this bill, and then, if the other question is to be taken up, let it be taken up later on in a separate measure.

Mr. TILLMAN. Mr. President, the President has already acted in one or two cases—perhaps there were three, I do not recall the exact number—and granted clemency, thereby restor-

ing those young men. I want to say to the Senator from Illinois that I am as deeply concerned about a young man from my State, Mr. De Saussure, as he can possibly be about his friend. But I do not want to go from bad to worse, and keep on undoing here by legislation what is attempted to be done at the academy in the way of discipline. I contend that the present unfortunate condition is due entirely to the interference by the Executive and Congress in restoring those young men, because of maudlin sentiment, or pity, or charity, or something like that.

I want to make the point that it is a reflection upon the President to say you think he will grant a pardon in certain instances and refuse it in others of an identical character, unless there be mighty good grounds for it. If young De Saussure is not pardoned, or if the friend of the Senator from Illinois is not pardoned, or if the friend of the Senator from Nevada is not pardoned, the President of the United States will stand in the open to be criticised if the facts in the cases which he has pardoned are similar to those in the cases he does not pardon. I am willing to leave it with him in regard to all these past matters, and feel we can do no more now than to pass the bill seeking to remedy this condition of insubordination and hazing, which we are all trying to do, hopeful that hereafter there will be nothing of this sort come to us, but that in any case the punishment will be according to the grievousness of the offense and we will not have the hide-bound rule which causes expulsion for any reason whatever.

Mr. TELLER. Mr. President, I have had no opportunity to look at the bill until within the last few moments. I find it proposes a very radical change in the existing law. The present law requires these young men to be tried by court-martial. The pending bill provides that they may be tried by a court-martial, and also that the Secretary of the Navy may dismiss them without a trial. The dismissal provided for does not depend upon hazing.

Mr. SPOONER. It may.

Mr. TELLER. It may, but it does not. Here is the provision:

> That the Secretary of the Navy shall have the power and authority, in his discretion, to dismiss at any time from the United States Naval Academy any midshipman whose continued presence at the academy he shall deem contrary to the best interests of the service.

That is an authority with which, so far as I am concerned, I have not much sympathy.

Mr. HALE. That condition arises in this way: Heretofore it has been considered, and it was so acted upon in the Department, that in flagrant cases the Secretary had the power of dismissal; and he has exercised it. It only applied, as I say, to rank, flagrant cases. An examination of the law and a reference to the Attorney-General for an exposition of the law resulted in an opinion that even in these extreme cases the Secretary had no discretion; that he must come to a court-martial; and the trouble was and is that if you go to a court-martial, whatever the case is, the cadet is dismissed. His career is arrested.

Now, in considering the whole situation, the committee believed that in these extreme cases the discretion which has always been exercised by the Secretary and never questioned until late years, should be continued, and that when you come to the specific offense of hazing we should define it, declare what it is, and then leave the punishment graded and in a way discretionary.

I do not suppose that the exercise of the power of the Secretary to dismiss will ever be, as it has never been, exercised except in very marked and outrageous cases, all the more if this bill is passed, leaving the punishment for hazing graded. That is the reason why that provision is found there.

Mr. TELLER. I do not know whether I understood the Senator or not. I do not understand that as the law now stands the Secretary of the Navy can dismiss without a trial.

Mr. HALE. No.

Mr. TELLER. He can not?

Mr. HALE. No.

Mr. TELLER. I understood the Senator to say he could.

Mr. HALE. No; it is just the reverse. It has always been considered that the Secretary had the power, and he has exercised it, but when the statutes were examined and the Attorney-General's opinion was invoked, he reported that the Secretary, even in the most extreme case, could not dismiss, but must go to a court-martial.

Mr. TELLER. I do not suppose he can. I doubt whether there is a college in the country which allows its president or the faculty to dismiss a student without some sort of hearing. There is a sort of a hearing provided for here, but not a trial. I know that in the State of New York no college president or college faculty can dismiss a student without a trial. There must be a finding by the faculty. They must give him a hearing. Then they may dismiss him, subject to an appeal to the board of trustees of the college. Now, this bill says:

> *Provided*, That before exercising the power and authority hereby conferred the said Secretary of the Navy shall inform, in writing, the said midshipman of his reasons for contemplating its exercise, and shall receive and consider any written communication which the said midshipman may see fit to submit in the premises within such reasonable time as may be fixed by the said Secretary of the Navy; and copies of the said papers shall be submitted as soon as may be practicable thereafter to the President and also retained in the Department for transmission to either House of the Congress if called for.

I have felt considerable temper on the question of hazing as it has been exhibited both at West Point, in the last few years, until recently, at least, and at Annapolis. If it was the old hazing which fifty years ago young men indulged in at college, it would not amount to very much; but certainly the exhibition at Annapolis recently has been the most brutal I have ever known or ever heard of with reference to the system of hazing. Originally, years ago, it was practiced practically at every college in the country, but it was practiced in a sort of buffoon way, to have a little amusement with the young man. On the contrary, they now treat the boy with great indignity.

I have a great deal of the same feeling that the Senator from North Dakota [Mr. MCCUMBER] has. If I should send one of my boys to either of these academies, and he was hazed and did not fight, I would feel inclined to disown him. I think, under those circumstances, any self-respecting boy who could get hold of a club would be justified in using it; and I think he would be justified in some of these cases in using a gun, if he had it in his hand. While I want to prevent hazing, I do not believe you will ever do it by law. You will never do it until the faculty of the college is determined that it must not be practiced and there is knowledge on the part of the students that every young man who engages in it will bring down upon himself the condemnation of the faculty. Certainly you will never get rid of hazing when you have a faculty, as I believe you have at Annapolis, that winks at it, and, I would be justified in saying, almost encourages it, which allows the hazing to be done. Until you get rid of that spirit, hazing will continue.

I will take any steps that are fair to stop hazing, but I would not, I think, authorize the Secretary of the Navy, who is practically the head of that institution, or any other man, to dismiss, without a trial, a young man who may be charged with some offense which he has practically no opportunity under the pending bill to disprove, if the Secretary of the Navy believes, as he does before he gives him notice, that he ought to be dismissed.

Mr. HALE. What tribunal would the Senator suggest, except a court-martial, which is always provided?

Mr. TELLER. I do not suggest any except a court-martial. But here he may have the court-martial, if the Secretary says so. I would give the young man a court-martial, and I would dismiss him for hazing, whether it was violent or otherwise.

Mr. HALE. I would not go so far as that.

Mr. TELLER. I would, because we have a statute against hazing, and the cadet takes an oath of office that he will abide by the statutes of the United States. I think a young man who has been properly educated and brought up, unless he falls under the malign influence which I think every man who ever attended college knows exists in every college, will conduct himself properly.

The young men are forced into the hazing business, and are compelled to undergo indignities. Of course, as I said, we had hazing fifty years ago, but not of a character such as we have heard of recently. A young man was not compelled to be a serf and a waiter to the upper-class men, as they do at Annapolis, and the class would not be allowed to practically turn a man out of the society of his fellows if he should say "I have been improperly hazed." We were told that at Annapolis the other day so indignant was the upper class—the class about to graduate—that it said that if all those young men were convicted, the class was going to resign. They did not. That was a bluff. But they attempted it. That is all there was of it.

Mr. HALE. That has all been changed. The upper class have passed resolutions that they will quit hazing.

Mr. TELLER. And yet, if I am correctly informed, they ostracized one of the men of the lower class; they made life a burden to him until they got away.

Mr. President, I want to see hazing stopped, but I do not like to give this power to any officer whatever. A Senator has suggested to me—I had not thought of it, because I had not known that this power existed—the question whether or not that power can be given to the Secretary of the Navy, because, I suppose, the cadets are really in the Navy.

Mr. HALE. That is a mooted question.

Mr. TELLER. I do know it is not fair to say to any man at

the head of the Navy, who would act in almost every instance at the suggestion of the superintendent, "You can blast the character of any young man, when he has not been guilty of any crime, if you do not think he is just the man who ought to be in the academy." He can turn him out because the color of his hair does not suit him or because his religious views are not in accordance with his own, or anything else, and the young man will be absolutely without redress. I think this bill ought to be amended so that no member of the school shall be turned out upon a charge until he has had a trial.

Mr. HALE. By whom?

Mr. TELLER. By court-martial.

Mr. HALE. That is already provided.

Mr. TELLER. No; it is not. The bill says the Secretary "may" give him a court-martial. That is what the bill says. I should say "shall" give him, and then I would add to it that if the cadet is guilty of hazing he shall be dismissed.

Mr. HALE. I would not.

Mr. NEWLANDS. The Senator would leave the law as it is.

Mr. TELLER. No; I do not propose to leave the law as it is. For some offenses I should say that he should not necessarily be turned out of the academy. As it now stands, he can be turned out for a minor offense. I would make hazing one of the offenses which should cause his dismissal, if found guilty.

Mr. HALE. The Senator discloses what I begin to see is the hopelessness of the situation. Between the men who think we are going too far and others who think we are not going far enough, between those who believe that every form of hazing should result in dismissal and others who believe that some discretion should be left to the Secretary, I despair of securing any legislation. The committee has done its duty and submitted a bill; it can be criticized, it can be amended; but what the Senator from Colorado says discloses just the situation—between those who want more done and those who want nothing done nothing will be done. I am inclined to give it up.

Mr. TELLER. I want to say to the Senator that I would insist—that would be my view of good law—that a young man who violated his oath, violated a statute by hazing, should be dismissed. I would not make that imperative, perhaps. But I think it ought to be done. But I do not like myself to vote to put this unrestricted power in the hands of any man. Some of these young men who have not been found guilty of hazing, who have been perhaps the subject of hazing, may bring down upon themselves the condemnation of their associates, because it is regarded by some of the upper-class men as a great offense, if the under-class men report that they have been hazed; and the Secretary of the Navy, acting under the advice of the superintendent may conclude that this young man is a hindrance to the institution and he had better go out. I do not want that to be done.

Mr. SPOONER. Mr. President, I hope the Senator from Maine will not be too easily disturbed about his bill, or an effort to secure the passage of appropriate legislation along the lines which he has indicated in his observations. I do not agree at all with the Senator from South Carolina [Mr. TILLMAN] or other Senators who attribute the recent hazing at the Naval Academy to the action of the President some years ago in pardoning three cadets who had been dismissed for hazing, or to the action of Congress in providing legislation, in compliance with the President's recommendation, for their restoration to the academy. The President did precisely right in issuing the pardon, and, in my opinion, the Congress did precisely right in passing the bill for the restoration of the pardoned cadets.

The President exercised his power to pardon because of a fault in the legislation. The legislation of Congress was too stringent. It did not grade the offense of hazing. It did not discriminate between cases of hazing comparatively trifling and those which were of great enormity, not only involving humiliation, but danger and degradation to the object or victim of it. And this bill, in so far as it cures that trouble—and it does in large measure cure it—is wise legislation.

There was a penalty enacted in the act of 1874 to follow a conviction of hazing, but it was dismissal from the service, and "the cadet so dismissed from said Naval Academy shall be forever ineligible to reappointment to said Naval Academy." A man might be faultless in his class standing, he might possess every element to fit him for distinguished service in the Navy, and in one of those situations which confront young men gathered in college, whether it is West Point or the Naval Academy or one of the colleges in the States, a young man does something which technically amounts to hazing, not brutal, but hazing, and he is to be dismissed from the academy and is forever ineligible to reappointment in the academy.

Mr. HALE. The committee is trying to remove that very difficulty.

Mr. SPOONER. I understand.

Mr. HALE. That is old.

Mr. SPOONER. I understand.

The Senator misunderstood me. I am telling why the President issued these pardons and why Congress restored these men. It was because the punishment prescribed by law did not fit the offenses.

Mr. HALE. That is what we are trying to do now.

Mr. SPOONER. Ah, and I approve of that, but it seems to me you are going beyond that.

Under the spur of what happened at one of the academies a few years ago we passed a law, from which I will read. It was in 1903.

> That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice—
>
> Whatever its form—
>
> shall be summarily expelled from the academy, and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

Mr. HALE. That is keying up the old statute which the Senator has read.

Mr. SPOONER. Yes.

Mr. HALE. And we are trying to get rid of it.

Mr. SPOONER. I know you are trying to get rid of it by taking it out of the power of the court-martial to impose a sentence entirely disproportionate to the offense. But, on the other hand, you are giving to the Secretary of the Navy the power to expel a man from the academy without any trial, upon a correspondence with him.

Mr. HALE. Not for hazing.

Mr. SPOONER. Why not?

Mr. HALE. Because hazing is dealt with in detail, and the Senator as a lawyer knows that when in a statute there are provisions in detail for a particular subject-matter, they control.

Mr. SPOONER. The Senator is a lawyer, and his proposition does not apply to this bill.

Mr. HALE. Yes.

Mr. SPOONER. Let us see. I approve entirely——

Mr. HALE. Suppose the Senator moves to strike out this provision.

Mr. SPOONER. I will in time, but I wish to call the Senator's attention for a moment, if I may, to this bill.

Section 3 of the bill is in part very wise. Is it very wise because it gives to the court-martial the power to discriminate between the different sorts of hazing and to grade its sentence according to the gravity of the offense? That is right. That is a great reform. If that had been——

Mr. HALE. What part of it is wrong?

Mr. SPOONER. I will tell the Senator if he will permit me.

Mr. HALE. I will.

Mr. SPOONER. I am making these few remarks.

Mr. HALE. So I see.

Mr. SPOONER. Not the Senator.

Mr. HALE. So I believe.

Mr. SPOONER. And the Senator will understand me in a moment; and I will be very brief, because I think the Senator himself will agree that the portions of this bill which are obviously right are enough, and that there has come from the Navy Department a recommendation for an amendment of the present law which ought not to be adopted by Congress.

Mr. HALE. Mr. President——

Mr. SPOONER. Now, let me go on for a moment.

Mr. HALE. Move to strike it out.

Mr. SPOONER. I am going to give the reasons why I think it ought to be stricken out.

Section 3 modifies existing law so as to permit an extreme sentence or a mild sentence by courts-martial for hazing, the offense of hazing being defined in the bill. But, if I may have the attention of the Senator for a moment, it not only modifies and makes elastic the provisions as to what a court-martial may do in the way of imposing penalties—imposing a light penalty or a very severe one, as the circumstances of the case may determine, which is right—but the bill goes beyond that *and leaves it entirely at the discretion of the superintendent of the academy to have or not to have a court-martial for hazing in a given case, as he chooses.*

I do not quite see, with these gradations of penalty, why one cadet should be entitled to a trial before a court—entitled to be defended by counsel, entitled to present witnesses, entitled, in other words, to be heard before he is condemned—and another

cadet not be entitled to that right. It is left entirely in the discretion of the Superintendent of the Academy.

Mr. HALE. With the approval of the Secretary of the Navy.

Mr. SPOONER. Well, with the approval of the Secretary of the Navy; and the Secretary would, as a rule, probably approve the recommendation of the superintendent of the academy. These men are entitled to a trial or they are not. If one is, why are not all entitled to a fair trial before the same kind of tribunal?

It may very well happen under this proposition that the Superintendent may not see fit in his discretion to order a court-martial for the trial of John Jones for hazing, and yet upon his report to the Secretary of the Navy John Jones may be summarily dismissed for that hazing, trifling or great. In other words, it leaves it to the Secretary of the Navy and to the superintendent of the academy to determine whether a man guilty of hazing shall be dismissed by the Secretary without trial by court-martial or shall be tried before a court-martial.

That, Mr. President, is going far beyond anything that has been provided, so far as I know, by the statutes hitherto. It is not true as to West Point. Why should it be as to Annapolis?

Now, see what the Secretary of the Navy may do. From the day a boy enters the Naval Academy he has this sword of Damocles hanging over his head. Professors whom he does not like or who do not like him—some despotic official may give him a bad record from time to time, for they may give a man a standing as to conduct by reports to the Secretary of the Navy—put it in the power of the Secretary of the Navy to dismiss that cadet. What for? For hazing? It does not say. Not for want of scholarship, for that is provided for otherwise. If he fails in so many studies he is to be dropped unless the academic force recommends otherwise. If it is for any of the ordinary offenses, they are provided for. But he may be dismissed by the Secretary of the Navy when he thinks his "continued presence at the academy" will be "contrary to the best interests of the service." It will give one man or as many men as the Superintendent and the Secretary may see fit to favor with it this common right of trial, and the rest we leave to be decapitated by the Secretary himself. And on what sort of a proceeding?

That before exercising the power and authority hereby conferred the said Secretary of the Navy shall inform, in writing, the said midshipman of his reasons for contemplating its exercise—

That is very kind and considerate—

and shall receive—

That is kinder still, and more gracious—

and shall receive and consider any written communication which the said midshipman may see fit to submit in the premises within such reasonable time as may be fixed by the Secretary of the Navy.

No review, no witnesses, a letter from the Secretary couched as he chooses, definite or general as he pleases, with a reply of the cadet. It complies with the statute if he notifies him that he thinks his continued presence at the academy is contrary to the best interests of the service.

It is giving, Mr. President, too much power, in my opinion, to the Secretary of the Navy, and I move to strike it out.

Mr. HALE. Well, let us have a vote. Let the amendment be read.

Mr. HOPKINS. Mr. President, I shall not take up any time if it is not agreeable to the chairman of the committee; but——

Mr. HALE. Certainly; I yield to the Senator.

Mr. HOPKINS. I desire to submit a few remarks in opposition to the motion made by the Senator from Wisconsin.

The VICE-PRESIDENT. The Senator from Illinois will allow the amendment proposed by the Senator from Wisconsin to be read.

Mr. HOPKINS. Very well.

The VICE-PRESIDENT. The Senator from Wisconsin will please restate his motion.

Mr. SPOONER. My motion is to strike out section 1.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all of section 1 of the bill, in the following words:

That the Secretary of the Navy shall have the power and authority, in his discretion, to dismiss at any time from the United States Naval Academy any midshipman whose continued presence at the academy he shall deem contrary to the best interests of the service: *Provided*, That before exercising the power and authority hereby conferred the said Secretary of the Navy shall inform, in writing, the said midshipman of his reasons for contemplating its exercise, and shall receive and consider any written communication which the said midshipman may see fit to submit in the premises within such reasonable time as may be fixed by the said Secretary of the Navy; and copies of the said papers shall be submitted as soon as may be practicable thereafter to the President and also retained in the Department for transmission to either House of the Congress if called for.

Mr. HOPKINS. Mr. President, I do not agree with the criticisms on this section made by the Senator from Wisconsin [Mr. SPOONER]. I think instead of its being a measure that places arbitrary power in the Secretary of the Navy it is a most wholesome provision, and one that is intended not only to benefit the academy itself, but the cadets, who are subject to the law if this bill becomes a law. The provision states that—

The Secretary of the Navy shall have the power and authority, in his discretion, to dismiss, etc.

But it provides that before that power can be exercised by him a communication must be given to the cadet charged with a certain offense, setting forth all the specific facts upon which the Secretary of the Navy is to exercise this discretion. The cadet has an opportunity to make a full reply. That is made in writing, and before any final action is taken on the matter it is presented to the President of the United States. Of course, if it is not approved by the President, no action is taken in the premises.

Now, to provide against anything extreme being done or any wrong being perpetrated upon any cadet in the academy, the charge and the answer are to be filed in the Department, subject to the call of either House of Congress, so there is a check placed upon the Secretary of the Navy that will keep him from taking any extreme measures or from dealing in any unjust manner with any of the cadets, if any Secretary in the future should be so disposed.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. HOPKINS. Certainly.

Mr. SPOONER. The fact that such a check is required is argument enough against the lodgment of the power.

Mr. HOPKINS. I disagree with the Senator entirely upon that point, because it is all to be open and above board, and there will be a record made of it so that the world may know what it is.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Texas?

Mr. HOPKINS. Certainly.

Mr. CULBERSON. Do I understand the Senator from Illinois to take the position that under the first section of the bill the President must approve or disapprove the action of the Secretary of the Navy?

Mr. SPOONER. It does not say that.

Mr. HOPKINS. That is the practical effect of it. It does not say so in so many words, but that is the spirit of the section.

Mr. CULBERSON. The provision, I submit to the Senator from Illinois, is no more and no less than notice to the President of what has been done, and does not require his action whatever. Of course, in a sense the President of the United States is responsible for whatever action may be taken by the Secretary of the Navy; but if the section is to stand there ought to be an explicit requirement that the action of the Secretary of the Navy shall be approved or disapproved by the President of the United States.

Mr. SPOONER. Before taking effect.

Mr. CULBERSON. Before taking effect.

Mr. HOPKINS. I am speaking of the section itself. The Secretary of the Navy is required to make this report to the President, and while the language of the section does not say that it must be specifically approved by the President before action can be taken, every person familiar with Government procedure knows that if the President did not approve the action no action would be taken by the Secretary of the Navy himself.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Maine?

Mr. HOPKINS. Certainly.

Mr. HALE. Let me say to the Senator the committee did not consider that that was a debatable question. The reference of it to the President is intended to carry with it his approval. There is not the slighest objection to putting in the words "subject to the approval of the President," but undoubtedly that would be the practical effect, even without those words being in. The Senator from Texas is right about that. There is no objection whatever to putting in those words.

Mr. HOPKINS. None whatever.

Mr. HALE. The committee did not for a moment think, when it was referred to the President, who, as Commander in Chief, has the control of the Army and Navy, that he would not have the power at once to veto it and stop it. There is no objection whatever to inserting the words "subject to his approval."

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. HOPKINS. I will yield to the Senator; but I will say that I propose to take only a few minutes.

Mr. TILLMAN. I just wanted to help the Senator in his contention——

Mr. HOPKINS. Very well.

Mr. TILLMAN. By pointing to lines 7 and 8 on the preceding page, and let us take the whole subject-matter in a bunch or altogether. Do not let us run off to two or three lines here at the end without considering what precedes it.

Provided, That before exercising the power and authority hereby conferred the said Secretary of the Navy shall inform, in writing, the said midshipman of his reasons for contemplating its exercise, and shall receive and consider any written communication which the said midshipman may see fit to submit in the premises within such reasonable time as may be fixed by the said Secretary of the Navy.

Before exercising it those conditions must be compiled with. Then what follows?

And copies of the said papers shall be submitted as soon as may be practicable.

Mr. CLAY. Will the Senator from South Carolina allow me to ask him a question right there?

Mr. TILLMAN. Certainly.

Mr. CLAY. Does the Senator think that that gives the midshipmen a right to appear before the Secretary of the Navy before he is dismissed, to be heard by himself or his counsel, and have a hearing and have all the facts presented, and go into a full trial?

Mr. TILLMAN. It does not contemplate a trial. We are endeavoring to hold a club up over these hazers with a view to having them understand that they have got to stop that devilment down there.

Mr. CLAY. Does the Senator think that a cadet ought to be dismissed without a full, a complete, and a fair hearing?

Mr. TILLMAN. This gives it to him.

Mr. SPOONER. In the discretion of the superintendent it does. It does not give it to him as a right.

Mr. TILLMAN. Where does the Senator from Wisconsin get that?

Mr. HOPKINS. If the Senator from South Carolina will permit me——

Mr. TILLMAN. Of course if the Senator from Illinois wants to proceed I will quit.

Mr. SPOONER. Section 3.

Mr. TILLMAN. Go back to section 1. Do not let us run back yonder.

Mr. SPOONER. It is not in section 1.

Mr. TILLMAN. We are discussing the question of dismissal now. I hope the Senator will bear with me a moment longer. The Senator from Georgia [Mr. CLAY] stickles for a trial. I do not want anybody to be beheaded without a trial or driven out of the academy without a hearing, but this provides that the Secretary of the Navy shall notify him of what he has been guilty and why he contemplates dismissing him. Then he replies in writing, or, if he wants to have his counsel—I suppose it would ordinarily be the Senator if he were from Georgia—the boy will have his day in court to make his defense. But before the Secretary can act he must submit the papers to the President. In effect, this is simply a provision that the President of the United States may, in his discretion, upon a due notice to a cadet, dismiss him. That is all there is about it, as far as I can understand the English language.

Mr. HOPKINS. As was said by the chairman of the Naval Committee, to meet the objection of the Senator from Texas a verbal amendment will cover that proposition. The spirit of the section is as I stated, and it will be administered in that spirit if it becomes a law in the form in which it was reported by the committee.

Now, to my mind, that is a wise and just measure, not only for the general public, but for the members of the naval school. I think there are instances where the Secretary of the Navy or the President should have the power to dismiss one of the cadets from that school without going through a court-martial. There may be something in the character and conduct of a young man that is demoralizing to other members of the class or to the school itself. It may be of a character where it would not be wise or wholesome to have a court-martial, and if this authority is lodged with the Secretary of the Navy subject to the approval of the President it meets the condition exactly.

Now, that is no greater power than the President exercises in other cases. The President appoints an ambassador to the court of St. James. He has a right to recall that ambassador. He appoints consuls to various foreign countries. He has a right to recall any of them without a trial. The President appoints these men to the naval school, and Congress should give him the same power to recall one of these appointments if, in his judgment, the best interests of the school demand it, that he has to recall an ambassador or to recall a consul or to exercise that discretion in any other department of the Government.

The section that relates to the court-martial is section 3, but Senators will observe that there, where there is a court-martial and the cadet is convicted, the pains and penalties of the law of 1903 are enforced, so that he is ineligible, if he is convicted, to a reappointment within the period of two years.

Under the first section no such penalties are inflicted. We know that there are grades of offenses in all schools where the penalties should be graded to the offense itself. There are grades in crime. We have in criminal procedure felonies and misdemeanors. We do not inflict the same degree of punishment for a misdemeanor as for a felony. The law should so provide that the President and the Secretary of the Navy can inflict different grades of punishment for the different grades of offenses at the school.

It seems to me that section 1 should be retained in the bill, and I trust that the Senate will vote down the motion of the Senator from Wisconsin to strike it out.

Mr. HALE obtained the floor.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Yes; in a moment. Before the vote is taken, in order to perfect the section, on page 2, in line 5, after the words "shall be submitted as soon as may be practicable thereafter to the President," I move to insert the words "and subject to his approval." That is in the nature of perfecting the section before a vote is taken on striking it out.

The VICE-PRESIDENT. The proposed amendment of the Senator from Maine will be stated at the desk.

The SECRETARY. In line 5, on page 2, after the word "President," insert "and subject to his approval."

The amendment was agreed to.

Mr. HALE. In the same line, to perfect the section, the Senator from Minnesota [Mr. NELSON] has an amendment which, I think, is a good one.

Mr. NELSON. I offer the following amendment, to perfect the section: After the word "communication," in line 1, page 2, I move to add the words "and testimony;" so as to read: "and consider any written communication and testimony."

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I think there is very much in the contention of the Senator from Wisconsin about having two forums for the trial of the same character of offense. It seems to me rather inconsistent with our idea of justice toward all men to provide a court-martial for the trial of some and to provide that others may be tried merely by the Secretary of the Navy or by the President, surrounding one with all the defenses and all the rights he would have in the trial of a case in court, depriving the other entirely of that trial.

It seems to me that the bill ought to be modified so that there could be but one method of determining the guilt or innocence of any one of these cadets. I myself would be probably in favor of a provision that the case might be tried by the Secretary, subject to the approval of the President, without resorting to a court-martial. I know of no further reason for having a court-martial to determine whether a student has disobeyed the rules of the academy, if it is a naval academy, than to have a court-martial try the question of the disobedience of the rules of any other college. It appears to me to be hardly in harmony with our idea that in an educational institution we shall call in the Army or the Navy to determine the civil or political rights of any person.

But I wish to say to the Senator from Wisconsin that if he should carry his amendment, where will it leave us? It will continue the old law. Now, what is the old law? The old law is that he shall be tried by court-martial. Under the law as it now stands, if a conviction is had it is dismissal, no matter how light the offense, no matter how great the offense.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. The Senator will note that section 3 provides for not only the penalties now denounced by statute, but a lot of very much milder penalties—very much less than dismissal for the offense of hazing.

Mr. McCUMBER. That might be all right. I think we should retain the provision which makes different kinds of punishment apply to different grades of an offense.

Mr. SPOONER. There is no law now that does that, but the bill, if passed, will do it.

Mr. McCUMBER. It certainly should do that. I call the Senator's attention to section 4, and we will see how broad is the definition:

That the offense of "hazing," as mentioned in this act, shall consist of any unauthorized assumption of authority by one midshipman over another midshipman whereby the last-mentioned midshipman shall or

may suffer or be exposed to suffer any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled.

We see it is "any unauthorized assumption." It seems to me that that is a pretty broad definition. I wish that we could modify it, but I do not know that it could be modified in such a way as to meet the conditions unless by inserting "willful or malicious," or something of that kind, so as to show the spirit in which it is done. In the hilarity of youth, in the spirit of fun, one student may abridge the rights of another and, under the letter of this section, he would be guilty of hazing. I call the attention of the Senator from Maine to the fact that no matter what the spirit may be in which any act is done, no matter in what playful mood it may be done, it is still hazing under this definition.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. May I suggest to the Senator that that is the point precisely where the discretion of the superintendent or the discretion of the Secretary of the Navy comes in?

Mr. McCUMBER. That is exactly what I want.

Mr. BEVERIDGE. Then the Senator and myself agree. I thought the Senator was arguing that this was an ironclad definition which required the punishment of the man whenever it occurred, no matter what the spirit and the origin of it was. There is where the saving power of discretion in the Superintendent or the Secretary of the Navy comes in and relieves the law, making it elastic.

Mr. McCUMBER. The definition, Mr. President, is ironclad.

Mr. BEVERIDGE. That is true.

Mr. McCUMBER. But the judgment that is to be inflicted is not so.

Mr. BEVERIDGE. It is discretionary.

Mr. McCUMBER. I desire that the provision shall be retained.

Now, before closing, I want to put another question to the chairman of the committee. When I suggested a short time ago that the law, in my opinion, should be so amended that it should include under this punishment any student who willingly submitted to hazing, and that he should also be discharged, the chairman stated that that would be an extreme provision. Mr. President, I admit that it might be extreme to some extent. I have read, I think, nearly all of these cases of hazing, and I have certainly been appalled to find that in every instance which I have read, the hazing has been done by a dozen or more, or a greater number, against one individual. It is of itself appalling to think that we should have any student so devoid of a sense of manly honor that he would be a party, in connection with a number of others, in taking advantage of a single individual. But it was equally appalling to me to find that the single man, or the one or two who were being hazed, submitted without any contest whatever. If a student will submit to hazing by two or three individuals—willingly submit to the character of hazing that we have had represented before the Senate—if two or three boys will go to another boy and say, "You stand on your head," and he stands on his head until he faints and there is no resistance, if that boy became an officer in our Army would not the same spirit of nonresistance, the same spirit of cowardice, manifested in that case, be liable to manifest itself when he might be met with an army three times the size of the one which he commanded? For my part, I do not feel much inclined to have the Government educate a student who shows such a disposition.

In addition to that, Mr. President, I am well aware, as every other Senator must be, that when a boy goes to the academy for the first time he may not know just exactly what his legal rights are. He may feel that even if he shows a spirit of resistance it may cause his expulsion; that he is not entitled to defend himself in an affray of this kind. So I would have this law, and have it so known that he is absolutely free to defend himself to any extent that is necessary and that he will be protected if he does so. When that is known, and he has that knowledge to back his own courage, I am inclined to think that in itself will be a great obstacle to hazing. So I do not feel, Mr. President, that there is involved in that an extreme measure. I am willing to admit, and I say so candidly to the chairman of the committee, that there might be danger of its abuse; but there would be less danger of its abuse on the part of the hazee than there would be of the abuse of the present law on the part of three or four who desired to engage in hazing.

Mr. NELSON. Mr. President, I believe that legislation, where there is a dispute, as there is in this case, is always a matter of compromise. So I would suggest an amendment to section 3, which, I think, will obviate the objection which is made to section 1. I would add after the word "discretion," in line 22, on page 2, the following words, "or upon the application of the midshipman;" so that it would read:

SEC. 3. That the superintendent of the United States Naval Academy may, in his discretion, or upon the application of the midshipman, and with the approval of the Secretary of the Navy, cause any midshipman, etc.

The effect of that amendment would be to leave the matter so that the offending cadet would have the privilege of being tried before one of two tribunals. He could submit his case, if he so desired, to the Secretary of the Navy and the President, and have it disposed of in that way; or, if he were dissatisfied with that method of procedure, he could have it tried by a court-martial.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota desire to have his amendment stated at the desk?

Mr. HALE. When we reach that section the Senator can have it stated. I will say that I see the force of the Senator's amendment.

Mr. NELSON. I think the amendment should be considered in connection with the motion to strike out the first section.

The VICE-PRESIDENT. Then the Senator will offer it later?

Mr. NELSON. I will offer it later, Mr. President.

Mr. HALE. That is right.

Mr. CULBERSON. Mr. President, I am always disposed to follow a committee which has a particular measure in charge, but it occurs to me that there is much force in the suggestion and in the motion which has been made by the Senator from Wisconsin [Mr. SPOONER] to strike out the first section of this bill. I take it as undoubted that, with the exception of hazing, as I understand—I am speaking in general terms—the rule with reference to discipline at the Naval Academy and the law on the subject of hazing which is in existence now, and which this bill provides for, will be sufficient to remedy any existing evils at the academy.

But, Mr. President, this bill goes further than that. This bill takes an additional step and confides authority to the Secretary of the Navy, with the approval of the President, as now provided in the first section of this bill, by which a cadet or a midshipman may be dismissed, when the statute itself expresses, but does not define, the offense for which he shall be dismissed.

Mr. HALE. Mr. President——

Mr. CULBERSON. If the Senator will pardon me and let me state it a little more fully, we know what "hazing" is, because it is defined; we know in a sense what is "a breach of military discipline" in the Army and the Navy; we know what such conduct is under the rules and regulations of the Army and Navy, for which a man may be tried and dismissed from service for conduct unbecoming an officer and a gentleman; but this statute does not stop, Mr. President, with those extreme definitions. It clothes the Secretary of the Navy, with the approval of the President, with the power to dismiss at any time, in his discretion, from the United States Naval Academy any midshipman "whose continued presence at the academy he shall deem contrary to the best interests of the service."

Mr. President, it is enough to have one-man power; it is enough to clothe two men with power, as this first section does here, but I submit that it is going too far to clothe them with unbridled license to dismiss a midshipman from the academy when the statute itself does not define the offense even in general terms.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Texas yield to the Senator from Illinois?

Mr. CULBERSON. Certainly.

Mr. HOPKINS. I desire to call to the attention of the Senator from Texas the proviso which requires that the Secretary of the Navy, before any action shall be taken at all, shall advise the cadet of the character of the offense with which he is charged, and then he has an opportunity to make reply to that. So he is not dismissed without he and his friends knowing the specific charge preferred against him. The amendments which have been made here also give him an opportunity to reply should evidence be taken on that point.

Mr. HALE. And not only that, Mr. President——

Mr. CULBERSON. I understand exactly what the Senator has said, and it has not escaped my attention.

Mr. HALE. Will the Senator permit me a moment?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. CULBERSON. Certainly.

Mr. HALE. Of course, one sees the force of the suggestion

which the Senator has made, but the amendment suggested by the Senator from Minnesota [Mr. NELSON], to which I do not object, is that in section 3, which provides "that the superintendent of the United States Naval Academy may, in his discretion," there shall be inserted the words "or upon the application of any midshipman." So that upon any case, no matter whether it be hazing or general wrangling, or whatever it may be, if the midshipman prefer that he shall be tried by a court-martial he has that option by the amendment of the Senator from Minnesota. The more I consider this matter—we have to marshal our thoughts as well as we can in the way of legislation during debate—the more I see the force of that proposition, and in effect it goes with section 1 and removes the possible danger of an oppression which section 1 might possibly visit upon the midshipman if upon any serious charge aside from hazing the midshipman, instead of being tried by the Secretary of the Navy upon notice and testimony, and that is analogous—as I go along my thought recurs to illustration—that is analogous to the general service in the Army and Navy. The officer himself may ask for a court of inquiry or for a court-martial, and in any case where it is proposed by the Secretary under section 1 to act and try a midshipman and condemn him, if there is the danger the Senator from Texas portrays and which the Senator from Wisconsin sees—if there is any danger of that kind it is all obviated by giving the midshipman the same privilege that the officer of the Army or of the Navy has in the higher rank.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] is entitled to the floor. Does he yield to the Senator from Kentucky [Mr. McCREARY]?

Mr. CULBERSON. I yielded to the Senator from Maine [Mr. HALE], and if agreeable to that Senator I will now yield to the Senator from Kentucky.

Mr. HALE. Very well.

Mr. McCREARY. I understood the Senator from Maine [Mr. HALE] to say that, with this proposed amendment of section 3, the cadet would have the right to ask for a court-martial in any case. I think if the Senator will read the section carefully he will find that it only relates to hazing. The section reads as follows:

SEC. 3. That the superintendent of the United States Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman in the said academy to be tried by court-martial for the offense of hazing, etc.

It does not apply to anything else.

Mr. HALE. I think the Senator is right about that; but the amendment of the Senator from Minnesota [Mr. NELSON] can be applied to another section, I think.

Mr. CULBERSON. That was the answer, Mr. President, I intended to make, of course, because it is the clear answer, that section 3 only has reference to hazing. But, Mr. President, I go beyond that. As I stated a moment ago, the laws and rules of discipline with reference to the academy are generally conceded to be sufficient now, with the exception of the hazing provision of this bill. It seems to follow logically, Mr. President, at least to my mind, that we ought not to go beyond that and to place section 1 in this bill, which, as I have said, not only gives one-man power, but it gives absolutely and unrestrained one-man power, which ought not to be permissible in a free government. Accordingly, I believe, Mr. President, that there is no necessity for section 1. That is a dangerous power to confide to any one man or any two men, and I believe the motion of the Senator from Wisconsin to strike it from this bill should obtain.

Mr. McCREARY. Mr. President, I have given some attention to the existing law embraced in the act of 1874 and the act of 1903. I think the existing law is too severe, but I do not think it sufficiently comprehensive. I am in sympathy with the bill reported by the committee and now under consideration, if some amendments can be made to it. I will be in favor of the bill, if the same amendment is made applicable to section 1 that has been proposed by the Senator from Minnesota to section 3. If that amendment were made applicable to section 1, then a cadet would have the right to ask for a court-martial, and he would not be summarily dismissed, as is provided in section 1.

Section 1 has already been very much improved by the amendments which have been offered, and, in my opinion, it should not be stricken out. This bill—and I believe no one has mentioned this; at least I have not heard it—refers to two different offenses. The first section of the bill refers to "any midshipman whose continued presence at the academy he [the Secretary of the Navy] shall deem contrary to the best interests of the service."

The midshipman is appointed by the President. As has been well said, consuls are appointed by the President, and ministers and ambassadors are appointed by the President, by and with the advice and consent of the Senate. I see no objection to the first section of the bill, provided you permit the midshipman to have the right to ask for a court-martial, if he so desires. I think the first section as it is drawn in the bill at present is too severe. I do not think the Secretary of the Navy should have "the power and authority, in his discretion, to dismiss at any time from the United States Naval Academy any midshipman whose continued presence at the academy he shall deem contrary to the best interests of the service." I think that is too much power to give to the Secretary of the Navy, even if you couple with it the provision that the action of the Secretary of the Navy shall be approved by the President. But if you permit the midshipman to ask for a court-martial, if he desires it, then I think the section would be proper. I can conceive that there will be other offenses, outside of hazing, which, for the best management of the United States Naval Academy, the Secretary of the Navy, with the approval of the President, should have the power to try.

Mr. HALE obtained the floor.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. The Senator will excuse me a moment. Why would not this meet the point suggested by the Senator from Kentucky [Mr. McCREARY]? At the end of section 1, insert these words:

And in any case arising under this section any midshipman shall be entitled, on his application, to trial by court-martial.

Mr. McCREARY. That is exactly what I suggested; and I am in favor of it.

Mr. SPOONER. With that amendment, I shall withdraw my motion to strike out the section.

Mr. McCREARY. I am in favor of this bill. I think the bill as proposed to be amended will be a good bill.

Mr. McLAURIN. Mr. President, as a counterpart to the amendment which has been offered by the Senator from Minnesota [Mr. NELSON] and accepted by the chairman of the committee, I suggest that on line 10, page 1, after the word "reasons," the words "and evidence" be added.

Mr. SPOONER. The words "and testimony" have been put in already.

Mr. HALE. A similar amendment has been made.

Mr. McLAURIN. That was after the word "communication," on page 2, was it not?

Mr. HALE. After "communication" the words "and testimony" have been inserted. That covers the point even in larger measure.

Mr. McLAURIN. I do not know about that. The words "and testimony" refer to the communication the midshipman shall make, and the amendment I propose to insert "and evidence," after the word "reasons," on line 10, relates to the notice the Secretary of the Navy is required to give the midshipman.

Mr. HALE. That is already in the bill.

Mr. McLAURIN. Then, I suggest an amendment on page 2, after the word "time," to insert "not less than ten days." I think some limitation ought to be put upon the time in which the midshipman shall be required to present his defense.

The VICE-PRESIDENT. The Chair would suggest that the Senate is proceeding somewhat informally. There are a number of amendments reported by the committee, and they, under proper procedure, would be first considered. A number of amendments are now proposed in advance of the consideration of the committee amendments. The Chair suggests whether it would not be better for Senators to withhold their amendments until after the committee amendments shall have been acted upon, and then propose their amendments in regular order, so as to avoid confusion.

Mr. McLAURIN. I was just suggesting the amendment to the chairman of the committee, as I think some time ought to be definitely specified, less than which should not be fixed by the Secretary of the Navy for the midshipman to make his answer. The Secretary of the Navy first makes up his judgment for the dismissal of the midshipman. He must base that judgment upon information, because in the nature of the case he can not ordinarily have any personal knowledge of it himself. Then he gives his reasons for dismissal. He communicates them in writing to the midshipman and gives him notice, and, as the Senator from Maine has stated, in addition to the reasons he gives him, he gives the evidence upon which his reasons are based. The midshipman, when he receives this notice, goes with his communication before the Secretary, who has already made up his mind to exercise the right of dismissing him, because he deems his "continued presence at the academy contrary to the best interests of the service." He ought at least

to be allowed, when he goes before this prejudged officer—and I am not saying it with any disrespect to the officer, nor do I intimate that the officer would intentionally be unfair to him—but when he goes before this prejudged officer, who is fixing the time within which he must make his communication and prepare or present his evidence, there ought to be some time limit, less than which the Secretary of the Navy can not fix, for him to produce his evidence and present his communication and answer to the reasons that have been given for his dismissal.

Mr. HALE. What has already been done by inserting the words "and testimony," after "communication," on page 2, is that the midshipman shall have the benefit at this hearing of the testimony he can present. I have no objection, if the Senator thinks that it is adivsable, that the Secretary of the Navy, in the charges that are presented against the midshipman, shall inform him of the reason for contemplating the exercise of the right of dismissal and the testimony on which his action is based. I have no objection to that.

Mr. McLAURIN. With that amendment I will be satisfied. The midshipman will necessarily be compelled to present negative testimony.

Mr. HALE. Yes; I see no objection to that amendment.

Mr. SPOONER. You can hardly call that "testimony" within the legal sense which is taken in a man's absence.

Mr. McLAURIN. The midshipman would not necessarily take his testimony in the absence of the Secretary of the Navy; but the Secretary of the Navy would base his action on information, or——

Mr. HALE. I have no objection to the words "and evidence" being inserted.

Mr. McLAURIN. I do not care what the Senator prefers to call it. The information upon which he bases his reason for dismissal ought to be given to the midshipman in order that he may have an opportunity to answer it by his evidence and by his answer.

Mr. HALE. Use the word "evidence." It is merely a technical matter. Testimony which is admitted by the court, both sides having been heard, is evidence.

Mr. McLAURIN. Let the words "and evidence" be inserted after the word "reasons," on page 1, line 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 10, after the word "reasons," it is proposed to insert the words "and evidence;" so as to read:

Provided, That before exercising the power and authority hereby conferred the said Secretary of the Navy shall inform, in writing, the said midshipman of his reasons and evidence for contemplating its exercise, etc.

The amendment was agreed to.

Mr. LODGE. The Naval Academy has been governed hitherto, this punishment has been inflicted in the discretion of the Secretary of the Navy, and the academy has been living under the tyranny which has been so eloquently described here to-day, and the discipline of the academy has been exceptionally good, I think——

Mr. SPOONER. Except when it has been exceptionally bad.

Mr. LODGE. Until Congress undertook to arrange it. At this moment for all offenses except hazing the Secretary of the Navy has exercised this power on the rare occasions when it was necessary to exercise it. It seems to me, Mr. President, that in any educational establishment, whether it is at West Point or at Annapolis or in civil life, to secure proper discipline you are obliged to leave a very large power in the hands of the head of the institution and his associates. There is not a university or an academy or school in this country that could subsist one moment if every boy who was brought up for an offense had the right to have a trial by jury on demand.

It is necessary in educational establishments to have that power vested in the head of the academy. I think the discipline of the academy would probably be very much better and there would be quite as little chance of injustice if it was left wholly to the Superintendent and the officers associated with him in charge of the academy. The court-martial, if there is one, is made up from the same officers, and those who are immediately charged with the conduct and care of the academy are not likely to do injustice to these boys, especially when there is an appeal, first, to the Secretary of the Navy, and beyond him to the President of the United States.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I do; certainly.

Mr. TELLER. In regard to what the Senator says about the colleges of the country I desire to say, though I do not speak from any knowledge except of the State of New York, that under the law of that State—it was so fifty-five years ago, I am sure—every student who was dismissed had, by the enactment of State law, an appeal to the board of trustees of the institution.

Mr. LODGE. I did not say that. I said "had the right to demand a trial by jury."

Mr. TELLER. Oh, no.

Mr. LODGE. I took a court-martial to be an equivalent. The board of trustees is simply the highest governing power of the institution, and in the case of a cadet he has an appeal to the Commander in Chief of the Army and Navy.

Mr. TELLER. Under the New York law, as I recollect it, they are required to give him a hearing. He must be charged with an offense and then given a chance to make his defense. If they found him guilty, dismissed him, or punished him in any degree, he appealed to the faculty, if he saw fit. Their decision was final.

Mr. LODGE. What I said does not conflict at all with what the Senator from Colorado has said.

Mr. TELLER. Then, I did not understand the Senator.

Mr. LODGE. I did not mean to deprive him of the fullest hearing before those charged with the government of the academy. It is this enabling him to invoke a court-martial, which it seems to me will not tend to promote good discipline—to provide that any of these boys may invoke a court-martial as against the authorities of the academy. In all the universities of which I have any knowledge, if a boy is brought up for punishment, he goes before the president and the faculty. He has his hearing of course, and perhaps in some cases there is an appeal to the governing board of the university—the trustees or the overseers or the corporation. But nobody would think for one minute of giving him a right to a civil trial.

These boys at the academy at West Point or Annapolis are not on the same standing with officers of the Navy. They are still boys in school, although under the law they hold a commission from the President of the United States.

Mr. SPOONER. Are they not officers of the Navy?

Mr. LODGE. They are, certainly. I said they held commissions from the President of the United States. But still they are boys. I think their offenses have been enormously exaggerated, and I think there is the same tendency to give them privileges and powers which are subversive of discipline in all universities or academies of which we have any knowledge. I think the system which has worked well at the academy has been the system under the control of the Superintendent and the officers of the academy, subject, of course, to the Secretary of the Navy and the President of the United States. Where they have been subjected to that control the discipline has been good.

Then Congress took up the matter of hazing and passed a series of statutes about it, and they finally passed one that is so inflexible and so severe and has led already to such gross cases of injustice that we find it necessary to make an alteration in it. Now, that we are going to alter the law, I sincerely hope we will do it in a reasonable way, along the lines which all experience has shown to be the proper lines in great educational establishments of this kind, bearing in mind the age of the midshipmen, that they are boys, and this is primarily an educational establishment, although it is under military discipline.

Mr. DICK. Mr. President, the Congress will make a great mistake if it treats the matter of hazing in the Military and Naval academies as the pranks of boys. The moment a boy takes the oath as a midshipman or a cadet, he becomes an officer in the Navy or in the Army of the United States, and should be treated as such.

Mr. LODGE. He still remains a boy, does he not?

Mr. DICK. That depends, Mr. President. He ought not to remain a boy. He ought to apply himself for the next four or six years to becoming proficient in the chosen profession which he hopes to follow throughout his entire career.

He has taken on responsibilities. He has taken on obligations. He has taken the oath to obey the laws, the regulations, and the orders of the institution in which he is being educated at the expense, not of himself or his friends, but of the Government, which seeks to make an officer of him and to fit him for the responsibilities of his office.

I admit, Mr. President, that I am somewhat of an extremist on the matter of hazing, having had something to do with the investigation at West Point. Again, it is a mistake to minimize the effects of that sort of thing in an institution of that character. It is subversive of discipline. It is worse. It is an educator in brutality and the breaking of law and the disobedience of orders.

I do not feel either that the reports have been exaggerated. On the contrary, I think they have rather been quieted, and the whole truth has not been and never will be fully known. I am free to confess that that has been my experience at one of the institutions of this character in this country.

I would, of course, give a young officer the fullest trial before a court-martial. I would give him every opportunity to defend himself in that court, as I would give the same opportunity to every other officer—yes, to any private serving in the Army or Navy of the United States—but upon conviction I would sentence him to the full extent of the law, because his crime is of a character entirely out of harmony with the dignity and the character and the responsibilities of the office which he holds.

I admit that this bill does not go as far as extremists would have it go, but, as suggested by the Senator from Minnesota [Mr. NELSON], legislation is always a matter of compromise, and I am willing to accept this bill in its amended form as a step toward the curing of this infamous thing which goes on in these institutions and which we denominate hazing.

I can not quite agree with the Senator from North Dakota [Mr. MCCUMBER] that the boy who is hazed should be punished along with the hazer. That would be too much like punishing a man because he has permitted a highwayman to take his watch. The boy who goes to the academy, the stripling, the plebe, is the subject, not of the sports and pranks of his immediate classmates, but he is subjected to punishment and humiliation by those who have gone from the class in which he is about to enter and have learned all the tricks and perhaps perpetrated often before the same indignities and cruelties upon other members of the corps.

Mr. MCCUMBER. Will the Senator allow me right here?

Mr. DICK. I will.

Mr. MCCUMBER. From what he knows of students, from what he knows of human nature, are not the chances ten to one that a boy who would submit, without resistance, to being hazed is also of that character that he will easily become a hazer in turn?

Mr. DICK. I am satisfied that if the Senator from North Dakota thoroughly understood the conditions under which the boy is usually hazed he would hardly ask the question. He is the one selected victim of his class. He is brought into the presence of those whom, perhaps, he terms his superiors. He is subjected to all sorts of humiliation, with the understanding that unless he submits he will be punished in one way or another. Resisting it means to fight. But it does not mean to fight some man of his kind, some man of his build, some man of his strength. It always means some man superior in build and strength, the object being to punish the disobedient plebe.

Mr. MCCUMBER. Will the Senator pardon me just here again?

Mr. DICK. Certainly.

Mr. MCCUMBER. I do not think the Senator himself, if he looks back over his own boyhood, can recall a case or would be willing to admit that he, as an ordinary American citizen, we will say, would allow one boy or ten boys or fifteen boys to make him stand on his head for fifteen minutes without a fight. He would do the very best he could; and if he would not fight under those circumstances, I would not say he was a proper person for military service.

Mr. DICK. But it is looked upon by the boy coming into the institution as being one of the traditions of the academy, something that has been handed down for a century, something that every cadet has gone through, something that every officer has experienced; and he is made to understand that he has got to do it or leave the corps.

Now, another phase of this discussion, it seems to me, is pertinent here. Legislation is not only a matter of compromise; it is likewise sometimes a matter of experiment. When the inquiries were concluded at West Point, Congress did legislate. It put upon the statute books, not what the committee recommended, but its own ideas, of course, of the legislation necessary to cure hazing at West Point. In the years that have followed the passage of that law there has been but a single exception to the uniform observance of it at West Point, and that was a very trivial case, one which Congress subsequently cured, as I think rightly, by permitting the young man to return to his class and graduate. That is the only exception, so I am informed by the officers at West Point, to the observance of this statute.

The same statute has been enacted to apply to the Naval Academy at Annapolis, and in spite of it hazing has gone on there, if we are correctly informed, to a much greater and much more humiliating degree than ever obtained at West Point, showing that statutes alone do not do away with these offenses.

There is a provision in the bill which I think will be helpful. I call the attention of the Senate to it. It is found in section 4. It is an amendment which is submitted by the committee. It reads:

Provided, That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this section.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. DICK. Certainly.

Mr. CLAY. I wish to ask the Senator from Ohio whether it is not true that even before the passage of this bill it was the duty of the superintendent and every officer connected with the Naval Academy to do just exactly what the amendment says they shall do?

Mr. DICK. It would seem, Mr. President——

Mr. CLAY. I should like to ask the Senator another question. If the superintendent and the officers did their full duty and carefully watched after the students, could they not, by their own acts, largely have prevented hazing in those institutions?

Mr. DICK. Answering the Senator from Georgia, I am compelled to admit that that would seem like a reasonable and effective remedy. But in order that it shall be done, in order that there shall be no mistaking of the duty of the officer, in order that we may further provide against hazing in these institutions, the committee has wisely sought, it seems to me, to amend this section of the bill in the manner in which I have just read. That, I believe, will go quite as far as any legislation which Congress may pass toward curing this evil.

Mr. President, I believe this bill goes as far as we can go now, not as far as I would if I could control it entirely, but as far as we can go with legislation of this particular character; and we are informed by those most responsible for the conduct of the institutions that this legislation is ample and will be efficient.

Mr. NELSON. Mr. President, I wish to say one additional word in connection with this matter. I think the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. DICK] are laboring under a misapprehension in one respect, as to the law. The Supreme Court has decided, in respect to cadets in the Military Academy, that they are not officers of the United States Army. The case came up in this way: An officer can not be dismissed from the United States Army without the approval of the President. In the case at West Point a cadet had been dismissed, and the Supreme Court held that he was not an officer of the Army, and hence his dismissal did not require the ratification or approval of the President. I think the principle that was laid down in that case would apply to a midshipman in the Navy.

Mr. LODGE. If the Senator will allow me, I have no doubt he is quite right. I said the midshipman held the commission of the President, which I think is the case.

Mr. HALE. Let the amendments be considered in their order.

The VICE-PRESIDENT. The first amendment reported by the committee will be stated.

The SECRETARY. On page 2 of the bill, line 8, strike out the words "twenty-eighth" and insert "twenty-third;" and in line 10, strike out "one" and insert "three;" so as to read:

SEC. 2. That so much of the acts approved June 23, 1874, and March 3, 1903, as requires the Superintendent of the United States Naval Academy, etc.

The amendment was agreed to.

The next amendment was, in line 25, page 2, after the word "June," to strike out "twenty-eighth" and insert "twenty-third;" and on page 3, line 4, to strike out "one" and insert "three;" so as to read:

As provided by the act approved June 23, 1874, and such court-martial, upon conviction, may sentence such midshipman to any punishment authorized by the said act or by the act approved March 3, 1903.

The amendment was agreed to.

The next amendment was, in section 4, after the word "entitled," in line 19, to insert the following proviso:

Provided, That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the Superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this section.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Maine [Mr. HALE] has proposed an amendment, which will be stated.

Mr. HALE. It is to come in at the end of line 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 7, at the end of section 1, add a semicolon and the following words:

And in any case arising under this section any midshipman shall be entitled on his application to a trial by court-martial.

The amendment was agreed to.

Mr. SPOONER. That is not enough. I think that relates only to that section. It does not reach at all the court-martial for hazing, which is made discretionary by section 3. If the Senator will accept the amendment offered by the Senator from

Minnesota, inserting, after the word "Navy," the words "or upon the application of the midshipman," it will make it all right. This amendment does not cure the trouble with section 3.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Wisconsin to the fact that there is an amendment pending in line 22, page 2, section 3, which may cover the difficulty of the Senator. It will be stated.

The SECRETARY. After the word "discretion," in line 22, page 2, insert "or upon the application of the midshipman."

Mr. SPOONER. Where does that come in?

The VICE-PRESIDENT. After the word "discretion."

Mr. SPOONER. It should come in after the word "Navy," in line 23.

Mr. HALE. Yes.

Mr. SPOONER. Otherwise it will be of no avail.

Mr. HALE. I thought that had been agreed to.

Mr. SPOONER. No, it has not been.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "Navy, in line 23, page 2, it is proposed to insert "or upon the application of the midshipman."

The amendment was agreed to.

The VICE-PRESIDENT. The Chair understands the Senator from Wisconsin to withdraw his motion to strike out section 1.

Mr. SPOONER. I withdraw my motion, the section having been amended.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 6. The President may set aside the dismissal of any naval cadet for hazing during the past year. The judgment of the court-martial in such case shall stand in so far as it finds such cadet guilty of hazing, but the punishment may be modified, according to the provisions of section 3 of this act.

Mr. NEWLANDS. I will ask the Senator from Maine whether he will not accept the amendment?

Mr. HALE. I could hardly do that, acting for the committee. I am willing that the Senate shall take a vote upon it.

Mr. NEWLANDS. Then I will take a few moments to explain the amendment.

Mr. KEAN and others. Let us vote.

Mr. NEWLANDS. Mr. President, I have already referred to the case of Mr. Coffin, who was dismissed for hazing. We will assume that this bill was in operation when the court-martial found him guilty of hazing. Under it the Secretary of the Navy, if the offense were trivial, could attach a small punishment; if the offense were serious, he could order the dismissal of the cadet. Under existing law it is imperative that he shall dismiss the cadet.

Now, we will assume that at the very time Mr. Coffin committed his offense of hazing there was another naval cadet who took part in the offense, and we will assume that this bill had passed, and that the young man is brought before a court-martial for trial. If he were found guilty, then the Secretary could graduate the punishment to the offense, could reduce the young man one year in his terms, could imprison him, could do anything less than dismiss him, and if the offense were serious, of course could dismiss him. Now this amendment does not propose to entirely clear any cadet who has been convicted of hazing of his offense. The judgment of the court-martial stands. All that it permits is that the President and the Secretary of the Navy can suit the punishment to the offense, can give a modified punishment if the offense is slight, can adhere to dismissal if the offense be serious. It seems to me it is only just and fair under the circumstances.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. DRYDEN. Mr. President, my attention was diverted when the amendment was read. I should like to hear it again.

The VICE-PRESIDENT. The amendment will again be read.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 6. The President may set aside the dismissal of any naval cadet for hazing during the past year. The judgment of the court-martial in such case shall stand in so far as it finds such cadet guilty of hazing, but the punishment may be modified according to the provisions of section 3 of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been reported. [Putting the question.] The noes seem to have it.

Mr. NEWLANDS. I call for the yeas and nays.

Mr. HALE and others (to Mr. NEWLANDS). Call for a division.

Mr. NEWLANDS. I ask for a division.

The Senate proceeded to divide.

Mr. HALE. I hope the Senator from Nevada, in view of its being so late, will withdraw his call for a division.

Mr. NEWLANDS. I withdraw it.

The VICE-PRESIDENT. The request for a division is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15085) to set apart certain lands in the State of South Dakota to be known as the "Battle Mountain Sanitarium Reserve;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; and

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

BATTLE MOUNTAIN SANITARIUM RESERVE.

The bill (H. R. 15085) to set apart certain lands in the State of South Dakota to be known as the "Battle Mountain Sanitarium Reserve" was read twice by its title.

Mr. KITTREDGE. I ask that the bill be placed on the Calendar in lieu of Order of Business 1180, which is identical, and that that order of business, being the bill (S. 4310) to set apart certain lands in the State of South Dakota as a public park, to be known as the "Battle Mountain Sanitarium Park," be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

Mr. FORAKER. I desire to give notice that on Wednesday next, after the routine morning business, I will ask the indulgence of the Senate to submit to some remarks on the bill H. R. 12987, commonly known as "the railroad rate bill."

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, February 26, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 22, 1906.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Maj. Leverett H. Walker, Artillery Corps, to be lieutenant-colonel, from February 19, 1906, vice Reed, appointed brigadier-general.

Capt. Charles G. Treat, Artillery Corps, to be major, from February 19, 1906, vice Walker, promoted.

First Lieut. Arthur T. Balentine, Artillery Corps, to be captain, from February 19, 1906, vice Treat, promoted.

Second Lieut. James Prentice, Artillery Corps, to be first lieutenant, from February 19, 1906, vice Balentine, promoted.

POSTMASTERS.

ARKANSAS.

James G. Brown to be postmaster at Magnolia, in the county of Columbia and State of Arkansas, in place of James G. Brown. Incumbent's commission expires March 15, 1906.

Samuel I. Clark to be postmaster at Helena, in the county of Phillips and State of Arkansas, in place of Samuel I. Clark. Incumbent's commission expires March 15, 1906.

George E. Davis to be postmaster at Wynne, in the county of Cross and State of Arkansas, in place of William K. Baker. Incumbent's commission expires March 15, 1906.

T. O. Fitzpatrick to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas, in place of John C. Bell. Incumbent's commission expires March 15, 1906.

Jeffrey A. Houghton to be postmaster at Jonesboro, in the county of Craighead and State of Arkansas, in place of Henry H. Houghton. Incumbent's commission expires March 15, 1906.

M. R. Stimson to be postmaster at Brinkley, in the county of Monroe and State of Arkansas, in place of William S. McCullough. Incumbent's commission expires March 15, 1906.

Thomas A. Tennyson to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas, in place of Dora Clow. Incumbent's commission expires April 1, 1906.

Enoch H. Vance, jr., to be postmaster at Malvern, in the county of Hot Spring and State of Arkansas, in place of Enoch H. Vance, jr. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Paris I. Furguson to be postmaster at Healdsburg, in the county of Sonoma and State of California, in place of Edward C. Hall, deceased.

Robert P. Stephenson to be postmaster at Hollister, in the county of San Benito and State of California, in place of Robert Shaw. Incumbent's commission expired January 13, 1906.

Henry W. Witman to be postmaster at Oxnard, in the county of Ventura and State of California, in place of Henry W. Witman. Incumbent's commission expired January 13, 1906.

CONNECTICUT.

David L. Clinton to be postmaster at Clintonville, in the county of New Haven and State of Connecticut, in place of David L. Clinton. Incumbent's commission expires March 1, 1906.

James A. Howarth to be postmaster at New Haven, in the county of New Haven and State of Connecticut, in place of James A. Howarth. Incumbent's commission expires March 14, 1906.

FLORIDA.

John W. Garwood to be postmaster at Monticello, in the county of Jefferson and State of Florida, in place of John W. Garwood. Incumbent's commission expires March 1, 1906.

Cyrus Lowrey to be postmaster at Clearwater (late Clearwater Harbor), in the county of Hillsboro and State of Florida, in place of Cyrus Lowrey, to change name of office.

Eben B. Trask to be postmaster at Plant City, in the county of Hillsboro and State of Florida, in place of Eben B. Trask. Incumbent's commission expires March 1, 1906.

GEORGIA.

F. G. Boatright to be postmaster at Cordele, in the county of Crisp and State of Georgia, in place of Mitchell G. Hall. Incumbent's commission expires March 1, 1906.

IDAHO.

Warren C. Fenton to be postmaster at Boise, in the county of Ada and State of Idaho, in place of Warren C. Fenton. Incumbent's commission expired January 31, 1906.

Austin G. Nettleton to be postmaster at Nampa, in the county of Canyon and State of Idaho, in place of Austin G. Nettleton. Incumbent's commission expired January 31, 1905.

ILLINOIS.

G. Gale Gilbert to be postmaster at Mount Vernon, in the county of Jefferson and State of Illinois, in place of Samuel H. Watson. Incumbent's commission expired December 18, 1905.

P. J. Harsh to be postmaster at Sullivan, in the county of Moultrie and State of Illinois, in place of Alpheus K. Campbell, deceased.

INDIANA.

Demas D. Bates to be postmaster at South Bend, in the county of St. Joseph and State of Indiana, in place of Horace G. Miller. Incumbent's commission expires March 15, 1906.

Frank Dillon to be postmaster at Rochester, in the county of Fulton and State of Indiana, in place of Marion C. Reiter. Incumbent's commission expires March 15, 1906.

John W. Elam to be postmaster at Valparaiso, in the county of Porter and State of Indiana, in place of Aaron W. Lytle. Incumbent's commission expires March 15, 1906.

Walter L. Neible to be postmaster at Edinburg, in the county of Johnson and State of Indiana, in place of William E. Downs. Incumbent's commission expires March 15, 1906.

Robert W. Nelson to be postmaster at Warsaw, in the county of Kosciusko and State of Indiana, in place of Charles B. Bentley. Incumbent's commission expired January 9, 1906.

William E. Peck to be postmaster at Remington, in the county of Jasper and State of Indiana, in place of William E. Peck. Incumbent's commission expires March 15, 1906.

IOWA.

Milton A. McCord to be postmaster at Newton, in the county of Jasper and State of Iowa, in place of Milton A. McCord. Incumbent's commission expires March 1, 1906.

A. D. McCulloch to be postmaster at Humeston, in the county of Wayne and State of Iowa, in place of James L. Berry. Incumbent's commission expired January 21, 1906.

Elmer E. Rayburn to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa, in place of Elmer E. Rayburn. Incumbent's commission expires March 3, 1906.

Erastus T. Roland to be postmaster at Eldon, in the county of Wapello and State of Iowa, in place of Erastus T. Roland. Incumbent's commission expires March 1, 1906.

Scott Skinner to be postmaster at Creston, in the county of Union and State of Iowa, in place of Paul Maclean. Incumbent's commission expires March 15, 1906.

KANSAS.

Edward Rammel to be postmaster at Coffeyville, in the county of Montgomery and State of Kansas, in place of George I. Barndollar. Incumbent's commission expires March 14, 1906.

William J. Watson to be postmaster at Pittsburg, in the county of Crawford and State of Kansas, in place of William J. Watson. Incumbent's commission expires March 14, 1906.

KENTUCKY.

Benjamin W. Hall to be postmaster at Mount Sterling, in the county of Montgomery and State of Kentucky, in place of Benjamin W. Hall. Incumbent's commission expires March 13, 1906.

MAINE.

Jessie F. Fernald to be postmaster at Kittery, in the county of York and State of Maine, in place of Jessie F. Fernald. Incumbent's commission expired January 29, 1906.

Lorenzo B. Hill to be postmaster at Togus, in the county of Kennebec and State of Maine, in place of Lorenzo B. Hill. Incumbent's commission expires March 14, 1906.

MARYLAND.

Albert E. Lambert to be postmaster at New Windsor, in the county of Carroll and State of Maryland. Office became Presidential October 1, 1905.

MASSACHUSETTS.

Charles H. Mead to be postmaster at West Acton, in the county of Middlesex and State of Massachusetts, in place of Charles H. Mead. Incumbent's commission expired January 16, 1906.

Harry S. Tripp to be postmaster at Spencer, in the county of Worcester and State of Massachusetts, in place of Harry S. Tripp. Incumbent's commission expires March 1, 1906.

MICHIGAN.

Richard J. Bawden to be postmaster at Bessemer, in the county of Gogebic and State of Michigan, in place of Richard J. Bawden. Incumbent's commission expires March 19, 1906.

John J. Davis to be postmaster at White Pigeon, in the county of St. Joseph and State of Michigan, in place of John J. Davis. Incumbent's commission expires March 5, 1906.

William Harwood to be postmaster at Imlay City, in the county of Lapeer and State of Michigan, in place of Willard Harwood. Incumbent's commission expires March 19, 1906.

Hugh B. Laing to be postmaster at Gladstone, in the county of Delta and State of Michigan, in place of Hugh B. Laing. Incumbent's commission expires March 19, 1906.

David B. Menerey to be postmaster at Coleman, in the county of Midland and State of Michigan, in place of David B. Menerey. Incumbent's commission expired February 7, 1906.

E. A. Smith to be postmaster at Wayne, in the county of Wayne and State of Michigan, in place of Henry Loss. Incumbent's commission expires March 5, 1906.

MINNESOTA.

Laurence O'Brien to be postmaster at Preston, in the county of Fillmore and State of Minnesota, in place of Laurence O'Brien. Incumbent's commission expired February 10, 1906.

Charles Scheers to be postmaster at Akely, in the county of Hubbard and State of Minnesota, in place of Robert Dunn. Incumbent's commission expired February 10, 1906.

MISSISSIPPI.

Ellis E. Perkins to be postmaster at Edwards, in the county of Hinds and State of Mississippi, in place of Ellis E. Perkins. Incumbent's commission expired February 7, 1906.

MISSOURI.

Scribner R. Beech to be postmaster at Maryville, in the county of Nodaway and State of Missouri, in place of John G. Grems. Incumbent's commission expired February 10, 1906.

William F. Bloebaum to be postmaster at St. Charles, in the county of St. Charles and State of Missouri, in place of Wil-

liam F. Bloebaum. Incumbent's commission expires March 25, 1906.

Malissa Conway to be postmaster at Vandalia, in the county of Audrain and State of Missouri, in place of Malissa Conway. Incumbent's commission expired February 10, 1906.

Joseph H. Harris to be postmaster at Kansas City, in the county of Jackson and State of Missouri, in place of Joseph H. Harris. Incumbent's commission expires April 17, 1906.

Frank S. Jones to be postmaster at Sarcoxie, in the county of Jasper and State of Missouri, in place of Frank S. Jones. Incumbent's commission expired January 22, 1906.

Frank E. Miller to be postmaster at Neosho, in the county of Newton and State of Missouri, in place of Frank E. Miller. Incumbent's commission expired January 22, 1906.

Warren S. Randall to be postmaster at Poplar Bluff, in the county of Butler and State of Missouri, in place of Warren S. Randall. Incumbent's commission expires March 25, 1906.

MONTANA.

John S. Towers to be postmaster at Miles City, in the county of Custer and State of Montana, in place of Ada M. Bennett. Incumbent's commission expires March 15, 1906.

NEBRASKA.

Albert H. Hollingworth to be postmaster at Beatrice, in the county of Gage and State of Nebraska, in place of William H. Edgar. Incumbent's commission expired January 20, 1906.

George W. Williams to be postmaster at Albion, in the county of Boone and State of Nebraska, in place of John Peters, resigned.

NEW HAMPSHIRE.

Jesse C. Parker to be postmaster at Hillsboro Bridge, in the county of Hillsboro and State of New Hampshire, in place of Joseph F. Nichols, removed.

NEW JERSEY.

Eli R. Marsh to be postmaster at Williamstown, in the county of Gloucester and State of New Jersey, in place of Eli R. Marsh. Incumbent's commission expired February 13, 1906.

De Witt C. Winchell to be postmaster at Carteret, in the county of Middlesex and State of New Jersey, in place of De Witt C. Winchell. Incumbent's commission expired January 30, 1906.

NEW YORK.

Adelbert C. Brink to be postmaster at Wolcott, in the county of Wayne and State of New York, in place of Adelbert C. Brink. Incumbent's commission expires March 14, 1906.

NORTH CAROLINA.

W. M. Currie to be postmaster at Maxton, in the county of Robeson and State of North Carolina, in place of Octavia McLean. Incumbent's commission expired January 27, 1906.

OHIO.

Allen W. Somers to be postmaster at Brookville, in the county of Montgomery and State of Ohio, in place of James Medford, deceased.

George W. Wilkinson to be postmaster at North Baltimore, in the county of Wood and State of Ohio, in place of George W. Wilkinson. Incumbent's commission expired February 13, 1906.

OKLAHOMA.

John W. Deam to be postmaster at Geary, in the county of Blaine and Territory of Oklahoma, in place of John W. Deam. Incumbent's commission expired February 10, 1906.

SOUTH DAKOTA.

Peter T. Unruh to be postmaster at Tyndall, in the county of Bonhomme and State of South Dakota, in place of Charles H. Stilwill. Incumbent's commission expired January 20, 1906.

TENNESSEE.

Robert S. Brown to be postmaster at Murfreesboro, in the county of Rutherford and State of Tennessee, in place of Robert S. Brown. Incumbent's commission expires March 13, 1906.

TEXAS.

John D. Abney to be postmaster at Grand View, in the county of Johnson and State of Texas, in place of John D. Abney. Incumbent's commission expires March 4, 1906.

Thomas L. Ball to be postmaster at Decatur, in the county of Wise and State of Texas, in place of Thomas L. Ball. Incumbent's commission expired February 17, 1906.

Henry A. Cady to be postmaster at Ballinger, in the county of Runnels and State of Texas, in place of Henry A. Cady. Incumbent's commission expired February 17, 1906.

Joel D. Crawford to be postmaster at Mineral Wells, in the county of Palo Pinto and State of Texas, in place of Joel D. Crawford. Incumbent's commission expired February 17, 1906.

James A. Gammill to be postmaster at Calvert, in the county of Robertson and State of Texas, in place of James A. Gammill. Incumbent's commission expires March 25, 1906.

Robert R. Hyland to be postmaster at Round Rock, in the county of Williamson and State of Texas, in place of Robert R. Hyland. Incumbent's commission expires March 4, 1906.

Frank W. Reast to be postmaster at Whitesboro, in the county of Grayson and State of Texas, in place of Frank W. Reast. Incumbent's commission expires March 25, 1906.

VERMONT.

Julius O. Belknap to be postmaster at South Royalton, in the county of Windsor and State of Vermont, in place of Julius O. Belknap. Incumbent's commission expired January 22, 1906.

WASHINGTON.

Edwin L. Brunton to be postmaster at Walla Walla, in the county of Wallawalla and State of Washington, in place of Edwin L. Brunton. Incumbent's commission expired February 10, 1906.

WEST VIRGINIA.

James K. Hall to be postmaster at Wheeling, in the county of Ohio and State of West Virginia, in place of James K. Hall. Incumbent's commission expires March 1, 1906.

WISCONSIN.

Edward Cleary to be postmaster at Antigo, in the county of Langlade and State of Wisconsin, in place of Edward Cleary. Incumbent's commission expired January 20, 1906.

George J. Kispert to be postmaster at Jefferson, in the county of Jefferson and State of Wisconsin, in place of George J. Kispert. Incumbent's commission expired February 7, 1906.

Nels Nelson to be postmaster at Washburn, in the county of Bayfield and State of Wisconsin, in place of John E. Jones. Incumbent's commission expired February 7, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 22, 1906.

SURVEYOR OF CUSTOMS.

William C. Kennedy, of Ohio, to be surveyor of customs for the port of Columbus, in the State of Ohio.

PROMOTIONS IN THE NAVY.

Capt. Henry W. Lyon to be a rear-admiral in the Navy from the 19th day of February, 1906.

Commander Joseph B. Murdock to be a captain in the Navy from the 22d day of January, 1906.

Ensign Robert T. Menner to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905.

Lieut. (Junior Grade) Robert T. Menner to be a lieutenant in the Navy from the 1st day of July, 1905.

Midshipman Frederick V. McNair, jr., to be an ensign in the Navy from the 3d day of February, 1905.

To be ensigns in the Navy from the 2d day of February, 1906, to fill vacancies existing in that grade on that date:

David McD. Le Breton.
Andrew C. Pickens.
Fred G. Coburn.
Waldo P. Druley.
Carl A. Richter.
Robert B. Hilliard.
John E. Otterson.
Nathaniel H. Wright.
Prentiss P. Bassett.
Frederick G. Tupper.
Herbert S. Howard.
Husband E. Kimmel.
Robert A. Dawes.
Edwin O. Fitch, jr.
Paul E. Dampman.
Roland R. Riggs.
Arthur G. Caffee.
Clyde S. McDowell.
Donald B. Craig.
Paul P. Blackburn.
Charles C. Soule, jr.
Luman E. Morgan.
Edson C. Oak.
Darrell P. Wickersham.
Lawrence P. Treadwell.
William H. Toaz.
Arthur H. Rice.
Frank D. McMillan.
Halsey Powell.
Forde A. Todd.
Cleon W. Mauldin.
Chester L. Hand.

Edward F. Greene.
Aubrey K. Shoup.
Abram Claude.
Nathan W. Post.
Harry A. Stuart.
William F. Halsey, jr.
Stanton L. H. Hazard.
Christopher R. P. Rodgers.
Roscoe F. Dillen.
Clarence A. Richards.
Herbert H. Michael.
Benjamin K. Johnson.
Allen B. Reed.
James W. Hayward.
George M. Baum.
Isaac C. Johnson, jr.
David W. Bagley.
Leigh M. Stewart.
Edward B. Sherman.
Richard P. McCullough.
Joseph D. Little.

POSTMASTERS.

ARKANSAS.

David F. Taylor to be postmaster at Osceola, in the county of Mississippi and State of Arkansas.

CALIFORNIA.

C. F. Demsey to be postmaster at Mojave, in the county of Kern and State of California.

Joseph P. Frankhouse to be postmaster at San Fernando, in the county of Los Angeles and State of California.

Hiram L. Tripp to be postmaster at Santa Rosa, in the county of Sonoma and State of California.

GEORGIA.

Charles W. Moxley to be postmaster at Wadley, in the county of Jefferson and State of Georgia.

Charles I. Robinson to be postmaster at Eatonton, in the county of Putnam and State of Georgia.

ILLINOIS.

James W. Breen to be postmaster at Manteno, in the county of Kankakee and State of Illinois.

Lewis A. Castle to be postmaster at Wyoming, in the county of Stark and State of Illinois.

Frank H. Greene to be postmaster at Geneseo, in the county of Henry and State of Illinois.

Fred C. Kile to be postmaster at Blue Island, in the county of Cook and State of Illinois.

William J. McEldowney to be postmaster at Chicago Heights, in the county of Cook and State of Illinois.

Frank T. Moran to be postmaster at Belvidere, in the county of Boone and State of Illinois.

William Parker to be postmaster at Rock Falls, in the county of Whiteside and State of Illinois.

George S. Roush to be postmaster at Lena, in the county of Stephenson and State of Illinois.

Edward C. Watson to be postmaster at Assumption, in the county of Christian and State of Illinois.

KENTUCKY.

John M. Vick to be postmaster at Central City, in the county of Muhlenberg and State of Kentucky.

MARYLAND.

Robert S. McKinney to be postmaster at Taneytown, in the county of Carroll and State of Maryland.

MASSACHUSETTS.

Robert A. Beckwith to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts.

John Duff to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts.

Charles L. Fairbanks to be postmaster at Southboro, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Arthur L. Bemis to be postmaster at Carson City, in the county of Montcalm and State of Michigan.

Charles F. Brown to be postmaster at Alma, in the county of Gratiot and State of Michigan.

Michael H. Kern to be postmaster at Menominee, in the county of Menominee and State of Michigan.

Lou B. Winsor to be postmaster at Reed City, in the county of Osceola and State of Michigan.

MINNESOTA.

Benjamin Borgert to be postmaster at Browerville, in the county of Todd and State of Minnesota.

Minnie M. Holmes to be postmaster at Detroit (late Detroit City), in the county of Becker and State of Minnesota.

Frank H. Juergens to be postmaster at Jordan, in the county of Scott and State of Minnesota.

Olaus O. Sunde to be postmaster at New Richland, in the county of Waseca and State of Minnesota.

MISSISSIPPI.

Carrie D. Morgan to be postmaster at Baldwyn, in the county of Lee and State of Mississippi.

Clara E. Mortimer to be postmaster at Crystal Springs, in the county of Copiah and State of Mississippi.

Daniel E. Rosser to be postmaster at Cleveland, in the county of Bolivar and State of Mississippi.

John T. Wood to be postmaster at Columbus, in the county of Lowndes and State of Mississippi.

MISSOURI.

Daniel J. Holman to be postmaster at Keytesville, in the county of Chariton and State of Missouri.

William H. Luthy to be postmaster at Parkville, in the county of Platte and State of Missouri.

NEW JERSEY.

James W. Kelley to be postmaster at Tuckerton, in the county of Ocean and State of New Jersey.

Anthony T. Woolley to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey.

NEW YORK.

George L. Bowers to be postmaster at Vernon, in the county of Oneida and State of New York.

George G. Mason to be postmaster at Webster, in the county of Monroe and State of New York.

Prine Riggs to be postmaster at Sodus, in the county of Wayne and State of New York.

Gorfield Vanderburgh to be postmaster at Florida, in the county of Orange and State of New York.

OREGON.

A. F. Blackerby to be postmaster at Silverton, in the county of Marion and State of Oregon.

PENNSYLVANIA.

William B. McIlhenny to be postmaster at Gettysburg, in the county of Adams and State of Pennsylvania.

SOUTH CAROLINA.

Eliza Appelt to be postmaster at Manning, in the county of Clarendon and State of South Carolina.

SOUTH DAKOTA.

Nels Haugen to be postmaster at Hartford, in the county of Minnehaha and State of South Dakota.

Peter T. Unruh to be postmaster at Tyndall, in the State of South Dakota.

TEXAS.

Leonidas M. Barkley to be postmaster at Fort Worth, in the county of Tarrant and State of Texas.

Harry C. Butler to be postmaster at Anson, in the county of Jones and State of Texas.

Charles J. Lewis to be postmaster at Clarendon, in the county of Donley and State of Texas.

UTAH.

Niels C. Poulsen to be postmaster at Richfield, in the county of Sevier and State of Utah.

VIRGINIA.

Roger G. Dyson to be postmaster at Belfield, in the county of Greenesville and State of Virginia.

WASHINGTON.

William A. Buckley to be postmaster at Sprague, in the county of Lincoln and State of Washington.

Millard T. Hartson to be postmaster at Spokane, in the county of Spokane and State of Washington.

WEST VIRGINIA.

A. E. McDonald to be postmaster at Chester, in the county of Hancock and State of West Virginia.

WISCONSIN.

S. H. Alban to be postmaster at Rhinelander, in the county of Oneida and State of Wisconsin.

John F. Cole to be postmaster at Marchfield, in the county of Wood and State of Wisconsin.

Charles F. Henrizi to be postmaster at Menomonee Falls, in the county of Waukesha and State of Wisconsin.

Austin R. Loveland to be postmaster at Oregon, in the county of Dane and State of Wisconsin.

Arthur A. Porter to be postmaster at Portage, in the county of Columbia and State of Wisconsin.

Robert C. Pugh to be postmaster at Hayward, in the county of Sawyer and State of Wisconsin.

Alfred W. Trevitt to be postmaster at Wausau, in the county of Marathon and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 22, 1906.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal God, our heavenly Father, ever present in the hearts of Thy children to uphold, sustain, and guide them in every onward and upward movement toward the betterment of mankind, we thank Thee for our Republic and the men whose souls yet live in its sacred institutions, that to-day all over this broad land the name of George Washington will be extolled and his deeds recounted by the millions who hold his memory dear to their hearts. Great in war, great in peace, great in the integrity and nobility of his character; broad in his conceptions, firm in his convictions—the paragon of American manhood and citizenship. Monuments have been reared to his memory, encomiums have been pronounced upon his virtues, but the glory of our Republic rises in grandeur above them all and speaks in language more eloquent than tongue or pen of what he was and what he did. God grant that it may live and spread its influence to all the world, and Thine shall be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, this is the anniversary of the birth of George Washington, of Virginia, the first President of the United States. I move, Mr. Speaker, that in commemoration of that fact the Clerk be directed to read the Farewell Address of George Washington to his countrymen——

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. The gentleman will proceed briefly by unanimous consent, and can only proceed——

Mr. WILLIAMS (continuing). And thereupon that the House adjourn.

Mr. DALZELL. The regular order, Mr. Speaker.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House——

Mr. WILLIAMS. Mr. Speaker, a motion to adjourn is in order, and having made that explanation, I move that the House do now adjourn until 12 o'clock noon to-morrow.

The SPEAKER. The gentleman from Mississippi moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 67, noes 113.

Mr. WILLIAMS. Upon this important matter, Mr. Speaker, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 136, answered "present" 11, not voting 147, as follows:

YEAS—89.

Bankhead	Gaines, W. Va.	Lamar	Rives
Bartlett	Gardner, Mich.	Lee	Robinson, Ark.
Beall, Tex.	Garner	Lester	Russell
Bell, Ga.	Garrett	Lever	Sheppard
Bennet, N. Y.	Gilbert, Ky.	Lewis	Sims
Bowers	Gillespie	Lindsay	Smith, Ky.
Brantley	Glass	Livingston	Smith, Md.
Broocks, Tex.	Goldfogle	Lloyd	Southall
Burgess	Griggs	McGavin	Spight
Burleson	Hardwick	McLain	Stanley
Burnett	Hay	Macon	Stephens, Tex.
Butler, Tenn.	Heflin	Maynard	Sullivan, Mass.
Campbell, Ohio	Henry, Tex.	Moon, Tenn.	Talbott
Candler	Hill, Miss.	Moore	Taylor, Ohio
Clark, Fla.	Hopkins	Mouser	Thomas, N. C.
Clayton	Houston	Nevin	Underwood
Cooper, Wis.	Humphreys, Miss.	Norris	Wallace
De Armond	Hunt	Page	Webb
Dixon, Ind.	James	Pou	Williams
Field	Johnson	Randell, Tex.	Wood, Mo.
Fitzgerald	Kelliher	Ransdell, La.	
Flood	Kitchin, Wm. W.	Reid	
Floyd	Kline	Rhinock	

NAYS—136.

Adams, Pa.	Brownlow	Crumpacker	Fassett
Adams, Wis.	Burke, S. Dak.	Currier	Finley
Alexander	Burleigh	Curtis	Flack
Allen, Me.	Burton, Ohio	Cushman	Fletcher
Andrus	Butler, Pa.	Dalzell	French
Babcock	Calder	Darragh	Fulkerson
Bannon	Calderhead	Davidson	Fuller
Bennett, Ky.	Campbell, Kans.	Deemer	Gardner, Mass.
Birdsall	Capron	Draper	Gardner, N. J.
Bishop	Cassel	Dresser	Gilbert, Ind.
Boutell	Chaney	Dunwell	Goebel
Bowersock	Chapman	Edwards	Graham
Brick	Cocks	Ellerbe	Hale
Brooks, Colo.	Conner	Esch	Hamilton
Hayes	Knapp	Marshall	Smith, Wm. Alden
Hedge	Knopf	Martin	Smith, Pa.
Henry, Conn.	Knowland	Miller	Smyser
Hepburn	Lacey	Mondell	Snapp
Hermann	Landis, Chas. B.	Murdock	Southard
Higgins	Law	Needham	Southwick
Hinshaw	Lawrence	Olcott	Sperry
Hoar	Lilley, Conn.	Olmsted	Stafford
Hogg	Lilley, Pa.	Otjen	Steenerson
Howell, N. J.	Littauer	Palmer	Stevens, Minn.
Hubbard	Littlefield	Payne	Tawney
Hughes	McCarthy	Perkins	Thomas, Ohio
Hull	McCleary, Minn.	Pollard	Tirrell
Humphrey, Wash.	McCreary, Pa.	Roberts	Townsend
Jenkins	McKinley, Ill.	Rodenberg	Tyndall
Jones, Wash.	McKinney	Samuel	Van Winkle
Kahn	McMorran	Scott	Waldo
Keifer	Madden	Shartel	Wood, N. J.
Kennedy, Nebr.	Mahon	Smith, Iowa	Woodyard
Kinkaid	Mann	Smith, Samuel W.	Young

ANSWERED "PRESENT"—11.

Adamson	Grosvenor	Prince	Sherley
Aiken	Morrell	Richardson, Ala.	Sherman
Goulden	Patterson, N. C.	Shackleford	

NOT VOTING—147.

Acheson	Dwight	Legare	Ryan
Allen, N. J.	Ellis	Little	Schneebeli
Ames	Fordney	Longworth	Scroggy
Barchfeld	Foss	Lorimer	Sibley
Bartholdt	Foster, Ind.	Loud	Slayden
Bates	Foster, Vt.	Loudenslager	Slemp
Bede	Fowler	Lovering	Small
Beidler	Gaines, Tenn.	McCall	Smith, Cal.
Bingham	Garber	McDermott	Smith, Ill.
Blackburn	Gill	McKinlay, Cal.	Smith, Tex.
Bonynge	Gillett, Cal.	McLachlan	Sparkman
Bowie	Gillett, Mass.	McNary	Sterling
Bradley	Graff	Meyer	Sullivan, N. Y.
Broussard	Granger	Michalek	Sulloway
Brown	Greene	Minor	Sulzer
Brundidge	Gregg	Moon, Pa.	Taylor, Ala.
Buckman	Gronna	Mudd	Towne
Burke, Pa.	Gudger	Murphy	Trimble
Burton, Del.	Haskins	Overstreet	Van Duzer
Byrd	Haugen	Padgett	Volstead
Clark, Mo.	Hearst	Parker	Vreeland
Cockran	Hill, Conn.	Parsons	Wachter
Cole	Hitt	Patterson, Pa.	Wadsworth
Cooper, Pa.	Holliday	Patterson, S. C.	Wanger
Cousins	Howard	Patterson, Tenn.	Watkins
Cromer	Howell, Utah	Pearre	Watson
Dale	Huff	Powers	Webber
Davey, La.	Johnson	Pujo	Weeks
Davis, Minn.	Jones, Va.	Rainey	Weems
Davis, W. Va.	Kennedy, Ohio	Reeder	Weisse
Dawes	Ketcham	Reynolds	Welborn
Dawson	Kitchin, Claude	Rhodes	Wharton
Denby	Klepper	Richardson, Ky.	Wiley, Ala.
Dickson, Ill.	Lafean	Rixey	Wiley, N. J.
Dixon, Mont.	Lamb	Robertson, La.	Williamson
Dovener	Landis, Frederick	Rucker	Wilson
Driscoll	Le Fevre	Ruppert	Zenor

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RUPPERT.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. WANGER with Mr. ADAMSON.

For one week:

Mr. GREENE with Mr. MCDERMOTT.

Until further notice:

Mr. GROSVENOR with Mr. CLARK of Missouri.

Mr. POWERS with Mr. PUJO.

Mr. BEDE with Mr. RUCKER.

Mr. DOVENER with Mr. SPARKMAN.

Mr. BINGHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. ZENOR.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. HITT with Mr. LITTLE.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. WATSON with Mr. SHERLEY.

Mr. DICKSON of Illinois with Mr. RAINEY.

Mr. DAWSON with Mr. PADGETT.

Mr. LONGWORTH with Mr. AIKEN.

For this day:

Mr. Foss with Mr. GREGG.

Mr. COOPER of Pennsylvania with Mr. GARBER.

Mr. WILSON with Mr. LEGARE.

Mr. PRINCE with Mr. SLAYDEN.

Mr. MUDD with Mr. TRIMBLE.

Mr. BARCHFELD with Mr. RYAN.

Mr. LOVERING with Mr. BOWIE.

Mr. BATES with Mr. LAMB.

Mr. LAFEAN with Mr. SULZER.

Mr. DAWES with Mr. TOWNE.
Mr. PARSONS with Mr. COCKRAN.
Mr. KENNEDY of Ohio with Mr. WEISSE.
Mr. GILLETT of Massachusetts with Mr. HEARST.
Mr. STERLING with Mr. GRANGER.
Mr. ACHESON with Mr. BROUSSARD.
Mr. BARTHOLDT with Mr. DAVEY of Louisiana.
Mr. BONYNGE with Mr. BYRD.
Mr. BUCKMAN with Mr. DAVIS of West Virginia.
Mr. COUSINS with Mr. GAINES of Tennessee.
Mr. DALE with Mr. GILL.
Mr. DAVIS of Minnesota with Mr. GUDGER.
Mr. DENBY with Mr. HOWARD.
Mr. GRAFF with Mr. JONES of Virginia.
Mr. GRONNA with Mr. CLAUDE KITCHIN.
Mr. COLE with Mr. MCNARY.
Mr. HUFF with Mr. MEYER.
Mr. KETCHAM with Mr. RIXEY.
Mr. LE FEVRE with Mr. PATTERSON of South Carolina.
Mr. OVERSTREET with Mr. TAYLOR of Alabama.
Mr. REYNOLDS with Mr. SMALL.
Mr. SULLOWAY with Mr. RICHARDSON of Kentucky.
Mr. VREELAND with Mr. SMITH of Texas.
Mr. WACHTER with Mr. WILEY of Alabama.
Mr. WILEY of New Jersey with Mr. WATKINS.

Mr. GROSVENOR. Mr. Speaker, I find I am paired with the gentleman from Missouri, Mr. CLARK. I desire to withdraw my vote and to answer "present."

Mr. ADAMSON. Mr. Speaker, I desire to know whether the gentleman from Pennsylvania, Mr. WANGER, voted.

The SPEAKER. He did not.

Mr. ADAMSON. Then I desire to withdraw my vote and to answer "present."

Mr. SCOTT. Mr. Speaker, I understand that the gentleman from Georgia, Mr. HARDWICK, with whom I have a general pair, voted on this proposition. I therefore desire to withdraw my answer of "present" and to have my name recorded in the negative.

Mr. BOUTELL. I should like to ask how the gentleman from Georgia, Mr. GRIGGS, voted?

The SPEAKER. In the affirmative.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 19, 1906:

H. R. 1280. An act granting a pension to Mary K. Lewis;

H. R. 1545. An act granting a pension to Florence D. Rafferty;

H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;

H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;

H. R. 2340. An act granting a pension to Evelyn S. Beardslee;

H. R. 2342. An act granting a pension to Winifred E. Lewis;

H. R. 2795. An act granting a pension to Emma Auger;

H. R. 2811. An act granting a pension to Angie A. Marvin;

H. R. 3214. An act granting a pension to Maggie Parker;

H. R. 3229. An act granting a pension to Jessie Marie Hester;

H. R. 4607. An act granting a pension to Annie Rohr;

H. R. 4727. An act granting a pension to Emma M. Boyer;

H. R. 9352. An act granting a pension to Mary Van Blarcom;

H. R. 11310. An act granting a pension to Emma Aldred;

H. R. 11596. An act granting a pension to Marion H. Long;

H. R. 530. An act granting an increase of pension to George E. Ross;

H. R. 611. An act granting an increase of pension to John H. Cassidy;

H. R. 724. An act granting an increase of pension to John A. Coulter;

H. R. 1072. An act granting an increase of pension to John Fisher;

H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;

H. R. 1124. An act granting an increase of pension to John J. Grant;

H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;

H. R. 1131. An act granting an increase of pension to George Sargent;

H. R. 1136. An act granting an increase of pension to William D. Stauffer;

H. R. 1213. An act granting an increase of pension to John Breden;

H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;

H. R. 1382. An act granting an increase of pension to Benjamin Fagley;

H. R. 1437. An act granting an increase of pension to Darius J. Brown;

H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;

H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;

H. R. 1884. An act granting in increase of pension to Robert Purcell;

H. R. 1952. An act granting an increase of pension to Axel A. M. Natt och Dag;

H. R. 1974. An act granting an increase of pension to William R. P. Foale;

H. R. 2083. An act granting an increase of pension to Thomas A. Slack;

H. R. 2084. An act granting an increase of pension to Thomas Maginley;

H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;

H. R. 2169. An act granting an increase of pension to Elisha White;

H. R. 2289. An act granting an increase of pension to Algernon Lightcap;

H. R. 2291. An act granting an increase of pension to William Elmes;

H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;

H. R. 2394. An act granting an increase of pension to Frank Buncher;

H. R. 2771. An act granting an increase of pension to Thomas McCabe;

H. R. 3216. An act granting an increase of pension to John W. Seeber;

H. R. 3380. An act granting an increase of pension to George W. Wilburn;

H. R. 3400. An act granting an increase of pension to Anson K. Carr;

H. R. 3605. An act granting an increase of pension to Albert Lathrop;

H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;

H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;

H. R. 4215. An act granting an increase of pension to John A. Roberts;

H. R. 4217. An act granting an increase of pension to Daniel M. Rose;

H. R. 4218. An act granting an increase of pension to John M. Williamson;

H. R. 4224. An act granting an increase of pension to Christopher Pletzke;

H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;

H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;

H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;

H. R. 4666. An act granting an increase of pension to David A. Carpenter;

H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;

H. R. 4730. An act granting an increase of pension to Meshack L. Jones;

H. R. 4732. An act granting an increase of pension to James Scrogum;

H. R. 4735. An act granting an increase of pension to Thomas Adair;

H. R. 4737. An act granting an increase of pension to Odilia Logan;

H. R. 4738. An act granting an increase of pension to Henry Roberts;

H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;

H. R. 4765. An act granting an increase of pension to George W. Shepherd;

H. R. 4822. An act granting an increase of pension to Gabriel Smith;

H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;

H. R. 4879. An act granting an increase of pension to John W. Roache;
H. R. 4884. An act granting an increase of pension to John Bokart;
H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 5238. An act granting an increase of pension to Lockey Stuard;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 5644. An act granting an increase of pension to George J. Wilcox;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5925. An act granting an increase of pension to David L. Davidson;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 6143. An act granting an increase of pension to James Elffert;
H. R. 6144. An act granting an increase of pension to Eli Brazelton;
H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 6338. An act granting an increase of pension to Richard McCarthy;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
H. R. 6451. An act granting an increase of pension to Adam Wucher;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 8090. An act granting an increase of pension to Emma H. Benham;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
H. R. 10225. An act granting an increase of pension to Nathan B. Richardson;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 10299. An act granting an increase of pension to Samuel C. Long;
H. R. 10434. An act granting an increase of pension to Samuel F. King;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson; and
H. R. 11403. An act granting an increase of pension to David E. Longsdorf.

On February 21, 1906:

H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;
H. R. 1201. An act granting an increase of pension to Edward Maxwell;
H. R. 4708. An act granting an increase of pension to William T. Wiley;
H. R. 5597. An act granting an increase of pension to Oscar Williamson;
H. R. 7302. An act granting an increase of pension to James G. Head;
H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan; and
H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

On February 16, 1906:

H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3318. An act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

BATTLE MOUNTAIN SANITARIUM RESERVE.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15085) to set apart certain lands in the State of South Dakota, to be known as the "Battle Mountain Sanitarium Reserve," which I send to the desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 15085) to set apart certain lands in the State of South Dakota, to be known as the "Battle Mountain Sanitarium Reserve."

Be it enacted, etc., That there are hereby reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section 18, township 7 south, range 6 east, Black Hills meridian; thence east to the southeast corner of said section 18; thence south to the southwest corner of the northwest quarter of section 20; thence east to the southeast corner of the northeast quarter of section 21; thence north to the northeast corner of the southeast quarter of section 9; thence west to the center of section 7; thence south to the southwest corner of the southeast quarter of section 7; thence west to the northwest corner of section 18; thence south to the place of beginning, all in township 7 south, range 6 east, Black Hills meridian, in Fall River County, S. Dak.: *Provided*, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve.

SEC. 2. That said reserve shall be known as the "Battle Mountain Sanitarium Reserve," and shall be under the exclusive control of the Board of Managers of the National Home for Disabled Volunteer Soldiers in connection with the Battle Mountain Sanitarium at Hot Springs, S. Dak., whose duty it shall be to prescribe such rules and regulations and establish such service as they may deem necessary for the care and management of the same.

SEC. 3. That in all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September 2, 1902, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, etc., in the same manner in all respects as claims are perfected to other Government lands: *Provided*, That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is hereby authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attach to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing herein contained shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section 16 included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned.

SEC. 4. That all persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not more than $1,000, or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to ob-

ject, I would like to ask the gentleman in charge of the bill to make some explanation of what it is.

Mr. MARTIN. Mr. Speaker, the Government at the present time is constructing what is known as "the Battle Mountain Sanitarium," a branch of the National Soldiers' Home at Hot Springs, S. Dak. Contiguous to it there it a natural object of considerable historic interest known as "Battle Mountain." It so happens that the lands including that mountain are not valuable for agricultural purposes and they have remained unoccupied for years, and the purpose of this bill is simply to reserve from sale certain lands embracing that natural monument and lands contiguous for the purpose of scenic beauty.

Mr. UNDERWOOD. Does the title pass under this bill from the Government?

Mr. MARTIN. No; it is retained by the Government.

Mr. UNDERWOOD. What is the object of the penalty at the foot of the bill?

Mr. MARTIN. That simply provides for the custody of this reservation, which is placed in the hands of the Board of Managers of the National Home, and is a provision against trespassing.

Mr. UNDERWOOD. Then the object of the bill is to create a public national park?

Mr. MARTIN. It could hardly be designated as a national park. It is a reserve for its scenic beauty.

Mr. UNDERWOOD. Does this bill contemplate any further charge upon the Government?

Mr. MARTIN. It does not at present.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. LITTAUER. Mr. Speaker, I call from the Speaker's table the conference report on the bill (H. R. 12320) to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes. The report was published in the RECORD on February 19, 1906. There is a complete agreement. I ask unanimous consent that the reading of the report may be dispensed with and that the statement be read in place thereof.

The SPEAKER. The gentleman from New York calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read in place thereof. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, 7, 8, 20, 24, 25, 31, 35, 36, 37, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 9, 10, 11, 13, 14, 15, 16, 22, 23, 26, 28, 30, 32, 34, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 58½, 59, and 60; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Add after the word "years," at the end of said amendment, the following: ", but if her death shall occur during this period this provision shall terminate;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That the office of captain of engineers in the Revenue-Cutter Service of the United States is hereby abolished from the date of the death of the late incumbent thereof, and that on and after the passage of this act the President may select and appoint, by and with the advice and consent of the Senate, a chief engineer of said Service who has served not less than three years in that grade as Engineer in Chief of the Revenue-Cutter Service for a period of four years, and no longer unless reappointed or sooner retired by reason of age or disability: *And provided further*, That the Engineer in Chief thus appointed shall thereafter receive the rank, pay, and allowances, while holding said appointment, that are now or may hereafter be prescribed for a captain of the Revenue-Cutter Service, but nothing herein shall operate to increase the number of chief engineers now in the Revenue-Cutter Service;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 15 of the bill, in line 20, after the word "herein," insert the words "and hereinafter;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: After the word "cents," at the end of said amendment, insert the following: ", to be paid from the appropriations herein made for the isthmian canal;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: After the word "cents," at the end of said amendment, insert the following: ", to be paid from the appropriations herein made for the isthmian canal;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out from the matter inserted by said Senate amendment the word "presenting" and insert in lieu thereof the word "transmitting;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: After the word "Grounds," in line 7 of said amendment, insert the following: "Under the supervision of the Commission on the Senate office building created by the sundry civil act, approved April twenty-eighth, nineteen hundred and four;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "cents," insert the following: "From the appropriations for the support of the Flandreau Indian School for the fiscal year nineteen hundred and four;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the employment of three hundred additional clerks, with compensation at the rate of six hundred dollars per annum, in post-offices of the first and second classes during the fiscal year nineteen hundred and six, sixty thousand dollars."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"Additional, to meet the demands for more meat inspection and for microscopic inspection of pork, sixty-three thousand dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the name "Peter Riley" and insert in lieu thereof the name "Peter Reily;" and the Senate agree to the same.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12320) making appropriations to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying report, namely:

On amendments Nos. 1, 2, 3, 4, and 5, under the State Depart-

ment: Appropriates $1,033.33, as proposed by the Senate, instead of $512.58, as proposed by the House, to pay amounts certified to be due on account of bringing home criminals, and strikes out appropriations proposed by the Senate of $30,000 for contingent expenses of foreign missions, $40,000 for contingent expenses of United States consulates, $20,000 for payment to Germany for losses incurred in connection with disturbances in Samoa in 1899, and $760 for payment to Denmark for claims for losses incurred in connection with the disturbances in Samoa in 1899.

On amendment numbered 6: Inserts the provision proposed by the Senate, placing Cora B. Thomas on the rolls of the Treasury Department as a clerk of class 3 for a period of not exceeding five years.

On amendment numbered 7: Appropriates $91,300, as proposed by the House, instead of $79,300, as proposed by the Senate, for furniture for public buildings.

On amendment numbered 8: Strikes out the appropriation of $12,000 proposed by the Senate for fuel, lights, and water for public buildings.

On amendments numbered 9 and 10: Authorizes the transfer of $5,000 from the appropriation for construction of the wharf for the quarantine station at Honolulu, Hawaii, to the appropriation for the runway to connect the wharf with the island.

On amendment numbered 11: Appropriates $20,000, as proposed by the Senate, for the reclamation of Quarantine Island, Hawaii.

On amendment numbered 12: Inserts the provision proposed by the Senate providing for the appointment of an Engineer in Chief, for a term of four years, from the number of chief engineers in the Revenue-Cutter Service.

On amendments numbered 13, 14, 15, and 16: Inserts the provisions proposed by the Senate to settle the accounts of the disbursing clerk of the Treasury Department, the same involving no appropriation of money out of the Treasury.

On amendment numbered 17: Appropriates $650,000, as proposed by the Senate, to be used as an advance to the Panama Railroad Company to pay for the reequipment of that company, the same to be reimbursed to the Treasury out of the proceeds of the sale of the isthmian canal bonds.

On amendments numbered 18 and 19: Appropriates, as proposed by the Senate, to pay Lieut. Col. William M. Black $1,285.32 and to Lieut. Mark Brooke $573.98, being additional to their regular pay in the Army, for services rendered to the Isthmian Canal Commission on the Isthmus of Panama.

On amendment numbered 20: Strikes out the appropriation proposed by the Senate of $15,550 for repairs to the Soldiers' Home at Togus, Me.

On amendments numbered 21, 22, and 23: Makes a verbal correction in the text of the bill and appropriates $6,478.57, as proposed by the Senate, to pay amounts found due on account of "Pay, miscellaneous," of the Navy.

On amendments numbered 24 and 25: Strikes out the provision proposed by the Senate authorizing the diversion of certain appropriations for the Naval War College in Rhode Island.

On amendment numbered 26: Inserts the provision proposed by the Senate extending the limit of cost for the heating, lighting, and power plant for the Capitol and other buildings.

On amendment numbered 27: Inserts the provision proposed by the Senate authorizing the construction of a subway system between the Capitol building and the Senate office building.

On amendment numbered 28: Requires that one-half of the expenditure for tuition of colored deaf mutes of the District of Columbia shall be paid from the revenues of the District of Columbia.

On amendment numbered 29: Inserts the provision proposed by the Senate authorizing the payment of $843.60 to John H. Roberts out of the appropriation for the Flandreau Indian school and on account of beef furnished said school.

On amendment numbered 30: Inserts the provision proposed by the Senate appropriating $75,000 for expenses of the Commission to the Five Civilized Tribes.

On amendment numbered 31: Strikes out the appropriation of $2,615, proposed by the Senate, for miscellaneous expenditures of the Department of Justice.

On amendments numbered 32, 33, 34, 35, 36, and 37, under the Post-Office Department: Appropriates, as proposed by the Senate, $200 for the purchase of a draft horse; $60,000 for temporary clerks, at $600 each, and $15,000 for blanks, etc., for the money-order service, and strikes out the appropritaion of $5,000 to reimburse the postmasters at Tonopah and Goldfield, Nev.; $63.50 for the relief of the acting postmaster at Nome, Alaska, and $188.63 for the relief of the postmaster at Nome, Alaska.

On amendment numbered 38: Appropriates $63,000, instead of $20,000 as proposed by the House and $135,000 as proposed by the Senate, for the Bureau of Animal Industry, in the Department of Agriculture.

On amendments numbered 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49: Inserts various appropriations proposed by the Senate for certain expenses on account of that body.

On amendments numbered 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60: Inserts provisions proposed by the Senate to pay additional judgments of the Court of Claims, judgments in Indian depredation claims, and awards of the Spanish Treaty Claims Commission which have been certified to Congress since the passage of the bill by the House.

On amendment numbered 61: Strikes out the provision proposed by the Senate authorizing the Spanish Treaty Claims Commission to fix and determine the fees in cases tried by said Commission.

The bill as finally agreed upon appropriates $16,273,622.86, being $1,061,885.42 more than as it passed the House and $186,177.13 less than as it passed the Senate.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
LEONIDAS F. LIVINGSTON,
Managers on the part of the House.

Mr. LITTAUER. Mr. Speaker, I move the adoption of the report.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. LITTAUER. Certainly.

Mr. MANN. May I ask the gentleman what is done in reference to the increased appropriation to the Agricultural Department for the inspection of meat?

Mr. LITTAUER. The appropriation as it passed the House was $20,000. The Senate inserted a general provision for $135,000, which we have reduced, under the same verbiage as it passed the House, to $63,000, so that undoubtedly ample provision is made for all the necessities not only for meat inspection, but for the general purposes of the Bureau of Animal Industry.

Mr. MANN. What was done with the amendment inserted by the Senate appropriating a certain amount for a deficiency for the Post-Office Department?

Mr. LITTAUER. The sum was left the same as the amount inserted by the Senate, so that provision was made for a certain number of clerks at a certain salary.

Mr. MANN. I think there is nothing in the conference report in reference to the Indian works.

Mr. LITTAUER. None whatever. The only item for Indian affairs is respecting the Five Civilized Tribes.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

NORTH CAROLINA ARCHIVES IN POSSESSION OF STATE DEPARTMENT.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate joint resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to withdraw from the files of the Department of State and deliver to the State of North Carolina purely "State archives," bearing date from 1750 to 1800, with a few of a later date, and including copies of letters from the Delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character: *Provided*, That no papers commonly called "Confederate archives," or any original papers belonging to the records of the Continental Congress or needed for the uses of the Government shall be delivered, under the provisions hereof, to said State.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to make some explanation of this.

Mr. THOMAS of North Carolina. Mr. Speaker, I think the best explanation will be the reading of the report of the committee.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on the Library, to whom was referred the joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina, have had the same under consideration and report it back without amendment.

The joint resolution was referred to the Secretary of State for his opinion relative to its passage. His reply is attached hereto.

DEPARTMENT OF STATE,
Washington, February 8, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, inclosing a copy of joint resolution No. 26, providing for the return of certain North Carolina archives now in the possession of this Department, and asking the opinion of the Department relative to its passage.

In reply I have to inform you that the papers in question are purely "State archives," bearing dates from 1750 to 1800, with a few of a later date, and including copies of letters from the delegates to the Continental Congress, State militia papers, papers relating to the rebuilding of the State capitol, and papers of a like local character, but do not contain what are commonly called "Confederate archives" nor any original papers belonging to the records of the Continental Congress.

The resolution as introduced follows the precedent already established by the Department relative to the surrender of its papers and protects the Department in that it is discretionary with the Secretary of State as to what papers are "not needed for the use of the Department of State."

I am therefore of opinion that the resolution should be passed in its present form.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

Hon. GEO. PEABODY WETMORE,
Chairman Committee on the Library, United States Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. THOMAS of North Carolina, a motion to reconsider the last vote was laid on the table.

AUTHORIZING ASSIGNMENT OF PAY OF TEACHERS AND OTHER EMPLOYEES OF THE BUREAU OF EDUCATION IN ALASKA.

Mr. KLEPPER. Mr. Speaker, I ask unanimous consent for the consideration of the following joint resolution.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 97) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to permit teachers and other employees of the United States Bureau of Education employed in Alaska to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the Bureau of Education in Alaska; and the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse school-teachers in Alaska for expenses incurred by them in the discharge of their duties and paid from their personal funds.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KLEPPER, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

On motion of Mr. HULL, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14397—the Army appropriation bill—Mr. BOUTELL in the chair.

Mr. HULL. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, in what I have to say, I shall not refer to the pending bill. I want to call attention briefly to a subject that is of considerable importance not only in my own State, but also in the States and Territories having Indian population.

In South Dakota we have about 20,000 Indians, a larger number than any other State in the Union. They are mostly located in that portion of the State west of the Missouri River, with the exception of the Sisseton, the Yankton, and Crow Creek, who are located east of the river. For some time I have been observing these Indians, and have been astounded at the extent to which tuberculosis is prevalent among them. An investigation discloses that this disease is general among all the several tribes in my State to an alarming extent. During the past year I obtained much definite information on the subject and concluded that it ought to be brought to the attention of Congress, with a view to some action being taken for the purpose of caring for and treating these wards of the nation, and to check, if possible, this dread disease.

Upon reaching Washington, early in December last, I was very much pleased to note that the Commissioner of Indian Affairs in his last annual report had made reference to the subject of tuberculosis among the Indians generally, and suggested or recommended the establishment of a sanitarium school somewhere in the Southwest where Indian children could be treated and cared for who were afflicted with this disease, and I would like to read from his report on this subject, under the head of "An Indian sanitarium," the following:

Besides the danger of undermining the moral health of wholesome-minded children by introducing the unwholesome-minded freely among them, it seems to me that we are making a mistake in not establishing somewhere—preferably in the Southwest—a school for children suffering from tuberculosis, the disease which is more generally disseminated than any other among the Indians. In their own homes these little ones can have no sort of sanitary surroundings and only in rare instances proper medical care. The most stringent rules, moreover, which the Office of Indian Affairs can prescribe for the protection of healthy children from perilous contact with those who have been stricken are bound to be only partly effective, for though we may weed every sign of the scourge out of the schools by excluding all children pronounced by the examining physician unsound, we are only segregating these in order to make them grow up, if they do grow up, in ignorance. The establishment of such a sanitarium as I have here suggested would insure to the unfortunates the special care and the chance for recuperation which is their due, as well as the schooling needed to fit them for the serious business of life, instead of being sent home to serve as centers of infection for both their own people and the whites of the neighborhood.

Realizing that in South Dakota, where there are so many Indians, it would be more or less cruel to separate those afflicted with tuberculosis from their parents and families by removing them to a remote part of the country, as would be the case if they were taken to a sanitarium somewhere in the Southwest, as suggested by the Commissioner, I introduced in the early part of this session H. R. 8986, for the establishment of a sanitarium at or near the city of Pierre, or Fort Pierre, in my own State. The location is particularly desirable, first, because of geographical situation, being centrally located and accessible to all of the different Indian reservations in the State, and, secondly, because of being on the Missouri River, where the best drinking water in the world is obtainable, and where artesian water can be secured, which is specially beneficial, both for bathing and healthful purposes. The altitude is high and the climate particularly favorable to persons affected with tuberculosis or other lung diseases.

If this bill should become a law, the Secretary of the Interior would be authorized to select a location at one of the cities above mentioned, and would probably select a location on the west side of the Missouri River, near Fort Pierre, as the conditions on that side of the river are better adapted and more suitable for such an institution than on the east side of the river.

The Indian appropriation bill, reported yesterday, contains a provision authorizing the Commissioner of Indian Affairs to investigate and report to Congress upon the advisability of establishing a sanitarium for the treatment of such Indians as are afflicted with tuberculosis and to report upon the location and the cost thereof, and, as far as possible, to report the extent of the prevalence of said disease among Indians.

In view of this provision it is probable that no further action will be taken in this session of Congress, but by the next session I am in hopes that we will possess information, by reason of what the Commissioner will report, that will justify action, not only in establishing an institution in South Dakota, but such other institutions in other parts of the United States as may be necessary to properly care for and treat Indians suffering or affected with this disease.

I would say that my bill provides for the using of funds in the Treasury belonging to the Sioux Indians for the purpose of equipping and maintaining a sanitarium, limited to the Sioux Indians in North and South Dakota, and I know of no better use that can be made of a portion of the Indians' money than for this purpose, and the Secretary of the Interior and the Commissioner of Indian Affairs have both taken that view of it; and in order to show just what they say and also for the purpose of bringing this important subject to the attention of this House and to the country I will read a report made to the chairman of the Committee on Indian Affairs in response to a request for a report on the bill introduced by me, to which I have before referred.

The said reports are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, inclosing copy of H. R. 8986, being "A bill for the establishment of an Indian sanitarium or school at or near Pierre, or Fort Pierre, in the State of South Dakota," and in reply thereto I inclose herewith copy of a letter from the Commissioner of Indian Affairs, dated the 26th instant, submitting a report on this bill, and the views expressed by him have my approval.

In relation to that part of your letter in which you request my opinion as to the advisability of using the interest on the permanent fund in the Treasury belonging to the Sioux Nation, as proposed in section 2 of the bill, I desire to call your attention to section 3 of the act of January 19, 1891 (26 Stat. L., 721), which provides for the division of the principal of the permanent fund under section 17 of the act of March 2, 1889, dividing a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and for other purposes, which states that it shall be divided in proportion to the number of Indians "entitled to receive rations and annuities upon the separate reservations created by the above act, or residing and belonging thereupon at the time the said act took effect, and the Secretary of the Treasury shall carry the amount of the principal of said permanent fund belonging to the Indians of each of the diminished reservations to the credit of the Indians of each of the said diminished reservations, separate and distinct from each other. The principal, as well as the interest of each of said funds shall be expended for the purposes specified in said article 17 of the above-mentioned act only for the use and benefit of the said Indians so entitled to receive rations and annuities upon each of the said separate diminished reservations or so residing

and belonging thereupon," and concur in the views of the Commissioner of Indian Affairs as to the advisability, for the purposes of this bill, to use the sum of $25,000 of the interest of the permanent fund of the Sioux Indians.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 26, 1906.

SIR: I have the honor to acknowledge the receipt, by your reference, of a communication from the chairman of the Committee on Indian Affairs, House of Representatives, inclosing copy of bill (H. R. 8986) providing for the establishment of a school or sanitarium for Indians affected with tuberculosis at or near Pierre or Fort Pierre, in South Dakota. This bill provides as follows:

"That the Secretary of the Interior is hereby authorized and directed to acquire a site and cause to be erected thereon suitable buildings for the establishment of a school or sanitarium for Indians affected with tuberculosis or other similar disease or diseases, and properly equip the same, at or near the city of Pierre or Fort Pierre, in the State of South Dakota. That when said school or sanitarium is erected and equipped the same shall be under the jurisdiction of the Secretary of the Interior, who shall make all necessary rules and regulations for the government and management thereof: *Provided*, That the only Indians eligible for admission to said school or sanitarium shall belong to some one of the tribes of Sioux Indians in North and South Dakota, as defined in the act providing for a division of the Sioux Nation of Indians in Dakota into separate reservations, approved March 2, 1889.

"SEC. 2. That the said school or sanitarium shall be erected and equipped at a cost of not to exceed $50,000, of which amount $25,000 is hereby appropriated, and in addition thereto the Secretary of the Interior is directed to use not to exceed $25,000 of the interest on the permanent fund in the Treasury to the credit of the Sioux Nation of Indians, as provided in section 17 of the act above referred to, approved proved March 2, 1889."

In reply to your request for consideration, I would respectfully report as follows:

The prevalence of tuberculosis among the Indians is a matter of grave concern. While investigations made by this Office reveal an alarming situation, it is probably only in particular localities where the scourge is worse among the Indians than among whites under similar conditions. A campaign of education has begun among our own people, and if it be necessary for them, it is at least as important for our Indians. In their own camps and cabins they do not have the sanitary conveniences of a modern civilized home, and one consumptive may become, through ignorance, a source of infection to numberless other persons.

In my annual report I urged the necessity for the establishment "somewhere—preferably in the Southwest—of a school for children suffering from tuberculosis, the disease which is more generally disseminated than any other among the Indians." I invited the attention of Congress and of the country to the desirability of early taking action for the purpose of organizing intelligent forces to prevent, if possible, the further extension of the disease among the Indians and the whites who surround them.

In answer to the request of Chairman SHERMAN for "the number of Sioux Indians in North and South Dakota," the latest census reports give 23,633.

Mr. SHERMAN also asks "to what extent tuberculosis is prevalent among said Indians."

In a recent report by Dr. Joseph R. Walker, agency physician at Pine Ridge Agency, S. Dak., a number of statistical tables were given, from which it appears that in 1905 the full-blood Indian population of the reservation was 4,875, among whom there were 561 cases of consumption during the year, of which 172 were new cases, 104 recoveries, and 109 deaths. The mixed-blood population was 1,822. Among these there were 54 cases of tuberculosis, of which 22 were new, 13 recoveries, and 6 deaths.

The statistics for ten years, from 1896 to 1906, give 903 deaths from tuberculosis among the Indians and 70 deaths among the mixed bloods.

The long service of Doctor Walker at Pine Ridge and his interest in this subject have enabled him to prepare tables unavailable at other reservations, but I assume that the ratio shown at Pine Ridge approximately would hold at the other Sioux reservations of North and South Dakota.

Mr. Sherman asks "as to the necessity and advisability of the establishment of an institution as proposed by said bill." I would refer to the reasons expressed in my annual report, that a sanitarium school for Indians affected with tuberculosis is of vital importance to these people, but as to the location of such a school at Pierre, in South Dakota, I am not sufficiently advised about climatic conditions or the opinions of experts as to its availability for such a purpose. If climatic conditions are favorable for combating this disease when supplemented with scientific treatment and instruction, I should like to consider a site at Pierre. Hence, before expressing an opinion on so important a subject, I prefer to give the proposition a more thorough investigation in all of its aspects.

Concerning the equipment of such an institution, it would depend upon the character of the buildings and extent of its accommodations, but I assume that it would not exceed the cost of the average nonreservation Indian school. An appropriation of $50,000 for a modern training school, with its appliances, would give accommodations approximately for 75 or 100 pupils, and the annual cost of maintenance would be about $167 per capita. Possibly, however, for an Indian sanitarium larger salaries would be necessary for employees and more choice and expensive food for the pupils, which would increase the per capita expenditure for maintenance beyond that of the average Indian school. On the other hand, if the plan pursued in modern sanitariums for the treatment of this disease under favorable climatic conditions is adopted, the usual substantial buildings provided for regular Indian schools would be unnecessary. If the school were placed in the deserts of the Southwest, in the arid or semiarid regions, tents could be used almost entirely for dormitory purposes, but in the climate of Pierre comfortable buildings would be required also.

As to the advisability of using for the purposes of this bill any of the interest of the fund of the Sioux Indians now in the Treasury, my judgment is that it could not be applied to a more deserving object. Whatever efforts are made by Congress and the Department for reducing the dangers from tuberculosis among the Indians is of as much importance to their white neighbors as to the Indians themselves, and the money would be well invested wherever it came from.

Very respectfully,

F. E. LEUPP, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

Mr. HULL. Mr. Chairman, I yield thirty minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Chairman and gentlemen of the House, we have now under consideration the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907. The Chaplain, in his invocation to-day, referred to the first President of the United States. He referred to the country incidentally and its great growth. More than one hundred years have passed since the first President took the oath of office. At that time there were in the neighborhood of four and a half million of people who composed the thirteen States. The great Commonwealth of Illinois, that I help to represent in part on the floor of this House, has more people within its limits than the United States had when it started out as a Republic. In looking at the number of persons under the immediate control and direction of the Executive of the United States I find that he has a force of more than 475,000 people.

In the classified service branch of the Government, in the competitive and noncompetitive branches, there are over 300,000 employed. The Army contributes 60,000, the Navy and the Marine Corps contribute 45,000 more, and the postmasters, large and small, add 70,000 more, making in all more than 475,000 who hold their offices and are subject to the control and under the direction of the Chief Executive of the United States. In this number I have not included the attorneys-general, the marshals, the assistant attorneys, the deputy marshals, the consular service, and those engaged in the Isthmian Canal Commission and in the service incident to that great work. There could be readily added to the 475,000 25,000 more, making a grand total of at least 500,000 people under the control of the Executive of the United States. Truly did the Chaplain say that this country had grown in importance and greatness since he who was the first President occupied that position. Now, under our Constitution our form of Government is divided into three parts—the legislative, the executive, and the judicial. It is our business to prepare and formulate legislation. The President joins with us to the extent of approving or disapproving legislation. If the legislation which we pass in this body and in the joint body—the Congress—that is approved by the President should be unconstitutional, there is another branch of the Government to pass upon that question. Fellow-Members, the Executive is clothed with great authority. In his hand is placed the money, and under his direction are the officers to carry out the appropriations of the Congress. The law requires that at the opening of each session of Congress the Secretary of the Treasury shall present to the Speaker of the House of Representatives, in conformity to law, a statement showing the estimate of appropriations required for the service for the fiscal year ending next following the submission of the letter.

A letter of that purport was presented by Leslie M. Shaw, Secretary, of date December 4, 1905, directed to the Speaker of the House of Representatives. Estimates were made for different purposes. Estimates were made for the appropriations necessary for the carrying on of the military affairs of this Government. It may be that Congress appropriates perhaps more than it ought to appropriate. We receive the directions for the appropriations we are called upon to make, not from Congress, but from the Executive branch of the Government, separate and distinct from us. It is asking too much, it is expecting too much that the Chief Executive, with 500,000 different officeholders under his direction, as I have enumerated, should personally know, should be able to find out what is needed by the different Departments to carry on the work of this great Government of ours.

But, my fellow-Members, the men that are in those Departments under the Executive have taken a like oath with us, and in conscience they are as liable as we are for the proper handling of the funds that we have placed in their hands as a part of the Government. If these executive officers ask for more money than they ought to, their conscience should govern them as much as our conscience should govern us in the passing of bills of this kind. If they ask for more money than they ought to receive, and we give to them more money than we ought to give that money is held by them in trust. It is a trust fund that belongs to the people, and they should economically, justly, and honestly care for the funds that are placed in their hands; and if there be an overplus that should be turned back into the Treasury to be used as a common fund later on to be appropriated by Congress in its due course of administration. I do not agree with the criticism that goes through the country that the legislative branch is given to extravagant appropriations,

nor do I agree with the criticism that the Executive should be held responsible for many appropriations that are called for in the different branches of the Government. As I have said, it is too much to expect of him to know, in the multitude of services and duties that fall upon him here and elsewhere and in the discharge of those duties, to fully understand all of these estimates.

We have, as members of the Military Committee, irrespective of party affiliations, sought to do our duty under our oaths in preparing this measure and making appropriations for the military establishment of this Government. Under the guide of our chairman we have sought to make every appropriation that was necessary for this great branch and arm of the Government. We desire to do everything in our power to make efficient the Army of the greatest country on the face of the earth. We want to do everything in our power to advance the health and the comfort of the officers and men connected with the military establishment.

But there are some things that are going on even in the military establishment with which some of us can not fully agree, and for that reason we think the country ought to know something with reference to what is going on in that branch. Some of you will perhaps remember that about a year ago I discussed on the floor of this House the question of the retirement of officers. It was then suggested, by many questions propounded to me, if we had offered any solution to that problem? The Military Committee this year in their bill has offered a partial solution, as best we can, for the settlement of the problem of retiring officers as they have heretofore been retired, as will be disclosed by facts set forth by me to this committee.

On the 1st of December, 1905, I find that there are on the retired list 903 officers, ranging from the rank and grade of lieutenant-general down to that of a second lieutenant. These retired officers are receiving $2,700,000—an average of $3,000 each. I do not wish to appear here as criticising these officers; I do not wish to appear here as criticising the amount that they receive; but I do criticise the system by which it is possible for us to have so many officers on the retired list as we have to-day.

Mr. LAWRENCE. Is the gentleman willing to repeat what he has said in regard to the number of officers retired and the amount paid to them? The data is very interesting.

Mr. PRINCE. Yes, sir. The number on the retired list on December 1, 1905, was 903. The pay for the retired officers was $2,700,000, an average of $3,000 apiece.

Mr. FITZGERALD rose.

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from New York?

Mr. PRINCE. Certainly.

Mr. FITZGERALD. Will the gentleman state the number of officers in each grade, if he has that information?

Mr. PRINCE. Yes, sir; I will state in answer to the gentleman from New York [Mr. FITZGERALD] the number of each grade, the operation of law by which they were retired, and all the facts pertaining thereto as a part of my speech and have it printed in the RECORD. However, if the gentleman desires to have it read, I can read it.

Mr. FITZGERALD. If the gentleman will put it into the RECORD——

Mr. PARKER. Please read it.

Mr. PRINCE (reading)—

Table showing, by grades, the number of officers on the retired list on December 1, 1905, with cause of retirement.

Grade.	By operation of law—64 years of age.	After reaching 62 years of age.	On own application.		For disability—						Under special acts.	Total.
			After 40 years' service.	After 30 years' service.	Incident to the service (sec. 1251, R. S.).	Preventing promotion (act Oct. 1, 1890).	Not incident to the service (sec. 1252, R. S.).	Paymasters having served over 30 years (act July 5, 1884).	With full rank of command when wounded (act July 28, 1866).			
Lieutenant-General	3											3
Major-general	11		9							1		21
Brigadier-general	93	15	22	25	13					5	2	245
Colonel	32	1	9	19	13					2		76
Lieutenant-colonel	26	1	6	13	23	1						70
Major	21	1	3	33	118	40		1	9			226
Captain	3			17	95	42	3		2	7		169
First lieutenant				1	41	10	3					55
Second lieutenant					10					1		11
Chaplain:												
Major	8				8							16
Captain	7				4							11
Total	204	18	119	108	325	93	6	1	19	10		903

Mr. SMITH of Kentucky. Now, I would like to ask the gentleman a question.

Mr. PRINCE. Certainly.

Mr. SMITH of Kentucky. Has the gentleman made any comparison with previous years to see whether the number has increased or not as the years go by?

Mr. PRINCE. I can answer to the gentleman the numbers are increasing. The Army has increased. Prior to the Spanish war the Army was 25,000; the Army is now 60,000. That would account for some increase on the retired list.

Mr. SMITH of Kentucky. Since the increase in the Army and the increase in the number of officers and men in the Army has the number of retired officers continued to increase? We made the increase what year?

Mr. PRINCE. About 1901.

Mr. SMITH of Kentucky. Since 1901 has the number of retired officers continued to increase year by year?

Mr. PRINCE. It has.

Mr. STEVENS of Minnesota. If the gentleman will allow me. Your analysis shows that the largest number of retired officers are of the grade of brigadier-general, and the next largest number are of the grade of major. Is there any reason why these two grades should have so much larger proportion of officers on the retired list than any other? If so, why?

Mr. PRINCE. I do not think so, except on the ground of favoritism.

Mr. HULL. If the gentleman will allow me, in the line of the remarks of the gentleman from Kentucky, I desire to state that since the reorganization of the Army there has been a larger increase of retired officers on account of the action of Congress and the action of the Executive in promoting and retiring a large number of officers who have civil war records. That might account for one part of the large increase.

Mr. STEVENS of Minnesota. Amounting to about 250?

Mr. PRINCE. I understand so.

Mr. HULL. I have not examined it, but the gentleman from Illinois has gone over the matter carefully, and can probably answer you.

Mr. PRINCE. The statement shows under what law they are retired. That gives it fully. In looking over the records on the Army Register I find this: That from the organization of the Government down to the present time we have had four Generals of the Army—Washington, Grant, Sherman, and Sheridan. From the organization of the Government down to 1888 we had but four Lieutenant-Generals—Washington, Grant, Sherman, Sheridan. The Revolutionary war produced but one Lieutenant-General. The war of 1812 did not produce a Lieutenant-General. General Scott received the rank of Brevet Lieutenant-General. No Indian war produced a Lieutenant-General. The great Mexican war, that added so much territory to our country, produced no Lieutenant-General. Since Sheridan became Lieutenant-General he has had five successors, three of whom are now on the retired list. The civil war, in which more than 3,000,000 men were engaged, in which 4,500 battles were fought, large and small, produced but one Lieutenant-General.

Mr. HULL. Only one?

Mr. PRINCE. Only one.

Mr. HULL. How about Sherman and Sheridan—they succeeded?

Mr. PRINCE. It produced but one.

Mr. HULL. As a result?

Mr. PRINCE. Afterwards. Let me read: Washington became Lieutenant-General July 3, 1798; retired December 14, 1799. Grant became Lieutenant-General March 2, 1864; retired July 25, 1866. After the war was over.

Mr. HULL. As a result of the war?

Mr. PRINCE. As a result, surely, of the war. Mr. Sherman became Lieutenant-General July 25, 1866; retired March 4, 1869. Sheridan became Lieutenant-General March 4, 1869; retired June 1, 1888. Schofield became Lieutenant-General February 8, 1895; retired September 29, 1895. Miles became Lieutenant-General June 6, 1900, and retired August 8, 1903. Young became Lieutenant-General August 8, 1903; retired January 9, 1904. Chaffee became Lieutenant-General January 9, 1904, and retired the 1st of February, 1906. General Bates is now Lieutenant-General. In looking at the Army list——

Mr. LITTLEFIELD. Mr. Chairman, while the gentleman is on this branch of the discussion—I understand he is discussing the question of officers connected with the War Department and the Army—I would be very glad to know if he can state how many offices are created, and the amount of the salaries attached thereto, as included in this bill. How much does this bill pending before the committee increase the personnel and the charge upon the Treasury?

Mr. PRINCE. It reduces it.

Mr. LITTLEFIELD. I am very glad to know that, because in your bill of 1905 you increased it $52,940. Now, if I understand, you decrease it in this bill?

Mr. HULL. We increased it for officers for present current year. What officers did we provide for in the bill of 1905?

Mr. LITTLEFIELD. The offices increased in 1905 amounted, in the aggregate, to $58,540.

Mr. HULL. Clerks?

Mr. LITTLEFIELD. I do not know what they were.

Mr. HULL. I do not think we increased officers outside of clerks and noncommissioned officers.

Mr. LITTLEFIELD. I wanted to get at the charge on the Treasury. I do not care whether they are of the enlisted force. I wanted to know how much your present bill increases the charge on the Treasury as compared with yast year. In your last bill the increase, taking the number of offices, 5,600—that is the charge for offices omitted—and deducting that from the very large number of offices created with salaries of $58,540 made a net increase of $52,940. What I want to get at it, does your bill make any net increase of charge on the Treasury or does it result in a net decrease?

Mr. PRINCE. I think we have increased the number of clerks somewhat.

Mr. HULL. But we have reduced the total amount by the pay of the Lieutenant-General, which more than offsets the increases. But that provision is subject to a point of order.

Mr. PRINCE. My recollection is (I was sick while the bill was under consideration in the committee, but I have read it since) that we have added some clerks to the force necessarily, because the Government is increasing and the business of the country is enlarging; but if you mean whether we have added commissioned officers to the force of the present military establishment, I do not think we have added any. I do not just catch the point.

Mr. HULL. We have reduced instead of enlarging.

Mr. PRINCE. We added to the noncommissioned officers last year, and we have added some clerks for the Chief of Staff.

Mr. LITTLEFIELD. My inquiry is not directed to the particular offices; but if it would not be too much trouble for the gentleman to get it for us, I would like to have him be prepared to give us, at some time during the progress of the debate on the bill, the amount of the charge upon the Treasury in connection with offices created as compared with such offices as may be omitted. I have the analysis of the bill of last year, and the increase in the bill for 1905——

Mr. HULL. If the gentleman from Illinois will yield I will say to the gentleman from Maine——

Mr. PRINCE. I will yield for that purpose.

Mr. HULL. That the increase in the bill this year is for some clerks for division and department headquarters. Last year there was some increase in electrical noncommissioned officers of the Signal Corps and artillery, and some others of the noncommissioned force of the Army, but none in the commissioned force. I will say, further, that the committee this year have submitted to the House a proposition for the abolition of the grade of Lieutenant-General, which will reduce the total expense of officers as a charge upon the Treasury, in my judgment. There is an increase in the Philippine Islands in the organization of the scouts of certain adjutants and quartermasters, on account of the battalion formation, but it is an increase already authorized by existing law, and is not in any sense legislation by the committee this year to create those positions. The gentleman will understand that under existing law they can organize all the scouts—the 5,000—into battalions and regimental formation, and when so organized the organization of the Army provides that each battalion of each regiment shall have certain staff officers. The captain and below may be selected from the noncommissioned force of the Regular Army, and while so serving they get the pay of commissioned officers. Heretofore these scouts have been largely company organizations. As peace is established in the islands they are being drawn into battalion and regimental formations, which will cause an increase of pay for officers in that particular. I have not analyzed how much it would be, but that is easily done.

Mr. LITTLEFIELD. I fully appreciate the significance of the chairman's explanation, and I do not want to be understood as criticising the committee, but I should like to call the attention of the chairman of the committee to the fact that we have, under a statute passed in 1888, an analysis made by the clerk of the Appropriations Committee on the part of the House and the Finance Committee on the part of the Senate, giving the number of offices omitted and the salaries attached thereto, and the number of offices created and the salaries attached thereto in the various appropriation bills. Now, the balance of offices created and salaries attached thereto for 1905, after deducting the offices omitted and the salaries attached thereto, was nearly ten million and a half of money, and I have been trying to find out by the clerks of those committees and by men on these various committees how it is that we continually make these increases. I have not the slightest question but that the chairman of this committee and all the members of the committee have exercised their very best discretion and judgment; but it seems to me that in some way and somewhere, in some spot, we ought to be able to stop this continual increase. Your committee may not be subject to any criticism, and what I should like to know—I do not want to embarrass the chairman of the committee, of course——

Mr. HULL. It does not embarrass me at all. I am only taking up the time of the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. That is all right.

Mr. LITTLEFIELD. But if the chairman could do it without too much trouble, I think it would be instructive to the Committee of the Whole if he could give us a summary of the results in this particular bill so that we could have an intelligent judgment as to whether we were contributing to this what seems to be an abnormally large general increase. I am ready to vote for anything that is necessary, and I have no question that the chairman of the committee would not favor anything he did not think necessary; but if he can give us an analysis, without too much trouble——

Mr. HULL. That can be done without any trouble. I assume that that would properly come up under each head. For instance, when we reach the point of the pay to officers of the line the chances are that the provision for abolishing the grade of Lieutenant-General will go out on a point of order. It is subject to a point of order. It is legislation; it is retrenchment, but it is legislation. When we reach the point of the clerks—the Department has divided the Government into five great divisions. It has divided it into more than that number of departments. Each division is headed by a major-general and the department by a brigadier-general. They report that they must have so many clerks. They have had detailed men doing that work, but they say it is impossible now to do it. We have established a War College, and the building will be finished by the 1st of June. They say it will be necessary to have men to care for the building—police it. It is an increased expense to the Government in the care of that additional building. And so it goes on through the bureaus. We have only allowed what we think is absolutely necessary. My judgment is that we have gone to the point of absolute economy, but that matter all comes before the House, and if the House is not satisfied with the action of the committee we will give them no increase.

Mr. LITTLEFIELD. I appreciate the force of the gentleman's explanation. I think it is clear and adequate, but the gentleman from Iowa appreciates this fact, that when these various bills come up in the House it is impracticable for a man that is not on the committee to look at an item and say whether it is an increase or a decrease.

Mr. HULL. In that respect the committee's report shows where the increases are, except in the Philippine Islands.

Mr. LITTLEFIELD. If the report shows it I will get the report and look it over. A word more, in order that the gentleman may appreciate my position and the significance of the inquiry. I made the same inquiry of the gentleman in charge of the urgent deficiency bill, and was informed by him that there was only one office created. As we went through the bill I found there were twenty-eight created in that bill as against one. Of course, the chairman made an inadvertent statement as far as that was concerned, for I have no doubt he intended to state it as he remembered it. It only shows that it is impossible for a man that is not on the committee to understand the bill in that respect. I hope the gentleman from Iowa appreciates the situation.

Mr. HULL. I do, and I shall be glad to give the gentleman any information in my power.

Mr. PRINCE. Mr. Chairman, in looking through the Official Army Register for 1905, which is the last one that I am able to get—the other not having been printed—it discloses these facts: Sixty-two brigadier-generals served only one day; they were appointed between January 1, 1902, and up to January 1, 1905. I am frank to say to the House that I am inclined to think that the moving picture is going on, and has for the last year, perhaps not at the same rate it did in the previous years. The same official register discloses the fact that four major-generals are now on the retired list, who served only one day in that grade and who were appointed between April 11, 1903, and December 31, 1904. I know that the people of this country have a high regard, and justly so, for the Army.

Mr. PALMER. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. PRINCE. Yes.

Mr. PALMER. How does it happen that these major-generals and brigadier-generals only served one day?

Mr. PRINCE. Well, it happened.

Mr. PALMER. How did it happen?

Mr. PRINCE. The records disclose the fact.

Mr. PALMER. Were they simply promoted and then retired?

Mr. PRINCE. Yes.

Mr. PALMER. Promoted the day before they were retired?

Mr. PRINCE. Yes.

Mr. PALMER. And, of course, get the retired pay of the promoted rank?

Mr. PRINCE. Yes.

Mr. PALMER. And the law allows it?

Mr. PRINCE. Yes.

Mr. PALMER. Who is responsible for it?

Mr. PRINCE. Well, I should say primarily the Congress, as it passed the law.

Mr. PALMER. Is there a law for it?

Mr. PRINCE. Yes.

Mr. PALMER. The President does it?

Mr. PRINCE. He does it as the law permits, and the Senate, if I have a right to speak of that body, confirms his action.

Mr. PALMER. What are we going to do about it?

Mr. PRINCE. We are offering some suggestions along the line of getting rid of the lieutenant-generals.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HULL. Mr. Chairman, I yield ten minutes more to the gentleman from Illinois.

Mr. LAWRENCE. Mr. Chairman, the gentleman from Illinois is so liberal in yielding his time to others that I will ask unanimous consent that he be permitted to conclude his remarks.

Mr. LITTLEFIELD. I hope he will be permitted to conclude his remarks.

Mr. HULL. I understood, Mr. Chairman, that the time was allotted to each side, and I have agreed to yield so much time to others. I submit to the chairman that it is not in order to ask unanimous consent for additional time to be given to a Member.

Mr. PRINCE. I think ten minutes will probably answer the purpose unless there are many questions.

The CHAIRMAN. The gentleman from Illinois is recognized for ten minutes more.

Mr. PRINCE. I am very much obliged. We have offered a provision here on page 5, beginning with line 19 of the bill:

Provided further, That when the office of Lieutenant-General shall become vacant it shall not hereafter be filled, but said office shall cease and determine.

On page 14 we have offered another provision, beginning at line 14—

Provided further, That hereafter no officer holding a rank above that of colonel shall be retired on his own application until he shall have served at least one year in such rank.

I will ask the gentleman from Pennsylvania [Mr. PALMER] if he has listened to my reference to what we have offered as curative in a sense of this trouble?

Mr. PALMER. I was listening.

Mr. STEVENS of Minnesota. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. PRINCE. Yes.

Mr. STEVENS of Minnesota. Have you any figures showing the number of brigadier-generals on the list now by virtue of the provisions of the act passed two or three years ago allowing the retirement at one grade above the grade they held before retirement?

Mr. PRINCE. The civil-war veterans?

Mr. STEVENS of Minnesota. Yes.

Mr. PRINCE. No; but I will try and get it. I will go on with what I was saying and then we will reach that afterwards. I think I said, before I was interrupted, something like this: That the country had a high regard for the Army and for the officers of the Army. In the great struggle from 1861 to 1865, where, as I have said, 4,500 battles were fought, large and small, for the men who emerged from that contest on either side who wore the star of a brigadier-general or a major-general, or the one lone officer who wore the star of a Lieutenant-General, the people had a high regard and consideration for them and each of them, and I am inclined to think, with no word of criticism toward the men who have held those offices since Sheridan retired as Lieutenant-General, that the tendency of placing other men who perhaps might have distinguished themselves as opportunity presented in the same plane to those other world-wide distinguished men, has had a tendency to demoralize the Army. It has had a tendency to cause the people to have less respect for the Army and the officers that it would have had had the office of Lieutenant-General ceased to be held by anyone after Sheridan retired from that position. As I said before, I am not here to criticise these officers for taking advantage of the law as it is. I am here only calling attention to conditions as they exist. Speaking, as I do, in a sense, for the committee, which is unanimous upon this provision, I am asking the fellow-members of this House to have the office of Lieutenant-General cease, as desired by this bill. I am asking that the further provision—

That hereafter no officer holding a rank above that of colonel shall be retired on his own application until he shall have served at least one year in such rank—

shall be passed. Now, what is the effect of this mode of retirement? It is no encouragement, from my point of view, for an active, thoughtful, energetic, wide-awake officer. All that he needs to do in the world is to mark time and to know later on, whether he has distinguished himself in war or peace, that he will hold the rank of brigadier-general on the retired list in this great Republic of ours. It is an unearned honor; it is unearned money. It is giving an honor to those who have not earned it; it is giving money to those who have not earned it. One day's service for four major-generals; one day's service for sixty-two brigadier-generals. Can we justify ourselves in this House when the facts are before us; can we justify ourselves before the country that we are in favor of it? I am not criticising another branch of the Government for exercising the law as it is. I have heard the Secretary of War state that at the top there is a lot of dead timber, and that perhaps this is the best way we have now to put them on the retired list and pay them for something they never earned, for services they never performed. I do not believe it. There ought to be a better way, and we are seeking to get it in the suggestions made in this bill, and I trust and hope when the bill comes up for action that the Committee of the Whole will favor the passage of the bill as we have presented it.

Mr. STEVENS of Minnesota. I notice this statement says that a hundred and seventeen brigadier-generals have been retired on their application, of which sixty-two are retired on one day's service as brigadier-generals. Now, is it true that the War Department makes this rule, that under the act of two or three years ago, by which the civil-war veterans have the right to retire on their own application at one grade higher than the rank they then held, that these sixty-two have been compelled to retire in order to reach the rank of brigadier-general, and that the War Department has refused to give the civil-war veterans the rank of brigadier-general in active command, although they have promoted men older, but with a shorter term in the service, to the rank of brigadier-general in active command, men who have joined the Regular Army since the civil war, and that they have refused to promote to the rank of brigadier-general civil-war veterans, although they have been longer in the service? I want to know if that is true.

Mr. PRINCE. No one of the sixty-two brigadier-generals who served only one day were retired under the act of April 23, 1904. I am not prepared to answer as to the policy of the War Department. I guess, perhaps, the chairman can answer it better than I can.

Mr. LAWRENCE. Mr. Chairman, does the gentleman yield for a moment?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PRINCE] has expired.

Mr. PRINCE. I am frank to say there is a good deal of truth in what the gentleman has said.

Mr. HULL. Mr. Chairman, I yield ten minutes more to the gentleman if he needs it.

Mr. LAWRENCE. Will the gentleman yield to me for a question?

Mr. PRINCE. Yes, sir.

Mr. LAWRENCE. It seems to me the gentleman from Illinois has shown here a very outrageous abuse of power and privilege on the part of some one. I am not very familiar with the details, but, as I understand him, an officer in the Army may be a lieutenant-colonel who can not be retired at the age he then is. Do I understand that he is promoted on the understanding that the next day he shall be retired, and thereafter draw pay for services he never has rendered? If so, I would like to ask who does the promoting?

Mr. PRINCE. Well, I guess this is true, that a man might be a colonel, and he might have been connected with the civil war—this is a hypothetical case—that he may desire to be a brigadier-general in command of troops, and, as the gentleman

from Minnesota [Mr. STEVENS] has said, there is no opportunity for him to command troops as a brigadier-general. But by way of the grapevine route he may receive information or suggestion to the effect that if he wants to be promoted and retired the next day as a brigadier-general such a thing might happen, and the records I have read seem to indicate that such things have happened.

Mr. LAWRENCE. Who is it that makes the promotion? The President of the United States?

Mr. PRINCE. The President has the right to make the promotion, and the only one that has the right, and the Senate has to confirm that promotion.

Mr. YOUNG. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Illinois [Mr. PRINCE] yield?

Mr. PRINCE. Yes, sir.

Mr. YOUNG. I would like to ask the gentleman from Illinois if, under the law as it now stands, there is any practicable way in which you can get an officer out of the Army until he reaches the rank of brigadier-general, or is 64 years of age?

Mr. PRINCE. In answer to my colleague on the committee, I would say there is a way, but they rarely ever pursue that thoroughfare.

Mr. YOUNG. That is on failure to pass examination?

Mr. PRINCE. Failure to pass examination is one way, and the retiring board could exercise their functions; but they do not.

Mr. YOUNG. Has there been a single case since the law was passed when men have been retired for failure to pass examinations, or by the retiring board?

Mr. PRINCE. I can not say, but it is so rarely used that you might say there are none.

Mr. YOUNG. Is it not the excuse that is now given by the War Department for these promotions, that it is cheaper to get inefficient men out of the active list in the Army on the retired list of a higher grade than it is to keep them in at a lower grade and give them full pay?

Mr. PRINCE. That has been stated, but I can not agree with the statement. I can see no reason why officers who have taken a like oath with the rest of us to obey the Constitution and the laws can knowingly and willfully permit inefficient officers to remain in the service until they can reach the rank of brigadier-general and then get them out on the pay roll. I can not square it with my ideas of equality and justice, that the common soldiers, the volunteer soldiers from 1861 to 1865, who fought three years, shall receive as a pension for services actually rendered $6 a month, and other men serving in the Army forty years afterwards can be retired as brigadier-generals and get on an average, as the Army retired list shows, $3,000 for services practically not to compare with that of the enlisted soldier.

Mr. YOUNG. Will my friend permit one more question?

Mr. PRINCE. Yes, sir.

Mr. YOUNG. Does not he think there ought to be some law passed by Congress by which inefficient officers can be gotten out of the Army below the grade of colonel?

Mr. PRINCE. I do.

Mr. HULL. Does not the gentleman know that there is such a law, and has been for thirty years, on the statute books?

Mr. PRINCE. They will not enforce it.

Mr. YOUNG. We have discussed that matter.

Mr. PRINCE. That is the stricture that I make, and as I said I can not understand why men who have taken a like oath with us to protect the flag should doff one hand to the flag while the other hand is in the Treasury getting money for a grade in which they, many of them, served but one day.

Mr. STEVENS of Minnesota. I would like a little more specific answer to the question I put. Is it not true that this retired list has increased the list of brigadier-generals because the War Department will not permit veterans of the civil war to be promoted to the rank of brigadier-general in the active service, and the only way that veterans of the civil war can be promoted to the rank of brigadier-general is by being promoted and retired at the same time under the provision of the act of a few years ago, and that has compelled fifty or sixty of the officers of the civil war to be placed on the retired list, when otherwise some of them might be serving acceptably on the active list now, because the War Department refuses to promote them? I would like an answer from either of the gentleman, the chairman or the gentleman who is addressing the committee.

Mr. HULL. I will not interfere with the gentleman from Illinois.

Mr. PRINCE. I have heretofore stated that the sixty-two brigadier-generals who served only one day were not retired under the civil-war provision of the law. My good friend on the committee [Mr. CAPRON], the Yankee member, suggests that I turn Yankee for a while and ask my former colleague on the Military Committee [Mr. STEVENS of Minnesota], the interrogator, what he knows about that, and how he would answer that. [Laughter.]

Mr. STEVENS of Minnesota. I am asking for information.

Mr. PRINCE. I think the gentleman has all the information I have on this subject.

Mr. MANN. Will the gentleman yield for a question, if that incident has gone by?

Mr. PRINCE. It has gone by, so far as I am concerned.

Mr. MANN. If it be the purpose of the War Department to place all of the officers who served in the civil war upon the retired list as brigadier-generals as far as can possibly be done, does not a similar reason exist for practically creating a volunteer retired list, composed of all the surviving officers of the civil war, in accordance with a proposition now pending before the committee?

Mr. PRINCE. In answer to my colleague, I would say this: It appears that the War Department has a definite policy as to the one, and I do not know what their policy is as to the other. [Loud applause.]

Mr. HAY. I yield thirty minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, when I came to Congress I knew that the House of Representative was governed and controlled by rules; I knew that committees had practical charge of all legislation; I knew that the Speaker was a powerful personage; I knew that the individual Member of Congress had a very small voice in shaping governmental policies, but I did not fully realize the fact that three men of the 386 composing the membership of this body had this great House of Representatives by the throat and could strangle proposed legislation at their will. I did not fully realize how completely representative government of the people had been supplanted by the sway of three rule-created autocrats, and I am quite sure the American people have not fully realized the extent of the transformation which has taken place, for when they do they will hurl from power any political party responsible for the fostering of so undemocratic and un-American a method of procedure. [Applause.]

The American House of Representatives, once proudly boasted of as the "greatest deliberative assembly on earth," is no longer a deliberative body. Under the operation of its rules the voices of 383 of its Members are hushed as with the stillness of death, while three rule-made gentlemen legislate for 80,000,000 free people. This great power ought not to be conferred on three men at the cost of disfranchising the people of 383 Congressional districts in America. If the House of Representatives is so weak and servile as to relinquish its power into the hands of the Speaker and a Committee on Rules appointed by him, then the Speaker should rise to the full stature of his American manhood and refuse to exercise this one-man power, which is a misfit in American institutions and which can only find a congenial home in the rotten monarchies of the Old World. [Applause.] Why, sir, the impotency of the House of Representatives is on every tongue; its inability to digest legislation through the medium of full and free discussion is frankly admitted; the poor privilege of offering amendments to pending bills is arbitrarily denied, and the shameful decadence of this body from its once proud position as the one branch of the National Legislature which truly reflected the sentiment of the masses of the American people to its present pitiable condition would be ludicrous in the extreme were it not for the fact that this state of affairs may be the beginning of the end of popular government in this great Republic.

It is no answer to this to assert that some other political party at some other time operated under similar rules. It is no justification for the majority here to plead that my party when in power enforced rules of like import. "Two wrongs never made one right," and never will. You can not plead "precedent" as a defense. "Precedent" and "custom" cover up more of sin and wrong than all the "charity" of all the world can shield from the public gaze. The true test to apply to every proposed rule, regardless of "precedent" and "custom," should be: "Is it right?" "Is it just to the American people?" In the language of the President, does it give every Member on this floor a "square deal?" Unless these questions can be answered in the affirmative, unless the proposed rule measures up to this standard, then, Mr. Chairman, it is wrong, and all the "precedents" and "customs" which have been established since the dawn of creation can not make it right. "It has been held," no matter how erroneous may have been the holding, seems to be infinitely more powerful in controlling the action of this House than "It is." A halt should be called. We should return to the simpler legislative life of the fathers, giving to every Member upon this floor ample opportunity to truly and

faithfully voice the sentiments of his constituency on all matters of proposed legislation.

Mr. Chairman, I have been moved to make these observations on account of a bill which I introduced on the 14th day of December, 1905, and which on the same day was referred to the Committee on Ways and Means, where it has peacefully slumbered ever since, and where I suppose it will remain until the angel Gabriel shall announce to a listening world that time shall be no more. [Laughter.] I contend, sir, that the committee, in all fairness, should report that bill back to the House with either a favorable or an adverse report and let the Members of this body, on their individual responsibility and under their oaths of office, declare whether or no it should be written into the laws of the land. It is a bill which affects every person throughout the broad domain of this great Republic, and the people all over this land are appealing to the Congress for relief along the lines covered by it. In order that the House may understand the matter involved, I will read the bill. It is as follows:

A bill to prohibit internal-revenue officers from receiving special taxes from any person, firm, or corporation for the carrying on of the business of a brewer, manufacturer of stills, rectifier of distilled spirits, wholesale or retail dealer in spirituous, vinous, or malt liquors in communities where the carrying on of such business is prohibited by local laws, and to prescribe punishment for its violation.

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any collector of internal revenue, or other internal-revenue officer of the United States, to receive from any person, firm, or corporation payment of any special tax as a brewer, manufacturer of stills, rectifier of distilled spirits, wholesale or retail dealer in spirituous, vinous, or malt liquors where the business of such person, firm, or corporation is to be carried on in any voting district, town, city, county, Territory, or State where, under the local laws of such voting district, town, city, county, Territory, or State, such business is prohibited.

SEC. 2. That any person, firm, or corporation engaging in any business mentioned in section 1 of this act in any voting district, town, city, county, Territory, or State where the carrying on of such business is prohibited by the local laws of such voting district, town, city, county, Territory, or State shall, for every such offense, be fined not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years.

SEC. 3. That all laws and parts of laws in conflict with the provisions hereof be, and the same are hereby, repealed.

It will be observed that the sole purpose of this bill is to prohibit internal-revenue collectors from receiving special taxes from persons who propose to engage in the business of selling intoxicating liquors, etc., in communities where by local laws the carrying on of such business is prohibited. The regulation, control, or prohibition of the liquor traffic is entirely within the jurisdiction of the respective States. The Federal Government does not and can not issue to any person a license or privilege to engage in the business of a dealer in intoxicating liquors within the borders of any State. The power to grant such a license is vested exclusively in the States themselves, and the only power possessed by the General Government in the premises is to lay a special tax on the business itself after the State has authorized the business to be carried on within its boundaries. The United States Government has recognized this contention in every statute enacted on the subject, and there is a distinct and emphatic recognition of it in the existing law.

Section 3243, Revised Statutes of the United States, reads as follows:

The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

I feel quite sure from the reading of this section of the statute that Congress intended by its enactment to absolutely prohibit the receipt of special taxes from persons who desired to engage in the liquor business in prohibition territory. The statute expressly provides that the payment of the special tax to the General Government shall not be held "in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law." This language is plain and free from any double meaning. If it means anything at all, it means that Congress recognizes the exclusive power of the States to deal with this question, and declares the purpose of Congress to do nothing which can be construed into an intention to "in any manner" or by any means authorize either the "commencement or continuance" of the business of selling intoxicating liquors in communities where by the law of the State the carrying on of such business is prohibited. If the section does not mean this, then it means nothing and should be promptly repealed.

This construction being correct, then the Congress of the United States should do nothing that will in anywise interfere with the control and regulation of this business by the respective States. I think that all will agree that in a Government such as ours the General Government should work in harmony with the State government to enforce the law, preserve order, and promote the general welfare of all the people. There should be no conflict of authority between the two governments, and no action upon the part of either to hinder, delay, or obstruct the enforcement of laws which lie within the peculiar jurisdiction of the other. Indeed, Mr. Chairman, this is the plan upon which our Government was constructed and the lines upon which the founders of this Republic intended that the due enforcement of the law should proceed; but while the founders of this Republic intended from the beginning that the most perfect harmony should prevail between the sovereign States and the General Government, and while every act of Congress has contemplated this course, a system of what we might term "departmental government" has sprung up in the management of the affairs of this Republic which has to a large extent usurped the functions of the Congress and has prescribed rules and regulations entirely at variance with the spirit and letter of Congressional enactment. We then have the fact of departmental interference with the functions of the Congress clearly illustrated in orders which have been issued by the Commissioner of Internal Revenue with relation to the sale of intoxicating liquors within the different States of the Union. Although we have seen that the act of Congress specifically provides that the payment of a special tax to the Federal Government as a retail liquor dealer does not in any manner exempt the person who pays the tax from prosecution and punishment for engaging in such business within the limits of a State contrary to the laws of such State, and that the payment of such tax to the General Government does not in any manner authorize the commencement or the continuance of such business contrary to the laws of such State, and that it does not authorize the commencement or the continuance of such business in any place where the business is prohibited by municipal law, and the Congress of the United States, further to define the position of the Federal Government on this question, enacted what is now known as section 3240 of the Revised Statutes of the United States, which declares:

Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

Thereby intending undoubtedly to place within easy reach of the State authorities in the different States evidence of the violation of State laws on the subject, so as to aid the local authorities in the enforcement of their local laws, yet the Commissioner of Internal Revenue, being supported therein by the Secretary of the Treasury, issued an order which is in full force and effect to-day, and which reads as follows:

Records in a collector's office relating to special taxpayers are based on returns made by these persons under compulsion of law for the sole purpose of raising revenue for the United States. Collectors are not permitted to send out these records, or copies thereof, for use against the special taxpayers in cases not arising under the laws of the United States. (Vol. 1, Treasury Decisions 1898, No. 19190.)

In re Weeks, reported in 83 Federal Reporter, at page 729, the court uses this language:

An instruction issued by the Commissioner of Internal Revenue, directing collectors and their deputies to refuse to produce in criminal prosecutions of liquor dealers in the State courts the returns made to the collectors, or the list showing payments of Federal liquor taxes, or to give information, derived from official sources as to the fact of such payments, is valid and in accordance with the Federal laws.

Thus it will be seen, Mr. Chairman, that the unmistakable intent of the Congress for national legislation on this subject to exist in harmony with that of the different States, and the evident purpose of Congress to aid the States in the enforcement of their laws on this subject, has been absolutely nullified and destroyed by departmental orders instead of aiding and promoting the general welfare by assisting them in the enforcement of their police regulations, we find the Departments of the Federal Government obstructing the enforcement of State laws, and materially aiding and abetting persons to carry on this business in violation of the reasonable, rightful, and proper regulation of this traffic within the States.

In other words, Mr. Chairman, there exists in the United States to-day a notorious copartnership between the Federal Government and violators of the law in the different States, the purpose of the partnership being to defy the authority and trample under foot the laws of the sovereign States. There is no escape from the proposition that the Federal Government has been placed in the attitude, for a few palty dollars, of forming an alliance with persons who are openly defying the laws of the different States. There can be no reasonable excuse for

this. The United States Government says that the regulation of this traffic is a matter entirely within the jurisdiction and power of the different States. The General Government declares that it has no power to license or regulate or control or permit or prohibit this business within the confines of any State. The only right claimed by the General Government is the right to impose a tax on the business in a State where by the laws of such State the particular business is authorized to be carried on. I say this because if the right to regulate or control or permit or to prohibit is exclusively within the power of the sovereign States and a particular State sees fit to prohibit the traffic, and thereby declares it to be an unlawful business within that State, then the Congress has no right to impose a tax upon the business within that particular State, for the simple reason that the General Government has no power to levy a tax upon an unlawful business.

The business of selling intoxicating liquors is not unlawful per se. It is not what is known to the law as mala in se. It is what is known to the law as mala prohibita. Before the business of selling intoxicating liquors can be considered an unlawful business it must be declared to be unlawful by the law-making power. It is conceded by everybody that within the limits of the State the business of selling intoxicating liquors can only be declared to be unlawful by the legislature of the particular State.

This being true, and as I have already stated no one will be found who will deny its truth, then the question arises that if the State in the regular way, through its law-making body, declares by solemn enactment that the business of selling intoxicating liquors within such State is unlawful and shall not be permitted, has the Congress of the United States any right morally or legally to levy a tax and seek to derive a revenue from an illegal and unlawful business? It occurs to me that there can be but one opinion on this question, and but one course for the Congress of the United States to pursue. This is not a question of prohibition. This is not a question of regulating the liquor traffic. It is simply a question of recognizing and sustaining the undoubted right of the sovereign States of this Union to deal with this question in any manner which appears to them to be proper and right. This is simply a question of permitting a majority of the people of a State to have their way in the solution of the problem, which is entirely, under the law, within the province of the States themselves to determine. It is purely a question of local self-government with which the General Government ought not to intermeddle.

I said, Mr. Chairman, that the effect resulting from the position taken by the Commissioner of Internal Revenue in receiving special taxes from persons to engage in the business of selling intoxicating liquors in prohibition communities, and his issuance of an order prohibiting collectors of internal revenue from furnishing evidence to the local courts in the matter of furnishing the names of persons who had paid such special taxes in prohibition territory, had been to create a copartnership between the General Government and the illicit liquor dealer, which partnership had for its purpose the violation and defiance of State laws. In order to give you some idea of the extent of this violation of law, I want to call your attention to a set of facts existing in two or three States of the Union. The figures which I shall give represent the condition all over this country. The State of Maine, as is well known, is a prohibition State, and the State authorities do not issue licenses for the sale of intoxicating liquors in any portion of the State of Maine. They did not issue any licenses in that State for the sale of intoxicating liquors for the fiscal year ending June 30, 1905. Yet, Mr. Chairman, for that fiscal year 640 persons in the State of Maine paid to the General Government a special tax as retail liquor dealers in that State.

Mr. LITTLEFIELD. Is the gentleman aware of the fact that in 1905 there was a reduction in the tax receipts issued in the State of Maine as compared with the year 1904, or a year or two prior, of something like four or five hundred, showing a marked decrease in 1905 as compared with 1904 or the prior year? This statement, I trust, does not interfere with the gentleman's argument.

Mr. CLARK of Florida. I did not know that; but still the issuing of any is a violation of law, and ought not to be permitted.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HAY. I yield three minutes more to the gentleman from Florida.

Mr. CLARK of Florida. It is likewise well known that the State of Kansas is a prohibition State, yet for the fiscal year ending June 30, 1905, during which time the State of Kansas did not issue a single license for the sale of intoxicating liquors, 3,024 persons paid to the General Government a special tax as retail liquor dealers in the State of Kansas. The State of Connecticut is not a prohibition State, and licenses the sale of intoxicating liquors within her borders. During the fiscal year 1905 the State of Connecticut issued 2,191 licenses to persons to engage in the retail liquor business in that State. During the same year 3,269 persons paid to the General Government a special tax as retail liquor dealers in the State of Connecticut. In other words, 1,078 persons were selling liquor illegally in the State of Connecticut. This is a fair sample of the state of affairs in all the States and Territories of the Union. We have boasted, Mr. Chairman, that the Indians were our special wards, and the Federal statutes are loaded down with declarations that no intoxicating liquors shall be sold in the Indian Territory. Yet, we find for the fiscal year ending June 30, 1905, twenty-five persons paid to the General Government a special tax as retail liquor dealers in the Indian Territory.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman permit me to state right there, in the Indian Territory in addition to that there are one hundred and thirty odd special taxes received from persons as retail dealers in malt liquors by the Federal authorities?

Mr. CLARK of Florida. I did not know that, but the gentleman from Mississippi states there are a hundred and thirty persons who pay taxes in the Indian Territory as retail dealers in malt liquors.

And thus it is, Mr. Chairman, that we are absolutely standing in the position to-day, for the few paltry dollars that this great Government of the United States gets as a tax from retail liquor dealers, of being in parnership in the different States with illicit liquor sellers, defying State laws, trampling State sovereignty under foot. And in the Indian Territory, where our special wards are located, we have 155 pets that we have practically licensed to debauch these Indian wards. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. The Federal Government receives this money from persons in States wherein the carrying on of this business is unlawful.

The Federal Government knows that it is unlawful; knows that the regulation of this matter is entirely within the jurisdiction of the States, and yet the United States accepts a small pittance from these malefactors, knowing their intention to violate the law and actually protecting them by refusing the State authorities access to the evidence of their crime. It may be said that these twenty-five persons, who paid the special tax in the Indian Territory, were legitimate druggists, and that it was necessary for them to pay it to carry on a legitimate drug business, but this is not true. It is not necessary for any man who carries on a legitimate drug business to pay a special tax as a retail liquor dealer to the Government of the United States. Such a dealer is exempt from the payment of this tax. In support of this, I call your attention to the case of the United States *v.* Calhoun, reported in 39 Federal Reporter, at page 604:

> Any apothecary who bona fide uses spirituous liquors in the preparation of a medicine, to be used as such and not as a beverage, does not violate Revised Statutes of the United States, section 3242, by not paying the special tax required of a retail liquor dealer.

Mr. Chairman, in the State of Florida, which I have the honor to represent in part on this floor, we have a local-option law—that is to say, each county can have an election held for the purpose, and at such election declare for itself whether it desires to prohibit the sale of intoxicating liquors in the county or not. About two-thirds of the counties of the State of Florida have become prohibition counties under the operation of this local-option law, and the sale of intoxicating liquors is prohibited in that large number of counties. There are in these prohibition counties numbers of places that are locally denominated "blind tigers." These illicit liquor dealers, as a rule, pay to the General Government the special tax required to carry on their nefarious business. It has been a most prolific source of crime in that State, and I do not believe that I am far from the fact when I say that, in my opinion, nine-tenths of the crimes committed in the State of Florida are directly traceable to the "blind tiger." The violator of this law is mortally afraid of the United States court, and I sincerely believe that if collectors of internal revenue were prohibited from receiving special taxes from persons in prohibition communities to engage in this business that we would soon have a true and genuine prohibition in such communities. [Loud applause.]

Mr. HAY. Mr. Chairman, I yield one hour to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT of Kentucky. Mr. Chairman, there is perhaps more misinformation upon the subject of ship subsidies than any other subject that is now agitating the public mind. In my private opinion the most pernicious piece of legislation that ever emanated from the Congress of the United States passed the Senate just the other day with a good deal of flippancy. I have been so much impressed with this subject that I have written letters to the different countries of the Old World in the effort to obtain the bottom facts in relation to subsidies. I will be very much complimened if I can induce the distinguished gentleman of the Committee on Merchant Marine and Fisheries [Mr. GROSVENOR] to come over in hearing distance and listen to some of the data that I have been able to collect.

In the first place, I will make the statement that the United States of America has the largest and the most profitable merchant marine of any country on the globe, with the single exception perhaps of the United Kingdom. I was exceedingly anxious, Mr. Chairman, this morning that we should honor the memory of that distinguished citizen who was "first in war, first in peace, and first in the hearts of his countrymen" by adjourning this House. But inasmuch as you Republicans have refused to do that, I propose in some measure to punish you by afflicting you with a lot of facts and figures upon the subject of ship subsidies.

Now, my first proposition is that we have more ships in the merchant marine than any other country in the world, not excepting England. The last report of the Commissioner of Navigation shows that on June 30, 1905, the United States had 24,681 vessels, and the United Kingdom, the British Empire, including her colonies and all, had only 20,452.

The advocates of ship subsidy argue that while we have more ships than any other country in the world that the gross tonnage of England is so much larger than ours that it makes England the mistress of the seas; but I would like to have gentlemen understand that the gross tonnage of a ship is no indication of its strength or the strength of a fleet or the profit of the industry or the income derived from the prosecution of the trade. For example, our coastwise trade is exclusively under the control of this Government, and the average trip is only 500 miles, while in the foreign trade of the British Empire and other countries the average trip is 3,500. So that the gross tonnage of the British and other ships is consumed, in a great measure, by coal and provisions and machinery that are used in making the journey. Our coastwise ships will make five trips and carry five cargoes and collect her dues and income and her freight rates five times while the British ships are making one trip, carrying one cargo, and collecting her freight rates one time.

We have devoted a large part of this session of Congress in the effort to enlarge the powers of the Interstate Commerce Commission for the purpose of reducing railroad rates; for the purpose of forcing the railroads only to charge a fair and reasonable rate, and we have done that in the face of the fact which everybody conceded that our railroad rates were lower than they were in any other country in the world.

Now we are confronted with a proposition, headed by the distinguished gentleman from Ohio, that we are to increase the rates of the shipping industry because they are too low; or, what is the same thing, we are to tax the American people over $60,000,000 in order that American ships may continue to carry the traffic across the sea at the same rate at which it is being carried now without the subsidy. There is no pretext of any effort to reduce the freight rates across the sea; there is no promise that the rate from the farm or the factory to the seaboard shall be decreased; but the proposition is that our freight rates across the sea are so low and that our commerce has been carried to foreign markets at such a low price that we must increase the price, we must tax ourselves $60,000,000 or $70,000,000 in order that the American shipowner and the American shipmaster may continue to prosecute their trade at the present rate.

Mr. GROSVENOR. Mr. Chairman, if the gentleman will permit an interruption——

Mr. GILBERT of Kentucky. I should be delighted to be interrupted.

Mr. GROSVENOR. To what proposition does the gentleman refer when he talks about $60,000,000?

Mr. GILBERT of Kentucky. I refer to the bill passed by the Senate the other day and now pending in this House.

Mr. GROSVENOR. If the gentleman will allow me, if the bill should pass and be carried into execution to the end, the net expenditure for the Government will not exceed in twenty years $10,000,000.

Mr. GILBERT of Kentucky. I have heard that statement repeatedly.

Mr. GROSVENOR. It is true.

Mr. GILBERT of Kentucky. I think it is like all the information that you take out of certain newspapers and magazines. There is not a Member of Congress but what has heard that statement repeated a dozen times, and many of them, like the gentleman from Ohio, have jumped to the conclusion that the bill will cost only eight or ten millions of dollars. I can demonstrate to an absolute certainty, and to the conviction of the gentleman from Ohio, that this bill will cost over $60,000,000; and it is admitted even by the distinguished gentleman from New Hampshire, Senator GALLINGER, that this bill will cost from $20,000,000 to $30,000,000 in the first ten years—admitted upon the floor of the Senate.

Mr. GROSVENOR. But if the gentleman will allow me, the bill provides by a new system of revenue, that does not cost this Government nor the people of this Government a cent, to supply substantially half of that cost.

Mr. GILBERT of Kentucky. The gentleman from Ohio is again mistaken.

Mr. GROSVENOR. Well, the gentleman is not mistaken.

Mr. GILBERT of Kentucky. That feature of the bill was stricken out entirely in the Senate and has never been reinserted on the floor of this House. The original draft of the bill did contain a clause for a discriminating tonnage duty against foreign vessels and in favor of the American shipowner and shipmaster, but that feature of the bill was stricken out, and if it was not stricken out it is entirely in conflict with the purpose of the legislation. You are seeking to relieve the shipowner of the country, seeking to enlarge the opportunities of the American ship, and with what sort of propriety can you stand up and argue that you are putting an additional burden upon the ship for the purpose of reimbursing the Treasury for the outlay you have incurred in other parts of the bill?

Now, I started to say a while ago that the whole country is about to be stampeded upon the subject of our ships being driven from the sea; that our ships can not compete with the subsidized ships of the Old World, and that the Old World—Japan, Germany, England, Italy, and France—are paying out millions of dollars for their shipping, and that we are allowing our ships to decay in the docks. I say I had heard that so often that I wrote to the chairman of the British Board of Trade, which in the British Empire occupies substantially the same position as the Interior Department in this country, and I am loaded down here with facts and figures that are absolutely amazing. The House of Commons appointed a committee of naval experts, and they sat day in and day out for two years. In 1902 they made this report to the British House of Commons. I would like to have time to read you a portion of this report. There is no naval power in the world that pays subsidies altogether to its ships as large as we do excepting France. Of course the gentleman will smile. I will furnish you figures to show that the United States Government last year paid for the transportation of mails more money——

Mr. GROSVENOR. How much did they pay?

Mr. GILBERT of Kentucky (continuing). Than either Japan, Italy, Germany, or England paid on all of their so-called ship subsidies.

Mr. KEIFER. I want to ask the gentleman a question for information before he gets too far from the point on which he is speaking.

Mr. GILBERT of Kentucky. Yes, sir.

Mr. KEIFER. Assuming that this country has so many ships at sea, as would seem to be indicated by the statement of the gentleman, I want to know why it is that the manufacturers of agricultural implements and machinery of all kinds in my city of Springfield, Ohio, are compelled to send that machinery from New York to Liverpool in order to get it to Brazil or the Argentine Republic?

Mr. GROSVENOR. I would like to ask the gentleman——

Mr. GILBERT of Kentucky. Now, wait a minute. One at a time. The answer to the question asked by the gentleman from Ohio [Mr. KEIFER] is perfectly obvious, and instead of being a reflection upon this country it is a great compliment to this country. The gentleman from Ohio might just as well rise in his seat and ask me why it is that the American laborer will not go down with pick and shovel to excavate the Panama Canal. Why does he not go? I for one do not want him to go.

I want that canal dug by Jamaica negroes and cooly Chinese and Portuguese and other people who are willing to be subjected to privations and to the poor pay and the unhealthful climate and all the other environments that are objectionable to the American laborer. The same reason applies in answer to the gentleman's question. Our America is so broad, so rich, and the opportunities for the young man are so great that he will not consent to go on shipboard, and, like the galley

slave of the ancient Roman Empire, be virtually tied to his ship and subject himself to the liability of being put in prison for the violation of a civil contract. He will not consent to the poor pay, he will not consent to work in competition with the Portuguese and the coolies, upon the same principle that he will not work down in the Panama Canal. Another answer to the gentleman's question is this——

Mr. KEIFER. Before you get too far away from that, will you allow me?

Mr. GILBERT of Kentucky. Yes.

Mr. KEIFER. We are to draw the inference, then, from your illustration about the laborers on the Panama Canal, that the reason American ships will not carry the agricultural implements and machinery manufactured in central Ohio is that our people will not become sailors or our vessels carry the machinery directly to Brazil or Rio Janeiro or to the Argentine Republic, and that it is because of the character of the sailors of England that we must send these things over to Liverpool and reship them to the South American countries.

Mr. GILBERT of Kentucky. Will the gentleman from Ohio bear in mind that it is infinitely better for the farmer and the manufacturer of Ohio to have his products carried to Liverpool and Odessa and other foreign ports under a foreign flag if the terms of the transportation are cheaper, if the freight rate is lower? The gentleman from Ohio has the idea that it is a reflection upon this country for an American capitalist to go to the Clyde or to the Mersey or to any other foreign country and buy a ship and hoist a British or a German flag from the masthead. The same process is going on in every country of Europe. This special committee reports that in 1899 there were built in the British Empire 479 first-class ships, built by English architects and shipbuilders for foreign countries, and that the tonnage had been transferred to foreign flags; that it was no disadvantage to England or to the commerce of England. Neither is it any reflection on this country or any disadvantage to this country that J. Pierpont Morgan and the other capitalists and corporations of this country are buying ships by the hundred and floating the British flag from the masthead. Those ships are part of the American merchant marine. They are owned by American capitalists, they are not a part of the merchant marine of the British Empire.

Mr. GROSVENOR. Will the gentleman name some of those ships?

Mr. GILBERT of Kentucky. I will have to read the gentleman a law book now and give the names later.

Mr. GROSVENOR. I want the gentleman to go back to a statement that he made about which I was trying to ask him a question when the gentleman from Ohio [Mr. KEIFER] interrupted me. I think actual facts will be more important than theories.

Mr. GILBERT of Kentucky. I will have to ask the gentleman from Ohio to repeat his question.

Mr. GROSVENOR. As I understood the gentleman from Kentucky, he stated that the Congress of the United States, or the United States, was paying more money for carrying the ocean mails than the British Government was paying for its subsidies.

Mr. GILBERT of Kentucky. Yes; exclusive of its mail contracts.

Mr. GROSVENOR. And now I want to ask the gentleman to state how much that is—what amount the United States is paying per annum.

Mr. GILBERT of Kentucky. The gentleman wants to know how much the United States pays——

Mr. GROSVENOR. Yes; for general mail transportation on its own ships.

Mr. GILBERT of Kentucky. I have so many figures here that it is difficult for me to select just what I want to convert a man who has grown old in error. [Laughter.]

Mr. GROSVENOR. Well, I know another gentleman who is rapidly following in the footsteps of his predecessor. [Laughter.]

Mr. GILBERT of Kentucky. The last report of the Postmaster-General——

Mr. GROSVENOR. Now, bear in mind what your statement is—that the United States is paying for transporting its mail in its own ships—keep that in your mind—a greater sum than the British Government is paying in subsidies.

Mr. GILBERT of Kentucky. Mr. Chairman, I am not seeking to dodge that question; I am trying to get the gentleman to come up nearer where I can hear him. In answer to the first part of his question, I want to say that this country paid last year for transporting the foreign mails $2,693,812.09.

Mr. GROSVENOR. To American ships?

Mr. GILBERT of Kentucky. That does not make a bit of difference. We pay the American ships a much larger price per pound than we do the foreign ships, and we do not pay the foreign ships any more than the foreign countries pay our ships. It is a case of reciprocity.

Mr. GROSVENOR. Will the gentleman state what foreign government pays our ships for carrying the mail?

Mr. GILBERT of Kentucky. All the countries of Europe.

Mr. GROSVENOR. Give us the name of one country and the name of a ship.

Mr. GILBERT of Kentucky. I insist—I haven't the figures on that particular point—I insist that there is no country in Christendom that carries all of its own foreign mail. Now, we paid for the transportation of foreign mails last year, as I said, $2,693,812. The gentleman from Ohio tries to break the force of the argument by the statement that a part of that money was paid to foreign ships and very little of it, or at least only some inconsiderable portion of it, was paid to the American ships. But in answer to that, or rather as a rejoinder to that, we learn that that is true of every country. To the Peninsula and Oriental Line and others going through the Straits of Gibraltar and under that frowning old fortress, Port Said, and to other oversea lines the British Government pays £712,376 a year, and this Government receives from her colonies and other countries a return compensation for the transportation for a large part of the foreign mails.

Mr. GROSVENOR. I will take the gentleman's figures now—$2,600,000, the gentleman said, that we paid our ships for carrying our mails last year. Does the gentleman know that the British Parliament gave to a single shipping line last year, the year 1905, $6,000,000 as a subsidy?

Mr. GILBERT of Kentucky. This report says——

Mr. GROSVENOR. Oh, it is since the gentleman's report, the gentleman has got an old wooden moldboard report. [Laughter.]

Mr. GILBERT of Kentucky. I got it from a more nearly original source than the gentleman from Ohio got his information, and there has been no new legislation on the subject in England since that report was filed in 1902. Prior to that report the subvention to the Cunard line was increased from 28,000 pounds to 150,000 pounds, and the Government agreed to also lend that company a sufficient sum at an agreed rate of interest to build two very large, fast steamers. This, although a new departure for that country, is not a subsidy, but was considered as a method of having certain work performed for the Government, and this is the contract the gentleman from Ohio was aiming to state. The gentleman is altogether in error. There was no new subsidy of $6,000,000 or any other amount granted in 1905.

Mr. GROSVENOR. I have it directly from our own Department here.

Mr. GILBERT of Kentucky. I have it directly from original documents issued by the British Government.

Mr. GROSVENOR. Made four years ago.

Mr. GILBERT of Kentucky. In 1902. I made special inquiries to find if there was any later law, and they said that this was the last report, and that report, at page 58 of volume 2, mentions and comments upon the increased subsidy to the Cunard Line.

Mr. GROSVENOR. Only a year ago there was a contract between the Admiralty of the British Government and the Cunard Line, which was published and put into the CONGRESSIONAL RECORD, in which it appeared that they had, in order to break up the American mercantile organization, given a practical subsidy of $6,000,000, in round numbers, to build two ships.

Mr. GILBERT of Kentucky. Mr. Chairman, I yielded to the gentleman from Ohio for a question. Now, the information, or rather the misinformation, from the gentleman from Ohio is simply startling. There is no such subsidy paid by the British Empire. There is a contract between the Board of Admiralty and that ship company by which these ships are required to be built after a particular fashion. They are required to furnish certain freight rates and certain passenger rates from England to the Orient. And again I remind the gentleman that he is entirely mistaken both as to his dates and his facts; that bounty was provided for prior to the report of 1902, and the Government gets the same rate of interest on this loan that it gets for most of the national debt.

The Government regulates the number of officers and the transportation facilities. The Government over and above all that reserves to itself the right to the control and management of these ships and they are really employed in the Government service. They are much like the so-called subsidy paid by the German Empire. Why, I began to look that matter up. I saw

that the gentleman from Ohio and the distinguished Senator from New Hampshire had written reports here stating that our ships are being driven from the sea by the North German Lloyd Line, and I found there were only thirty-seven ships in all the German Empire that receive any bounty at all. The gentleman from Ohio smiles and there is running through his mind now the proposition of special freight rates granted by the German railroads and exemption from certain port dues granted by the German Empire. I looked that matter up also, and I find that Germany owns and operates her own railway system, and the German Government, under the management of Mr. Von Bismarck, incorporated a system of making a reduction of 50 per cent on the freight rate on the freight that was intended for foreign markets on the German Lloyd steamers. I went further, and I found after making that 50 per cent reduction upon the freight rate granted by the German Empire to those two ship lines, that still the freight rate was a good deal higher than the railroad rates of this country. I went so far as to get copious extracts from the contracts between the German Empire and those two ship lines—and there are many articles in each one of those contracts—and each one of those ships is required to circumnavigate the entire continent of Africa on each trip, to go alternate directions, this way this time and that way the next time. The Government goes so far as to designate the ports at which they shall stop.

Mr. WM. ALDEN SMITH. Whether there is any business or not?

Mr. GILBERT of Kentucky. Whether there is any business or not. They have got to circumnavigate the entire continent of Africa on every trip.

Mr. GROSVENOR. Does not that show the wisdom of the German Government in sending its manufactured articles into all the possible and remote parts of the world, while America carries her trade, 92 per cent of it, on foreign ships?

Mr. GILBERT of Kentucky. It is a more apt illustration of the main burden of my argument, and that is this: That our coastwise trade is the most flourishing on the globe; that it is busy, loaded down with freight, busy making short journeys, busy charging the highest rates of any shipping on the globe, while Germany is subsidizing these ship lines to go and sail across distant seas in search of something to carry. That is the difference. Have you discovered that the highest freight rate on the sea charged by any shipping country on the globe is charged by the coastwise trade of the United States of America?

Mr. GROSVENOR. I have not found that fact to exist, and I will state to the gentleman another thing.

Mr. GILBERT of Kentucky. I will put the freight rates down, taken from the report of the Commissioner of Navigation, and insert them in my remarks for the edification of the gentleman from Ohio.

Mr. GROSVENOR. Now, will the gentleman permit me to insert in his remarks that to-day one-third of the ships bearing American register and belonging to the coastwise trade are idle for the want of business?

Mr. GILBERT of Kentucky. Idle?

Mr. GROSVENOR. Yes, sir; to-day, now; not four years ago, but now.

Mr. GILBERT of Kentucky. We have about $13,000,000 invested in shipyards; we have about 34,000 men engaged in building ships. We built in the last two years some naval vessels for which there were appropriated $86,000,000, and the report of the Commissioner of Navigation shows that last year we built 1,102 merchant vessels, and that the figures thus furnished can not be exceeded by any country in the world except the United Kingdom. I have heard that statement made repeatedly, I have heard it over and over again, that we can not build ships as cheaply in this country as they can in England. Why, the gentleman from Ohio is thoroughly imbued with that idea. Now, stop and think about that for a moment——

Mr. LITTLEFIELD. Just one moment. Does the gentleman take the ground we can build them as cheaply in this country as they can be built in England?

Mr. GILBERT of Kentucky. We can build them as cheaply.

Mr. LITTLEFIELD. Can we build them as cheaply as they can be built in Belfast, Ireland?

Mr. GILBERT of Kentucky. Just as cheaply.

Mr. LITTLEFIELD. May I be allowed? Will the gentleman accept a statement of Mr. Carlyle, managing director of Harlan & Wolff, the greatest shipbuilding concern in the world, located at Belfast, Ireland?

Mr. GILBERT of Kentucky. Mr. Chairman, I am familiar with that.

Mr. LITTLEFIELD. I had a personal conversation with Mr. Carlyle, the managing director of Harlan & Wolff, in August last, in Belfast, Ireland, and I asked him why it was that they could build ships in Belfast cheaper than we could build them in the United States, and he said it was because they hired their labor cheaper than we hired ours, and that was all the reason he knew. That is what he said.

Mr. GILBERT of Kentucky. Mr. Chairman, I wish the gentleman would stop now and reflect seriously. Here is a country that has the most magnificent coal fields on the globe. Here is a country to whose forests the shipbuilders of Belfast come for their masts and their timber. Here is a country that has the most skillful mechanics and draftsmen upon the face of the globe. Here is a country that in every other particular excels the Britisher in his country. Why, to-day American locomotives can be heard whistling along the road that leads from Joppa to Jerusalem and from Jerusalem to Damascus. American flying machines sail over the pyramids. The Sphinx has stopped gazing across the desert and has turned to look at the magnificent American trolley lines that are running from Cairo up to the ancient ruins of Thebes and Memphis. [Applause.] You can go into the Orient and in the homes of luxury, even in the zenanas of Persia and in the seraglios of the Ottoman Empire you will find the hum, the click, and clatter of American sewing machines.

Mr. WM. ALDEN SMITH. They are made here, however.

Mr. GILBERT of Kentucky. They are made here. You may go upon any ship and you will find it loaded down with machinery—appliances of every kind—sailing across every sea and underbidding the home products of every land. [Applause.]

Now, I come back to the gentleman from Maine [Mr. LITTLEFIELD]. Is it not true that the same superior price is paid to the laborer in the manufacture of the sewing machine and the flying machine and every other species of machine that we are manufacturing and shipping all over the civilized world, and that it is because we pay the American laborer a higher price, that we get the most intelligent and most efficient service? The next higher-priced laborer is found right in that same Great Britain that the gentleman is talking about.

Mr. WM. ALDEN SMITH. Oh, no.

Mr. GILBERT of Kentucky. And not only that, but they pay their sailors, their seamen, and every species of laborer in England a very much better price than anywhere on the continent of Europe. And it is mere rot and nonsense, this contention that we can not build ships in this country as cheaply as they can in England. [Applause.]

Mr. LITTLEFIELD. Now, Mr. Chairman, may I be allowed——

Mr. GILBERT of Kentucky. Now, I know perfectly well that you can produce to me alleged facts after facts, because the distinguished gentleman from Ohio [Mr. GROSVENOR] has three volumes of hearings.

Mr. LITTLEFIELD. Will the gentleman allow an inquiry?

Mr. GILBERT of Kentucky. Yes, sir.

Mr. LITTLEFIELD. Is it his conception of the maritime situation that the United States furnishes the raw material for the construction of ships in Belfast, Ireland, many of which are now, to use the gentleman's very effective illustration, using wooden masts for sailing ships built by Harlan & Wolff? Is not that the gentleman's notion about it? It may be that we have got the sewing machines in the seraglios of the Far East. I do not know anything about that. Does the gentleman think we are furnishing wooden masts?

Mr. GILBERT of Kentucky. Mr. Chairman, the gentleman from Maine is not asking me for information.

Mr. LITTLEFIELD. Oh, yes, he is.

Mr. GILBERT of Kentucky. He is merely seeking to consume a portion of my time.

Mr. LITTLEFIELD. I will ask that the time of the gentleman be extended.

Mr. GILBERT of Kentucky. I know that the shipbuilders of the Old World do come to the forests of America for timber to use in the construction of their ships, and I know more than that, that the men who build railroads——

Mr. LITTLEFIELD. The gentleman has information that is misinformation.

Mr. GILBERT of Kentucky. And the men who build railroads in India, in Australia, come here and get the rails.

Mr. WM. ALDEN SMITH. Why do they build the ships at Belfast?

Mr. GILBERT of Kentucky. Well, that is one of those old things that has been established ever since the days of the laws of Oleron, and its antiquity is an argument against its efficiency rather than in favor of it.

Mr. WM. ALDEN SMITH. It is because the rate of wages is so much less than those here that they can do that.

Mr. GILBERT of Kentucky. That is the same old story I have heard four hundred times.

Mr. WM. ALDEN SMITH. But it is true.

Mr. GILBERT of Kentucky. Do we not pay the men that build the locomotives more than they do at Belfast?

Mr. WM. ALDEN SMITH. And give them a better locomotive?

Mr. GILBERT of Kentucky. And can not we ship locomotives across the sea and furnish the railroads in Australia? Yes; our locomotives, steel rails, and other manufactures and machinery are both cheaper and better at the prices at which they are sold abroad.

Mr. WM. ALDEN SMITH. Yes; because they want the latest and best pattern.

Mr. GILBERT of Kentucky. What is the reason, then, we can not, with the same skilled labor, and more iron, and charcoal, and coal, and greater ingenuity and everything—what is the reason we can build everything else on the globe except a ship? [Loud applause on the Democratic side.]

Mr. WM. ALDEN SMITH. Because——

Mr. GILBERT of Kentucky. Wait a moment; I have not concluded. Has the gentleman from Michigan forgotten that this country has been furnishing Bessemer steel, and furnishing armor plate for the Kaiser, and for all the other crowned heads of the world? We do everything better than they do, because we pay our laborers better prices than they do.

Mr. WM. ALDEN SMITH. That is the meat in the cocoanut.

Mr. GROSVENOR. Mr. Chairman, if the gentleman will now allow me just a sentence or two, I will give him an idea that will be exceedingly valuable to him in the further elucidation of this subject, for I will assure him he will have occasion to look further into it——

Mr. GILBERT of Kentucky. I need a great deal of light. Go ahead.

Mr. GROSVENOR. One of the leading differences in the cost of the American ship and ships constructed in the yards of Europe lies in the fact that we have so small a demand for ships, or so occasionally require to build a ship, that we are deprived of the great benefit of what is called "standardizing" the ships. English yards standardize perhaps forty ships in the Belfast yard or the Clyde yard.

Mr. GILBERT of Kentucky. Now, I only yielded for a question.

Mr. GROSVENOR. I beg your pardon. If that is all, I have trespassed upon the gentleman's time. I said I would like to make that much of a statement. Standardizing a ship allows the manufacturer to make forty alike, forty keels alike, and so on, and that is really the great difference.

Mr. GILBERT of Kentucky. Mr. Chairman, that is the old, old story.

Mr. GROSVENOR. Oh, no; it is the new story.

Mr. GILBERT of Kentucky. There is no such thing as building ships according to any stereotyped form.

Mr. GROSVENOR. Then Mr. Olcott, of the yard down here, told a falsehood to the committee in the hearings the other day.

MR. GILBERT of Kentucky. I have the statement of the Commissioner of Navigation for 1893, in which he demonstrates, and furnishes the figures to show, that we build ships on the Great Lakes cheaper than they do on the Clyde, the Mersey, at Belfast, or anywhere else.

Mr. GROSVENOR. We are not talking about that now.

Mr. GILBERT of Kentucky. The gentleman from Ohio has been informed several times that in the old countries they have a certain standardizing of ships; that they have certain patterns and forms and they build a whole lot of ships of one and the same pattern. I am told, upon further investigation, that is not true. And even if it were true it does not decrease the price of the ships to any material extent. I said at the outset that, in my humble judgment, this bill contains the most vicious piece of legislation that has ever been passed through either end of this Capitol since I have been a Member of Congress. It starts out upon the assumption——

Mr. STANLEY. May I ask the gentleman one question?

Mr. GILBERT of Kentucky. Certainly.

Mr. STANLEY. Is it true or not that the American iron which goes into foreign ships is bought at a lower price than the same iron is bought for ships made here in America?

Mr. GILBERT of Kentucky. Oh, yes; lower. Everything to the American consumer is higher than the price abroad. We are selling everything that enters into the manufacture of a ship and shipping it across the sea and selling it to the foreign consumer cheaper than the same manufactured articles are delivered to the American consumer. They have been bowing and worshiping this Republican god of the home market until it has become a desolater to the consumer.

The features of this bill are pernicious even if my other premises are unsound. The proposition is that our ships can not sail the seas and can not carry the products of the farms and factories because the other ships are subsidized and ours are not, and yet they propose by this bill to subsidize only the steamships that have a thousand tons register and sailing ships of 200 tons, and they do not propose to subsidize the other ships at all, and the ships that do receive the subsidy are to be subsidized for the first ten years of their lives, and then, like an old plow horse that has been faithful through many a cropping season, is to be turned out upon the commons to die without a single bundle of oats.

The new ship is to be subsidized for ten years. Experts tell me that the average life of a merchant vessel is twenty years; so for the first half of its life, while it is young and vigorous and can compete it receives this pernicious subsidy, but at the end of the ten years it will have to go battling across the sea in its old age without any subsidy at all. If it be true that our ships can not carry the commerce of the world because the other ships are subsidized and ours are not, pray tell me why and how it is that those ships under this new bill, which are not to be subsidized at all, are to compete with the ships that do receive the subsidy?

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. GILBERT of Kentucky. Oh, certainly; if the gentleman from Maine does not become too prolix in his questions.

Mr. LITTLEFIELD. I will try not to be.

Mr. Chairman, in relation to the gentleman's statement as to the sale of steel and iron abroad for shipbuilding purposes at prices cheaper than they are sold at home, I would like to have the gentleman, if it is convenient, place in the RECORD the instances he has in his mind upon which he bases his statement. I will not ask the gentleman to state them now, but to put the information in the RECORD.

Mr. GILBERT of Kentucky. The gentleman from Maine is familiar with that whole discussion. It occupied a great deal of time in the Senate, and the Democratic members of the Senate claimed, and still claim, that they established to their satisfaction and to the satisfaction of the Democrats of the whole country that Mr. Carnegie and others were manufacturing armor plate and shipping it to Berlin and St. Petersburg and London and delivering it there to the shipbuilders and the governments on the other side of the ocean at from $100 to $125 per ton cheaper that the same article was being delivered here in this country.

Mr. LITTLEFIELD. Armor plate does not have any earthly connection with the merchant marine.

Mr. GILBERT of Kentucky. I understand that, except to this extent, that the same country that can make everything else except a merchant vessel, and can make the most expensive and difficult parts of a naval vessel, would probably be able to build the balance of a merchant vessel.

Mr. LITTLEFIELD. My question is, Can you give any specific instances, so that we can ascertain the facts, upon which you base your assertion that manufacturers of steel going into the construction of merchant vessels sell their products abroad cheaper than they sell them at home? Or do I infer that the gentleman bases that upon the general assertion made by Democrats in another body, an assertion that has proved to be satisfactory to Democrats elsewhere, and that that is all there is to it? If that is all there is of it, of course, we know what there is to it.

Mr. GILBERT of Kentucky. Mr. Chairman, the gentleman from Maine always starts out as if he were going to ask a question, but he invariably stops before he gets through with the question and goes on with a speech.

Mr. LITTLEFIELD. I beg the gentleman's pardon if I have transgressed the proper limits of debate or interruption.

Mr. GILBERT of Kentucky. The gentleman from Maine knows perfectly well (it is a matter of notorious information) that we are selling steel rails and armor plate and locomotives and timber and the materials that go into ships, selling them in foreign markets cheaper than we are selling the same things here at home.

Mr. SPIGHT. I should like to ask the gentleman from Kentucky if he has read the testimony taken by the Merchant Marine Commission, and especially that of the superintendent of the Union Iron Works, the largest shipbuilding plant on the Pacific coast——

Mr. GILBERT of Kentucky. Yes.

Mr. SPIGHT (continuing). In which he said that he had himself found the fact to exist, by a personal visit to a foreign shipyard, that the very same materials, steel materials which enter into the construction of a merchant vessel, are shipped across the water and sold there much cheaper than they are sold to our own people at home? [Applause on the Democratic side.]

Mr. LITTLEFIELD. While the gentleman is looking up his notes, if he will allow me, I will state that I made a personal visit to a shipyard, that of Harlan & Wolff, and I talked with Mr. Carlisle, the managing director, after having gone through his yard, where they had under construction nine or ten great ships. I asked him if they were in the habit of purchasing American steel manufactured for constructive purposes in his business, and he told me, and I will state it to you frankly, that about five years ago they purchased one lot amounting to about $50,000, and that is the only lot they had ever purchased in that great shipyard, and were not purchasing any now. I am giving you the benefit of the facts I ascertained at Harlan & Wolff's yard. Of course, I hope the gentleman believes I do not wish to disturb the course of his remarks.

Mr. GILBERT of Kentucky. The fact which I have stated is conceded in the report of the Senator from New Hampshire.

Mr. LITTLEFIELD. I am not responsible for the report of the Senator from New Hampshire, but I would like to ask this: If the gentleman has any specific facts, I think the committee would like to have them. I know the gentleman wants to be fair.

Mr. GILBERT of Kentucky. I am trying to be fair.

Mr. LITTLEFIELD. If the gentleman relies upon the facts stated in the report of the committee, that settles it. I did not know but that the gentleman had some specific facts upon which he based his general assertion.

Mr. SPIGHT. Will the gentleman from Kentucky yield to me?

Mr. GILBERT of Kentucky. For a question.

Mr. SPIGHT. I want to make a statement——

Mr. GILBERT of Kentucky. Make it short.

Mr. SPIGHT (continuing). In reply to the gentleman from Maine. The superintendent of the Union Iron Works, to whom I referred just now, in testifying said he was not a Democrat, but a Republican. He stated that while in a foreign shipyard in 1900 he saw a cargo of steel for shipbuilding being unloaded from a vessel from New York, sold by the Carnegie Company, and delivered in the foreign yard at about $12 per ton cheaper than he was buying the very same material from the same company for use in his yards at San Francisco.

Mr. GILBERT of Kentucky. I do not care to dilate or to dilute that proposition any more. I have practiced law long enough to know with what skill and ingenuity the members of corporations can present their side of the case. I do not care what the distinguished shipbuilder in Belfast told the gentleman from Maine; I never will believe the peculiar paradox that he presents. Here is a country said to be the most intelligent and ingenious, constructing every other conceivable article cheaper and better than any country in the world, and yet it must fall down and go to Belfast or the Clyde or the Mersey to get a first-class ship. I can not believe such a preposterous proposition.

Mr. LITTLEFIELD. If the facts are against the theory, so much the worse for the facts. That is the gentleman's position.

Mr. GILBERT of Kentucky. I think that the incontrovertible facts are on my side on that proposition. I remember that the special committee in its report to the House of Commons states that the ships purchased by J. Pierpont Morgan and other American capitalists were paid for at large prices, fully as much as those ships were worth, and that committee reports that while they had received orders, as I said, from Germany, from Japan, from Italy and France for 449 first-class ships they had not received a single order from the United States of America.

I do not believe and I never will believe that this country can not build a ship. "There is no divinity that doth hedge about a ship" that prevents the American mechanic from building one when he builds everything else. Going back to where I started, I said a while ago, and several Members around me smiled as if it was a very silly remark, that the ships that were floating the British flag and the German flag were owned by American capitalists, and were not a part of the merchant marine of Germany or England, but were a part of the merchant marine of this country. Inasmuch as the smile seemed to indicate incredulity, I will read from Wheaton's International Law. I remember I read it to a distinguished lawyer, and he said it was an old book and out of date and that I had better get something newer than that.

Mr. LITTLEFIELD. A fresh edition?

Mr. GILBERT of Kentucky. I don't know whether it is a fresh edition or not, but I read the first edition of the Bible [laughter] and it is as true now as it was then. I will read section 340:

By the law of England no ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description: 1. Natural born British subjects. 2. Persons made denizens or naturalized by letters of denization, or by act of Parliament, or the proper authority in any British possession. 3. Bodies corporate established under and subject to the laws of and having their principal place of business in the United Kingdom or some British possession. If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear to be a British ship, such ship shall be forfeited to Her Majesty.

Now, when the distinguished lawyer said the old book was out of date, I went and got the last book on international law, Oppenheim's International Law. On page 316, volume 1, it says:

Some countries, like Great Britain and Germany, allow only such vessels to sail under their flag as are the exclusive property of their citizens or of corporations established on their territory.

Sir R. Giffen, K. C. B., a naval expert, thus presents this question:

These foreign ships which are held by them (American citizens and corporations) under a foreign flag are still under the protection of the United States Government as a matter of property. The United States Government recognizes that American citizens have an interest in these ships and are quite prepared to defend those interests. To some extent these American-owned ships under the British flag and under other foreign flags are really to all intents and purposes American ships and will be so treated by the United States Government in many questions that may arise.

That would apply, of course, to the White Star case; they no doubt remain ships under the British flag, but they are ships with a difference, and in certain cases there is no doubt that the United States Government would claim them, or I should imagine so, as American ships.

Now, the Commissioner of Navigation says that the Leland Line, of 44 ships, is floating the British flag, and the Atlantic Transport Company, of 17 ships, is under the British flag, the Oil Tank Line, 14 ships, and so forth and so on. There are 136 first-class merchant vessels plying between our ports and European markets, all of them floating either the British or the German flag.

They are a part of our merchant marine. Now, the gentleman from Maine knows this difference, that when a battle ship goes abroad it is a part of the domain; that as long as you are under the flag of an American battle ship you are, in legal technology at least, on American soil, but that a merchant vessel, like an automobile, belongs as an incident to the citizenship of the owner. You take one of these ships that are owned by J. Pierpont Morgan & Co., and that ship violates some international neutrality law or any comity arrangement existing between this country and another, or between England and some other country, the British Government owes that ship no protection; that ship must look for its protection to the nationality of the owner of the ship and not to the British Empire; so that when I said a while ago we have the largest and the most profitable and the most flourishing merchant marine of any country on the globe I included this numerous list of magnificent steamers that are purchased by American capitalists, owned and operated by American citizens and American corporations, and float a foreign flag.

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent that his time be extended until he can conclude his remarks.

The CHAIRMAN. The time is in the control of the chairman of the committee.

Mr. LITTLEFIELD. Then I ask the chairman of the committee to yield him five minutes longer.

Mr. HAY. I would like to yield the gentleman more time, but I have promised to yield to somebody else.

Mr. LITTLEFIELD. Can not you yield ten minutes?

Mr. HAY. I have only twelve minutes.

The CHAIRMAN. The gentleman from Virginia has control of the time.

Mr. HAY. I yield ten minutes to the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Kentucky is recognized for ten minutes. Does the gentleman yield to the gentleman from Maine?

Mr. LITTLEFIELD. May I be allowed to say in the beginning——

Mr. GILBERT of Kentucky. I shall be glad to yield for a question.

Mr. LITTLEFIELD. I want to say I agree with you perfectly on your legal propositions.

Mr. GILBERT of Kentucky. Yes, sir.

Mr. LITTLEFIELD. Now, the whole thing depends upon the nationality of the corporation. I infer the corporations owning these vessels to which you have referred——

Mr. GILBERT of Kentucky. The main argument that is ad-

dressed to us is that they are seeking to appeal to our patriotism, these ship-subsidy grabbers.

Mr. LITTLEFIELD. I would like to ask you this question: Is it not a fact—I so understand it, I may be wrong—that these corporations to whom you have referred are British corporations?

Mr. GILBERT of Kentucky. By no means.

Mr. LITTLEFIELD. That is not the fact; they are organized in this country, as you understand it?

Mr. GILBERT of Kentucky. It may be they have branch offices in London or some other foreign city.

Mr. LITTLEFIELD. I may be entirely mistaken, but I had the impression they were. Of course if you are right that changes it.

Mr. GILBERT of Kentucky. I took pains to go through Lloyd's Register, and to my utter amazement I found thousands of ships, it seemed to me—I do not remember the number now—that are owned in America, owned by American corporations and floating a foreign flag. Why, if we pass this bill the Standard Oil Company will get a subsidy on fifteen ships. [Applause on the Democratic side.] The Great Northern Railroad will get $100,000 subsidy on each one of the ships that it has built for its own business as a common carrier from Seattle to Japan and Hongkong.

Mr. LITTLEFIELD. Is it your understanding that these ships to which you have now referred are registered as American vessels? I do not understand it that way.

Mr. GILBERT of Kentucky. Every ship that is engaged in the over-sea trade is a registered ship.

Mr. LITTLEFIELD. But are those to which you referred—that is, these hundred and twenty odd you have spoken of—registered as American vessels? Do you so understand it? I do not so understand it, although you may be right.

Mr. GILBERT of Kentucky. I am not arguing that these ships will get the subsidy. I put that proposition in to show the extent, the magnitude, and the flourishing condition of the American merchant marine, and that they were inexcusable in coming here and undertaking to get Congress to believe that the ships were decaying in the docks.

Mr. WALDO. They must all have a foreign register.

Mr. LITTLEFIELD. Then they are foreign vessels.

Mr. GILBERT of Kentucky. We have gone over that. The fact that they are under a foreign flag means nothing at all. It simply means that, having been purchased in a foreign market, they are not entitled to American registry.

Mr. WALDO. That is exactly what I mean.

Mr. GILBERT of Kentucky. But that carries no legal right and no protection and no privilege which they did not have before.

Mr. LITTLEFIELD. And the gentleman understands that they are not owned by foreign corporations, but by domestic corporations?

Mr. GILBERT of Kentucky. They must be British subjects, or British corporations, to be registered under the British flag at all.

Mr. LITTLEFIELD. But if it is a foreign corporation, organized abroad and having its office abroad, it is a foreign corporation and a foreign owner.

Mr. GILBERT of Kentucky. So that, in order to get under the German flag or the British flag, they have got either to expatriate or they have got to evade those laws, and I do not know how it is done.

Mr. LITTLEFIELD. They can organize abroad, I suppose. Take a ship like the *Baltic*, made at Belfast, and floating the English flag, and owned by American capital, and that is what the gentleman from Kentucky refers to. The question is whether it is corporate ownership or individual ownership.

Mr. GILBERT of Kentucky. Mr. Chairman, I want to make one other suggestion before my time expires, and that relates to something peculiar, which is that all these subsidy bills come before Congress so worded and so shaped up that the ships that commonly carry the commerce of the seas do not get the subsidies. The subsidy goes chiefly to the shipping trusts—to a few capitalists and millionaires. Now, here is a statement from the last annual report of the Commissioner of Navigation: Here are 84 Atlantic steamers, with 156,000 gross tons, with a crew of 2,368 men, that get under this bill $350,471, whereas 626 sailing vessels, with 312,427 gross tons, with a crew of 3,008 men, only get $95,385.

Mr. WM. ALDEN SMITH. Will the gentleman permit a question?

Mr. GILBERT of Kentucky. Yes, sir.

Mr. WM. ALDEN SMITH. If I understand your argument, it is that the way to rehabilitate the America merchant marine is to repeal the American registry laws?

Mr. GILBERT of Kentucky. I have not said anything about that.

Mr. WM. ALDEN SMITH. You want foreign-built ships to fly our flag, and they can not do it under the American registry.

Mr. GILBERT of Kentucky. My idea is to build up the marine in the same way as the building up of the American industries in every particular—that is, to paddle your own canoe and get away from Congress, and stop depending upon begging subsidies that have proved pernicious in every country in the world. [Applause.] France began this system of subsidies first, and she has pursued it with the greatest pertinacity, and she is to-day paying twice as much as any other country in the world for ship subsidies. And the truth is that her merchant marine is declining all the time. The French are not a seafaring people. Why, take the little countries up yonder in Scandinavia. Ever since the days of the Norsemen the ships of Sweden and Norway have been seen in every clime, the sails of their merchantment whiten every sea; and yet they receive no subsidy at all.

Mr. Chairman, there is no ground of economy or any other solid base upon which this subsidy can be defended. The truth is that our ships have not decayed; or, if they have decayed at all, it is because our young men have quit the sea for better occupations and refuse to return by reason of the low pay and the hard life and the want of opportunity for advancement. All the changes in our navigation laws seem to be made in the interest of the shipowner, and year after year they are made more and more objectionable to the seamen. Here is an extract from the Coast Seamen's Journal of January 31, 1906, by Mr. Andrew Furuseth, an experienced sailor, which helps to explain the situation:

> To get the cheapest possible crew became a matter of serious importance to the owner, and such legislation as was against this was sought to be repealed and later on resisted. The owner found that the law of March 3, 1813, provided that all of the crew and officers must be citizens. In the act of May 31, 1830, he succeeded in having this reduced to the officers and two-thirds of the crew, and in the act of June 28, 1864, he succeeded in having all regulations about the crew, exclusive of the officers, stricken out, so that he would have the whole world to draw from.
>
> Being now unfettered as to citizenship, nationality, or race, and being careless as to skill, he could cut wages or resist effectually any increase, especially with the help of the laws providing imprisonment for desertion and giving the right to reclaim deserters, which had been provided for in all the treaties entered into, either of extradition or of commerce. Even these laws proved insufficient because of the constantly increasing wages on shore and the unwillingness of the American citizen to go into a calling in which he was looked upon and treated as a slave, and in which wages (that is, what these will buy in the market) had been so reduced that he could no longer support a family. The owner then depended upon foreigners exclusively, and ceased to carry boys. He encouraged crimping and did all he could to prevent any effective legislation against it, and in the act of June 26, 1884 (sec. 20), he obtained permission to sign his crews in a foreign port to go back to a foreign port, without reshipment in the United States.
>
> Native seamen had by this time become so scarce that the small Navy was filled by foreigners, and a cry was raised against the danger in which this state of things placed the country. The shipowner promptly came forward with a remedy: "Give us a subsidy."

Why, Mr. Blaine, a great man, made the statement that we were paying $110,000,000 a year in gold to foreign countries to carry our merchandise across the sea. Is not that better than for us to pay $250,000,000 in ship subsidies or in higher freight rates in order to save that $110,000,000?

I have gone to the expense and trouble, as I said, of trying to get some information from original sources upon the subject of this subsidy. I started in believing that Japan was subsidizing at an enormous rate and that Japan was driving our ships from the Pacific. When I went over and got at their bill and their figures, to my astonishment I found last year we paid our ships carrying the mail alone more than the Japanese paid for carrying the mails and all the subsidies put together.

Now, as I am permitted to proceed, I will endeavor to substantiate the statements I have been making. Here is a table showing a list of 136 large steamers, which are really a part of our mercantile marine, although floating foreign flags; and many ships in addition to this list have been thus added since 1901, when our Commissioner of Navigation published this list.

American ownership under foreign flags.

Name.	Flag.	American interest.	Number of steamships.	Gross tonnage.
Leyland Line	British	J. P. Morgan, New York	44	277,379
Atlantic Transport	do	B. N. Baker, Baltimore	17	123,593
Oil Tank Lines	British, German	Standard Oil Co	14	50,256
Red Star and International Navigation Co. (Limited)	Belgian, British	C. A. Griscom, Philadelphia.	15	100,219

American ownership under foreign flags—Continued.

Name.	Flag.	American interest.	Number of steamships.	Gross tonnage.
North Atlantic Steamship Co. (Limited).	British	C. and J. Hogan, New York.	11	41,441
New York and Pacific Steamship Co. (Limited).	do	Wm. R. Grace & Co., New York.	6	20,758
Chesapeake and Ohio.	do	Chesapeake and Ohio R. R.	6	20,277
Cuban and Mexican steamers.		H. P. Booth, W. D. Munson, New York.	12	19,545
Pacific Mail	British	Chas. H. Tweed, New York.	1	7,575
United Fruit Co	do	A. W. Preston, Boston; R. A. C. Smith, New York.	5	5,913
John A. Donald	Norwegian	John A. Donald, New York.	3	2,120
Fortuna Steamship Co.	do	Daniel Bacon, New York.	1	2,965
Merritt & Chapman	British	Merritt & Chapman	1	374
Total			136	672,455

I also file tables taken from the last annual report of the Commissioner of Navigation, page 35, showing that the subsidy will go chiefly to certain fast steamers, and also another statement showing that the present bill purposes to charge the Government with $2,665,000, an allowance for certain additional mail routes, making a total for the ten years for this service alone of $26,650,000.

Vessels.	Number.	Tons.	Crew.	Subsidy.
Atlantic Ocean:				
Steam vessels	82	156,805	3,268	$350,471.00
Sailing vessels	626	312,247	3,068	95,385.50
Pacific Ocean:				
Steam vessels	133	255,312	5,952	421,308.48
Sailing vessels	209	183,340	2,564	79,675.50
Total	1,050	907,704	14,852	946,840.48

It is entirely within bounds, accordingly, to state that on the basis of actual American navigation in the foreign trade by salt water during the calendar year 1904 the subventions payable under section 2 of the bill would not exceed $1,000,000. If the measure were to prove efficacious in promoting foreign voyages of American vessels, naturally this amount would increase, though it could not increase greatly or rapidly without a considerable increase in the output of American shipyards.

Section 6 of the bill provides for certain specified mail routes, generally on the alternative basis of monthly or fortnightly service. These rates may be summarized as follows:

Postal table.	Monthly.	Fortnightly.
1. Brazil	$150,000	$300,000
2. Uruguay and Argentina	187,500	375,000
3. South Africa	187,500	375,000
4. Gulf—Brazil	137,500	275,000
5. Gulf—Cuba	75,000	75,000
6. Gulf—Central America	75,000	75,000
7. Gulf—Mexico	50,000	50,000
8. San Francisco, Hawaii, Asia, Philippines	300,000	600,000
9. Puget Sound, Asia, Philippines	210,000	420,000
10. San Francisco, Panama	120,000	120,000
Total	1,492,500	2,665,000

I have heretofore stated that the freight rates in the foreign trade are going down year by year, and here is a tabulated statement in proof of that fact:

Mean yearly freight rates on certain classes of goods carried by steamships from New York to Liverpool, 1884–1903.

Class of goods.	1884.	1885.	1886.	1887.	1888.
Deals ..... per standard..	$13.06	$11.84	$11.63	$10.63	$14.58
Grain ..... per bushel..	.07	.06	.06	.05	.05
Flour ..... per ton..	3.05	2.76	2.82	2.22	2.52
Beef ..... per tierce..	.89	.77	.77	.63	.71
Pork ..... per barrel..	.75	.59	.63	.51	.52
Provisions (chiefly bacon) ... per ton..	5.09	4.26	4.34	3.62	3.83

Class of goods.	1889.	1890.	1891.	1892.	1893.
Deals ..... per standard..	$16.10	$12.15	$11.39	$12.15	$10.33
Grain ..... per bushel..	.07	.04	.06	.05	.04
Flour ..... per ton..	3.33	2.44	2.73	2.48	2.26
Beef ..... per tierce..	1.05	.81	.95	.69	.69
Pork ..... per barrel..	.76	.61	.63	.45	.49
Provisions (chiefly bacon) ... per ton..	5.70	4.15	4.34	3.64	3.65

Mean yearly freight rates on certain classes of goods carried by steamships from New York to Liverpool, 1884–1903—Continued.

Class of goods.	1894.	1895.	1896.	1897.	1898.
Deals ..... per standard..	$10.02	$10.17	$10.33	$10.02	$11.55
Grain ..... per bushel..	.03	.04	.05	.06	.06
Flour ..... per ton..	1.89	1.88	2.61	2.74	3.34
Beef ..... per tierce..	.58	.53	.72	.68	.85
Pork ..... per barrel..	.42	.35	.50	.48	.64
Provisions (chiefly bacon) ... per ton..	3.38	2.76	3.58	3.54	4.60

Class of goods.	1899.	1900.	1901.	1902.	1903.
Deals ..... per standard..	$11.24	$14.27	$11.84	$9.11	$9.41
Grain ..... per bushel..	.04	.06	.02	.02	.02
Flour ..... per ton..	2.55	3.07	1.44	1.80	1.82
Beef ..... per tierce..	.66	.87	.36	.47	.50
Pork ..... per barrel..	.49	.65	.28	.35	.46
Provisions (chiefly bacon) ... per ton..	3.47	4.44	1.78	2.39	2.59

The following table shows the gross tonnage of the merchant marine of the twelve leading countries of the world, but this statement is unfair to this country in two respects. First, because the gross tonnage is in no sense an indication of the amount of business done or the amount of freight carried; and in the second place, this statement is unfair because it excludes that vast number of ships which belong to American citizens, but operated under foreign flags:

Table showing the number and gross and net tonnage of steamers of 100 gross tons and over and number and net tonnage of sailing vessels of 50 net tons and over.

Flag.	Steamers of 100 tons gross and upward.			Sailing vessels of 50 tons net and upward.		Total.	
	Number.	Gross tons.	Net tons.	Number.	Net tons.	Number.	Tonnage.
British	6,079	14,919,578	9,273,649	6,589	1,912,360	12,668	16,831,938
German	1,273	3,033,333	1,884,884	955	492,411	2,228	3,525,744
American	876	1,756,327	1,188,633	3,765	1,513,178	4,641	3,269,505
French	577	1,222,008	715,936	1,414	517,069	1,991	1,739,077
Norwegian	916	1,067,882	658,235	1,647	741,970	2,563	1,799,852
Japanese	502	843,710	537,342	1,336	166,723	1,838	1,010,435
Russian	537	697,757	422,617	3,243	566,165	3,780	1,263,922
Italian	349	696,500	463,561	1,500	445,062	1,849	1,141,502
Spanish	386	679,645	431,255	541	85,583	927	765,228
Dutch	319	644,961	409,581	651	89,918	970	734,879
Swedish	662	567,969	398,312	1,473	236,613	2,095	834,582
Austrian	231	559,696	350,367	105	16,776	336	576,472

The following tables confirm what I have heretofore stated as to the total amount of subsidies paid and the total number of ships receiving the subsidies in the British Empire. It will be seen that there are only 35 ships in all, and only £712,376 12s. 7d. paid.

Table showing the amounts, duration, and dates of subsidies given by His Majesty's Government to shipping companies, with the names of the ships receiving the subsidies and their speeds.

[Under agreements marked * subvention is paid yearly one year in arrear.]

Name of shipping company.	Date of agreement.	Duration.	Ships embraced (receiving subsidies).	Speed of ships.	Total amount paid for subvention.
		Years.		*Knots.*	£ s. d.
Peninsular and Oriental Steam Navigation Co.	May 14, 1888	4½	Victoria	16	49,578 7 2
			Britannia	16	
			Oceana	16	
			Himalaya	17	
	Aug. 3, 1894	7½	Australia	17	85,204 15 4
			Victoria	16	
			Arcadia	16	
	July 15, 1902*	a3½	Caledonia	17	26,592 0 0
			Persia	17	
			Arabia	17	
			India	17	
The Inman and International Steamship Co. (Limited).	July 9, 1888	4	City of New York	19	26,990 11 7
			City of Paris	19	
The Cunard Steamship Co. (Limited).	Feb. 8, 1887	5½	Umbria	19	93,826 10 0
			Etruria	19	
			Aurania	16	
	July 20, 1895	7½	Campania	21	97,607 0 0
			Lucania	21	
			Etruria	19	
	Oct. 24, 1902*	a3½	Campania	21	38,448 0 0
			Lucania	21	
			Umbria	19	
The Oceanic Steam Navigation Co. (White Star Line).	Dec. 29, 1888	13½	Teutonic	20	149,573 18 7
			Majestic	20	
	July 4, 1902*	a3½	Teutonic	20	36,396 11 6
			Majestic	20	
			Oceanic	21	

*Agreement still in force.

Table showing the amounts, duration, and dates of subsidies given by His Majesty's Government to shipping companies, etc.—Continued.

Name of shipping company.	Date of agreement.	Duration.	Ships embraced (receiving subsidies).	Speed of ships.	Total amount paid for subvention.
		Years.		*Knots.*	£ s. d.
Orient Steam Navigation Co.	Sept. 22, 1902[a]	a 3	Omrah	17	7,063 3 5
			Ophir	17	
Royal Mail Steam Packet Co.	Mar. 18, 1903[a]	a 3	Danube	16	7,117 0 0
			Nile	16	
Pacific Steam Navigation Co.	Oct. 24, 1902[a]	a 3	Ortona	17	4,885 0 0
Canadian Pacific Rwy. Co.	July 15, 1880	10	Empress of India	16	89,093 15 0
	Oct. 12, 1901	a 2½	Empress of China	16	
			Empress of Japan	16	

[a] Agreement still in force.

Summary of the total amounts paid for subvention by His Majesty's Government to the various shipping companies.

	£	s.	d.
Peninsular and Oriental Company	161,375	2	6
Inman Steamship Company	26,990	11	7
Cunard Steamship Company	229,881	10	0
Oceanic Steam Navigation Company	185,970	10	1
Orient Steam Navigation Company	7,063	3	5
Royal Mail Steam Packet Company	7,117	0	0
Pacific Steam Navigation Company	4,885	0	0
Canadian Pacific Railway Company	89,093	15	0
Total	712,376	12	7

On page 10 of the report filed in 1902 by the British naval experts it is said:

Your committee after due consideration is of the opinion that the principle of subsidy by or for the Admiralty is only justified for obtaining a limited number of vessels of the size, speed, and great endurance among the mercantile marine, built according to Admiralty requirements, for purposes of national defense, provided that the Admiralty finds it more economical to subsidize swift merchant steamers than to build naval ships.

On page 11 that committee further reports:

Your committee do not think that an Admiralty subsidy to a mercantile vessel is of any use merely as a retaining favor in time of war, and are of the opinion that no subsidy should be paid on that ground.

On page 13 of that report, speaking of subsidies in general, that committee reports as follows:

In this connection, the influence of subsidies upon British trade was considered by some of the witnesses with particular regard to the control which might possibly be exercised over the methods of manning the mercantile marine by means of a system of subsidizing, so as to secure also a more effective supply of seamen for the royal navy. It has been especially suggested that sailing ships should receive a subsidy with this object. Your committee, however, have not been able to learn that foreign governments have taken active steps toward a general system of subsidizing for the training of seamen, nor is your committee prepared to say that a subsidy of this kind is desirable.

Yet in the light of this experience we have a bill pending which purposes to pay extra wages to the officers and crew of every little fish boat of over 200 gross tons. I would like to know what the crew upon one of these little boats would learn to enable them to manage a large naval vessel in time of war. That committee of naval experts, after two years of patient investigation, further report that subsidies are the minor factor and commercial skill and industry the major factors of the recent development of the shipping and trade of certain foreign countries, and notably of Germany, where, for example, the granting of through bills of lading via the State railways has added an important effect, while in some other countries subsidies have led to no satisfactory results; that the subsidies given by foreign governments to selected lines or owners tend to restrict free competition and so to facilitate the establishment of the federations and shipping rings, and therefore that no subsidy should be granted without Government control of maximum rates of freight and over this combination of subsidized with unsubsidized owners to restrict competition; that the competition of British shipowners with their commercial rivals upon fair conditions, without Government interference by way of subsidies or by way of control of freights, is more healthy and likely to be more beneficial to the nation and Empire than a state-subsidized and state-controlled system, under which the shipowner would have to depend less upon his individual energy and skill and more upon the favor and support of the Government; that a general system of subsidy other than for service rendered is costly and inexpedient.

It is impossible in a speech to give the abundant sources of these conclusions, but I commend to the consideration of everyone who is seeking light upon the subject to read the testimony and examine the tables presented by these naval experts. I must be allowed, however, to trespass a little further and call the attention of gentlemen to a history of shipping subsidies just issued by Mr. Royal Meeker. The author says that during the time while the Cunard Line was enjoying monopoly of Government favor its rivals distanced it, so far as improvements were concerned, and competed successfully despite of or because of Government favoritism. The mail payments made it possible for the Cunard Line to cling to an out-of-date and uneconomical type of steamer. Mr. Henry Frye, in his history of the North Atlantic steam navigation (p. 81) says:

For thirty years they (Cunard) have never altered the saloons, the stateroom, the bill of fare, the meal hours; they had no smoking rooms, no piano, and but an apology for a ladies' cabin. In truth, for a time they seemed to have entered into an evil inherent in all monopolies. Unbroken success made them overconfident, and they now received a rude awakening. The White Star boats beat them not only in speed, but in comfort and conveniences, and it became evident that the halcyon days of subsidies were nearly over.

It was in pursuance of these facts that in 1902 the British Board of Admiralty decided that the payments to steamship companies by that board were worse than wasted.

I have stated heretofore that the French were the most persistent in their efforts to build up a mercantile marine by way of subsidies, and yet the French statesmen and economists have concluded that the decadence of the French marine has been due to the enormous subsidies paid to the shipping by the Government. According to a report by M. Thierry, during the years from 1886 to 1896 the English increased its steam tonnage by 53 per cent; Germany by 107 per cent; Spain by 30 per cent; Holland by 37 per cent; Italy 68 per cent; Russia 65 per cent; Norway 191 per cent; Sweden 64 per cent; Austria 60 per cent; Denmark 76 per cent; Portugal 110 per cent; Greece 158 per cent; Roumania 7 per cent; Japan 231 per cent; while the French steam tonnage has diminished 1 per cent, or 5,347 tons. On page 212 Mr. Meeker calculates that about 2 per cent of the British mercantile marine received subsidies from the Government and are bound by contract to sail on prescribed routes with certain time limits, and that a somewhat larger portion of the German marine is so situated, and that 6 per cent would be a liberal estimate of all the German marine that receives any subsidy at all. National commerce is very secondary with these Governments in the payment of subsidy to these particular ships, and that the disadvantage of being compelled to sail regularly over the same definite course, with or without cargo, and to perform other valuable service for the Government, make it necessary in order to equalize these particular ships that they should receive this compensation, not as a bounty at all, but as payment for public service rendered.

The Hon. JOSEPH G. CANNON, now Speaker of this honorable body, discussed this subject as early as 1879, and speaking at that time he uses this significant language: "Beginning with the year 1847 down to the present time we have paid out of the Treasury over $21,000,000 for the purpose of establishing steamship lines. Seven million dollars would buy all of the steamship lines engaged in commerce that sail under the American flag on every ocean, and, more than that, the subsidy of these steamship lines, from the Collins Line in 1850 up to the present time, has bankrupted every prominent man that has favored it."

The tonnage of American and foreign vessels which entered and cleared in the foreign trade in 1904, and also in 1905, shows of American 6,679,173 and foreign 23,273,237 tons, showing that we carried 22 per cent of all our exports and imports, and yet you have heard it said repeatedly that we are carrying only 8 or 10 per cent of our commerce. All of our commerce could be carried and would be carried in our own ships if the trade was as profitable as the coastwise trade, but the trouble is, or rather the great blessing is, that the oceans are the common highway for all the ships of all the world, and we can not extend our laws of protection to our ships, but must leave them to compete with the ships of other countries. We can extend American laws and protection to the coastwise trade, and for that very reason the freight rates in coastwise trade are very much higher than they are in the foreign trade, while the freight rates across the sea are in fact going down year after year. We are presented here in this bill with the strange proposition and complaint that the freight rates in the foreign trade are too low and we must make them higher; or, which is the same thing in substance, we are asked in this bill to tax ourselves sixty-odd millions of dollars in order that the ships under the American flag shall be enabled to carry our commerce at the present low rates.

A large part of this session has been devoted to the enlargement of the powers of the Interstate Commerce Commission, so as to prevent railroads from making exorbitant charges and to force the railroads to charge only fair and reasonable rates. We did this, too, in the face of the conceded fact that the average railroad rates in this country were lower than they were in any other country of the world. Now, everybody admits that coastwise rates are much higher than over-sea rates, and we are asked to leave the high coastwise rates untouched, and virtually the proposition is to increase the rates in our foreign trade. Complaints came from farms and factories that railroad

rates were too high in certain instances, and we have been struggling all session how best to reduce and regulate these railroad rates. But now as to freight rates across the seas, no complaints have come from either farm or factory, but the carriers themselves are here complaining that the rates are too low, and we are asked to make them higher, or, which is the same thing in substance, we are asked to put an additional tax of many millions upon farm and factory, in order that our ships can continue to charge no more than the present low rates.

England and Germany are our two great rivals in the ocean carrying trade, and neither of them pays any bounties at all in the sense contemplated by this bill. Germany has rigid contracts with two lines of steamers, the North German Lloyd Line—to eastern Asia and Australia and China—and also with the East African Line. There are only 130 ships altogether in these two so-called "subsidized lines," of 553,287 gross tons. The German Empire has 6,153 ships, of 3,704,697 gross tons, so that 130 ships, of 553,287 tons, received the so-called "bounty," and 6,023, with 3,151,410 tons, received no bounty. Then, too, Germany remits tariff duties on cost and material intended to be used in the construction of ships, just as we do under the same circumstances under the Dingley tariff. Then, again, Germany owns and operates her railroads, and goods carried over them and consigned for the foreign trade on these two lines of ships are carried on the railroads at cost, yet the rates on German railroads, even after this deduction, are higher than the freight rates on our railroads. The reduction in railroad rates in Germany is only 50 per cent from the usual price, still leaving the rate on the railroads higher than ours, even where the effort is made to favor these ships. Indeed, the great loads of horses and fat cattle shipped from Kentucky to Liverpool or to any other foreign port are shipped on the through rate, by rail and steamer, to their destination, and so it is with all of our cotton, grain, and other articles of export.

The same rule applies to our imports designated to interior points; and this is all there is to the great clamor made by the shipowners about German bounties to ships and German ships driving ours out of the foreign trade. There are no general direct subsidies paid to ships in the German Empire at all. The two lines of steamers above named are instruments of the Government. The ships are required to be built in a certain way, dictated by the minister of marine; they are required to make certain long-distance journeys at a certain speed. One line is required, as I stated, to circumnavigate the entire continent of Africa on every trip, going in opposite direction on each alternate trip, and to stop at certain seaports. The other line is required to go to Australia and to China and Japan upon every trip and to make a certain speed. Both lines are required to carry officers, soldiers, sailors, Government stores, mails, etc., free of charge. The Government fixes the freight rate and the passenger rate and requires each line to build at least five ships every year, and, after all that, all the profits over 5 per cent are turned into the treasury of the Government. For these extra services a total of £342,000 are paid annually, and if you will examine these rigid contracts you will find merely an agreement to pay a stipulated price for valuable services, and that these are in no sense bounties at all.

Now, look at the last annual report of our Postmaster-General, and you will find that we paid last year to our ships for transporting the foreign mails the sum of $2,693,812, or $993,812 more than Germany paid for all ship bounties and mail contracts put together. Not a ship of Germany that enters our ports receives a single dollar of subsidy, except where it comes to our ports in exchange for a North German Lloyd steamer, and yet it is the second great power of the world in our foreign trade.

AUSTRIA.

Now, let us look at Austria-Hungary for a moment, and we find the Austrian Lloyd Line receives for voyages in the Adriatic and Mediterranean 3½ florins per mile when making 11½ knots per hour; 240 florins per hour when making 10 knots per hour. Then for ocean voyages, at an average speed of 11 knots an hour, 280 florins an hour; for voyages between Trieste and Samos and for other voyages, 170 florins an hour. Certain dues at the Suez Canal are also paid by the Austrian Government. Then there is what is called a trading bounty, which amounts to 6 florins per ton for iron or steel steamers; 450 florins per ton for iron or steel sailing vessels; 3 florins per ton for wooden or composite ships. These bounties decrease 5 per cent annually, and are discontinued at the end of fifteen years. A florin is about equal to 41 cents, and the maxim limit allowed by the Government is £242,500, or about $1,212,500. These ships of Austria-Hungary, like those of Germany, are required to carry the mails and do many other things for the Government, and what is called a bounty is merely the agreed price for Government work. Yet the amount of the so-called bounties of that country, carrying the mails and all the other services rendered for the Government by the ships, are less than one-half of the amount this country pays every year to our ships for carrying the mails alone.

HOLLAND.

Holland pays no subsidies at all. The only contracts between the Government and the shipping industry provide for the payment of certain amounts for carrying the mails and for certain stipulated services to be rendered to the Government by the shipowners. The total amount provided by law for all the ships is 919,712 florins, or about $377,081. A large bounty was paid years ago of 684,728 florins at so much a trip for the special line of steamers to the Dutch East Indies; but this, like all other bounties, proved to be of no value and has been discontinued, and yet Holland has for centuries been one of the most successful seafaring nations of the world.

SWEDEN AND NORWAY.

These countries pay for carrying the mails 178,800 kronor, or $49,665, and other subventions to ships, $91,665. In Sweden separately there are paid five lines 302,740 kronor, or $84,095. These sums constitute only a small fraction of what we pay the ships of this country for carrying the mails alone, and yet for centuries the Scandinavian ships and shipowners have been found in every harbor, and the merchant vessels of Sweden and Norway have sailed into every port.

ENGLAND.

Oh, but England is the mistress of the seas, say these beggars for bounty, and England can build and operate ships cheaper than we can, and England is, by her bounties, driving our ships from the ocean, and we can not compete with the ships of England in the foreign trade; such is the tone of articles seen daily in the papers and pamphlets sent to you through the mails. Now, the truth is that we build ships just as cheap as they do in England. Lloyd's Register for 1905, page 485a, shows that England built last year for other countries 117 large ships, of 209,111 gross tons, but none of them was built for this country.

Our Commissioner of Navigation, in his report for 1905 (p. 9), shows that we built, as we have stated, 1,102 ships last year of 330,316 gross tons. I don't care what the interested witnesses said who came before the Merchant Marine Commission, I have practiced law long enough to know with what skill employees of corporations can present their master's case in court as well as out of it. The facts shown by that register that England's shipyards are busy constructing ships for almost every other country in the world, and yet no orders to build any ships were given by this country, and the additional fact that we build so many at home is a conclusive answer, in my mind, at least to the objection that we can not build ships here at home. The tramp steamers of the seas have crews made up of negroes and Chinese, and they are carrying our commerce cheaper than our own people are willing to carry it, and it is no calamity to have that class of work done by people who will work cheaper than our American citizens are willing to labor. You must understand also that most all of the great lines of ships are owned by corporations, and that these corporations naturally seek to complicate the legal status and situation of their business, so as to make the obedience to the laws of any country as difficult as possible. It is a compliment to our country, rather than a reflection upon it, that its rich lands, wide territory, and broad opportunities furnish our people safer, more comfortable, and more profitable employment than operating the tramp steamers that are carrying our products across the seas. And there is nothing peculiar in the fact that our citizens are buying ships in foreign countries and are operating them under foreign flags.

JAPAN.

We have heard of late nearly as much about ship bounties in Japan as we have about these bounties in England and Germany, but in point of fact, up to June, 1897, Japan had only four ships that had passed the rigid examination required by the Government to entitle them to navigation bounties, and the amounts paid up to that time were quite small. Under the present law of Japan, there is a small construction bounty paid. For example, ships over 700 tons and under 1,000 tons, get 12 yen per ton, and vessels of over 1,000 tons, get 20 yen per ton, and engines get 5 yen per horsepower. These bounties amounted, in 1899, to only 277,250 yen. Then in addition three lines of steamers in the Government service were paid for carrying the mails, and for their governmental services, a total of £443,224, or $2,116,120, and altogether these bounties were less than our ships received for carrying the mails alone. But in the spring of 1900 new contracts were made and a bounty of £59,208

was agreed to be paid for certain lines to China and Korea; £29,793 to be paid to steamers for the Yangtse line, and three other lines also received subsidies—one to Europe, one to San Francisco, and one to Seattle. But all the subsidies paid by Japan, even under the new law, amounted to a total of £673,697, or $3,368,485, and this sum is still less than we paid our ships and steamboats for carrying the mails alone. We paid to ships and steamboats alone, last year, $3,379,403.34 for carrying the mails. The Japanese ships, like those of Russia and Germany and England, which receive these so-called "bounties," perform many valuable services to the Government, in addition to carrying mails, and they are bound up by rigid contracts, under bond with security, for the faithful performance of the stipulations of these contracts.

Now, having attempted to show the folly of the contention that foreign bounties have driven our ships from the sea, let us turn our attention to the peculiar provisions of the pending bill. This bill provides for the enrollment of officers and sailors who are American citizens into what is called the "naval reserve." They are to enlist for four years, and agree to serve the country in time of war upon the call of the President. These officers and seamen are to be paid certain salaries, in addition to their regular wages, at the end of each year, but if they serve for six months they get the whole year's salary, and if they are merely enrolled and render no services at all they get one-half of the yearly salary. It is difficult to tell what the expense to the Government will be under this first section of the bill. The committee of the Senate reports that it would be $150,000 the first year, $300,000 the second year, $400,000 the third year, and $500,000 the fourth year. But this committee makes no estimate as to subsequent years. Of course the amount will continue to increase from year to year so long as the easy snap for the seamen and the unwise burden upon the taxpayer remains upon the statute books, or at least until the end of the ten-year period provided by the terms of the bill. But assuming that the cost will continue to increase in the ratio above admitted, the total cost for ten years under this section alone will be $6,450,000. But the Commissioner of Navigation (report for 1905, p. 36) says it is not possible, except in the crudest sort of way, to make even an approximate estimate of what the cost will be under this first section.

Then, under section 2, after January 1, 1907, American vessels engaged in the foreign trade are to be paid $5 per gross registered ton when engaged for twelve months; $4 per gross ton when engaged in the foreign trade for nine months, and $2.50 per gross ton when engaged in the foreign trade for six months. This applies to all the ships that float the American flag which are engaged in the foreign trade. Some of the largest ships will get a donation from the Government of $100,000 each under this section, and many of them will get $50,000 or $60,000 apiece every year. No particular services are required to be rendered; no particular amount of cargo is required to be carried, and no rate of speed is demanded at all. There is an evident effort to make it appear that the ships are required to render some services to the Government in order to earn this money, but when you examine these provisions it is easily seen that the ships really agree to do nothing that is either valuable or important.

First. In case of war the owners agree that the Government can take the ships for public use by paying a just compensation. Everybody knows that this provision adds nothing whatever to the law.

Second. The ships shall carry the mails of the United States whenever required by the Postmaster-General. But inasmuch as other sections of the bill provide for the establishment of many new over-sea mail routes and mail lines, for which large sums are to be paid expressly for carrying the mails to all the leading foreign centers of trade and population, and especially as these bounty-fed ships mentioned in section 2 are permitted to stay in any foreign port as long as they please and travel as slowly as possible, it is evident that these slow ships will not carry any mail of any amount or importance.

Third. One-sixth of the crew shall be American citizens, and one-half of these shall be able seamen, or who have been on the sea for two years. In other words, two or three men on each ship shall be American citizens or have expressed an intention to become so. This would be a fine way to build up a naval reserve in time of war, indeed, paying the crew who are American citizens increased salary and bounties to the shipowners for every ton of the ship in order to have the possible assistance of two or three of the crew in time of war, thus creating inequalities of pay for the same services rendered by different members of the same crew, creating dissensions, and engendering mutinies on board of every vessel. Every old hull and antiquated sailing vessel is to get this bounty, not in proportion to speed or cargo or for any services rendered the Government, but to be paid by the length of time the ship is absent from the home port.

Fourth. Every steam vessel shall be of Class A1, and every sailing vessel shall be of Class A1½, which means merely that they shall be seaworthy. The owners, without any bounty, would do this in order to decrease insurance and preserve their property and cargo from ruin.

Fifth. The vessels shall be repaired in the home port, unless there is no dock within 500 miles, or, if not, they can repair in a foreign port—exactly what they would do anyhow, without the bounty.

Sixth. After July 1, 1908, one-eighth of the crew shall be American citizens or have expressed a desire to be. After July 1, 1912, one-sixth of the crew shall be American citizens, and after July 1, 1917, one-fourth. But the last clause requiring one-sixth and one-fourth will not be enforced, because the bounty expires at the end of ten years, and the contracts are to be made for only one year at a time. So the Government is asked to pay $5 a gross ton and the other sums named to these ships for ten years, to pay all the officers extra salaries in order that one-eighth of the crew may be under a mere promise to join the Navy in time of war. And what services are these members of the crew to render on these slow-going tramp steamers to prepare them for the management of a battle ship? There is not one line in this bill imposing any duty upon any member of any crew to render any services or to undergo any discipline to prepare him to be an efficient member of the naval reserve.

There is not one line in the bill to indicate that these ships are required to render any services whatever to the Government, but ship and crew are to go along, as under the present law, learning no new duties and performing no new services of any character whatever.

Now, what will this section cost? The report of the Commissioner of Navigation for 1905 shows that the cost of these subsidies will be, under this section, $1,000,000 the first year (Report for 1905, p. 35), and the Senate committee reports that for the second year this section will cost $1,250,000; for the third year, $1,750,000; for the fourth year, $2,250,000; and so on, increasing at the rate of $500,000 a year for the ten years. So we have an expense, under this section alone, as confessed by the most ardent friend of the bill, of $30,250,000 for the ten years. Here is the exact language of Senate Report No. 10, presented by the chairman of that committee, to accompany this bill (Senate bill 529, p. 15):

"A reasonable estimate, however, is that these general subventions to the hard-working cargo ships, the democracy of the ocean, will continue to increase on an average of about $500,000 a year."

We will find no provision whatever for any hard work or any work to be done, and we will see that this "democracy of the ocean" will get a very small part of the subsidy to be paid.

Now, take this bill and look on page 35 of the Report of the Commissioner of Navigation for 1905, and see the figures there presented. You will find 82 steamers, of 156,805 gross tons, on the Atlantic, getting $350,471 in the way of bounty, while 626 sailing ships, with 312,247 tons, only get $95,385 subsidy. Then, if we go to the Pacific Ocean we find 133 steamers, with 255,312 gross tons, will receive $421,308, while 209 sailing vessels will get only $79,675. That is not the worst of it. Under section 6 of this bill many additional mail routes are to be established to carry the mails across the seas, and each of these is given a bounty averaging from $50,000 to $600,000, and making a total for these mail routes of $2,665,000 every year, and for the ten years a total, under this section alone, of $26,650,000. Where is all this money to come from, when you refuse to modify the tariff so as to admit additional imports and so as to furnish a traffic for the ships which float our flag? There is a deficit to-day in the Treasury of the United States, and I want an answer to the question, Where is all of this money to be obtained? So we come back to the starting point and ask you again what sum of money will this bill, in ten years, take out of the Treasury? And the answer made by the ardent friends and supporters of this measure is that it will be more than $60,000,000. But what ships are to get this bounty, aside from the mail subventions above mentioned? The Report of the Commissioner for 1905, page 214, shows that 1,050 ships will get about all of it, and we have seen that the lion's share will go to 215 fast steamers. We have in all, even by this report, 24,681 vessels in our merchant marine, besides those numerous large fleets owned by our citizens and floating the British flag. But say we have only the 24,681 ships; then 1,050 will get the

bounty out of the Treasury, and 23,631 will get no bounty at all. The friends of the bill answer that its purpose is to allow all the ships engaged in foreign trade to participate in this donation from the Government. If that be true, then the Great Northern Railroad Company is operating several of the largest-sized steamers across the Pacific, and these will get $100,000 apiece every year, although they are operated by a railroad company for profit, and although the freight rate is fixed by the railroad company from the farm and factory through to the foreign destination of the cargo at a price that enables the railroad company to declare sufficient dividends.

Lloyd's Register for 1905 shows that the Standard Oil Company owns and operates thirty ships in the foreign trade engaged in shipping the oil on which this company fixes the price for all the world, and all of these ships will get bounties under this bill. The Southern Pacific Railroad Company is shown to be operating seventeen ships in the foreign trade. The Central Railroad Company of New Jersey has twenty-four ships. The Louisville and Nashville Railroad Company, the Southern Railway Company, and many other railroad companies and corporations own and operate ships in the foreign trade in connection with their other private business.

Let us keep in mind that all the money that goes into the Treasury of the United States comes out of the pockets of the American taxpayers. The Government has not discovered the hidden chest of Captain Kidd; the Government has not discovered the philosopher's stone; the Government has no process by which baser metals can be converted into gold; but that the money in the Treasury represents money paid into the Treasury by the taxgatherer, and we should hesitate to vote $60,000,000 of money when it is not seriously pretended that any benefit will result to those who are thus taxed.

In conclusion, I insist that our merchant marine contains more ships than that of any nation in the world; our merchant marine carries more freight than that of any country in the world; our merchant marine charges higher prices and gets more money for the services rendered than that of any country in the world; our merchant marine charges higher prices for carrying the mails than are charged by any merchant marine in the world; our merchant marine collects higher freight rates, the officers and crew live higher and better, and the shipowners clear more money than any merchant marine in the world, and there is, lastly, less excuse in this country for paying bounties out of the Treasury to shipowners than there is in any country in the world. The shipowners who appeal to our patriotism while floating foreign flags and otherwise jeopardizing American interests, make themselves ridiculous. For instance, many of these shipowners are engaged in a most unpatriotic and nefarious business of importing undesirable immigrants. Before I vote any bounties to these shipowners I want to know how many of them have agents abroad ransacking the prisons and slums and eleemosynary institutions of the Old World, gathering up the criminals and paupers, the illiterates and anarchists, and dumping them down upon our shores. [Loud applause.]

Mr. HULL. I yield now to the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, if the tide of Congressional statesmanship will flow back a little toward this side, I will occupy only a few moments in trying to say something on this memorable day. Since 12 o'clock to-day we have voted down the Father of his Country and his memory, because it was more important, I assume, that we discuss great questions affecting this nation. Since that vote was taken we have had eloquent addresses here—earnest ones, too—on imminent questions, such as are involved in a pure-food law, in internal revenue, in the matter of Federal liquor licenses, on immigration, on prohibition in Maine and other New England States, and on that other long-worn subject, the tariff, and, lastly, a most eloquent address on the question of ship subsidy in this country and in the world.

These subjects furnish an excuse for not having a holiday in memory of George Washington. But we resolved ourselves into Committee of the Whole House on the state of the Union for the purpose of considering an appropriation bill for the support of the Army for the fiscal year ending June 30, 1907. This is a very good bill, I assume. I find that the total amount to be appropriated by this bill is $69,678,592.88. It is but little below the estimates when they came from the War Department. This fact leads me to believe that the Military Committee have been quite liberal in the matter of making appropriations for that important arm of our Government. We apparently appropriate large sums of money for the maintenance of the Army and the Navy, but we are not armed as the other great powers of the world are armed. We do not need to be in full equipment and armament, so far as the Army is concerned, because in time of war, as in the past—and it will always be so, I hope—we can appeal to the young sovereigns of the land to muster under the flag in defense of our country and to meet any foe on the face of the earth that may come against us. The Army must be liberally treated.

Now, I want to speak of one or two things on which I am not in harmony with the Committee on Military Affairs.

One of them is that provision which is intended to abolish the office of Lieutenant-General. I am not at all certain it will do any great harm if we do that at present. However, I do not think the reasons given by some of the gentlemen are valid ones in support of the proposition to repeal the present law.

It is said that the rank of Lieutenant-General should be abolished because a man could be assigned to the head of the Army as Chief of Staff of the Army who had the rank only of brigadier-general, and that the Lieutenant-General might have to accept orders from the Chief of Staff, his junior in rank. That is not a valid argument, in my opinion. A major-general, who would be at the head of the Army if we have no Lieutenant-General, would be subject to the same inconsistency; and I do not see why we should not have, in time of peace, a Lieutenant-General. We have never kept up the organization of our Army in the United States in its entire framework. It has never been done in the United States and never anywhere else except during the civil war. It was the policy in the Confederate States to have a general to command each army, to have a lieutenant-general for every corps of the army, the general to command every separate army in the field consisting of more than one corps, a major-general for every division of the army, and a brigadier-general for every brigade in the army. That worked out its perfection; and I believe that our Army, now organized as it is, small as it is, must always be to be in perfect order and its whole machinery in readiness to meet any emergency, ought to have a commanding officer. I do not believe in the plan of a staff running the Army, either in peace or war.

If we had a war of any magnitude it would disappear, as it ought to, over the first night. You can not command an army by means of a staff located in a room heated with hot air or steam or hot water. An army is not commanded in that way; and if we had a war we should be compelled to have commanders in the field in close touch with their troops, and who were not under the control of a staff, no matter how good or how great it was.

Mr. HULL. I suppose the gentleman is familiar with the fact that, under our present law, all the staff officers are from the line of the Army and that the staff is really the line?

Mr. KEIFER. I understand that, but it makes no difference who they are or where they come from. If you lock them up in the War Department and ask them to run the Army in the field from there they will all fail. That is the reason I have no particular faith in a staff running the Army of the United States.

But I want to say a word for our officers now in the Army. They are, in my opinion, the best educated, the best trained, and the best in point of morals of any army we have ever had in the history of this country. I believe their education is more complete; I believe their standard of good conduct in every way is better than it ever was before. There is less of drunkenness, less of gambling, and all that sort of demoralizing thing in the Army to-day than there ever was before. The officers are qualified for their positions, graduates mainly of West Point, and when they reach the rank from which they may be appointed to high offices for the purpose of commanding troops, in peace or war, they had grown old and gray. Most of them have had forty years' service. And when I say this, I say it because I have no sympathy with that thing we have heard here to-day so often, that these men who are commissioned and retired as brigadiers have never earned anything.

Think of a man who has devoted his entire life to this service, having laid aside all of his ambition in merchantile and political or other civil life, and devoted himself year in and year out, for forty years or more, to this work, who comes to old age before he may be made a brigadier-general and might be retired. It is not fair or just to these men to say that they have never earned that which may be given him. These officers who have been recently retired, shortly after having been given the rank of brigadier-general, are all men who have performed distinguished service during a period of about forty years or more. Many of them served in the civil war. They have all earned their retired pay, and I have no sympathy with the contrary proposition at all. But I did not intend to spend this much time talking on that point.

I am in favor of the Soldiers' Home provision. It has been well explained by the chairman of the committee. If retired soldiers are not permitted to go to the Home, they should not be

taxed twelve and a half cents per month to maintain it, although this is a Home that was near the heart of the great Gen. Winfield Scott.

I am also in favor of the provision with reference to sharpshooters, to pay them well, for in this day, when we have a thin rank or line of battle only, we ought to have good sharpshooters. And we are getting them. We need not worry about that. Our system of target practice is the best in the world. We are making fine marksmen everywhere we keep up that system. Properly keep it up, properly maintain it, and we will have an Army that will be better, because of the long range of our rifles, than the hunters with their squirrel rifles who fought under Jackson on the 8th of January, 1815.

I admit that the fighting of those men attracted the attention of soldiers in the Old World, Napolean Bonaparte among others; but we are now possessed of arms and ammunition far exceeding any they had. They were compelled to wait behind their bales of cotton until they could see the whites of the eyes of the English soldiers before they were allowed to fire. Now we want men to fire with considerable accuracy at 2,000 yards.

There are other provisions in the bill, Mr. Chairman, that I fully indorse. I have no further criticism to make upon it, and think it in general a very good bill.

Now, I hope I may be pardoned for a little digression. On yesterday the gentleman from Texas [Mr. SHEPPARD] talked on the tariff. He displayed here a great deal of learning. He demonstrated to his own entire satisfaction that under a Republican protective tariff this country had gone to everlasting destruction in all its business interests, and the laboring people had especially been impoverished. But he was immediately followed by the distinguished gentleman from Kentucky [Mr. HOPKINS], who was especially eloquent in talking upon the subject of immigration to this country, and with equal powers of speech and of analysis he demonstrated that our conditions here in this country were so peculiarly in the interests of the laboring people that the Austro-Hungarian poor laborer came over here for the purpose only of getting rich, and that through a single bank alone in this country these people who came here in competition with our own people have been able to send over to Hungary $149,000,000 of their earnings to buy 10,000 acres of high-priced lands there. [Applause on the Republican side.]

I was troubled to know what our own Yankee skilled laborers, who can outwork and outmanage the Hungarians in making money and in accomplishing things—I was wondering what these people were doing while the poor Hungarian laborers, which the gentleman from Kentucky denounced as unfit to be in the country, were getting these millions, unless the Yankee laborers were getting a little of these same millions out of the work. [Laughter.] It was troublesome for me to put these two speeches together. [Laughter.]

But, Mr. Chairman, there is one other thing I want to refer to and I would not do that if it were not for the fact that for the past two months I have heard almost daily somebody quote the last speech of the great McKinley, and say that it was made at Buffalo in advocacy of free trade or something equivalent to it. I heard it yesterday accompanied with a eulogy which for beauty of language I commend to the country; but I want to advert to the singular fact that our brethren on the other side have fallen into a habit of asserting that we are, somewhere back along on the line of our history as Republicans, bound by what somebody else has said. But, waiving that, I want to say that these eulogies of Republican dead are not always very well accepted. The habit is growing on the gentlemen on the other side. [Laughter.] I know that they took up Lincoln shortly after he became a martyr and quoted him, as though they had always believed in him and had never maligned him. They quoted the next murdered President—Garfield. They have been quoting along the line; more recently they are quoting the third martyred President—McKinley. Their progress is exhibited in their recent efforts, not only to make political saints out of the dead Republican statesmen, but they have commenced trying to make a saint out of the present President of the United States by quoting him as good authority on all matters. So they have begun to talk of the living as well as the dead Republicans. [Laughter.] Where, oh, where, are the great deceased Democratic statesmen?

Now, one word more. The gentleman from Kentucky [Mr. HOPKINS] yesterday, inadvertently, I assume, fell into a mistake in the quotation that he made from the Buffalo speech of McKinley. He used the word "present" in his quotation, whereas it was not used in the original speech at all. But he had a good authority for that mistake. When the distinguished leader, Mr. Parker of the Democratic party in 1904 was making a speech in his own campaign on the subject of reciprocity, he professed to quote from the same speech of McKinley, and I say this with the utmost kindness to him that he began by commencing his quotation in the middle of a sentence in order that he might make his point. I will read it. The first of the quotation that he had in his speech commenced:

> We shall extend the outlets for our increasing surplus.

That was the first of his quotation. I will read the sentence as it was in McKinley's speech:

> By sensible arrangements which will not interrupt our home production we shall extend the outlets for our increased surplus, etc.

That includes the beginning of the sentence. But I shall, Mr. Chairman, without taking the time to read it, put into the RECORD the speech of McKinley, or all of it that relates directly to the question of the tariff. It is as follows:

> My fellow-citizens, trade statistics indicate that this country is in a state of unexampled prosperity. The figures are almost appalling. They show that we are utilizing our fields and forests and mines, and that we are furnishing profitable employment to the millions of workingmen throughout the United States, bringing comfort and happiness to their homes, and making it possible to lay by savings for old age and disability. That all the people are participating in this great prosperity is seen in every American community and shown by the enormous and unprecedented deposits in our savings banks. Our duty in the care and security of these deposits and their safe investment demands the highest integrity and the best business capacity of those in charge of these depositories of the people's earnings.
>
> We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or undue selfishness. No narrow, sordid policy will subserve it. The greatest skill and wisdom on the part of the manufacturers and producers will be required to hold and increase it. Our industrial enterprises, which have grown to such great proportions, affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.
>
> By sensible trade arrangements, which will not interrupt our home production, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
>
> What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.
>
> If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

Gentlemen on the other side want reciprocity based on free trade, which means nothing. They want reciprocity that closes our mills and turns our people out on the street as practical beggars, in order that they may go abroad and buy there on some mistaken idea that that will bring the poor people over there to buy flour or meats of us, or other of our productions of field or factory.

Mr. SHEPPARD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. Yes.

Mr. SHEPPARD. What steps has the Republican party taken to carry out the recommendations of Mr. McKinley?

Mr. KEIFER. We have taken steps all the time. We never expect to sell anything over there unless those people want it.

Mr. SHEPPARD. What modification of the tariff have you made in respect to any schedule in response to the speech of Mr. McKinley at Buffalo?

Mr. KEIFER. That is the same question substantially as the other one, and it is answered all the time. We sell abroad everything they want to buy, and we buy abroad in the same way. Changes in the laws were not required, but only in business methods.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905; and

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. Mr. Chairman, I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR]. [Loud applause on the Republican side.]

Mr. GROSVENOR. Mr. Chairman, I hope that the time occupied by the very generous applause will not be taken out of my time. [Laughter.] I do not rise, Mr. Chairman, to reply to the discussion by the able gentleman from Kentucky upon the subject of ship subsidies at this time. In due time I will try to show there never has been compressed into an hour more erroneous statements of facts than were made by the gentleman from Kentucky. I do not see how in the world it can be possible for any man to ride looking forward in this world and know so little of what is going on around him. I can imagine a man riding backward and looking at the scenery as he passes it in the rear of the train being thus misled.

I want to refer to the criticism of the Committee on Rules by the gentleman from Florida. It is an old story. It is one of the most inconsiderable in the matter of actual expense either of brains or of logic. Whenever you feel a little in doubt about the progress of human events, or any other unpleasant feeling, jump on the Committee on Rules of the House of Representatives and you will relieve your mind, and you will not hurt the Committee on Rules a particle. I was in this House at one time before there was such a thing as the Committee on Rules, as now constituted. It was a Democratic House with a large Democratic majority, and there was a bill pending carrying somewhere in the neighborhood of $11,000,000. We spent eight days and practically eight nights right here, nothing but recesses from day to day—very short ones at that—sometimes beginning at daylight in the morning and taking time only to get breakfast, before we ever got a vote upon the passage of the bill.

That procedure produced the present administration of the Committee on Rules and suggested its necessity. Any one man in that House could delay the action of the House. To-day the Committee on Rules can not delay the action of the House one moment. It can not point out a single limitation and force it upon the House. It can do nothing to affect the action of the House only as the House itself responds to the proposition of the Committee on Rules and enacts into law the utterance of the House and the act of the Committee on Rules itself. There is not so complete a democratic auxiliary of popular administration of legislative government as is the rule of this House that provides for a Committee on Rules and the action of the House upon their report, and a gentleman who has had any considerable experience must know that the Committee on Rules was born of the necessity of going forward, to give the House itself power over refractory Members and dilatory procedure of single and combined membership of the House. Now, the gentleman complains that this is not a House where you can have discussion. I have taken a little pains to ascertain and I find that upon three measures alone during the current session of this House, this first session of this House of Representatives, more time in actual debate was spent—two and a half times more—than was spent in any Democratic House of Representatives since the foundation of the Government.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. CLARK of Florida. I would like to ask the distinguished gentleman from Ohio if it is not a fact that about ten days of that time during this session was spent in discussing a bill unanimously reported by a committee, Democrats and Republicans alike, for which discussion there was absolutely no necessity and against which bill there were only seven votes?

Mr. GROSVENOR. There was a dire necessity. The Members of the House wanted to make speeches to their constituents, and they had the opportunity. [Laughter.] I made one myself. I do not think it did a particle of good. [Laughter.] Therefore I think the gentleman's suggestion that there was no necessity for it better be changed to say there was no good in it. That would be better.

Mr. CLARK of Florida. I would like to say, Mr. Chairman, I am exceedingly sorry to say that it did not avail in the gentleman's case. [Applause.]

Mr. GROSVENOR. The gentleman is very kind. Now, I want to call the gentleman's attention to the way the Democratic House occasionally did business during the days when there was a Democratic party in power in this country, with an organization that went forward to do things. The Forty-fifth Congress was a Democratic Congress, and they passed a bill to repeal the resumption act, a bill of very great importance! It was simply to launch this country again upon irredeemable paper money. That was all. And they passed a bill for the free and unlimited coinage of silver—another little matter! Since then it has grown into some importance, and has been the rock upon which our Democratic friends have wrecked their ship of state a couple of times, and I think are driving on toward the same reef again—an uncharted reef apparently—and they also passed a sundry civil bill, carrying $20,000,000 for the improvement of rivers and harbors. How much debate do you think there was on those three bills? How much in that enlightened Congress, when there was to be an opportunity, in the language of the eloquent gentleman from Florida [Mr. CLARK], for every man to have a "square deal" and let his constituents know what his action was based upon? There was not one single word of debate upon any one of those three great measures. Why not? Because the House of Representatives adopted the previous question upon each one of the measures and cut off debate. Since that time, under greater enlightenment, they could not have entirely done that, for we would have had twenty minutes on a side after the previous question had been ordered; but in those good old Democratic times if one man demanded the previous question, and the House by a majority of votes agreed with him, not one word of debate could be had. That House, so far as it could, launched this country upon irredeemable paper money, undid all that had been done by the act of resumption, and launched it again upon the free and unlimited coinage of silver, and passed an extravagant appropriation bill, without one word of debate. [Applause on the Republican side.] Now, will the gentleman not put into his speech, which was an ably prepared one, just this much?

"But, thank Heaven, the Republican party has lifted the lid and let in debate in this country!" [Applause.]

But let us see, now, what the gentleman proposes. He makes the proposition that every Member of the House now shall debate just as much as he may want to debate. Why, I hold in my hand thirty-one bills introduced by the industrious gentleman from Florida. [Laughter.] If every one of us had been as efficient as he is, there ought to be 11,966 bills here now, and more coming at the rate of several hundred a day. How long would it take for this House to discuss all of the bills that I hold in my hand—a bill to increase the pay of the Cabinet officers to $25,000 a year, a bill covering almost every subject of American thought, American politics, from individual pensions up to immigration, and the subject of prohibition by Congress, and many others? And we are asked deliberately that 386 gentlemen shall have free and unlimited debate—that "free and unlimited" is a kind of an echo of the past [laughter]—upon every one of these questions.

Why, in the good old days—I had a memorandum here that I seem to have lost—but in the early Congresses of the United States—in the First, Second, Third, and Fourth Congresses—there were introduced into Congress only about eighty-odd and some hundred, and not over 200, bills to the Congress, and then there were about eighty Members of the House of Representatives. Now, we had twenty-odd thousand bills in the last Congress and over 16,000 bills in this Congress, and 386 able and eloquent gentlemen to proclaim to all the world their absolute knowledge of the details and propriety of every one of those measures.

Mr. SHACKLEFORD rose.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Missouri [Mr. SHACKLEFORD]?

Mr. GROSVENOR. I do.

Mr. SHACKLEFORD. If the gentleman is not in favor of enlarged debate, is he not in favor of giving the House a chance to vote upon measures that are introduced here by gentlemen? For instance, the Massachusetts gentleman has introduced numerous measures here for repealing the duties on hides and giving us free hides. If we can not have debate, why may we not have a vote on some of those bills? Why are they not reported in here, either adversely or favorably?

Mr. DALZELL. May I answer the gentleman? We had an instance the other day of how free debate was cut off by a vote on a nonpartisan measure, when the entire Democratic party refused to allow debate.

Mr. SHACKLEFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield further?

Mr. GROSVENOR. I yield to the gentleman from Iowa who asked the gentleman from Missouri a question. [Laughter.]

Mr. LACEY. Are you in favor of free hides?

Mr. SHACKLEFORD. When the time comes I will indicate by my vote. [Great laughter.] I would like to have the gentleman state this: Six years ago I introduced a bill to repeal the

duty on wood pulp and printing paper and typesetting machines. I have introduced it every Congress since. If that is a good bill, we ought to have an opportunity to vote on it, and if it is a bad bill, it ought to be reported adversely and let us vote upon it.

Mr. GROSVENOR. The gentleman has fallen exactly into my trap, if it was a trap, though I had not constructed it as a trap.

Mr. SHACKLEFORD. Then I am glad I am in it.

Mr. GROSVENOR. Then you would have 20,000 bills, because if you have a right to demand, and the gentleman from Massachusetts has the right to demand a vote on your bill, then any other Member would have the right to have his bill voted on, and there would be 20,000 bills that would have the right, with a roll call under the Constitution of the United States upon every bill, three times if the Democratic minority wanted to demand it. We would have but very little legislation.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 22, 1906.

Hon. CHARLES H. GROSVENOR,
House of Representatives.

DEAR GENERAL: Approximately 20,000 bills will be introduced during this Congress. If a separate vote were taken on each bill ten thousand hours would be consumed in roll calls, as each roll call consumes thirty minutes. The legislative day consists of five hours. It would therefore require 2,000 legislative days in order to vote separately on each bill. If Congress should adopt the policy of permitting a separate roll call on each bill, the House would have to be in session twenty-seven hours and twenty-four minutes each day in the year, including Sundays, in order to do this.

Yours, very truly, W. A. RODENBERG.

Mr. SHACKLEFORD. Just one more question.

Mr. GROSVENOR. I have a subject I want to discuss.

Mr. SHACKLEFORD. Just one more question.

Mr. GROSVENOR. Very well, let us have it quickly.

Mr. SHACKLEFORD. Why, then, if these things may not be granted, can not the pitiful privilege be given me to move to suspend the rules, discharge the committee, and consider the bill in the House?

Mr. GROSVENOR. I would really be glad if the gentleman could get it, and he would ascertain how quickly he would fail in his efforts.

Mr. SHACKLEFORD. I would like permission on that proposition.

Mr. GROSVENOR. I am not making recognitions.

Mr. SHACKLEFORD. You are one of the three who control this House.

Mr. GROSVENOR. The gentleman has never offered a resolution on this bill, so far as I have heard.

Mr. SHACKLEFORD. I will accommodate you before the week shall end.

Mr. GROSVENOR. I will accommodate you by being in opposition to your proposition, too. [Laughter.]

Mr. SIMS. I want to ask the gentleman a question.

Mr. GROSVENOR. I have a topic I want to speak about.

Mr. SIMS. It is on the topic you are talking about. I want to ask the gentleman only one question.

Mr. GROSVENOR. Put it very short.

Mr. SIMS. It is short. I concede that you could not allow each Member in this House to consume the same time as a Senator would, but we could have the same number of hours in the House as the Senate does.

Mr. GROSVENOR. The House will have just as many hours of debate as the majority want.

Mr. SIMS. We are adjourning over two or three days at a time.

Mr. GROSVENOR. I knew the gentleman to be pursued here not so very long ago, trying to get him to make a speech, because there was a surplus of time, and he being always ready to speak on anything his party is concerned in, they sent for him and begged him to make a speech, and he said he was not prepared to make a speech; and I did not believe that, for he is a most ready debater.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like to ask the House, without taking it out of the time already allotted, to have five minutes to speak on a topic in this bill.

Mr. HULL. If the gentleman from New York will allow me to clip his wings for five minutes, I will yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. I want to speak, Mr. Chairman, upon a proposition in this bill to terminate the office of Lieutenant-General. I want to criticise, not in an unfriendly spirit, the language of the editorial from the Globe-Democrat, that the gentleman from Iowa, the chairman of the committee, put into the RECORD yesterday. I was glad that the chairman of the committee did not indorse the proposition, and if I shall be allowed an opportunity to extend my remarks, I shall comment upon the particular language in the editorial which I criticise.

I think it is extremely unkind in a great newspaper to couple together four, five, or six of the men who have attained to great distinction in the Army of the United States, and, without pointing out any special reason for it, say that no one of them was entitled to the honor and distinction that was conferred upon him by his promotion. Upon that point I intend to elaborate a little. I do not intend now to specify every man and what he has done, but my opposition to this proposition in this bill is this: There is a gentleman, a member of the Army, a soldier of great distinction, of whom I have personal knowledge and personal acquaintance, who would now, at the very moment almost when he has reached the culmination of his career would be, as it were, rebuked by Congress by an amendment to the law preventing a promotion to the office of Lieutenant-General. But before I proceed to him, let us see whether there is anything along this line that distinguishes some of the other gentlemen. I do not speak of General Miles. He has passed out of the activity of his soldier life. He was most warmly applauded on this floor a year ago, and I would not strip from him a single laurel. He made a magnificent record in the civil war, and it is said—I know nothing about that—that his service in the Indian campaigns gave him great distinction.

But come now to Young, who succeeded him. He planted the American flag upon the Philippine Islands—that is, it was done under his direction after the great victory of Admiral Dewey, and his administration there was wise, discreet, and just, and he filled a long period of service with gallantry in the Army of the United States. He merited the promotion to Lieutenant-General in the fullest degree. This newspaper seems to go upon the idea that unless a man has served in the rank of a brigadier-general or a major-general in actual war he is not entitled to any consideration. Take General Chaffee. One of the most critical expeditions ever commanded by an American soldier under the American flag was commanded by Chaffee of Ohio [applause]—Chaffee of the volunteer service, Chaffee who never went to West Point, Chaffee who stepped upon the shores of China, and against the caution and precautions of the great soldiers of the European world, in answer to the suggestion that there might be danger, that there might be something happen and he had better not start, he said, in the language of a soldier, which made his utterance immortal, "I know nothing about that; I am ordered to go to Peking, and I am going." [Applause.] It was the language of good old Steedman, of Ohio, at the battle of Chickamauga, when his corps commander said to him, "General Steedman, I have no orders to go to the relief of Thomas on Snodgrass Hill." Steedman, looking his commanding officer in the face and using language that I will not use here, said, "General, you have the highest orders ever issued to a soldier—the sound of the enemy's guns." [Applause.]

Chaffee led his army to Peking and planted the American flag upon the walls of the Forbidden City. The conduct of his campaign, the management and handling of his troops, the thorough soldierly qualities he exhibited, challenged and received the approbation and commendation of the representatives of the armies of the civilized world, and Chaffee was promoted, and Chaffee deserved it, and Chaffee has been an honor to the flag and the uniform. [Applause.]

Now, Chaffee has served out his time, and there comes another general—Bates. I know less about his service than any of the rest, but I know he merits the distinction he has received. Now, I come to Corbin, a soldier of 1861, who entered the service in an Ohio regiment as a second lieutenant, and has been a soldier of the United States Army from that time to this, with a record as spotless—and I say it with full knowledge of everything that has been said about him, everything that has been done against him—as spotless as the ermine of a judge or the uniform of a soldier. He served all the way up——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHARLES B. LANDIS. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The CHAIRMAN. The Chair regrets that the time is entirely under the control of the chairman of the Committee on Military Affairs [Mr. HULL] and the gentleman from Virginia [Mr. HAY].

Mr. HULL. I can not yield time to the gentleman without cutting out other gentlemen entirely. I will yield to the gentleman three minutes more.

Mr. HAY. I yield the gentleman five minutes. [Applause.]

Mr. GROSVENOR. I fully appreciate the courtesy of the gentleman from Virginia, and am glad that I do not have to take the time of my friend from Iowa [Mr. HULL].

At every step of the way Corbin has been a splendid soldier. He did not command an army in the field, but he commanded a

regiment under my observation in one of the bloodiest battles of the war.

He served in a minor position of lieutenant. He served during the entire war, and reached the position of lieutenant-colonel. He entered the Regular Army, and in every position in the Regular Army from that of lieutenant he served his country with distinction, and honored the flag that waved over him. I know that slanders have been uttered about him. I know they are false. I know that the only attack ever made upon him which was official and formidable resulted in the unanimous verdict of a court-martial that not only said he was not guilty, but added "and do therefore most honorably acquit the said Henry C. Corbin." [Applause.]

After long and faithful service in Indian campaigns, he came to Washington and took high rank in the Adjutant-General's Department. He became the head of that department and was the Adjutant-General under the old organization. The war with Spain came and found the army with fifteen or twenty thousand men without arms, without ammunition, without proper organization, without military stores, medicine, and hospital supplies, ships or anything else, and yet the country and the world discovered at the end of fewer than a hundred days an army of 250,000 men in the field, fully equipped, fully organized, and William McKinley said to many men who are living that no man did for him as great service as did Henry C. Corbin. [Applause.] Again, over in the Philippine Islands, a gentleman whom I am not permitted to name, but who has high rank, said to me within a week that General Corbin was the best commander of the troops that the Philippine Islands ever had, for he understood how to command the Army and to aid the civil authority without irritation or trouble.

He coupled with the military administration, which was most intelligent and valuable, such a clear and distinct knowledge of civil organization and civil government as to bring the two branches, civil and military, into hearty accord, and did much to commend to the people of the Philippine Islands the respect and confidence they have in the justice and fairness of the United States Government. He has been indefatigable in his service over there. He has brought to the military organization the very best results, and is now on the ocean returning to his native land.

If this bill passes without amendment he now is to be cut off from a well-earned promotion. As he steps upon the soil of his country he is to find that the Congress of the United States meets him with the declaration that he shall not have the promotion that by operation of law he is entitled to have in the month of April. I will not consent that that measure shall be passed in an appropriation bill, if I am alive when the bill is read under the five-minute rule. [Applause.] Nor will I meet with any such proposition the gallant MacArthur, who is to succeed him and who is to have a short time as Lieutenant-General. I do not think that Congress ought now to pass this act in such a way as to take from these two men, already designated by the President, their just deserts, and thus pass a law for the future that shall have such an unpleasant effect on these two persons.

I am willing that the office of Lieutenant-General shall be abolished at the proper time. I am perfectly willing that the bill should be so amended as to abolish the office of Lieutenant-General at some future time, but I am not willing that it shall operate to rebuke these two gentlemen. Otherwise, Mr. Chairman, I think this bill is framed on the very best lines of legislative action. [Applause.]

Mr. HULL. Mr. Chairman, I am willing now to close up my time by yielding the remainder of it to the gentleman from New York [Mr. PAYNE].

The CHAIRMAN. The gentleman from New York has thirteen minutes.

Mr. PAYNE. Mr. Chairman, I do not arise, like my friend from Ohio [Mr. KEIFER], to register a kick because the House concluded to celebrate Washington's Birthday by doing faithful service, instead of going out and loafing about the streets of Washington or for some other useless purpose to-day, but I rise for the purpose of reminding those gentle souls in the House who are so much disturbed for fear that the salaries will be cut off for a few ports in this country where the men are doing nothing that there is a day of judgment in such matters. [Laughter.]

I can well see from the debate which was had in the House yesterday why these gentlemen preferred to go around among the Members of the House, whispering in their ears, before attempting to get this bill up, that it was a bad bill, and that it would deprive the customs districts in the country of the faithful services of the patriots who were working there to earn their salaries—and some of the hardest work they do is to draw it from month to month. [Laughter.] I can well see how they preferred that line of argument rather than have the bill come before the Committee of the Whole House and discuss it and the reasons for it upon the floor.

I was surprised to read in the RECORD the reasons given by my genial friend from Massachusetts—whom I do not see in the House now, but who is almost the major-general of the forces—in opposition to this bill. If I read him correctly, he is in favor of retaining the custom-houses out of sentimental ideas. He says that these heads of the Department have no sentiment. Why, said he, there was Secretary Bonaparte recommended that the old ship *Constitution* should be destroyed instead of appropriating money to restore it, and he was working contrary to the whole sentiment of the country; and the gentleman from Massachusetts was fearful that the Secretary of the Treasury and the President might abolish some custom-house in the country where it did not pay anybody except the man holding the office, without any regard for the sentiment. I suppose he means that out of sentiment it is the duty of the United States to continue to support that man and his family at a comfortable salary, because it has been doing so, lo! for these hundred years. [Laughter.]

Then my friend from Maine reminds you of the great stretch of seacoast line in his State—some 800 miles. He did not tell you how many needy and worthy citizens there were in the State of Maine who were holding down their jobs because he had succeeded in temporarily delaying consideration of the bill. He did not propose to go into statistics on that matter. He told us of the glory and greatness of the port of Machias, in the State of Maine, and the great need of a customs service at that port. He went on to state how many vessels entered and cleared in the State of Maine, and that it was necessary to have a port there to enter and clear these vessels. He made the astonishing revelation that deputy collectors in subports were paid three or four dollars a day, and that that was more than the salaries of collectors of these ports in the State of Maine. As I understand the law the Secretary of the Treasury can fix the salary of a deputy collector at not exceeding $4 a day. There is a further provision in the law that he need not appoint any deputy collector in any subport of the country. He can now destroy these great subports that are so necessary to the existence of the life of the great State of Maine by withdrawing the salary and allowing them to go to work at some other honest business of making a livelihood. But that was not particularly what I arose to say, Mr. Chairman. The Secretary of the Treasury tells me that if this law is passed no Secretary of the Treasury would discontinue any port in the country without first giving notice and having a hearing to ascertain what reason there was for its existence, and he further tells me that if this bill was passed he would not seek to discontinue any port in the country where the receipts exceeded the expenditures. Now, I have already stated to the House I was willing to accept an amendment of that kind with this provision in it: That it should not apply to Port Townsend up here in Puget Sound, where vessels are required to go hundreds of miles out of the way in order to get to a port, being bound for the great cities of Seattle and Tacoma, simply because there is a sentiment about Port Townsend, and lo, these many years a collector has held down the job there, and the people of the United States have had to pay express on the money that was paid into the port at Port Townsend, first to Seattle and then to San Francisco, making a double expense for it. But I wanted to see what there was in this argument about the necessity of these ports for the purpose of clearance of vessels.

Now, you take the State of North Carolina. There is Albemarle, N. C., which is Elizabeth City. I said the other day something about that, and I have heard a wail from North Carolina that they needed a port somewhere in order to enter and clear vessels, and I went to the Secretary of the Treasury to try and find out how many vessels were entering and clearing in each one of these ports. At Albemarle, vessels entered, foreign, none; coastwise, none. Vessels cleared, foreign, none; coastwise, none. [Laughter.] Now, there ought to be a port there at Albemarle at an expense of $1,004, of course, to enter and clear this enormous commerce coming into that port; and they collected $5 of custom duties. It cost $1,000 at Port Albemarle to collect $5 and to enter and clear not a single vessel. Well, following a little further in North Carolina, at Beaufort, N. C., there was not a single vessel entered or cleared, and at this port they collected nothing and it cost $1,400.01. Why, gentlemen, will you not at least strike off that 1 cent and save that to the Treasury and only allow these men there the bare pittance of $1,400 for drawing their salary once a month out of the Treasury of the United States? Now, is it not ridiculous, the position these gentlemen are assuming in this House in regard to this bill? There is another port in North Carolina, Pamlico, N. C. (Newbern). There is some

business going on there. Vessels entered, foreign, none; vessels cleared, foreign, none; coastwise, none. Vessels entered, coastwise, 11, at Newbern—that is, Pamlico, the name of the port. Turn to the other end of it; they collected $1,007 and it cost $6,190.08. Five gentlemanly employees of the Government are there to enter these 11 vessels and collect this $1,000 during the whole year, and it cost $5 to collect every dollar.

Ought it not to be within the power of the President of the United States, getting his information through the Secretary of the Treasury, to summon the collector of the great port of Pamlico and then have the dean of the North Carolina delegation (I do not see him here now) or the gentleman who represents that district come up here in force and show them why this port should be continued rather than to save this money to the taxpayers of the United States? Those are the three ports in North Carolina about which there is all this flittering around the House upon the other side when it is proposed simply to cut off this enormity. Then in the State of Maryland, at Annapolis, no vessels cleared, no vessels entered, but they collected $5 at Annapolis at a cost of $929.41. What excuse is there for the existence of that port at Annapolis? Is there any? Is there any reason why the Government of the United States should pay out this stipend to those two gentlemen who are holding down these offices a moment longer? Now, can you justify yourselves to your constituents, gentlemen, if you go home to them and tell them that there is a chance to save this to the people of the United States, this useless outlay of money, that you had the opportunity, and you had it not only once, but you are going to have it another time, to discuss this bill and consider this bill; dare you go home and face this record with your constituents when you come up for election next fall?

Mr. SIBLEY rose.

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Pennsylvania [Mr. SIBLEY]?

Mr. PAYNE. Certainly.

Mr. SIBLEY. I would like to ask the distinguished leader, in as much as he has referred to the fact that we have got to go home and meet our constituents——

Mr. PAYNE. I will except the gentleman. I understand he has already met his and told them he would not run again.

Mr. SIBLEY. I feel perfectly free, and yet I have some sympathy with those who must go and answer that question. Therefore I am going to ask the gentleman if he believes it is the duty of Congress to surrender to the Executive the performance of those duties that, it seems to me, are incumbent upon the House of Representatives. More and more comes the question of centralization——

Mr. PAYNE. The gentleman was to ask a question, and——

Mr. SIBLEY. Why does not the gentleman bring in his bill abolishing those ports which you created and let us vote whether we will abolish them, and not transfer the power of abolishing them to another department?

Mr. PAYNE. Now, if the gentleman is through with his question, I will answer.

Mr. SIBLEY. Yes.

Mr. PAYNE. Mr. Chairman, if I can get this bill before the House, my distinguished friend from Pennsylvania [Mr. SIBLEY] can offer just that amendment. It will be up to him to offer it, and it will be up to the House to say whether they will name ports and strike them out or not. The reason we did not do it (and I have spent a good deal of time in examining this question) was that we could not do it and do justice to all of these ports in any examination I could make. The Treasury Department can report to the President, and they must have the assent of the President before they abolish these ports.

The President has had that power under the internal-revenue system ever since it was created, to make, create, and maintain internal-revenue districts, to say where the collector should be and where the deputy collector should be, and there has not any great hardship resulted. There are some things that you can not go into details about in this great House of Representatives, with its 386 Members, and which you can safely leave to the Executive of the United States to do. But if the House thinks otherwise, let them vote to consider this bill, and then amend it, if you are not satisfied with it; strike out the ports that you think ought to be stricken out and leave the others that you think ought to be continued, but do not fear to meet this question and discuss this bill and amend it, and take a final vote upon its passage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I want to give these gentlemen an opportunity to correct their record, Mr. Chairman, and I ask unanimous consent that I may print a statement in the RECORD concerning all of these ports.

The CHAIRMAN. The gentleman from New York asks unanimous consent for permission to print a statement in the RECORD. Is there objection?

There was no objection.

The statement is as follows:

TREASURY DEPARTMENT,
Washington, February 21, 1906.

MY DEAR MR. PAYNE: In response to your verbal request of this morning I transmit herewith a statement of vessels entered and cleared at the ports named in the memorandum you left with me.

Very truly, yours,

L. M. SHAW.

Hon. SERENO E. PAYNE,
House of Representatives.

Statement of vessels entered and cleared, districts and ports named, during the fiscal year ended June 30, 1905.

Districts and ports.	Vessels entered		Vessels cleared.	
	Foreign.	Coastwise.	Foreign.	Coastwise.
Albemarle, N. C. (Elizabeth City)				
Annapolis, Md				
Apalachicola, Fla	47	14	37	37
Barnstable, Mass	15		9	2
Beaufort, N. C				
Beaufort, S. C	5	3	2	5
Brazos de Santiago (Brownsville, Tex.)		4		4
Bridgeton, N. J	5	1	1	
Burlington, Iowa				
Burlington, N. J				
Cairo, Ill				
Castine, Me	7	3	8	2
Chattanooga, Tenn				
Cherrystone, Va. (Cape Charles City)				
Eastern, Md. (Crisfield)				
Edgartown, Mass	44		2	45
Frenchmans Bay, Me. (Ellsworth)	18		20	
Galena, Ill		29		29
Georgetown, S. C	6	55	9	54
Great Egg Harbor, N. J. (Somers Point)				
Humboldt, Cal. (Eureka)	1	188	9	13
Kennebunk, Me				
La Crosse, Wis				
Little Egg Harbor, N. J. (Tuckerton)				
Machias, Me	51	12	38	35
Michigan, Mich. (Grand Haven)	46	8,477	47	8,504
Nantucket, Mass				
Natchez, Miss				
Oregon, Oreg. (Astoria)	50	1,053	2	1,017
Paducah, Ky				
Pamlico, N. C. (Newbern)		11		
Patchogue, N. Y				
Plymouth, Mass	1		7	
Port Jefferson, N. Y				
Portsmouth, N. H	9	1	11	2
Rock Island, Ill				
Saco, Me			9	
Sag Harbor, N. Y				
St. Marys, Ga				
Salem and Beverly, Mass. (Salem)	64	5	43	46
Sandusky, Ohio	611	1,978	639	1,942
Southern Oregon (Coos Bay)	1		1	
Tappahannock, Va		242		
Teche, La. (Brashear)		90		86
Vicksburg, Miss		276		265
Waldoboro, Me	81	1	80	
Wheeling, W. Va				
Wilmington, N. C	30	95	64	78
Wiscasset, Me	51	2	16	44
Yaquina, Oreg		40		40
York, Me			3	
Total	1,143	12,581	1,057	12,250

Total number vessels entered	13,724
Total number vessels cleared	13,307

List of ports at which customs expenses exceeded receipts for the fiscal year ending June 30, 1905.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle (Elizabeth City), N. C	$5.00	$1,603.94	2	$321.388
Annapolis, Md	5.00	929.41	2	185.882
Apalachicola, Fla	1,237.87	3,629.45	4	2.932
Barnstable, Mass	438.80	3,532.42	7	8.050
Beaufort, N. C		1,400.01	2	
Beaufort, S. C	607.85	3,278.72	4	5.394
Brazos de Santiago (Brownsville), Tex	5,594.89	40,131.37	31	7.173
Bridgeton, N. J	491.99	1,411.01	5	2.868
Burlington, Iowa	176.44	456.15	2	2.585
Burlington, N. J	50.61	206.77	2	4.086
Cairo, Ill	47.10	382.25	1	8.116
Castine, Me	682.64	4,503.34	6	6.597
Chattanooga, Tenn	42.73	502.55	2	11.761
Cherrystone (Cape Charles City), Va	5.00	1,001.13	4	200.226
Eastern (Crisfield), Md	57.10	2,402.18	3	42.070
Edgartown, Mass	461.72	2,762.71	4	5.984
Frenchmans Bay (Ellsworth), Me	208.07	3,584.90	5	17.229
Galena, Ill	12.00	493.86	1	38.655
Georgetown, S. C	266.79	583.50	3	2.187

List of ports at which customs expenses exceeded receipts, etc.—Cont'd.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Great Egg Harbor (Somers Point), N. J.	$41.50	$1,115.25	2	$26.815
Humboldt (Eureka), Cal	635.86	2,806.59	1	4.414
Kennebunk, Me		95.17	2	
La Crosse, Wis	25.54	363.42	2	14.229
Little Egg Harbor (Tuckerton), N. J.		303.25	1	
Machias, Me	701.98	4,299.77	5	6.125
Michigan (Grand Haven), Mich	6,470.61	9,315.81	14	1.440
Nantucket, Mass		370.55	1	
Natchez, Miss		500.00	2	
Oregon (Astoria), Oreg	13,771.24	14,198.65	12	1.031
Paducah, Ky		450.05	2	
Pamlico (Newbern), N. C	1,607.54	6,130.08	5	3.813
Patchogue, N. Y		474.90	2	
Plymouth, Mass	1,027.24	1,417.89	2	1.380
Port Jefferson, N. Y		12.00	2	
Portsmouth, N. H	537.21	4,595.19	6	8.554
Rock Island, Ill	111.09	741.60	2	6.676
Saco, Me	26.71	484.65	2	18.145
Sag Harbor, N. Y	12.95	877.22	4	67.739
St. Marys, Ga	7.23	606.81	1	83.929
Salem and Beverly (Salem), Mass	1,631.10	5,868.66	6	3.598
Sandusky, Ohio	2,669.20	4,281.02	9	1.604
Southern Oregon (Coos Bay), Oreg	29.60	1,252.13	2	42.302
Tappahannock, Va	5.62	702.75	2	125.044
Teche (Brashear), La	87.48	3,069.20	3	35.085
Vicksburg, Miss		513.65	1	
Waldoboro, Me	2,029.21	6,891.75	7	3.396
Wheeling, W. Va	94.94	624.50	2	6.578
Wilmington, N. C	4,598.07	6,511.77	5	1.416
Wiscasset, Me	726.83	3,308.50	3	4.552
Yaquina, Oreg		1,040.75	2	
York, Me	2.50	253.67	1	101.468
Total	47,242.94	155,185.67		

Mr. JAMES. I would like to ask the gentleman a question.

Mr. PAYNE. If the gentleman will give me a minute, I will endeavor to answer it.

Mr. HAY. I will yield to the gentleman.

Mr. JAMES. The other day, when the gentleman from New York was discussing this bill, he arraigned Paducah as a port where it took some $400 to collect nothing. I want to ask him if it is not true that Paducah is not a port of entry?

Mr. PAYNE. I never could find an excuse for the existence of Paducah on this list. No vessel was cleared, no vessel was entered, and, according to this list, nothing was collected. I do not know of any excuse for the existence of that port. That I will frankly state to the gentleman.

Mr. JAMES. But is it not true that Paducah is not a port of entry and never has been a port of entry——

Mr. PAYNE. Then it had better be abolished.

Mr. JAMES. But only a port of delivery?

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] has expired.

[Mr. JAMES addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Maine is recognized for two minutes.

Mr. POWERS. The gentleman from New York [Mr. PAYNE] referred to the wonderful State of Maine. I do not on this occasion intend to enter any defense of my native State. He alluded to the great stretch of seacoast in my district, with its large amount of coastwise trade, to say nothing of the boundary lines from Canada that I had referred to in my address of yesterday in complimentary tone.

The information and knowledge of the gentleman from New York about these various ports in Maine is about equal to that which he possesses in reference to the port of Paducah, and what he knows about that has been shown by the gentleman from Kentucky [Mr. JAMES].

Mr. PAYNE. Why, the gentleman recognizes the fact that there is nothing at Paducah except the salaries.

Mr. POWERS. I do not recognize anything of that kind. The gentlemen from Kentucky show conclusively that the man stationed there rendered valuable services. The gentleman from New York made a statement in reference to one of the collectorships down in North Carolina, where there are five men holding down a salary and doing nothing, about the details, which I know nothing, and I don't think he does. The gentlemen from that State will take care of themselves. The gentleman from New York refers to the fact that there are five men in one collection district down there, collecting $5, with nothing to do but hold down their seats.

He says, "Don't you want to dispense with them?" The gentleman from New York knows, if he knows anything at all about this matter of collecting customs, that if there are five men down there—four of them in addition to the collector of the port—the Secretary of the Treasury believes it is necessary to have them there to take care of the best interests of the revenue, to prevent smuggling or something else, or they would not be there. If they are not needed there, the Secretary of the Treasury can discharge any or all of them to-day. Yet he attempts to frighten Members of this House by saying that we are in favor of graft, and asks that we have a chance to right ourselves when we go home to our constituents by voting to do away with this district, which the Secretary of the Treasury, by his action in allowing the collector four deputies, says needs this force. I think the gentleman will be cared for by his constituents, and I trust he will, and, so far as I am concerned, I do not think my constituents will ask me to right myself for having voted against a bill of this kind that has for its object the transferring of the power of this House to a Department or Bureau; but I think, on the contrary, they will be content with and approve the vote that I give, and I for one shall not be frightened by the gentleman's misleading statements into embracing the opportunity, which the gentleman says he shall generously offer the large majority of this House, to right themselves on the record.

Mr. THOMAS of North Carolina. Will the gentleman allow me to make one statement?

Mr. POWERS. I yield to the gentleman the rest of the time.

The CHAIRMAN. The Chair would state that the time limited for general debate by order of the House has now expired.

Mr. THOMAS of North Carolina. I ask unanimous consent to make a statement.

The CHAIRMAN. The Chair regrets that he has no authority to grant any extension of time.

Mr. THOMAS of North Carolina. I do not care to debate the matter.

Mr. HULL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, and had come to no resolution thereon.

JAMESTOWN EXPOSITION.

Mr. McKINNEY. Mr. Speaker, I ask unanimous consent, on behalf of the Committee on Industrial Arts and Expositions, for leave to print the hearings and proceedings before our committee in regard to the Jamestown Exposition.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHANGES OF REFERENCE.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 13195) for acquiring by condemnation and dedicating as public parkings the triangles and intersections of Sixteenth street and Park road, and of Park road and Mount Pleasant street, in the city of Washington, and the same was referred to the Committee on Public Buildings and Grounds.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 15258) to provide additional land for the Jackson School, in the District of Columbia, and the same was referred to the Committee on Appropriations.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (H. R. 159) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and the same was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DWIGHT, for ten days, on account of sickness in his family.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

ELIJAH SPANGLER.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying bill, was ordered to lie on the Speaker's table:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 20th instant (the Senate concurring), I return herewith House bill No. 1059, entitled "An act granting an increase of pension to Elijah Spangler.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 22, 1906.*

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior submitting, with a favorable recommendation, a draft of a bill relating to the management of the Freedmen's Hospital—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a statement of expenditures in the Navy Department for contingent expenses for the fiscal year ended June 30, 1905—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14813) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," reported the same without amendment, accompanied by a report (No. 1678); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14897) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes, reported the same with amendment, accompanied by a report (No. 1679); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the House concurrent resolution (H. C. Res. 21) directing the Commissioners of the District of Columbia to report to Congress upon the improvement of the Anacostia River Flats, reported the same without amendment, accompanied by a report (No. 1680); which said concurrent resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12455) granting an increase of pension to John Jacoby, reported the same without amendment, accompanied by a report (No. 1677); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. LITTLEFIELD: A bill (H. R. 15432) to provide for the construction of an addition or extension to the post-office and custom-house at Waldoboro, Me.—to the Committee on Public Buildings and Grounds.

By Mr. McGAVIN: A bill (H. R. 15433) for the erection of a public building at Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 15434) to regulate appeals in criminal prosecutions—to the Committee on the Judiciary.

By Mr. FLETCHER: A bill (H. R. 15435) to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands to be used for flowage purposes—to the Committee on Military Affairs.

By Mr. GOEBEL: A bill (H. R. 15436) authorizing a survey of the Ohio River at Cincinnati, Ohio, for the purpose of establishing an ice harbor—to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 15437) providing for the donation of condemned cannon to the University of Idaho—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 15438) to declare certain persons, firms, associations, and corporations to be common carriers and subject them to the provisions of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 15439) to improve and continue the improvement of the Coosa River—to the Committee an Rivers and Harbors.

By Mr. HUFF: A bill (H. R. 15440) providing for the purchase of a site and the erection thereon of a suitable building in the District of Columbia for the use of the Forest Service, Department of Agriculture—to the Committee on Public Buildings and Grounds.

By Mr. LAWRENCE: A bill (H. R. 15441) to amend an act entitled "An act permitting the Washington Market Company to lay a conduit and pipes across Seventh street west," approved February 23, 1905—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: A bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States—to the Committee on Immigration and Naturalization.

By Mr. FOSTER of Indiana: A bill (H. R. 15443) to extend the provisions of the pension laws to the Indiana State Militia, known and designated as "The Indiana Legion," to widows and children of deceased members of the Indiana Legion under certain circumstances—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15444) providing for an additional pension to widows of officers and enlisted men of the Army of the United States during the war of the rebellion in certain cases, and for a pension to permanently helpless children of such officers and enlisted men under certain circumstances—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15445) to amend an act entitled "An act to amend an act entitled 'An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows,' approved March 3, 1901," approved February 28, 1903—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15446) to provide for the judicial review of an order of the Postmaster-General denying to anyone the use of the postal service and matters connected therewith—to the Committee on the Judiciary.

By Mr. MOON of Pennsylvania: A bill (H. R. 15447) to revise, codify, and amend the laws relating to the Army, the militia, and ordnance and fortifications—to the Committee on Revision of the Laws.

By Mr. GROSVENOR: A memorial of the Ohio legislature favoring the bill (H. R. 4508) for good roads—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN of Maine: A bill (H. R. 15448) for the relief of George W. Randall for damages sustained by him as the owner of the sloop *Lottie W*—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 15449) granting a pension to Rhoda Kennedy—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 15450) granting an increase of pension to Virginia J. D. Holmes—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 15451) granting an increase of pension to Elijah Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15452) granting an increase of pension to Solomon Stanfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15453) granting an increase of pension to Lizzie Walker—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15454) granting an increase of pension to George C. Limpert—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 15455) granting an increase of pension to John D. Brooks—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 15456) granting an increase of pension to Tennessee N. Buckles—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 15457) granting an increase of pension to David R. Walden—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 15458) granting a pension to Catherine Ostheimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15459) granting an increase of pension to Drucillar A. Massey—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 15460) to refund taxes to the estate of Mary A. Kistner—to the Committee on Claims.

Also, a bill (H. R. 15461) granting an increase of pension to Louisa Penninston—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 15462) granting a pension to Charity A. Seibell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15463) granting an increase of pension to John Robb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15464) granting an increase of pension to John A. Puderbaugh—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 15465) granting a pension to Carrie A. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15466) to correct the military record of Milton E. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 15467) granting a pension to Moses R. Gage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15468) to remove the charge of desertion against John R. Brockway—to the Committee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 15469) to correct the military record of John Smith, Company K, First Regiment Arkansas Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 15470) granting an increase of pension to Solomon Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15471) granting an increase of pension to Eli Stover—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 15472) granting an increase of pension to Thomas C. Green—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15473) granting a pension to Thomas C. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15474) for the relief of the estate of Alexander L. McDonald, deceased—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 15475) for the relief of the trustees of the Union Church, of Toms Brook, Va.—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 15476) for the relief of Martin H. Avey—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 15477) granting an increase of pension to Ebenezer T. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15478) granting an increase of pension to Samuel P. Rhinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15479) granting an increase of pension to Uriah Louderback—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 15480) granting an increase of pension to Andrew J. Cook—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15481) to refund legacy taxes illegally collected from the estate of Mary C. Allen—to the Committee on Claims.

Also, a bill (H. R. 15482) to refund legacy taxes illegally collected from the estate of Delevan R. Robinson—to the Committee on Claims.

By Mr. LAW: A bill (H. R. 15483) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 15484) granting an increase of pension to Robert Dick—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 15485) granting a pension to Robert Fletcher—to the Committee on Pensions.

Also, a bill (H. R. 15486) granting a pension to William H. M. Carpenter—to the Committee on Pensions.

Also, a bill (H. R. 15487) granting an increase of pension to Truman Aldrich—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 15488) granting a pension to Delilah Moore—to the Committee on Pensions.

By Mr. McLAIN: A bill (H. R. 15489) for the relief of the town of Liberty, Miss.—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 15490) granting a pension to Mary E. Darcy—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 15491) granting an increase of pension to James Buckley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15492) granting a pension to W. L. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15493) to remove the charge of desertion against the name of Samuel J. Rayl—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 15494) for the relief of Charles Lennig & Co., Philadelphia, Pa.—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 15495) granting an increase of pension to Job B. Sanderson—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 15496) for the relief of the estate of W. A. Rawlings, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15497) granting a pension to Samantha Steppens—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 15498) granting an increase of pension to Lindsay Murdoch—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 15499) granting an increase of pension to Elias Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15500) granting an increase of pension to John W. Thomas—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 15501) granting an increase of pension to Elizabeth Parks—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15502) granting an increase of pension to Harman Hank—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 15503) granting a pension to George Todd—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 15504) granting an increase of pension to Albert B. Kimball—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 15505) for the relief of Jacob P. Stroope—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 15506) authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho—to the Committee on the Public Lands.

By Mr. GILLESPIE: A bill (H. R. 15507) granting an increase of pension to William T. Fisher—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 15508) to remove the charge of desertion against John Kilkenny—to the Committee on Military Affairs.

By Mr. SNAPP: A bill (H. R. 15509) granting an increase of pension to James Bowen—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3512) for the relief of James W. Watson—Committee on Military Affairs discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 14392) for the relief of Thomas Hanlon—Committee on War Claims discharged, and referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of railway employees, praying for legislation on the subjects of employers' liability and the use of the injunction in labor troubles—to the Committee on Labor.

By Mr. ADAMSON: Petition of the city council of Newman, N. C., relative to fast mail service from Boston and New York

to southern points—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Troup County, Ga., for an appropriation for fast mail service from eastern cities to the South—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of West Point, Ga., for a continuance of fast mail service—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Emilie Wood—to the Committee on Pensions.

By Mr. ALLEN of New Jersey: Petition of the American Society for the Prevention of Cruelty to Animals, against an amendment to section 4386 of the Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petition of the New Jersey Pharmaceutical Association, relative to the patent laws—to the Committee on Patents.

Also, petition of the Postum Cereal Company, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Independent Refiners' Association, relative to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Petition of citizens of Texas, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of James G. Clay—to the Committee on Military Affairs.

Also, petition of Local Union No. 319, of Dallas, Tex., Painters, Decorators and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the San Antonio Humane Society, against extending the twenty-eight-hour limit for cattle in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of the Central Federated Union of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BIRDSALL: Petition of citizens of Iowa, for an arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BOWERSOCK: Petition of Springhill (Kans.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BROOCKS of Texas: Petition of the Plain Dealer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURGESS: Paper to accompany bill for relief of V. J. D. Holmes—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: Petition of the Postum Cereal Company, relative to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Independent Refiners' Association, relative to railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of Verona Grange, of Bucksport, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of the State Federation of Pennsylvania Women, favoring the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for a forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CONNER: Petitions of the Chronicle, the North Kossuth Record, the Topic, the Graphic Herald, the Fort Dodge Post, the Freeman's Tribune, and the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Express, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Board of Trade of Lawrenceville, Pittsburg, Pa., for an appropriation for a new post-office building—to the Committee on Public Buildings and Grounds.

By Mr. DE ARMOND: Petition of citizens of Stockton, Mo., against passage of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of David R. Walden—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petitions of Granges Nos. 1088, 1248, and 1254, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Petition of Butte Union, No. 720, Brotherhood of Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Independent Refiners' Association, relative to railway legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Audubon Society, of New York, favoring bill S. 2966—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of citizens of New York, for the metric system—to the Committee on Coinage, Weights, and Measure.

Also, petition of a citizen of New York City, against the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Joseph Orton Kerbey, relative to the proposed park on the site of old Fort Reno—to the Committee on Public Buildings and Grounds.

By Mr. DWIGHT: Petition of the New York State Grange and N. S. Bothwell et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of citizens of Wisconsin, for favorable consideration of bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. FASSETT: Petition of Charles Totten et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLACK: Petition of Malone (N. Y.) Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: Paper to accompany bill for relief of estate of John A. Cline—to the Committee on War Claims.

By Mr. FLOYD: Paper to accompany bill for relief of Henry Davey—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Second National Bank of Belvidere, Ill., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of A. W. Fiske, of De Kalb, Ill., favoring the banking bill relative to loan of 10 per cent of bank capital and surplus to one person—to the Committee on Banking and Currency.

By Mr. GAINES of West Virginia: Petitions of Council No. 54, of Mammoth; Councils Nos. 36, 83, 101, 124, 43, 9, 66, 46, 27, and 34, Order United American Mechanics; citizens of Ansted, Charleston, Eagle, Handley, and Richwood; and Massasoit Tribe, No. 61, Improved Order Red Men, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILBERT: Petition of H. H. Lawrence et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of the Massachusetts Association of Sealers of Weights and Measures, favoring adoption of the metric system—to the Committee on Coinage, Weights and Measures.

By Mr. GOLDFOGLE: Petition of Henry E. Clark, of New York City, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Travelers' Protective Association, for continuance of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Central Federated Union, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Audubon Society, favoring bill S. 2966—to the Committee on Agriculture.

By Mr. GRAFF: Petition of Dunlap Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Independent Refiners' Association relative to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Postum Cereal Company, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRONNA: Petition of the State National Guard Association, for passage of bill H. R. 7136—to the Committee on Militia.

Also, petitions of A. B. Landt, Charles C. Haney, and O. C. Lagmoen, against bill H. R. 48—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Albret Jacobson, Lawrence Hoos, and F. W. Beckman, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of O. M. Frazer et al., for passage of the Hansbrough-Gronna bill—to the Committee on Irrigation of Arid Lands.

By Mr. GROSVENOR: Petition of Eagle Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAMILTON: Petition of the Advance, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of the trustees of the Union Church at Toms Brook—to the Committee on War Claims.

By Mr. HAYES: Petition of citizens of California, against modification in any manner of the present Chinese law—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of citizens of Manchester, Conn., against commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. HERMANN: Petition of the Valley Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of Lyme (Conn.) Grange, No. 147, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Lumber Dealers' Association of Connecticut, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of L. T. Davis, jr., et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of the Utah County Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Papers to accompany bill for the purchase of land and erection thereon of a building in the District of Columbia for the use of the Forest Service—to the Committee on Agriculture.

By Mr. HUNT: Petition of the Japanese and Korean Exclusion League, for the retention of the present Chinese law—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON: Petition of citizens of South Carolina, for an appropriation for continuance of the fast mail services south—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of many citizens of San Francisco, Cal., against bill H. R. 12973—to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Labor Council, for increase of pay of the United States Marine Band—to the Committee on Naval Affairs.

By Mr. KELIHER: Petition of the Central Federated Union of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Massachusetts Association of Sealers of Weights and Measures, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the United States Brewers' Association of New York, for a judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the trustees of public reservations of Massachusetts, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. KENNEDY: Petitions of the Mahoning Despatch and Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Paper of Hon. William E. Chandler, relative to the Hepburn railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Postum Cereal Company, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Audubon Society of New York, for enactment of bill S. 2966—to the Committee on Agriculture.

Also, petition of the Central Federated Union, against the Littlefield antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Workingmen's Federation of the State of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTAUER: Petition of Rural Grove Grange, No. 752, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of the secretary of the State of Georgia, for papers, files, or books that may be in any of the Departments of the United States Government relative to the Georgia soldiers' roster commission—to the Committee on Military Affairs.

By Mr. LOUD: Petition of the Lake Seamen's Union, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. KENNEDY: Paper to accompany bill for relief of Katherine Kelly—to the Committee on Invalid Pensions.

By Mr. McGAVIN: Petition of the Lake Seamen's Union, favoring bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. McKINLEY of Illinois: Petition of Division No. 74, Order of Railway Conductors, favoring the Bates-Penrose bill and the Gilbert-Carter bill—to the Committee on the Judiciary.

Also, petition of Division No. 37, Order of Locomotive Engineers, favoring the Bates-Penrose bill and the Gilbert-Carter bill—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Decatur, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mattoon Division, No. 101, Order of Railway Conductors, for the Bates-Penrose and Gilbert-Carter bills—to the Committee on the Judiciary.

Also, petition of Isaac S. Raymond, of Sidney, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Division No. 400, Order of Railway Conductors, of Clinton, Ill., for the employers' liability bill—to the Committee on the Judiciary.

Also, petition of Division No. 400, Order of Railway Conductors, of Clinton, Ill., for the passage of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. KINNEY: Petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McMORRAN: Petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Aso, petition of citizens of Michigan, favoring the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Michigan, favoring the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MINOR: Petition of the Advocate, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of W. L. Tyler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel J. Ryal—to the Committee on Military Affairs.

By Mr. MORRELL: Petition of the National Board of Trade of Philadelphia, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Board of Trade of Philadelphia, Pa., for enactment of the Lovering bill—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of citizens of California, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of the Japanese and Korean Exclusion League, for retention of the present Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. OLCOTT: Petition of Charles F. Hoffman and Walter Stokes, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of George E. Shaffer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of George H. Leonard et al., the National Grange, and L. Lugert, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RANSDELL of Louisiana: Petition of the Independent, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the trustees of the United States Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. SHEPPARD: Petition of W. R. Phelps and M. A. Locke, for repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Harman Houk—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Petition of William Collins et al., for an appropriation for beacon lights at the mouth of La Trappe River—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of the Herald-Rustler, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. THOMAS of Ohio: Petition of the Sons of Veterans of Cuyahoga and Magadore, Ohio, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Ravenna Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of citizens of Leominster, Mass., relative to matters in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Petition of the Toanhoe Times, against the tariff on linotype machines—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 23, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and

The Journal of the proceedings of yesterday was read, corrected, and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3899. An act granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy; and

S. 4482. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3899. An act granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy—to the Committee on Naval Affairs.

S. 4482. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."—to the Committee on Interstate and Foreign Commerce.

EXTENDING REMARKS IN THE RECORD.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks of yesterday on the port bill in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHACKLEFORD. Mr. Speaker, I move to suspend the rules, discharge the Committee on Ways and Means from further consideration of House bill No. 13296, and that the House proceed to its present consideration.

The SPEAKER. It is not in order to move to suspend the rules at this time.

Mr. SHACKLEFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SHACKLEFORD. When will that motion be in order?

The SPEAKER. It will be in order on the first or third Monday, in the event that the condition of business at that time is such that the gentleman can be recognized.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution (No. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I want to express the desire that nobody will object to the present consideration of this resolution.

Mr. PAYNE. Let us have the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the Senate joint resolution No. 32, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution (S. R. 32), instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the amendment to the Senate joint resolution, which is in the nature of a substitute.

The Clerk read as follows:

Amend the joint resolution as follows: Strike out the preamble and all after the enacting clause and insert the following:

"That the Interstate Commerce Commission be, and is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time, as the investigation proceeds:

"First. Whether any common carriers by railroad, subject to the interstate-commerce act, or either of them, own or have any interest in, by means of stock ownership in other corporations or otherwise, any of the coal or oil which they or either of them, directly or through other companies which they control or in which they have an interest, carry over their or any of their lines as common carriers, or in any manner own, control, or have any interest in coal lands or properties or oil lands or properties.

"Second. Whether the officers of any of the carrier companies aforesaid, or any of them, or any person or persons charged with the duty of distributing cars or furnishing facilities to shippers, are interested, either directly or indirectly, by means of stock ownership or otherwise, in corporations or companies owning, operating, leasing, or otherwise interested in any coal mines, coal properties, or coal traffic, oil, oil properties, or oil traffic over the railroads with which they or any of them are connected or by which they or any of them are employed.

"Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of coal or oil is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize or combines or conspires with any other carrier, company or companies, person or persons, to monopolize any part of the trade or commerce in coal or oil or traffic therein among the several States, or with foreign nations, and whether or not, and if so to what extent, such carriers, or any of them, limit or control, directly or indirectly, the output of coal mines or the price of coal and oil fields or the price of oil.

"Fourth. If the Interstate Commerce Commission shall find that the facts, or any of them, set forth in the three paragraphs above do exist, then that it be further required to report as to the effect of such relationship, ownership, or interest in coal or coal properties and coal traffic, or oil, oil properties, or oil traffic aforesaid, or such contracts or combinations in form of trust or otherwise, or conspiracy, or such monopoly or attempt to monopolize or combine or conspire as aforesaid, upon such person or persons as may be engaged independently of any other persons in mining coal or producing oil and shipping the same, or other products, who may desire to so engage, or upon the general public as consumers of such coal or oil.

"Fifth. That said Commission be also required to investigate and report the system of car supply and distribution in effect upon the several railway lines engaged in the transportation of coal or oil as aforesaid, and whether said systems are fair and equitable, and whether the same are carried out fairly and properly; and whether said carriers, or any of them, discriminate against shippers or parties wishing to become shippers over their several lines, either in the matter of distribution of cars or in furnishing facilities or instrumentalities connected with receiving, forwarding, or carrying coal or oil as aforesaid.

"Sixth. That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

"Seventh. That said Commission be also required to report any facts or conclusions which it may think pertinent to the general inquiry above set forth.

"Eighth. That said Commission be required to make this investigation at its earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of its public duty."

Amend the title so as to read:

"Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil and report on the same from time to time."

Mr. TOWNSEND. Mr. Speaker, this resolution is the result of what is believed to be the conviction of a large portion of our public, as reflected by the Congress, that some of the great interstate carriers in the United States are, through various ways and means, inflicting what seems at least to be a wrong upon the American people. The committee is not always moved by the complaint of every individual who seeks to expose his woes to the public for its sympathy, but when complaints come in such a manner as complaints in this case have come it is felt that it is the duty of the Congress to examine the complaints and determine, first, whether they are well founded, and if so, whether they are violations of existing law, and, third, whether any new legislation on the part of Congress is necessary.

This resolution, as originally introduced into the House by the gentleman from Texas [Mr. GILLESPIE], provided for the investigation of the methods of carriers of bituminous coal. The resolution introduced into the Senate of the United States by the Senator from South Carolina [Mr. TILLMAN] provided not only for the investigation in reference to bituminous coal, but as to all other products. The gentleman from Kansas [Mr. CAMP-

BELL], who has been active in looking after the interests of his people, presented to the committee facts in support of his resolution which warrant the investigation as to oil. The committee felt that inasmuch as there were specific charges in reference to coal and oil it was the part of wisdom to extend the investigation to those products. The Interstate Commerce Commission has been intrusted with this duty, first, because the very nature of its duty places the information naturally within its grasp. It has been carrying on an investigation in reference to anthracite coal and is about to undertake the investigation as to oil. It is expected that this investigation will be prompt, speedy, and effectual.

It is not necessary that I should take the time of the House in recounting matters which Members already know. It is sufficient for me to say that the original old-fashioned notion which prevailed in this country since the time carriers were first instituted and up to a few years ago was that the interstate carrier was authorized, was chartered, to do a specific work, which was the work of a common carrier, and that meant carrying the goods of and for the people at reasonable prices on equal terms to all. Now it has been charged, and I think with authority, that there is, through intercorporate ownership of railroad stocks, a control which precludes fair treatment to the people in certain cases.

It has been disclosed, in fact, that many of the officers of the coal-carrying roads are officers of other carriers, and through them the product is taken from the mine to the market. It must necessarily stand as a fact that when carriers are so combined, and especially when you add to that fact that many of these carriers actually own the coal and the coal fields, as is alleged in this case or in the cases presented, that they will necessarily use discrimination, that thereby they will tend to monopoly, and those necessities of life—coal and oil—will be enhanced in their price to the consumers, who are thereby injured. It is also alleged on what seems to be good authority that where the roads themselves do not own the coal mines and the coal which they carry that their officers or men allied with them do control an interest in them. Now, I do not say that all of these alleged conditions are unlawful. I don't know whether they are or not. I know that certain States have passed laws prohibiting carriers from engaging as merchants. I contend that it is against public policy for any public carrier to become a dealer in the products which it hauls; but if it is not the law of the land, then certainly if the alleged conditions are found to exist this Congress should be placed in a position of knowledge in order that it may enact a law which will cure these defects, if defects they are found to be.

Mr. Speaker, without attempting to go into detail, but believing that this is a question which should be submitted to the Congress and by it to somebody with authority and ability to investigate, I am pleased to report that the committee has presented unanimously this resolution for the consideration of the House, which should pass unanimously.

Mr. CRUMPACKER. Mr. Speaker, I would like to ask the gentleman to yield to me for a moment.

Mr. TOWNSEND. I yield to the gentleman for a question, and then I shall reserve the balance of my time.

Mr. CRUMPACKER. Mr. Speaker, I would like to know something a little more definite about the purpose and scope of this investigation. Is it the intention to clothe the Interstate Commerce Commission with authority to investigate the coal and oil industries as bearing upon the question of interstate transportation under the interstate-commerce law, or is the resolution broad enough to require an independent investigation of these industries to ascertain whether there be trusts and combinations under the antitrust statutes of the country? The question is, Is this investigation to be conducted as bearing upon the question of interstate transportation?

Mr. TOWNSEND. I think it is. It was so thought by the committee.

Mr. CRUMPACKER. So that the Interstate Commerce Commission is not to be authorized to go out and pursue an investigation purely for the purpose of ascertaining whether an unlawful trust or combination exists independent of the question of transportation?

Mr. TOWNSEND. Independent of interstate carriers; no, sir.

Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, at the time the railroad rate bill was pending in the House I gave notice, first, that I would offer an amendment to that bill touching the subject-matter of the pending resolution, but later on, having been advised by the friends of the measure that it might encumber the measure, I gave notice further that I would introduce an independent bill on that subject. I rise now mainly to say that the scope of this resolution, the scope of this inquiry, is so complete touching the subject-matter of the proposition which I made that I feel it not only my duty to refrain from introducing that bill until this investigation shall have been had, but I desire also to give the reason for it, so that it might not be understood that I had in any wise slackened in my attitude to support an investigation of this character.

I believe that covered by this resolution are the greatest evils affecting the people of the United States in the matter of transportation in this country. And I believe that upon a report that lays bare the actual facts in those cases not one case, not ten cases, but hundreds of cases, Congress will be in a position to legislate intelligently. I am glad that the scope of this resolution is broad enough to give notice to certain gentlemen that the Congress of the United States is not so childish in its knowledge of men and passing affairs that the puerile statement of a great railroad man that his corporation does not own a controlling interest in certain other corporations—that is, does not own the majority of the stock of certain other corporations—is no answer to the proposition that there is that sort of a combination and community of interest and community of management that brings that corporation and those that it dominates directly under the very ban that this resolution seeks to avoid.

Therefore I most heartily support this resolution, and I hope that the Interstate Commerce Commission will show itself more efficient than I have ever believed it was in a prompt, energetic, intelligent, and complete investigation, and a report upon which Congress can act.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Mississippi?

Mr. TOWNSEND. I will yield the gentleman from Mississippi five minutes. If the gentleman will permit, I had hoped that we might close this discussion at the end of the hour, as we have other matters here. I was going to ask—this, of course, does not apply to the gentleman from Mississippi—that at the end of the hour gentlemen who desire to print on this subject may have permission to do so. I now yield five minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, "the gentleman from Mississippi" never prints. I rise merely for the purpose of saying without argument at all that what I have heard from the gentleman from Ohio [Mr. GROSVENOR] convinces me that I and all of this side of the House, at any rate, ought to support the resolution which is offered by the gentleman from Michigan [Mr. TOWNSEND]. I think that we ought never to miss an opportunity to shed the light of publicity upon these corrupt details of corporate life, and if I had needed any argument at all to convince me that I was right I would have received it a moment ago from the gentleman from Ohio [Mr. GROSVENOR]. [Applause.]

Mr. TOWNSEND. I yield ten minutes to the gentleman from West Virginia [Mr. GAINES].

The SPEAKER. The gentleman from West Virginia is recognized for ten minutes.

Mr. GAINES of West Virginia. Mr. Speaker, I address the House at this time only because the acts out of which this resolution grew have occurred principally in the State of West Virginia. In April, 1904, I introduced into this House, just before the close of that session and shortly after the community of interest which has been complained of had been established by these railroads, a resolution asking for an investigation by the Interstate Commerce Committee of that arrangement. Very shortly thereafter the Interstate Commerce Commission investigated that arrangement and reported fully to the country the nature of that interest and control. The condition which has been complained of is one that has occurred in the development of railroad building in this country. Formerly the railroads when they combined did it for the purpose of increasing the profits of the railroads by promoting the movement of traffic. The community of interest which is complained of now—the arrangement which is objected to now, if it exists, and we all believe it does—is a limitation upon the free competition in the sale of coal and coke in this country, and is brought about by arrangement similar in nature but different in purpose. The real trouble is this, that the railroads have combined not for the purpose of promoting the movement of traffic, and in that way increasing the revenues and the business of the roads, but for the purpose of preventing the movement of traffic on the part of the smaller of the two companies combining. For instance, it is charged and believed that one of the great railroad companies of the country, engaged in the transportation of coal, has procured the control of the competing coal roads in West Virginia, to wit, the Chesapeake and Ohio, the Baltimore and Ohio, and the Norfolk and Western, not

for the purpose of promoting the exchange of traffic among all those companies, but for the purpose of preventing the three controlled roads from carrying the amount of coal to market that they would if it were not for this arrangement.

So that the real question which is to be reached by this investigation is this one: Whether common carriers engaged in a public service can make an arrangement by which one public agency may control another, not for the purpose of promoting the public service and increasing by legitimate means the revenues of the agencies in the combination, but so that the controlling road may not suffer by competition at the hands of the corporation which is under control.

However, Mr. Speaker, it ought to be known everywhere that no investigation will bring relief of itself, and that no laws which we can pass here will be self-executing any more than the laws already in existence. It has recently been said in the public prints that the State of West Virginia has no adequate laws upon this subject. I venture to say, Mr. Speaker, that the laws of the State of West Virginia are as advanced and as ample to give relief in this matter as the laws of any other State of this Union.

In 1895 the legislature of West Virginia enacted these provisions:

RAILROAD COMPANIES PROHIBITED FROM BUYING AND SELLING COAL OR COKE, AND DISCRIMINATING.

[This is chapter 16, acts 1895, the title of which is "An act to prevent railroad companies from buying and selling coal or coke, and to prevent discriminating."]

SEC. 80. It shall be unlawful for any railroad corporation to engage, directly or indirectly, in the business of buying and selling coal or coke, or to promise, pledge, or lend its credit, money, or other property or thing of value to another, either natural or corporate, engaged in such business; but nothing herein shall prevent such corporation from purchasing such articles for its own consumption, or when it is the owner of any such commodities from selling and shipping the same: *Provided*, In doing so such corporation shall not discriminate in rates, distribution of cars, or otherwise against other shippers of like commodities on its line: *And provided further*, That when such company has the right to sell either of such commodities, and is unable from any cause to fill any bona fide contracts it may have made to supply such commodities, or either of them, it may purchase them to enable it to fill such contracts. (1895 Acts, 16: 1.)

SEC. 81. Every railroad corporation along whose line of railroad the industries of mining coal or manufacturing coke is carried on shall, without discrimination between or amongst shippers and without unnecessary delay, make a reasonable provision for the transportation of all such coal and coke offered for transportation over its railroad, and no such railroad corporation shall discriminate in rates, distribution of cars, or otherwise against or among shippers of coal or coke offered for shipment on its line or lines. (1895 Acts, 16: 2.)

SEC. 86. Such corporation, company, public carrier, or individual shall make reasonable provisions for transportation of all freight that may be offered it for shipment, and transport the same without unreasonable delay; and shall not discriminate against or among persons offering freight for shipment over such railroad in rates, distribution, or allotment of cars, or otherwise under substantially similar circumstances and conditions; and shall not give or allow to any shipper or consignee of freight any rebate or drawback so as to give such shipper or consignee any advantage over any other shipper or consignee. The compensation for the transportation of goods and merchandise, and all kinds of property hereinbefore described, shall be interpreted to include all fees and commissions charged by any such corporation, company, public carrier, or individual, their agent or agents, for manifesting, receiving, handling, shipping, and delivering any goods, merchandise, and all other kinds of property for transportation on said railroads, so that the entire charge made by such corporation, company, public carrier, or individual shall not exceed the regular transportation fees herein prescribed, except for the storage of any articles in any depot or warehouse of such corporation, company, public carrier, or individual, or in any depot or warehouse by their agent or agents, which remain in such depot or warehouse after the lapse of twenty-four hours from the time the consignee is notified by the agent or the other employees of such corporation, company, public carrier, or any individual of their arrival, in case where the abode of the consignee is known to said agents. (1895 Acts, 17, 3.)

As far back as 1872 the following provisions had been enacted in West Virginia:

SHALL TRANSPORT PASSENGERS AND FREIGHT WHEN OFFERED.

SEC. 97. All railroad corporations whose lines of road shall extend into or through this State and which extensions are incorporated by the laws of this State or any other State, or the United States, shall take and transport passengers and freight when offered: *Provided*, That such railroad corporation shall not be permitted to charge for the transportation of freight and passengers, or either, a less sum from one terminus of their road to the other, than from an intermediate station to either terminus thereof, nor a greater sum for the transportation of freight and passengers, or either, from any intermediate station to either terminus of the road, or from either terminus to an intermediate station, or from one intermediate station to another, than from any intermediate station to either terminus or from either terminus to any intermediate station, or from one intermediate station to another, where the distance is less. (1872–3 Acts, 227: 9.)

WILLFUL VIOLATION DEEMED A FORFEITURE OF FRANCHISES.

SEC. 103. Any willful violation of the provisions of this act, on the part of any railroad corporation, shall be deemed and taken as a forfeiture of its franchises, and such corporation so offending shall be proceeded against by the prosecuting attorney in any county through or into which its road may run, by scire facias, or upon information in the nature of a quo warranto, to judgment of ouster and final execution. In any prosecution or proceeding under this section, if the violation complained of be proved, it shall be presumed to have been willful until the contrary thereof be proved. (1872–3 Acts, 227: 15; amended 1877 Acts, 117.)

And there are other provisions of the statutes of West Virginia which go to show that the State of West Virginia has not only made provisions as to furnishing facilities and to prevent discriminations in rates and in other railroad service among the carriers, but there is law in the State of West Virginia now which will enable private persons at their own private suit and litigation to secure relief in these matters.

I am very much in favor of the resolution, Mr. Speaker. I participated in its favorable report by the committee. But the devices are already known out of which arise this discrimination and this monopoly, in part, of the coal and coke traffic of the country, and the warning may well be sounded that even after the Interstate Commerce Commission has made this investigation it will be up to the persons in interest to prepare their own cases and bring about their own relief through the courts. The habit of waiting upon Government and legislative bodies for the passage of some new law to give relief rather than to go into the courts of the country vigorously to insist upon rights already to be had under existing law is one of the chief causes why so many wrongs remain unrighted in this country to-day.

I am glad to see this resolution pass, but I should be sorry if it should lull persons in interest into a sense of security so that they will imagine that by waiting, and thereby lessening their own efforts to take care of themselves, some relief is going to come to them by the action of Congress, unaided by their own energy and effort. [Applause.]

Mr. TOWNSEND. Mr. Speaker, I yield five minutes to my colleague from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, as a member of the committee from which this bill was reported, and also of the subcommittee which reduced the various original resolutions into the form reported and now pending, I wish to say that we thought the original Senate resolution was entirely too diffuse and broad in the number of subjects of investigation authorized, in the multiplicity of which we feared it might be construed that, so many things being suggested, it was not specifically required that much attention be given to any. So we reduced the scope of the original Senate resolution to the one subject of coal and made it to cover, as the country knows, all coal, and not alone one kind. Then upon the suggestion of the gentleman from Kansas [Mr. CAMPBELL] oil was added to coal. Doubtless we would have thought of oil, and we had heard of oil, and the monstrous outrages committed in connection with oil, oil properties, and transportation, but it is to the credit of the gentleman from Kansas [Mr. CAMPBELL] that it was pressed upon the committee and placed in this resolution, authorizing the investigation as to coal and oil. The report of the subcommittee was unanimous and was adopted with entire unanimity by the Committee on Interstate and Foreign Commerce. I trust that it will pass by the unanimous vote of this House.

I will ask the gentleman from Michigan [Mr. TOWNSEND], who expects to yield to the gentleman from Texas [Mr. GILLESPIE] five minutes, that he permit me in addition thereto to yield to the gentleman from Texas the balance of my time unconsumed.

Mr. TOWNSEND. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I desire to say that I think the whole country is to be congratulated upon the quick response of this House and of the other branch of the Congress to this demand of honest, intelligent, and patriotic American citizens for an investigation into the conditions that are making them commercial slaves.

Why, Mr. Speaker, if half of what I hear is true in the coal regions of the United States, there is a system of commercial brigandage and desperadoism prevailing in those regions due to the "captain" of industry compared to whom the physical desperado of the pioneer days of this country is a gentleman of the first class. [Laughter and applause.] I do not know whether they are true or not, but I do know this—there is a sentiment fast gathering in this country, in all parts of it, that is going to demand of the National Government and the State governments enforcement of the laws we already have on our statute books, and putting such there as commercial independence demands. [Applause.] It is not a partisan question. I have received letters from men, numberless, telling me, "I have been a Republican all my life and expect to continue to be, but these conditions are not due to the principles, teachings, and policies of the Republican party." I do hope that this nonpartisan condition will continue and that the trust question will not become a party question. The cunning of greed has the upper hand. It is un-American, and all Democrats and Republicans the country over should stand united and swear by the eternals that the laws of this country shall be enforced. Our

country is free of foreign domination; we have freed it of superstition; now let's free it of human greed. [Loud applause.]

Mr. TOWNSEND. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has fourteen minutes.

Mr. LACEY. I hope the gentleman will yield sufficient of that time to answer an inquiry with reference to the resolution.

Mr. TOWNSEND. I will.

Mr. LACEY. Mr. Speaker, out in Iowa, in the district which I have the honor to represent, we have this condition of things. That is the heart of the coal regions of Iowa. Some of the railroads at a distance have built lateral lines to the coal fields. Corporations have been organized, and the stock of those corporations is owned by the railway company. They have done this in order to make themselves independent in obtaining fuel for the operation of their roads, and are not using the lines nor their coal fields for the purpose of competing or interfering with other coal miners. I ask the gentleman if in his opinion this resolution is intended to attack this method of the railroad companies to secure coal for their own use?

Mr. TOWNSEND. In answer to the gentleman from Iowa, I will say that the resolution is intended to place before Congress full information as to the conditions which may exist, and showing the relations between interstate carriers of the country and the coal and oil companies of the country. I do not imagine that the case which the gentleman states is one that would require action upon the part of the Congress. It is the object to reach those corporations which are carrying on business in restraint of trade and which descriminate against the people of the United States.

Mr. STEENERSON. I would like to ask the gentleman from Michigan if when he answered the gentleman from Indiana [Mr. CRUMPACKER] that the contemplated investigation had nothing to do with the antitrust act, whether he had before him subdivisions three and four of this resolution, because it seems to me that the inquiry contemplated within the third and fourth subdivisions of this resolution absolutely cover the kind of conspiracies embraced in the antitrust act, and it covers other things than those which the proper function of the Interstate Commerce Commission is supposed to embrace. It seems to me that the investigation of whether or not there is a combination in restraint of trade in favor of trusts or otherwise is a little beyond the function of the Interstate Commerce Commission, which has already attached to it duties which reach the limit of its proper functions.

Mr. TOWNSEND. I will simply repeat to the gentleman what I said to the gentleman from Indiana, that this resolution does not go into the coal and oil business, except as it enters into interstate commerce. That is all.

Mr. MAHON. Let me ask the gentleman a question, not in criticism of the resolution. How are you going to investigate the oil business?

Mr. TOWNSEND. Not knowing very well myself, I thought it wise to submit that matter to the Interstate Commerce Commission.

Mr. MAHON. They can not under this resolution in the form that it is now presented. The main quantity of oil coming from the fields of Kansas and Texas are shipped over pipe lines, and a very small proportion of it goes over the railroad as refined oil. Now, pray tell me, how is our friend from Texas going to get any relief from this resolution on oil transported from a private oil field from the State of Texas, who will be compelled to sell their oil at a reduced price when they have it shipped? You do not mention pipe lines in your resolution at all.

Mr. TOWNSEND. We did not attempt to do anything, I will say to the gentleman, except as to railroad carriers engaged in interstate commerce, and for other evils that exist we will have to secure some other form of relief.

Mr. GAINES of West Virginia. I will say to the gentleman that this resolution is only directed to the business of the common carriers—the railroad companies.

Mr. MAHON. The pipe line is a common carrier.

Mr. GAINES of West Virginia (continuing). That is doing business in the interstate commerce of the country.

Mr. MAHON. The pipe lines are engaged in doing interstate business.

Mr. GAINES of West Virginia. It is impossible for a pipe line to separate one man's stuff from another; it goes in bulk.

Mr. MAHON. Yes.

Mr. GAINES of West Virginia. One lot of oil must push another lot ahead of it and there is no possibility of distinguishing one portion of the oil or one portion of the gas from another. This resolution looks, and I think it looks only, to the transportation of the refined product from the refineries to the consumers, and that is a very important branch of the railroad companies' business.

Mr. MAHON. It has been held that these pipe-line companies are transportation companies, and that they come under the interstate-commerce act; and they have robbed the private operators in the oil fields of Kansas and Texas, compelling them to sell their oil at a less price than they were entitled to receive for it. Now, if you are going to investigate the oil business you must take in the pipe lines, because the railroad companies do very little of the transportation of the oil.

Mr. TOWNSEND. May I ask the gentleman to read the principle set forth in the title to this joint resolution, which says:

Joint resolution instructing the Interstate Commerce Commission to make examination into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time.

Mr. MAHON. Yes; but you have amended the bill to investigate the oil business, and the oil business is transacted through the pipe lines. Why not amend your bill so as to put in the pipe lines? The resolution in its present form does not apply to the transportation of crude oil at all. They can crush all the private operators in the country as they please.

Mr. TOWNSEND. I ask unanimous consent that Members may have five legislative days in which to print remarks on this subject.

The SPEAKER. The gentleman asks unanimous consent that Members may have unanimous consent to print remarks on this joint resolution for five legislative days. Is there objection?

Mr. MANN. Reserving the right to object, I wish to ask the gentleman from Michigan if he intends this to close the debate. I should like two or three minutes.

Mr. TOWNSEND. I had intended to close, but I will gladly yield five minutes to the gentleman from Illinois.

Mr. MANN. I make no objection to the request.

The SPEAKER. No objection is made to the request of the gentleman from Michigan.

Mr. TOWNSEND. I yield five minutes to my colleague from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, while I am in favor of the resolution, being a member of the committee which reported it, I think it is proper and fair to the House to call attention to one matter in the resolution which Members may wish to know hereafter. The proposition in this resolution is, among other things, to have the Interstate Commerce Commission make an investigation as to whether the railroad companies have violated any of the provisions of the Sherman antitrust law, so far as their operations are concerned with the dealing in coal or oil. The Supreme Court of the United States has held that the Sherman anti-trust law applies to the railroad companies. We have provided by law that in any investigation made by the Interstate Commerce Commission it may require any person to appear before that body and testify, and that no one can claim immunity from giving testimony on the ground that the testimony may render him liable to prosecution or tend to incriminate him.

We give to the Interstate Commerce Commission the power to compel any railroad official or other person in the country who may have knowledge upon any of these questions to appear before the Commission and to testify under oath; but we provide by the law that the person having testified can not be subjected to prosecution in relation to any of the matters concerning which he has testified; not limiting that to the use of his testimony in the case, but exempting him from prosecution. So that in this resolution we direct the Interstate Commerce Commission to call before it for investigation the officials of every railroad in the United States that may be charged to be in a combination contrary to the Sherman antitrust law, and then we exempt them from prosecution. We might as well say in the resolution or in law that if they have violated the Sherman antitrust law we exempt them from prosecution hereafter, and so far as they are concerned we repeal the Sherman antitrust law as applied to railroads dealing in coal or oil properties by reason of the passage of this resolution.

While it does not seem to me at this time under the circumstances advisable to oppose this resolution, forced into action by the position of the committee and the country and the House, it does seem to me that the House ought to know that in passing a resolution of this sort they are exempting from prosecution the men whom we are seeking to prosecute. The result of our action is that whereas now they are subject to prosecution, by direction of the Attorney-General of the United States, when this investigation ends they will be exempt from prosecution, and when we seek to punish them we exempt them from punishment.

Mr. WANGER. Will my friend permit a question?

Mr. MANN. Certainly.

Mr. WANGER. The gentleman's remarks are based on the

supposition that the Interstate Commerce Commission will examine the persons who have offended against the antitrust law?

Mr. MANN. My proposition is based upon the supposition that in making an examination of this matter they must call the officials of the railroads before them, and having called the officials of the railroads before them those officials can not be prosecuted. I do not know how else they will get the information.

Mr. WANGER. But if they can get the information without calling any of these gentlemen there will be no immunity.

Mr. MANN. There is no immunity unless they are called.

Mr. COOPER of Pennsylvania. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. COOPER of Pennsylvania. Does the gentleman think the resolution gives the Interstate Commerce Commission all the power necessary to carry out what is required of them in the resolution?

Mr. MANN. I think the Interstate Commerce Commission now under existing law has all the power that can be conferred upon them by any act of Congress to make the investigation. This resolution simply requires them to do that which they have the power to do now under the existing law.

Mr. COOPER of Pennsylvania. It seems to me that this resolution embraces within it subjects that the Interstate Commerce Commission was not heretofore charged with. They are required to do something here that they did not have the power to do before. If that is the case, would it not be necessary in this resolution to stipulate that they should have further power to compel the attendance of witnesses and the production of books and documents in order to make the investigation which the Commission is charged with and which they were not authorized to make heretofore?

Mr. MANN. They have the power under the law to make such investigation as they please concerning the carrying on of business by any railroad under the operation of law, and that is all that this resolution does.

Mr. HEPBURN. Will the gentleman from Michigan yield to me?

Mr. TOWNSEND. I will.

The SPEAKER. How much time does the gentleman yield?

Mr. TOWNSEND. All that the gentleman from Iowa requires.

Mr. HEPBURN. Mr. Speaker, this joint resolution does not affect the law in respect to which the gentleman from Illinois has spoken at all. He is right in saying that the Commission has the power now to institute this investigation, and if they were to do it upon their own motion, witnesses that might be called would, under the operation of the law, have the immunity of which he speaks. So that there is no change of any character effected by this legislation.

Mr. MANN. I hope the gentleman from Iowa did not understand me to say that I thought there was any change.

Mr. HEPBURN. I did understand the purpose of the gentleman's argument was against this proposition because of that supposed immunity that would result.

Mr. MANN. I was not even arguing against the resolution, if the gentleman will pardon me. I was simply calling the attention of the House to the situation so that Members might understand it, because that situation will arise hereafter.

Mr. HEPBURN. There is no question about that; that question will probably come up, but there is no change effected by this resolution. Whatever immunity gentlemen would have, if the examination was voluntary upon the part of the Interstate Commerce Commission, it would be precisely the same under this act where it becomes compulsory.

Mr. MANN. Undoubtedly.

Mr. TOWNSEND. There is no law now, as I understand, which will compel a man to testify if he pleads that it would incriminate himself. This does not change the law in any particular.

Mr. MANN. This does not change the law, but the law does now compel a man to testify before the Interstate Commerce Commission notwithstanding he may plead that his testimony might incriminate him. He must testify, but he can not be prosecuted.

Mr. TOWNSEND. Mr. Speaker, I move the previous question on the resolution and the amendment.

The SPEAKER. The gentleman from Michigan moves the previous question on the resolution and the amendment to its final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was considered, and agreed to.

The resolution as amended was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the amendment to the preamble.

The amendment to the preamble was considered, and agreed to.

The SPEAKER. The question now is on the passage of the resolution.

The resolution was passed.

The title was amended.

PENSION DAY.

Mr. SULLOWAY. Mr. Speaker, under the rule bills on the Private Calendar are in order to-day. I ask unanimous consent that to-morrow be substituted for to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that to-morrow be substituted for to-day for the consideration of pension bills upon the Private Calendar. Is there objection?

There was no objection.

DAMS AND POWER STATIONS AT MUSCLE SHOALS, ALABAMA.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, which, by concurrent resolution of the Senate and the House, was sent by the President of the United States back to this House for the purpose of amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Muscle Shoals bill returned by the President to the House be taken from the Speaker's table for present consideration. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, as I understand, the committee authorized the reporting of the bill (H. R. 14970) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, with a view to passing it under suspension of the rules by a two-thirds vote. Now, the request of the gentleman from Alabama [Mr. RICHARDSON] does not seem to contemplate that. I think he will agree with me that it has been the understanding this measure should be brought up under suspension of the rules under the same conditions as would have existed had it been brought up on Monday.

Mr. RICHARDSON of Alabama. That is the agreement, Mr. Speaker, made between the gentleman from Ohio and myself.

Mr. BURTON of Ohio. I desire that to be clearly understood.

The SPEAKER. The Chair understands that the gentleman from Alabama [Mr. RICHARDSON] modifies his request for unanimous consent that the bill referred to upon the Speaker's table may be considered as upon a motion to suspend the rules.

Mr. PAYNE. And pass the bill, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, I desire to be correctly informed in regard to this. A new bill as a substitute for the old bill has been introduced here, being the bill H. R. 14970. Is that the bill that we are to consider?

The SPEAKER. The Chair understands that the request is to consider the bill that was returned by the President of the United States to the House and which is upon the Speaker's table.

Mr. RICHARDSON of Alabama. Mr. Speaker, I will say that I am authorized by the Committee on Interstate and Foreign Commerce, by a unanimous vote, to call this up at any parliamentary stage under any circumstances that I can. That is the authority given me by that committee.

The SPEAKER. This is a proceeding by unanimous consent under which, if the Chair understands the request of the gentleman, if unanimous consent is given, the bill upon the Speaker's table returned from the President shall be considered now upon a motion to suspend the rules and dispose of the same.

Mr. RICHARDSON of Alabama. That is correct, and it was my great anxiety to have a hearing on this bill which induced me to make that agreement, and which agreement I intend to abide by. It was made in good faith.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. Under that consent, would the passage of the substitute bill be under suspension of the rules, requiring a two-thirds vote?

The SPEAKER. There is no substitute bill, as the Chair understands it.

Mr. PAYNE. Well, an amended bill; whatever it may be.

Mr. RICHARDSON of Alabama. Mr. Speaker, I hold in my hand an enrolled bill that came from the President of the United States.

The SPEAKER. Will the gentleman, for greater certainty, submit to the Chair just what action he desires the House to take?

Mr. RICHARDSON of Alabama. Mr. Speaker, I send to the

Clerk's desk to be read just the proposition that I desire to submit.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill H. R. 297—"An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama"—be rescinded, and that in the reenrollment of the bill the following amendments be made:

Amend section 1 of the enrolled bill by striking out, after the word "elect," at the end of line 5, section 1, page 1, the following: "between the mouth of Malletts Creek on the east, and," in line 6 of said section and insert in lieu thereof "and the Secretary of War may approve between a point on the southern side of the river opposite to or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and." Insert after the word "river," in line 10 of said section 1, page 1, the following: "between the two points above mentioned."

Amend by adding, after the word "war," in line 13, of said section 1, page 1, of said enrolled bill, the following: "for the protection of navigation and the property and other interests of the United States;" so that said section 1 of the enrolled bill when amended will read as follows:

"*Be it enacted, etc.*, That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect, and the Secretary of War may approve, between a point on the southern side of the river opposite to or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and the western line of section 16, township 3, range 10, on the west, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements on the southern bank of the Tennessee River, between the two points above mentioned, as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States."

Amend section 2, page 1, of said enrolled bill, by striking out after the word "canal," in line 25, page 1, of said section, all down to and including the word "river," in line 25 of said section 2.

Amend said section 2, page 1, of the enrolled bill, by striking out after the word "canal," in line 28, page 1, all down to and including the word "river," in line 29 and insert in lieu thereof the following: "or the Tennessee River;" so that said section 2 of the enrolled bill as amended will read as follows:

"SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans, no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of Muscle Shoals Canal or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river not required for the navigation of the Muscle Shoals Canal or the Tennessee River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation."

Amend section 3, page 2, of said enrolled bill, by striking out all after the word "otherwise," in line 17, of said section 3, page 2, down to and including the word "damage" at the end of line 18 of said section and page, and insert in lieu thereof the following: "in a court of competent jurisdiction;" so that said section 3 of said enrolled bill after being so amended will read:

"SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe."

The SPEAKER. Now, the request of the gentleman, as the Chair understands it, is for unanimous consent at this time to move to suspend the rules and pass the concurrent resolution in all respects, except as to time, the same as making the motion under Rule XXVIII of the House.

Mr. RICHARDSON of Alabama. And pass the amendment just read by the Clerk to the enrolled bill. The Chair has the enrolled bill there.

The SPEAKER. Does the Chair understand that all of that is included in the resolution?

Mr. RICHARDSON of Alabama. Yes.

The SPEAKER. If the concurrent resolution is agreed to, then there is no further action necessary to be taken.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from Alabama [Mr. RICHARDSON] introduced, on February 15, a new bill containing all the changes proposed by the concurrent resolution in the former bill, and it seems to me that instead of the House passing a concurrent resolution directing the enrolling clerks to make a lot of amendments in the bill different from the way the bill passed the House it would be better practice for the House to pass the new bill, and I think that ought to be satisfactory to the gentleman from Alabama [Mr. RICHARDSON], and I undersand that is satisfactory to the opposition. I suggest to the gentleman that he modify his request to ask leave to suspend the rules for the purpose of putting the bill H. R. 14970 upon its passage.

Mr. PAYNE. Not to put it upon its passage, but to pass it.

Mr. MANN. Well, to pass the bill. That does away with any question about changing the record and permitting the enrolling clerk to make changes in something which do not accord with the facts, and it accomplishes the same results.

Mr. RICHARDSON of Alabama. No, indeed, it does not, if the gentleman will think for a moment. I am not staking absolutely everything upon the passing of the resolution just read. I will be required to get a two-thirds vote on the resolution. I do not understand that curtailed any of my rights or forfeited any of them in connection with this resolution by introducing the bill to which the gentleman alluded.

Mr. MANN. I am saying to the gentleman a failure to suspend the rules and pass House bill 14970, if put to a vote, would not affect in any way whatever the right to have this bill reported out of the committee and considered in the usual method in the House on call of committees, so the gentleman does not lose any of his rights.

Mr. RICHARDSON of Alabama. I admit that is true. The Interstate Commerce Committee has unanimously adopted that bill, but this bill (297), Mr. Speaker, went to the President and there—I do not violate any of the parliamentary rules by saying it—was for four or five days discussed before the President by different gentlemen, and these amendments offered and contained in the resolution come from the highest authority of our Government in control of matters of this nature, and my purpose was to stand by what they had laid down for me.

Mr. MANN. Mr. Speaker, it is not my purpose to object to what the gentleman asked, but I think the House is indulging in a very dangerous practice if it starts to direct the enrolling clerks to change the record.

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, I think the gentleman from Illinois is right in favoring the consideration of the bill H. R. 14970. Such procedure as is suggested by the gentleman from Alabama would be very novel, and it would be very confusing to discuss this resolution, and I shall feel compelled to object to it. I will not object if there is a motion to suspend the rules for the consideration of the bill H. R. 14970.

The SPEAKER. Is the bill on the Calendar?

Mr. BURTON of Ohio. That bill is on the Calendar. I think the gentleman from Alabama will realize that he loses no possible right by the substitution.

Mr. RICHARDSON of Alabama. Our agreement relates to the bill H. R. 297, on the Speaker's table.

Mr. BURTON of Ohio. But this bill (14970) has been brought into the House embodying all the proposed amendments and is perfectly clear, while the resolution sets forth a number of amendments which necessarily will confuse the House.

Mr. RICHARDSON of Alabama. Do I understand the gentleman from Ohio to say now that he will make an objection to the bill No. 297 being taken from the Speaker's table, which was sent back from the President of the United States?

Mr. BURTON of Ohio. I would say this——

Mr. RICHARDSON of Alabama. That was your agreement with me.

Mr. BURTON of Ohio. I did feel like objecting a moment ago. Our original understanding was that this resolution should be brought up, and with a view to absolute observance of the letter of our understanding I will not object if the gentleman from Alabama insists, but I am satisfied it will prove confusing.

The SPEAKER. Is there objection?

Mr. DALZELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. I have no objection at all to this bill or

objection to its consideration at this time, but do I understand the Speaker holds there can be a suspension of the rules on anything except on the first and third Mondays of the month?

The SPEAKER. By no manner of means. This is a request for unanimous consent to move to suspend the rules at this time, to suspend them otherwise than under the conditions of Rule XXVIII, and the Chair thinks that the House may waive the question as to the time when the motion may be made. The House may do almost anything by unanimous consent.

Mr. DALZELL. If the Speaker will bear with me for a moment, that is true unless there be something in the rules to the contrary, but this rule says:

> Nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month.

Now, it seems to me the request for unanimous consent is against that, and it seems to me it would be a very bad precedent.

I do not wish to be misunderstood with respect to the merits of the bill. I am not talking about that now. I am talking about the question of the rules; and it seems to me that it was the intention of the rule to place a limitation upon the power of the House by placing a limitation on the power of the Speaker. It says that he shall not entertain a motion to suspend the rules. It is very much like the case of the rule that prohibits the Speaker from entertaining a motion to permit parties not permitted by the rule to come upon the floor of the House.

The SPEAKER. But that rule, the gentleman will recollect, prohibits the Speaker from submitting a request for unanimous consent. This rule does not. The Chair could not and would not entertain a motion on any except the two Mondays specified, but this comes by a request for unanimous consent that the Speaker shall entertain a motion to suspend the rules under the terms of Rule XXVIII. It seems to the Chair that the House may under the rule, if it sees proper to do so, give unanimous consent.

Mr. RICHARDSON of Alabama. I thought, Mr. Speaker, the House by unanimous consent could do anything.

The SPEAKER. The Speaker has just so stated. However, not anything, because there is a rule, for instance, in the Manual that prohibits the Speaker from even submitting a request for unanimous consent, but that is not this rule.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Alabama [Mr. RICHARDSON] if he is willing this should go under the rule for twenty minutes' debate on a side?

The SPEAKER. It would go if a request is made.

Mr. RICHARDSON of Alabama. I do not think the gentleman from New York [Mr. PAYNE] would enforce that rule on me, because I want time to explain this bill to the House.

Mr. PAYNE. I would suggest that the gentleman couple with his request, if he can, a request as to an agreement on the time for debate.

Mr. RICHARDSON of Alabama. We are going to do that.

Mr. PAYNE. Why not do it with this request?

Mr. RICHARDSON of Alabama. Then I ask, Mr. Speaker, unanimous consent that we be allowed an hour and twenty minutes.

The SPEAKER. The gentleman also couples with his request that, after a second is ordered, there shall be an hour and twenty minutes in lieu of the forty minutes' debate.

Mr. BURTON of Ohio. An hour and twenty minutes in all. That is forty minutes on a side.

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, in regard to the form in which this comes up I desire a distinct understanding, and I hope the Speaker will restate the proposition. It seems to me that it is a very peculiar situation. We are passing a resolution embodying numerous amendments not reported upon by any committee of the House.

Mr. RICHARDSON of Alabama. That is a mistake, Mr. Speaker. The Interstate and Foreign Commerce Committee have reported unanimously in favor of the amendments proposed and just read to the enrolled bill.

The SPEAKER. The Chair will state for the information of the gentleman——

Mr. BURTON of Ohio. But embodied in a bill. The gentleman from Alabama [Mr. RICHARDSON] declines to request that that bill be allowed to come up. Now, I think it would be better to object, but I feel like standing by the letter of my agreement, no matter how prejudicial it may be, although it was made under an entire misunderstanding. Now, this is the point which I think the House should clearly understand. It requires a two-thirds vote to pass this motion in any event. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURTON of Ohio. The first question before the House, as I take it, under this request for unanimous consent, is, Shall the rules be suspended and the resolution amending the bill pass?

Mr. RICHARDSON of Alabama. I did not hear the gentleman from Ohio.

Mr. BURTON of Ohio. The question which will first arise before the House will be, Shall the rules be suspended and the resolution amending this bill (H. R. 297) be passed? That will require a two-thirds vote.

The SPEAKER. The Chair will state that under the request for unanimous consent the question will be in all respects as to subsequent proceedings in considering the concurrent resolution, to consider it under Rule XXVIII, as stated by the Chair. And the Chair will further state that a second would have to be made, unless waived, if demanded. He will further state that if unanimous consent is given, instead of the debate being forty minutes it will be an hour and twenty minutes; and at the expiration of that time the vote will be upon suspending the rules and agreeing to the concurrent resolution, which will require a two-thirds vote, a quorum being present.

Mr. BURTON of Ohio. Another parliamentary inquiry. What is this concurrent resolution that is pending?

Mr. RICHARDSON of Alabama. No. 10.

Mr. BURTON. Is it the one recalling the bill from the Executive Mansion?

The SPEAKER. This concurrent resolution is the one the gentleman sends to the Clerk's desk now; and it has been read. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama moves to suspend the rules and agree to the concurrent resolution. Is a second demanded?

Mr. BURTON of Ohio. I demand a second.

Mr. RICHARDSON of Alabama. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Alabama is entitled to forty minutes, and the gentleman from Ohio to forty minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, this bill does not in words or in effect contravene the usually accepted principle and theory of this Government, that wherever and whenever the Government of the United States has expended any moneys, in large or small amounts, in the establishment or creation of works or structures on navigable streams, which establishment of works incidentally creates water power, that no man or corporation shall be licensed to utilize and enjoy that privilege—that power created by the Government, at the expense of public money—unless they pay for it. I say this bill in no manner contravenes that usually accepted principle; but, on the contrary, it goes upon the theory, and the facts sustain it, and that is all I wish the Members of this House to listen to. It goes upon the theory and the principle that where the Government on a navigable river has not spent one dollar that creates an ounce of power that the Government ought not to charge the citizen or the corporation for enjoying any privileges that may be there created by nature. In other words, the theory of this bill is that if the Government has created valuable water powers by the expenditure of public moneys, then these valuable powers ought not to be given free to anyone. That is the position I take, and I want to lay the facts of this bill before the Members of this House. In that connection, Mr. Speaker, I desire to read——

Mr. KEIFER. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. Certainly; with a great deal of pleasure.

Mr. KEIFER. We have before us the bill H. R. 14970, which seems to have been introduced on February 5, 1906. Is that the bill you are proposing to pass?

Mr. RICHARDSON of Alabama. No; that is not the bill we are proposing to pass. That bill contains exactly the provisions and conditions that the enrolled bill will contain if amended as we now suggest.

Mr. KEIFER. Then, in effect, it will be this bill and language like it?

Mr. RICHARDSON of Alabama. The language is exactly the same, as correctly stated by the distinguished gentleman from Ohio; and my purpose in introducing that bill was, as you see, to have something additional to hold to.

Now, Mr. Speaker, I desire to read to the House what I understand to be the universally accepted doctrine, which is promulgated by the Chief Engineer, General Mackenzie, in comments made on April 4, 1905, in connection with legislation of this kind. It correctly and fully states what rights the Government has in the navigable streams of the country, and how those rights can be exercised and enjoyed. I read:

> 3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the

Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

And again, General Mackenzie says:

Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by State laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation.

In the above extracts the rights of the Federal Government are clearly defined. What kind of power is this at Muscle Shoals? Is it artificial? No; it is "natural water power." What kind of power is natural water power? Why, General Mackenzie, the Chief Engineer, says it is "power made available by the existence of natural falls and rapids in a river." How is it at Muscle Shoals? Since the morning stars first sang together, the power that God himself created when He sent the waters of the beautiful Tennessee on its course to the Gulf of Mexico have remained unchanged. They are to-day what they were at the beginning of time—no change, no diminution, no increase. The Government has not contributed one cent to create these powers. What ownership, I ask, has the Government got there?

Now, Mr. Speaker, let us see what the Chief Engineer of the United States Army says about this particular location and bill:

The object of the bill is to permit the development and utilization of the great water power now going to waste on Muscle Shoals, and I see no reason now to object to its favorable consideration by Congress.

Why, Mr. Speaker, should this valuable power be allowed longer to go to "waste?"

One thing more. I read to you now, Mr. Speaker, and gentlemen of the House, a letter from the Secretary of War on this subject, and I desire your especial attention to it. I have, gentlemen on my side, the facts in this case, and the justice and the equity is with me, according to the law and precedents that have governed in this country for time immemorial.

I will now read a letter from the able jurist and distinguished gentleman, our Secretary of War, Hon. W. H. Taft. This whole matter, as you will see, was submitted to the Secretary of War by the President. It was fully discussed before him by the distinguished chairman of the Rivers and Harbors Committee [Mr. BURTON of Ohio]; by the Hon. W. P. HEPBURN, chairman of the great Committee on Interstate and Foreign Commerce, and myself. What does the Secretary of War say about it?

MY DEAR MR. PRESIDENT: You refer to me the question whether you ought to veto the bill known as "House bill No. 297," entitled "An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama."

At the close of the Fifty-seventh session of Congress you vetoed a bill not unlike this in its provisions, and the question now is whether you should follow your course in that veto or allow the bill by your signature to become a law. I have conferred with Mr. RICHARDSON of Alabama, who is the author of the bill, and Mr. BURTON, chairman of the Committee on Rivers and Harbors of the House, and Mr. HEPBURN, chairman of the Interstate and Foreign Commerce Committee. I ought to say the bill in the House was considered by the Committee on Interstate and Foreign Commerce, and was recommended by that committee. The tenor of your message vetoing the former bill was that, in your judgment, where the United States Government had created a water power by its improvements in a river, and in that part of a river which is not navigable, the policy should be adopted of selling or in some way obtaining compensation for the private use of this water power to recoup the Government for its expenditures to improve the navigation of the river. Accepting this as a principle to be followed, it seems to me, nevertheless, that the present bill can be so amended as that its enactment into law will not contravene the policy approved by you in the message. The improvement in the Tennessee River at and near Muscle Shoals is of two kinds. At Elk Shoals, which are above Muscle Shoals, the improvements of the Government have created pools which this bill would give the beneficiaries the right to use for water power, and such a grant would probably be in contravention of the policy approved by you. But with respect to the Muscle Shoals proper, which lie opposite to the Government canal on the north side of the Tennessee River, 14 miles in length, the Government has done nothing to effect the natural water power that there exists; it has never increased or diminished such power; indeed, it has placed no structure in the river at all for that distance. If the bill can now be amended so as to confine the privilege granted thereunder to the 14 miles in the Muscle Shoals, opposite the 14-mile canal which is on the north side of the river, the grant under this act will, in effect, be nothing more than the right to tie the dams to be constructed to the strip of land owned by the Government between the north bank of the river and the south bank of the 14-mile canal. The bill makes proper provision for the supervision of any such use of this Government strip of land, so that the Government interests, either in the ownership of the property or in the navigation of the river, will not be injuriously affected. It is, of course, in the interest of the public that improvements of this kind should be encouraged, and in streams in which there has been no expenditure of money to create water power it does not seem to me necessary to extend the policy of demanding compensation for such a slight use of Government lands as this privilege involves.

I have heretofore spoken to Senator MORGAN and to Mr. RICHARDSON and have said to them that if they secure an amendment to the bill so as to exclude Elk Shoals and limit this to the 14 miles of Muscle Shoals that I will recommend to you that the bill be approved. A concurrent resolution has been passed by both Houses requesting a return of the bill for amendment, and the amendments suggested will be put in. Mr. RICHARDSON has brought the amendments of the bill to me, and in conference with General Mackenzie, the Chief of Engineers, we have examined them. They bring the bill quite within the suggestion of this letter.

Very sincerely, yours, WM. H. TAFT.

The PRESIDENT.

Mr. LITTLEFIELD. Mr. Speaker, I should like to make an inquiry of the gentleman.

Mr. RICHARDSON of Alabama. Certainly.

Mr. LITTLEFIELD. What is the existing market value of this undeveloped water power?

Mr. RICHARDSON of Alabama. It has never been tested or tried.

Mr. LITTLEFIELD. Who owns the shore on the other side of the river?

Mr. RICHARDSON of Alabama. The riparian owners—citizens.

Mr. LITTLEFIELD. Have they sold to your company?

Mr. RICHARDSON of Alabama. No.

Mr. LITTLEFIELD. Is there any market value of their undeveloped water power?

Mr. RICHARDSON of Alabama. None in the world, because it has never been tested or tried.

Mr. LITTLEFIELD. What is your proposition?

Mr. RICHARDSON of Alabama. My proposition is to let any company or individual go there and locate power dams and stations. My bill does not provide for any specific company. It says "any person or persons or corporation." Of course they will have to buy the interest of the riparian owners. You know very well that the Government, as I have read, has no control of anything at that place except the flow of the water—the navigation. The State of Alabama, which is properly protected in this bill——

Mr. LITTLEFIELD. I gathered the impression from the letter you read that the Government is the riparian owner on one side and private individuals on the other. Am I right?

Mr. RICHARDSON of Alabama. You are not entirely right about that.

Mr. LITTLEFIELD. What is the fact?

Mr. RICHARDSON of Alabama. The Government in part is an owner on the strip of land between the canal and the river, which I will explain to you, as I have the map here showing what lands are owned by the Government and by citizens.

Mr. BURTON of Ohio. In order to obtain a better understanding of this matter I will ask, Is it not true that for at least two-thirds of the distance on the northerly side the Government, for 10 miles or more, is the owner of the strip?

Mr. RICHARDSON of Alabama. No; the gentleman from Ohio is entirely mistaken on that, and I have the map here to show the ownership.

Mr. BURTON of Ohio. How many miles do you concede there is ownership on the part of the Government?

Mr. RICHARDSON of Alabama. The map that is brought here from the Engineers Department shows that individuals own, without an accurate estimate, more than three-fourths of the 14 miles.

Mr. BURTON of Ohio. Oh, no.

Mr. RICHARDSON of Alabama. I will show the gentleman the map, and that is better than the statement of either one of us.

Mr. LITTLEFIELD. Is the Government the owner of any part of the riparian rights?

Mr. RICHARDSON of Alabama. Yes.

Mr. LITTLEFIELD. How much?

Mr. RICHARDSON of Alabama. I could not make an accurate statement of it. I am going to show the map, and the number of acres.

Mr. LITTLEFIELD. You do not know how many miles the Government owns?

Mr. RICHARDSON of Alabama. I could not tell, and I do not think the gentleman from Ohio [Mr. BURTON] can tell, although he is better informed on rivers and harbors than I am.

Mr. BURTON of Ohio. Is it not true that the places in which private individuals own riparian rights are where there is a wide strip between the river and the canal, but that of the actual length of the canal, much the larger part, 10 miles,

at least, belongs to the Government, there being a narrow strip for the larger share of the distance? Is not that correct?

Mr. RICHARDSON of Alabama. I do not know that I can admit that as being correct, because the map does not disclose that as the truth. I know that the Government does own some of the land in that intervening strip between the canal and the river.

Mr. LITTLEFIELD. Has the gentleman any idea what the value of the Government's property is as riparian owner?

Mr. RICHARDSON of Alabama. If it is of any value at all, it is, as Secretary Taft says, insignificant. It lies along a narrow strip of land between the canal and the river.

Mr. LITTLEFIELD. In other words, the Government's interest is practically worthless, from the gentleman's point of view?

Mr. RICHARDSON of Alabama. Practically so, and I think Secretary Taft considered it that way.

Mr. BURTON of Ohio. Will the gentleman yield to me for a further question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. BURTON of Ohio. I would like to ask if, in one draft of this bill, as suggested, a provision was not inserted that compensation should be made to the Government for its ownership as riparian proprietor, and under what circumstances that was stricken out?

Mr. RICHARDSON of Alabama. I am glad the gentleman from Ohio has asked that question, because Secretary Taft considered that it was too small a matter for the Government of the United States to engage in that kind of business—to lay restraints and conditions upon a power that would be of such vast benefit to these people in that section. He says so, and here is his handwriting where that provision was eliminated.

Mr. BURTON of Ohio. Is it not true that it was inserted by some one in the Department?

Mr. RICHARDSON of Alabama. It was by the Chief Engineer, and when it was brought to the attention of Secretary Taft—I suppose the gentleman from Ohio wants me to state what occurred there——

Mr. BURTON of Ohio. Just as the gentleman chooses.

Mr. RICHARDSON of Alabama. I do not want to violate any privilege of conversation with public officers, but after it was brought there and the matter was discussed, Secretary Taft said, substantially, that the Government's rights would be better protected without the provision than with it left in there. And that the small interest that the Government had as riparian owner in the strip of land between the canal and the river was not sufficient for consideration in that way. The Chief Engineer agreed with him and it was stricken out, and here is Secretary Taft's handwriting in the original bill where it was eliminated. I have stated substantially, as I remember it, how this occurred and what was said.

Now, Mr. Speaker, briefly the history of this bill. It was introduced in the early part of this Congress and was referred to the Interstate and Foreign Commerce Committee and to a subcommittee of the Interstate and Foreign Commerce Committee. That subcommittee reported unanimously to the full committee. The committee reported unanimously in favor of the bill. It came to the House and it was passed unanimously by the House of Representatives and went to the Senate and was passed there and went to the President.

There never was any intention on the part of this bill by its author or anyone connected with its consideration to cover anything except the full length of what was known as the "Muscle Shoals Canal;" but by accident and mistake it was discovered, after it reached the President, the area covered by the bill went farther east to the mouth of Mallets Creek instead of stopping at Tick Island, as it was intended in the original bill, which was and is opposite the mouth of the canal. I did not know that the mouth of Mallets Creek was as high up the river as it was. It went, as I say, to Mallets Creek, extending over a space of 5 miles of the river. There was no contemplation for a moment of putting a dam across that part of the river, because every foot of these 5 miles is the navigable channel of the river, being between the mouth of Elk River and the head of the canal.

Now, gentlemen will see upon this map which is in front of us that here is Mallets Creek, and here is the head of the canal on the north side of the Tennessee River. This bill covers this territory here from the head of this canal down to this part of the canal on the south side of the river; that is, down to the western line of section 10—below Bainbridge. The canal is built around the entire Muscle Shoals, 14 miles. The bill covers this portion from the head of the canal on the south side to the foot of the canal, also on the south side. The canal, as you see, is on the north side of the river. The power works will be on the south side of the river. The works will be below the head of the canal.

Mr. LITTLEFIELD. Does the Government own any of the riparian property?

Mr. RICHARDSON of Alabama. Yes.

Mr. LITTLEFIELD. How much?

Mr. RICHARDSON of Alabama. That is a question I can not answer. I have the map here and the gentleman can look at it.

Mr. LITTLEFIELD. The gentleman's bill contemplates giving the riparian rights owned by the Government to these parties without compensation.

Mr. RICHARDSON of Alabama. Suppose the dam is put in a place where the Government does not own any of the land?

Mr. LITTLEFIELD. But whatever rights of the Government the bill gives these parties it gives without compensation.

Mr. RICHARDSON of Alabama. Yes; but that is because they are so insignificant. Secretary Taft, in his letter, says that the Government's ownership, as a riparian owner, is sufficiently protected by the provisions of the bill. What more should the Goverment want than that?

From the head of the canal down to the foot of it there is no place where the Government of the United States can have or will have any valuable rights. It consists of 14 miles of bowlders and dams and rocks, and the Government has demonstrated what it thinks of that place by building a canal 14 miles around it, at a cost of nearly $5,000,000, and there is that water power, just as General McKinstry has said, of great value to those people there, locked up for years and years going to waste, for not a drop of water that passes through the channel of the river from the head to the foot of the canal is anything but waste water, unused and unusable by the Government. Millions of undeveloped wealth is there extended to that section by the bounteous hand of nature. There it is locked up. What right has the Government to charge for it? It did not create it, nor has it spent one cent in making that magnificent power there. Alabama is protected in this bill, because Alabama owns or controls by her laws the riparian rights and the bed of the river, and the Government owns nothing in it but the right of navigation. The fact is, that if capitalists were not so timid about their investments, one having the consent of the State of Alabama could locate a power work at Muscle Shoals and the Government could not disturb it unless it interfered with navigation.

Mr. LITTLEFIELD. Would the State of Alabama get the compensation if the people who build here have to pay the riparian owners?

Mr. RICHARDSON of Alabama. I do not know what the State of Alabama is going to do. Alabama has spent no money to create that power there, but the State does control by its laws riparian rights and the bed of the river.

Mr. LITTLEFIELD. Do individual owners own it?

Mr. RICHARDSON of Alabama. Does the gentleman mean the riparian rights?

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Alabama. Certainly.

Mr. LITTLEFIELD. Whoever improves it, if the riparian rights are of any value, have to pay the private owners?

Mr. RICHARDSON of Alabama. Yes, of course.

Mr. LITTLEFIELD. And if ours are of any value, they would have to pay us, provided they were of any value?

Mr. RICHARDSON of Alabama. Yes.

Mr. Speaker, a bill similar in title and for the same locality was vetoed by the President of the United States at the close of the Fifty-seventh Congress. I submit the veto in full:

[House Document No. 427, Fifty-seventh Congress, second session.]

To the House of Representatives:

I return without approval House bill No. 14051, entitled "An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct a power station at Muscle Shoals, Alabama."

The recent development of the application of water power to the production of electricity available for use at considerable distances has revealed an element of substantial value in streams which the Government is, or is liable to be, called upon to improve for the purposes of navigation, and this value, in my judgment, should be properly utilized to defray the cost of the improvement. Wherever the Government constructs a dam and lock for the purpose of navigation, there is a water fall of great value. It does not seem right or just that this element of local value should be given away to private individuals of the vicinage, and at the same time the people of the whole country should be taxed for the local improvement. It seems clear that justice to the taxpayers of the country demands that when the Government is or may be called upon to improve a stream the improvement should be made to pay for itself, so far as practicable. I am advised that at another point on the same river to which this bill refers there is an authorized project for improvement by the Government at a cost of $800,000, and that an offer has been made by a responsible citizen to do the entire work without expense to the Government, provided he can be authorized to use the water power. I think it is desirable that the entire subject of granting privileges of the kind referred to in this

bill should be considered in a comprehensive way, and that a general policy appropriate to the new conditions caused by the advance in electrical science should be adopted, under which these valuable rights will not be practically given away, but will be disposed of after full competition in such a way as shall best conserve the public interests.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 3, 1903.*

This veto of the President came to the House after the usual complimentary resolutions had been adopted about the Speaker, Hon. D. B. Henderson. In fact, it reached the House just preceding the expiration of the Fifty-seventh Congress. I am not complaining that I had no opportunity to present my views to the President, nor am I complaining that I had no notice of the impending veto. The President had no time or opportunity, so near were we to the close of that session of Congress. But I desire to call the attention of the House to the language used in the veto message: "Wherever the Government constructs a dam and lock for the purpose of navigation there is a waterfall of great value." In view of that language, I have never believed if the President had known that no dam had ever been built by the Government at Muscle Shoals that he would have interposed that veto. The President was correct on principle.

I desire briefly to refer to this locality and its surroundings. The development of this water power will bring untold benefits to a large population. Muscle Shoals is in the heart of the fertile valley of the Tennessee. Within 5 miles of the lower end of the canal are the three flourishing cities of Florence, Sheffield, and Tuscumbia, embraced in an area of 5 miles, the three towns aggregating a population of quite 18,000 people. Iron furnaces, cotton factories, and numerous other industries are there, and the three towns are linked by an electric railroad. But a few miles above the head of the canal lie the two cities of the Decaturs, containing a population of not less than 20,000 for the two cities. Great machine and railroad shops are there and other valuable industries. A few miles east is the city of Huntsville, with a population of not less than 20,000 people, with nine cotton mills in full operation. Between these towns and cities is an active growing population of agriculturists. Nashville, Tenn., is not more than 125 miles and Birmingham, Ala., not more 100 miles from where these powers will be located. Electricity for all its growing and varied purposes will be applied to the machinery of these towns and cities, as generated by these powers. Nashville, Tenn., has a population of over 100,000 people, and Birmingham, Ala., the wonder of the growth of this century, has a population of more than 125,000 people. Electricity is one-half cheaper than coal used for making steam. The Muscle Shoals has a horsepower exceeded in the United States only by Niagara Falls. The development of the water powers of Alabama will afford us more wealth and prosperity than our mineral resources. It is no time in the presence of such gifts from nature for us to stickle about meaningless stipulations that hamper and harass development.

Mr. Speaker, I now yield five minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Speaker, if the pending resolution is adopted it will be in furtherance of the purpose of the gentleman from Alabama [Mr. RICHARDSON], the Chief of Engineers, and the Committee on Interstate and Foreign Commerce in what they have done heretofore with regard to this question. There was certainly no purpose on the part of the Chief of Engineers or of the Committee on Interstate and Foreign Commerce—and, I take it, none on the part of the gentleman from Alabama, and his assurances in that respect ought to be sufficient to convince us of that fact—to deal with any part of this river except the shoals lying along or opposite to the canal which was built by the Government. The building of the canal, as I understand it—and all I know about it is the information furnished by the engineering department of the Government—had nothing at all to do with any of the power lying in the river, in the shoals along that canal, which power it is desired by the people of that part of the country to utilize. There is a fine river, with a great volume of water which those people ought to be able to make use of to very great advantage to themselves and to their interests, and the only purpose of this legislation is to permit them to do it. It takes nothing from the Government of the United States. The interests of navigation, the supply of water in that canal, the supply of water in that river, are abundantly protected, in the judgment not only of the committee, but of the Secretary of War, so that no harm can come to the Government by permitting the people of Alabama to utilize that great power. As the gentleman has so well said, the power was created by nature. It exists there. Its utilization is supposed to be prevented by the lack of the permissive and affirmative license of the United States Government, which this legislation seeks to grant, and I trust there will be no hesitation on the part of the House in now giving, in the adoption of this resolution, to the people interested in this measure the advantage which the House no doubt designed to give to them when it passed the original bill.

Mr. LITTLEFIELD. Mr. Speaker, I would like to ask the gentleman from Pennsylvania one question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WANGER. Certainly.

Mr. LITTLEFIELD. I would like to inquire if the committee or if the gentleman from Pennsylvania [Mr. WANGER] has any idea of the value of this water power that is being discussed? I understand it is a great power and of great utility. Has anybody any information as to what that water power is worth in its present undeveloped state? Is it worth anything or is it worth developing; and if it is worth developing, how much is it worth? That will give us some information as to what the riparian rights on either side are worth, if anything.

Mr. WANGER. Mr. Speaker, I can throw very little light on that subject. It is, as I said, a great power, but to what advantage it can be used, I presume, would not be determined until its use is taken into serious consideration and the cost of applying it to the industrial purposes ascertained.

Mr. LITTLEFIELD. In other words, then, the committee has no knowledge of the value of the power?

Mr. WANGER. No light at all upon that subject. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Alabama has fourteen minutes remaining.

Mr. BURTON of Ohio. Mr. Speaker, in the first instance, I desire to call attention to the rather unusual history of this measure. In the Fifty-seventh Congress a bill passed both Houses of Congress granting the right to construct a single dam in this locality. It was a very mild measure in comparison with this, which authorizes the construction of at least six or seven. That bill went to the President and was vetoed. In the last Congress a similar bill for one dam was introduced and was referred to the Committee on Rivers and Harbors. The committee came to the conclusion that it should not be reported favorably, and it died for the session. In this connection I may say that there has not been the least possible repulsion between the two committees on this subject.

It is true a somewhat different policy has been pursued by them. In this present Congress this bill was introduced providing for the privilege of locating dams in a stretch of 32 miles in the Tennessee River, a portion of the stream in which perhaps ten or twelve dams could be constructed. It passed here without objection when about twenty or thirty Members were present, at 5 o'clock in the afternoon, went to the Senate, and then was taken to the President. It is conceded that this bill was faulty in two or three particulars. It is conceded that it passed the War Department when it was faulty in the same particulars. In the first place, the measure as originally introduced and passed, as well as approved by the Secretary of War, did not take into account at all that the canals in this stretch of river were located one on the northerly side and one on the southerly side. It left out of account the fact that the portion of the river in which dams were permitted extended for a considerable distance at each end of the canals, while avowedly intended to be merely of the same length as the Muscle Shoals Canal. In this respect it was faulty, and I want to say that even now it gives rights for about 2 miles below Muscle Shoals Canal on the northerly side and about 5 miles on the southerly, the end of the canal being in section 3, and the boundary line of the privilege granted is the west line of section 16——

Mr. RICHARDSON of Alabama. I hope the gentleman from Ohio will permit me to put a question.

Mr. BURTON of Ohio. Certainly.

Mr. RICHARDSON of Alabama. Do you not know it as a fact that just below the mouth of the canal the river forks and quite an extensive portion is on the north side?

Mr. BURTON of Ohio. Yes.

Mr. RICHARDSON of Alabama. And for that reason Mr. Kingman, formerly engineer, allowed a riprap dam to be built here across part of the river that is not navigable at all and never has been, and this area extended down to section 10, right opposite here [illustrating on map]?

Mr. BURTON of Ohio. My statement is absolutely correct——

Mr. RICHARDSON of Alabama. But misleading, I think.

Mr. BURTON of Ohio. That there is a considerable distance below the canal on the northerly and southerly side.

Mr. RICHARDSON of Alabama. Do you contend that letting it run down there will interfere with the navigation of the river?

Mr. BURTON of Ohio. It might and it might not. I will come to that proposition later. This bill went to the President and there these objections were made and it is returned here

for certain amendments. But I want to say to Members of the House that the substantial objections to this bill are not cured by these amendments.

I desire to call attention to the development of water power in this country. It is an asset of the very greatest value. We are at the very beginning of the development of water power in the production of electricity. In a few years it will be more valuable than all our silver mines, and probably more valuable than all our silver and gold mines combined. It has been allowed to run waste or has been abandoned with the development of coal, but now it has come into use again. I do not anticipate that for one year or five years or perhaps for ten years water power will be developed on any large scale in this locality, but it is one of the most valuable privileges in the way of water-power development in the United States. The gentleman from Maine asked the question if there was any estimate of the value of the water power here in Muscle Shoals Canal.

Mr. LITTLEFIELD. And I would like to have the gentleman state the amount of horsepower that is contemplated to be developed. I suppose it is contemplated here by this succession of dams to develop power and concentrate it by electrical appliances?

Mr. BURTON of Ohio. That would be the most natural development. Messrs. MORGAN, CARMACK, and OVERMAN were constituted a committee in the Senate to report on the Tennessee River, and on the 13th of December last they made a report—quite an elaborate one. They state, omitting the preliminary portion:

> Taking 99,875 horsepower as the daily capacity of the river at Muscle Shoals in average years and computing its value at the annual cost of horsepower generated by steam at Ensley or Birmingham, Ala., and the saving in the cost of water power at Muscle Shoals almost exceeds belief.
>
> The cost of horsepower generated by steam at the places where the coal mines are in sight of the engines and with the best equipment and good results is an average of $30 per annum for each horsepower. At this rate the 51,000 horsepower furnished at Muscle Shoals daily, at the lowest stage of water, would cost $1,530,000 per annum, and the 99,875 horsepower furnished at the annual average stage of water would cost $2,996,250 if it was produced by steam in the Birmingham district, which is the best in the South.

So that, with the average flow of water there, there is a horsepower in this locality, which we are asked to vote away, of a value of $2,996,000 per annum.

Mr. LITTLEFIELD. We own the riparian right on the one side only.

Mr. BURTON of Ohio. A considerable share on the northerly side. Now, the first point I want to make is this: We are asked to improve a number of streams where there is a steep descent. I say to this House that the most expensive projects for river and harbor improvement, and those which are most questionable, I think, involve the construction of locks and dams in streams where rapids or shoals make it necessary. Probably the expense for this purpose may surpass that for all the harbors in the United States. Now, I say it is but fair that when physical characteristics of a river make necessary expensive improvements by locks and dams the Government should take to itself the counterpart of that—a participation in the water power created by that physical condition. We have made several attempts in that direction of late. Only a short time since, on this very river below Chattanooga, an application was made for the construction of a dam. It was at the very place where in the improvement of the river a lock and dam would be constructed to subserve navigation. The parties making the application willingly agreed to build the dam and the lock at their own expense and turn it over to the United States for its use, and have expended something like $800,000 on that work, which is now under way.

Mr. RICHARDSON of Alabama rose.

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Alabama?

Mr. BURTON of Ohio. Certainly.

Mr. RICHARDSON of Alabama. Is it not a fact that in the mountain section on the Tennessee River, where the dam is now being built or proposed to be built, that the consideration was that it was to improve the navigation of the Tennessee River, and that it would not have been allowed unless the Government prescribed the terms that, in erecting the dam, it was for the purpose of improving the navigation of the Tennessee River at that point?

Mr. BURTON of Ohio. Certainly. Another instance is in the Rock River, in the State of Illinois, by a bill passed within a year. The condition is made that if navigation ever requires it those who possess the privilege of constructing the dam shall build the lock at their own expense and maintain it. There is pending to-day before a committee of Congress a proposition to expend $108,250 for the finishing of a dam and lock on the Coosa River, creating a navigable pool just for the sake of the water power. The total amount of water power which they expect to develop is 2,000 horsepower—one-fiftieth part of what would be developed in this locality and which the House is asked to vote away. I dislike in any way to attack the action of another committee or to stand in the way of anything of this kind, but I really do not think that I should be doing my duty to the House unless I pointed out the great importance of this, the immense value here that you are asked to vote away.

The President sanctioned this idea of cooperation in his veto message in 1903, saying:

> It seems clear that justice to the taxpayers of the country demands that when the Government is or may be called upon to improve a stream the improvement should be made to pay for itself, so far as practicable.
>
> I think it is desirable that the entire subject of granting privileges of the kind referred to in this bill should be considered in a comprehensive way and that a general policy appropriate to the new conditions caused by the advance in electrical science should be adopted under which these valuable rights will not be practically given away but will be disposed of after full competition in such a way as will best conserve the public interest.

And in the same message he says:

> It does not seem right or just that this element of local value should be given away to private individuals of the vicinage and at the same time the people of the whole country should be taxed for the local improvement.

Mr. RICHARDSON of Alabama. I suggest that the gentleman has not read all of the President's message.

Mr. BURTON of Ohio. I think I have read all the portions that pertain to this.

Mr. RICHARDSON of Alabama. Does not the President say in that veto message, where the dam and power has been created—that there was no dam there at all?

Mr. BURTON of Ohio. He may say that.

Mr. RICHARDSON of Alabama. And based his veto on misinformation?

Mr. BURTON of Ohio. The statement made by him is entirely correct, and is a statement not of a particular situation, but of a general principle.

I want to read further from this report of Senators MORGAN, CARMACK, and OVERMAN in regard to this question of cooperation. On page 44 of the report, after referring to the Chattanooga case, where the dam is built by private parties, Senator MORGAN says:

> The principle is also adopted that it is lawful and expedient that locks and dams may be constructed by private enterprise and capital in consideration of the perpetual right to use the water power which they will produce. The success of this plan is already demonstrated in the cost of the dam to be constructed at Hales Bar below Chattanooga.

And again he says:

> This new plan of cooperative work in river improvement is also applied, by acts of Congress, to the upper waters of the Cumberland and other rivers under varying contracts. The plan, or expedient, is founded upon the money value of the water power generated in the shoal places of many rivers that can be made navigable only by removing or controlling such obstructions.
>
> We have reached the point of time in which the sedate consideration of the value of water power must prevail. It is already among the greatest actual reenforcements of the money resources of the Government, aside from taxation, in the improvement of the navigation of all our mountain water courses. This new departure has come to stay, and it is a grand step in our progress.

And again, on page 48, in speaking of the proposed locks and dams, he says:

> These locks and dams, estimated at $1,000,000 each, which is probably twice the actual cost, would be eagerly taken by the private capital and constructed for the use of the water power, as is being done at Hales Bar.

And then again, on page 50, he quotes the engineer who has performed the work on the Tennessee River, who says:

> It might be well in this connection to consider the possibility of Muscle Shoals Canal being done away with and locks and dams substituted therefor, the latter to be built by private enterprise for water-power purposes.

Two arguments have been made which I wish to answer. It is said you have rapids here, and as this canal, 14½ miles long, has already been constructed, you can give away control of these rapids without doing any harm. The first answer to that is this: If ever the Tennessee is improved in such a way as to make its navigation efficient, it will be necessary to go out into the main stream and construct a new canal. Why? The present canal is constructed on the northerly side, and for a good share of the distance there is an overhanging bluff. You can not extend the canal in that direction or in any direction unless you take it out into the river. There is another reason. There are numerous streams that come down from the hills and empty into the river on the north side. In order to take care of these it is necessary that they should go under this canal. In providing for these, its depth is limited to a channel of not less than 5 feet. Now, it does not take any statement of statistics or any reasoning to show that if the

Tennessee River is to subserve navigation for the Tennessee Valley you must have a canal considerably more than 5 feet in depth.

Senator MORGAN, in this report, advocates a 12-foot stage, and advocates the construction of locks and dams right here in this region where it is proposed to allow private parties to construct dams and enjoy the water power produced there for nothing. I would not be willing to commit myself to so great a depth as that, but I do say that if ever the navigation of the river is developed, it would be necessary to utilize this portion of the river.

Ah, but they say the bills make provision that whenever the Government wants to construct locks they may be constructed in connection with these dams. Just see how easy it is to show the fallacy of that idea. Dams for the purpose of developing water power would not be built at the same intervals as those adapted for navigation. The object of their construction would be to get the greatest amount of headway. The intervals between them would be presumably longer than between dams constructed for navigation. If you start to improve the river you would have to tear out these dams erected for the purpose of creating water power and establish others in other places.

Mr. RICHARDSON of Alabama. If I do not interrupt the gentleman too much, and I cheerfully yielded to him, I would like to ask him this question: Do you contend that any money that the United States has ever spent at Muscle Shoals has created any power there at all?

Mr. BURTON of Ohio. No; I do not, unless it be from the canal there. I will come to that point in a minute. On this point of the construction at Muscle Shoals Senator MORGAN says:

> When these locks and dams are paid for by private parties, as nearly all of them will be in consideration of the value of the water power created by them, the movement takes such a form of public and private benefit to all concerned that its blessings to the whole country are beyond computation.

Speaking of a practical policy to be pursued, he says:

> The number and location of these necessary improvements of navigation and the question of their availability as generators of power for the supply of industries operated by private parties should be speedily determined by official surveys to be made by the Government.

And that is just what I say about it, gentlemen of the House. We should not grant any of these water privileges unless we have a careful survey made and see the bearing that it will have upon future projects for navigation.

Now, in further answer to the argument that there is no navigation at present along here where these shoals are, I will say that you must consider a river as an entirety. The jurisdiction of the Government extends over rapid and smooth water alike. The water supply is an important feature in it and you can not divide it, no matter how different the degree of descent may be.

There is another point which I am surprised has attracted so little notice. I have a map here which shows the abutting ownership on the northerly side. It is rather voluminous and perhaps it is hardly worth while to undo it here; but according to this map at least 10 miles of the abutting property on the northerly side of that stream is owned by the United States Government. Some one in the War Department thought it was but fair and just to provide that there should be compensation for that riparian right and inserted a provision to that effect. I do not know who struck it out, whether it was Secretary Taft or not, but I judge it was, from the statement made by the gentleman from Alabama.

Now, here is a water power that at the average stage in these 14 miles is worth $2,996,000 per annum. When you have built all the dams and power houses and means for transmission of power, much the largest share of that $2,996,000 will remain as profit—certainly more than half. Well, now, what do you say about the value of that abutting property where the flowage rights are? Why, the time is coming, as it may be confidently predicted, within the lives of most of us here, when that abutting land will be valued, not by the mile, not by the acre, but by the foot, and it will be more valuable per foot front than the frontage on many a street in some of our cities. And yet we are asked, without any reservation, without any provision for compensation, to give this right away at one fell swoop, not merely for one dam, but for all the dams that can be placed in 16 or 18 miles of that river. What would be some of the results? In the first place, if we gave away this water power—the most valuable of any that is available on any navigable stream in the country of which I know, where there is any prospect of improvement—what right would we have to make reservations in the future? What would we say to these men who came here and offered to expend $108,000 for the privilege of developing one-fiftieth part of the amount of water power which here will be given away—these men who cooperate with the Government, and as compensation for that privilege offer to complete that dam? What right would we have in any other case similar to that at Chattanooga, where they have not only built dam and lock, but made great concessions to the people of Chattanooga in furnishing them electric light for a long period of years? I want to say that it is not fair, after we have made such stringent reservations below Chattanooga, to give away, without one iota of consideration, tenfold—yes, perhaps, twenty-fold—greater water power in another part of the river, without anything that looks toward compensation whatever. Of course, it is in the power of this House to do it—to cut it loose without reservation—but it would seem to be the giving up of the rights of the Government, and a disregard for the welfare of the people, such as would meet with condemnation from the people if we were to do so.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Ohio has fifteen minutes remaining.

Mr. BURTON of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Alabama. Before the gentleman takes his seat I should like to ask him a question.

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Alabama?

Mr. BURTON of Ohio. Certainly.

Mr. RICHARDSON of Alabama. Can you point us to any instance where the Government has not expended any public moneys in the erection of dams that created power, where they have charged anybody for the power?

Mr. BURTON of Ohio. Certainly; the case of Chattanooga; though there has been some improvement there.

Mr. RICHARDSON of Alabama. That was in the middle of the river, and the erection of the dam was for the purpose of the improvement of navigation.

Mr. BURTON of Ohio. By the way, the Government has spent more than $5,000,000 here in the improvement of that canal right alongside.

Mr. RICHARDSON of Alabama. I understand that, but you have admitted that it has not created one ounce of power.

Mr. BURTON of Ohio. There is a certain amount of power going through the canal; but what made it necessary to expend this $5,000,000 was the existence of those rapids there. And to answer the gentleman's question, does the gentleman say that where an expenditure of $5,000,000 is made because rapids exists in a river, and the Government owns 10 miles of front on that river abutting on the rapids, that it has no interest in that water power and is not entitled to say that a private owner shall not take it without compensation.

Mr. RICHARDSON of Alabama. I do not contend anything of the kind, and never so asserted; but I contend that where the Government had not expended one dollar of money and has only the control of navigation and can not object unless navigation is interfered with or menaced or threatened, that the Government has no rights there that supersede those of the State.

Mr. BURTON of Ohio. The gentleman can answer this: Does he know of any instance in a navigable river, in the portion where navigation is, where parties have sought to construct dams without the consent of Congress?

Mr. RICHARDSON of Alabama. No, I do not; but the gentleman from Ohio has failed to point out any instance where the Government has ever charged in a case similar to this——

Mr. BURTON of Ohio. I think they are all similar to this, with this exception, that they have spent more money here than anywhere else.

Mr. RICHARDSON of Alabama. This is not similar to the Chattanooga mountain section dam, because the Government realizes in that respect for the use of the dam and the improvements and navigation of the river. The gentleman will not contend here that the establishment of the dam as is proposed in this case interferes with navigation?

Mr. BURTON of Ohio. I answered that question at considerable length by saying that if the river is ever improved on a large scale dams will block navigation.

Mr. RICHARDSON of Alabama. Does the gentleman contend that the dam there now interferes with navigation?

Mr. BURTON of Ohio. No; not at present. I do not claim that it does, but you must take the river as a whole and not a part of it; you must consider it in its entirety.

Mr. MANN. Will the gentleman allow me a question?

Mr. BURTON of Ohio. Certainly.

Mr. MANN. Does the gentleman know any instance where the Government has required a lump sum, apart from the construction of their work, or an annual reservation of a sum, for the protection and use of the water of any navigable stream?

Mr. BURTON of Ohio. I can give the very best answer to that. In a bill passed March 3, 1899, pertaining to this very locality, is this provision:

Provided further, That until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix reasonable charges for use of said power.

Mr. MANN. But there has never been any money collected on that.

Mr. BURTON of Ohio. Because the works are not built.

Mr. MANN. Because of that provision being in there.

Mr. BURTON of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Alabama. Mr. Speaker, I now yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the navigation of Muscle Shoals has been improved by the Government by the completion of a canal and certain locks along the northern side of the river for a distance of 14 miles. The slope of the river in that 14 miles is about 128 feet. The bed of the river is a succession of rocks, some of them submerged, hundreds of them above the surface—in other words, it is filled with bowlders. It was deemed by the engineers utterly impossible to improve that by the use of the bed of the river for slack-water navigation through dams and locks, so that they resorted to the other method of constructing a canal with locks. There is a strip of land about 300 feet—nearly uniform, I am told—between the margin of the canal and the northern shore of the river, in which the Government has an easement. I do not understand it to be the owner of any of the fee or, if any, in considerable quantities. They have the right to construct the canal——

Mr. BURTON of Ohio. If the gentleman from Iowa will allow me, I have made considerable inquiry on that subject, and the larger share of this land, it seems, belonged originally to the Government, and was conveyed to the State of Alabama, and then reconveyed back to the Government.

Mr. HEPBURN. My understanding is that the Government has the easement; that it has only the rights in the strip as would be incidental to the ownership of the canal. Now, that is the present situation. Remember that this portion of the river is not navigated at this time to any considerable extent. The parties having it in charge have resorted to the remarkable method of improving the upper end of the river first. That would be a very valuable contribution to the commerce of the country if they had some other process or method, by balloon or otherwise, of bringing vessels up to the canal; but up to this time they have not succeeded in the improvement of the lower obstruction, and hence there is considerable difficulty in getting any considerable amount of navigation.

Mr. LITTLEFIELD. Mr. Speaker, do I understand the gentleman refers to the Committee on Rivers and Harbors?

Mr. HEPBURN. No; I think it was begun probably before a Committee on Rivers and Harbors had existence—certainly before the gentleman from Ohio [Mr. BURTON] had any control over it. I do not think that is one of his methods. At all events, this improvement was undertaken at a time when river navigation was in a very advanced condition from that of to-day. The navigation of the western rivers is constantly diminishing, not increasing, and the scheme adopted was supposed to be sufficient at that time and in harmony with what was then in vogue. Five feet was determined to be the proper depth of the canal. There is no probability that that will ever be increased or the necessity for its increase ever exist. Now, a new departure is proposed by the gentleman from Ohio in treating this whole subject. Up to this time, I am informed, the Government has never received a farthing for the use of any of the powers which it from time to time has granted, and they are to be numbered by scores, if not by hundreds. I have no doubt but that the figures that have been given by the gentleman of the value of this would be approximately correct, if he could only remove this power to the vicinity of some of our great cities; but there is a difficulty in that, I would submit to him. This is comparatively, so far as industries are concerned, in an undeveloped wilderness. There are no great cities near this locality, probably within the limit to which electrical power may be transmitted. I will not say that there are not towns within that vicinity, but there are no manufacturing centers there. The demand for this power has to be created. The gentleman talks about the time when these riparian owners will be able to sell their property by the square foot. That is very remote. There are many localities in this country that would be of immense value if we could concentrate a density of population upon them similar to that of New York City, but there is a difficulty in the way; and so it is in estimating the value of this property. These shoals have been there for centuries, and no dollar of capital has been found up to this time to invest in them. This bill simply proposes that those few corporations that may be created under the laws of the State of Tennessee may avail themselves of this power. It is a question whether it is best to invite capital into the enterprises and have the benefits that will come from their utilization, or shall we sit back, as the gentleman proposes, demanding these exorbitant sums, driving away those who otherwise might possibly be induced to make these investments?

The Congress at a recent session gave to gentlemen the right to create an immense water power near the city of Keokuk. There are within 100 miles of that city probably 300,000 people living now. There are several towns of thirty, forty, and fifty thousand inhabitants. They have had that right for nearly two years. They have been unable to finance that enterprise. They were required to erect certain works in the interest of navigation that would probably cost half a million of dollars. The dam that they proposed to erect would probably cost $3,000,000. The power that would be generated is estimated at a hundred thousand horsepower, according to the estimate of the gentleman, worth $3,000,000 a year; yet capital does not readily go into such enterprises as this, and they have been unable, up to this time, to raise the money to begin that. I think there would be great value in this grant, if it were differently situated—if you could induce capital to go there. If the manufacturing enterprises needed the power, it would be of great value, but all that is an experiment. I think myself that it is infinitely better that we should encourage the use of the forces in our rivers rather than strive to prepare them for a commerce that will not traverse them—that is behind the times and that is becoming obsolete. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, answering the first contention, that this is a new idea that the Government should in some form utilize this water power to aid navigation, the all-sufficient answer is that a condition has been recently created which makes the situation entirely different from what it was. There is water power going to waste all over the country. In earlier days a considerable share of manufacturing received its power from water power, but with the abundant supplies of coal, it was used; and hence the utilization of water power largely went out of use. Now, it is coming back into use again. We are just at the beginning of a development, as I said in opening, of the value of water power. But, it is said, this is an experiment down there. Well, I think, Mr. Speaker, that we ought not to deal with experiments. Is it not well for us to wait until we have some certainty as to what this privilege is worth, and not give away a franchise which promises to have almost inestimable value? Had we not better wait until we know something about it?

Water power is not going to be any experiment in the future. It is going to be of the greatest value—to furnish electric light in cities, power to run street railways, all kinds of power which may be needed in the various demands of modern life. We can not afford to throw it away. It is said that there are no cities in that neighborhood. The gentleman overlooks the fact that with a good-sized copper wire you can carry electricity a hundred miles without any appreciable decrease in the force of the current. Indeed, they are planning now to carry it from Niagara Falls 160 miles to the city of Syracuse for the propulsion of street railroads.

Mr. KAHN. If the gentleman will allow me, they are carrying it 200 miles in the State of California.

Mr. BURTON of Ohio. It will be carried to Memphis, Birmingham, Montgomery, Nashville; and it seems to me it was in disregard of such considerations at this—overlooking these important facts—that this bill was reported and came before us here. Is the House willing to give away a privilege of this value? I sincerely hope in the navigation of rivers this plan for cooperation can be still further adopted. It is a strange coincidence that only two days before this measure came up in the House this proposition came up to spend $108,000 in the completion of a dam which will increase the navigable length of a river perhaps by 20 miles, in consideration of their being allowed to use the water power there. The dam at Chattanooga is nearly finished. When the President sent in his veto message in 1903, it was a proposition in the air; it was a promoters' idea. Now the foundation stone has been laid and it is nearly the time for the laying of the capstone as well, and it will not be a very long time before the boats on the Tennessee River will be going through that lock and dam, so that it will be used for navigation at the same time it is used for the development of power. I think, Mr. Speaker, when we grant away rights that belong to the Government we should use the utmost care. If there is one danger in representative govern-

ment it is that an alert, aggressive, self-interested individual or locality may get what it wants because the great mass is inert and half asleep. I am perfectly aware it is an ungracious task to speak here for economy in such a matter as this, but I think I can foresee and that you can foresee the great importance of this matter—the development that is sure to come when spindles shall be set running and the music of machinery shall be created by that water power. The fact of its existence will some day give to that locality in Alabama and the nearby country in Tennessee a distinctive quality as a great manufacturing area. This Government ought not to throw away its rights or neglect the paramount interests of the people. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIDSON rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. DAVIDSON. To ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. BURTON of Ohio. Certainly.

Mr. DAVIDSON. Is it not true that in the last Congress a bill granting similar rights to a corporation to construct a dam across the Mississippi River at Keokuk, compelled those people to build a lock, a dry dock, and the appurtenances thereto, and a plant for lighting and operating the same at their own expense for the use of the Government for navigation purposes?

Mr. BURTON of Ohio. I am not familiar with the provisions of that bill, because it was reported by another committee, but I so understand it. Mr. Speaker, I reserve the balance of my time, although I do not know that I shall occupy it.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for four minutes.

Mr. RICHARDSON of Alabama. I will ask the gentleman from Ohio that the balance of his time be given to me. I have the right to conclude.

Mr. BURTON of Ohio. The gentleman can use his own time.

Mr. RICHARDSON of Alabama. But I desire to have the time the gentleman has reserved, if he will give it to me.

Mr. BURTON of Ohio. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. Four minutes remains to the gentleman from Alabama and five minutes to the gentleman from Ohio.

Mr. BURTON of Ohio. I yield my time to the gentleman from Alabama. It is possible I may want a minute or so, but I think not.

Mr. RICHARDSON of Alabama. I yield four minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for four minutes.

Mr. MANN. Mr. Speaker, the gentleman from Wisconsin just referred to a bill which passed the last Congress in reference to a dam at Keokuk.

I had much to do with that measure in the committee, and to a large extent drafted it as it went through, and certainly put the provisions in the bill which the gentleman refers to, and I can assure the gentleman that there are just as many safeguards and provisions in this bill in the interest of the Government as there were in that bill. In the pending measure it is provided that if the Government at any time desires to construct locks, the party to whom this privilege is given shall furnish the title, shall furnish the power, shall furnish the light, shall furnish the same things that were provided in the Mississippi case. In the Mississippi they proposed to utilize some plant which the Government had already possessed itself of. They proposed to destroy some works which the Government had created, and we provided in that case, as we provide in this case, that all the safeguards that are possible shall be preserved to the Government, and that the Government shall be put to no extra expense by the improvement.

Mr. DAVIDSON rose.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Mr. Speaker, I beg the gentleman to excuse me. I have only four minutes granted to me.

Now, Mr. Speaker, the question for Congress to determine is this: The gentleman from Ohio says that we ought not to grant the right to dam a river unless we require the person receiving the grant to pay to the General Government. Pay what? Shall we provide that in the various States in the Union where navigable waters happen to lie that there shall be no improvement unless the Government gets the big end of the receipts? Shall we forbid the development of power in the country unless the parties developing it shall pay to the Government the biggest share of their profits? That is a matter which, in my judgment, at this time should be left to the State. The gentleman from Ohio says that the water at Muscle Shoals is worth two or three millions a year. Why, Mr. Speaker, it is not worth a cent today. What value has it been in the past? The water has been running in the Tennessee River ever since Congress was organized, and long before. The water has been running there ever since the gentleman and others have been distinguished chairmen of the Committee on Rivers and Harbors. The water still runs there. Nobody is utilizing its value. Shall the General Government say that before we give to the State the authority to make use of it we shall require these people to pay? What? Twenty-five per cent of the gross receipts, 50 per cent of the net receipts, so many thousand dollars a year into the General Treasury? Or shall we leave that, for the time at least, to the control of the States, reserving as we do in this bill the power of the General Government at any time to regulate the charges which shall be made—to amend the act in any way?

Mr. BURTON of Ohio rose.

The SPEAKER pro tempore. Will the gentleman from Illinois [Mr. MANN] yield to the gentleman from Ohio [Mr. BURTON]?

Mr. MANN. Certainly.

Mr. BURTON of Ohio. Where is the reservation in the bill?

Mr. MANN. The right to alter, amend, or repeal an act is a right, universally recognized, to give to Congress the power to regulate the charges.

Mr. BURTON of Ohio. Does the gentleman from Illinois know of any case in this Government or any other government where the right to alter, amend, or repeal was ever utilized to inject into a grant of a privilege a provision for compensation, particularly when the bill studiously omits any provision for compensation—a provision inserted in a number of other bills?

[Here the hammer fell.]

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois be permitted to finish his remarks.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the gentleman from Illinois [Mr. MANN] be permitted to finish his remarks. Is there objection?

There was no objection.

Mr. MANN. I hope the Speaker will call me down at the end of five minutes, because I do not wish to occupy the time of the House even on this important matter. I may say to the House, that in the last Congress the Committee on Interstate and Foreign Commerce had a number of measures before it relating to the construction of dams for water power. A subcommittee of that committee was appointed for the purpose of considering the subject, and I had the honor to be named as chairman of that subcommittee. The question was presented: If the General Government shall give the authority to construct dams across navigable streams, upon what terms shall the authority be granted? In connection with members of the subcommittee, we went carefully into that question, not only with the officials of the War Department, but through correspondence with various engineers throughout the country, and it seemed to be at that time, at least, the almost universal sense and sentiment of the people dealing with this question that it was impossible to obtain the capital to develop water power if the Government should start in upon the idea that the National Government should require corporations to contribute to the National Treasury.

It might be in cases that the persons receiving this grant ought to contribute to somebody some portion of the benefit which is conferred upon them. I do not say nay to that proposition. I am not entirely certain that it may not be proper policy for the Government to require some compensation to be paid into the National Treasury; but I do say without hesitation that Congress is not yet willing to lay down the rule that no development shall be made on navigable waters unless the licensee shall pay to the United States Treasury a substantial sum for the benefit. There is no gentleman on the floor of this House, in my judgment, who would wish to have it said that a river in his own State shall receive no improvement from the adjacent property owners unless they paid to the General Government a portion of their profit.

It has seemed to me, up to the present time, that might be properly left to the control of the States, simply reserving the power on the part of the General Government, if it becomes necessary in the future, to control the charges which shall be made for the use of this power, as we are now proposing to control the rates of the railways; and all that authority is retained in this bill. It is retained also in the general dam bill which I introduced, which was reported to the House recently by the gentleman from Georgia.

If this bill fails to pass, the result is there is no improvement at Muscle Shoals; there is no use of the water power; there is no benefit to the Government and the country from the enor-

mous power, which the gentleman says is worth two or three million dollars a year, and which we see is now going to waste.

The gentleman from Ohio has no proposition to present, the distinguished committee over which he presides has no proposition to present, for the use of the water power at Muscle Shoals. No person in this Congress has any proposition to present upon that subject retaining any portion of the proceeds to the General Government under which any person can obtain the capital with which to develop the power. We passed a bill some years ago granting authority to a company for this same place, retaining the right to fix the compensation, but the parties were unable to raise the money. The power is wasted. I believe that it is far better for the Government to develop the power now going to waste in many parts of the country, to add to the industries of the country, to build up the localities where these navigable streams have power rather than to stand as a dog in the manger, refusing to develop the power ourselves, and refusing to permit others to develop it. [Loud applause.]

Mr. BURTON of Ohio. I hope the gentleman from Alabama will yield me two minutes. I think it is hardly fair that two persons should respond to the remarks I made without an opportunity to make some reply.

The SPEAKER pro tempore. Does the gentleman from Alabama yield two minutes to the gentleman from Ohio?

Mr. RICHARDSON of Alabama. Certainly. The gentleman gave me five minutes.

Mr. BURTON of Ohio. It shows on how slim a foundation any provision for compensation is based when they have to run to the provision to "alter, amend, or repeal." They omit the provision for compensation which so frequently comes in these bills. Now, if there is a chance for imposing charges, there is not a Member of this House who in his experience can recollect a single case in which the right to amend a franchise was granted——

Mr. MANN. I did not say there was any power to demand charges, but stated there was power to regulate the charge.

Mr. HEPBURN. I would like to ask the gentleman from Ohio what right has the General Government over a river passing through a State, within the limits of a State, other than that of controlling its navigation? What right or interest has the Government that it can sell to a citizen in a river or the waters of that river?

Mr. BURTON of Ohio. It has, first, the paramount right that belongs to the Central Government to control the navigation of that river and all parts of it whether rapid or smooth. Why does anyone come here asking for the right to construct a dam if the Government has not the absolute power to grant or refuse?

Mr. HEPBURN. It has the right to control the navigation, but what else?

Mr. BURTON of Ohio. In this specific case the ownership of 10 miles or riparian frontage along one side of the river. As regards taking some action I would say that I should agree with the judgment of Senator Morgan, favoring the creation of a commission to examine into this whole subject and report upon it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LITTLEFIELD. I will ask that the gentleman's time be extended a few minutes.

Mr. BURTON of Ohio. I will not ask that.

Mr. RICHARDSON of Alabama. I yield two minutes of the time left to me to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I apprehend that the difficulty in the minds of gentlemen on the floor is their inability to judge of this situation correctly at this distance. If the membership of this House could go with me down to Alabama and pass through this canal that we have been discussing, and see its situation, see its connection with the navigable waters of that river, they would be able to decide at once that the $5,000,000 or more that have been expended by the Government in the construction of that canal have not contributed one farthing to the value of this power in any manner whatever. Six miles of that river, known as the "Muscle Shoals," have a fall of 85 feet. There are bowlders in the bed of that river as big as a house and as high as a tree, and the Government could not provide for the navigation of that portion of the river by the expenditure of twenty or thirty million dollars.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. RICHARDSON of Alabama. I ask unanimous consent that the gentleman have five minutes more.

Mr. BURTON of Ohio. I do not feel like making an objection, but it seems to me hardly fair that so many should be allowed to have their time extended.

Mr. RICHARDSON of Alabama. We want to get at the facts.

Mr. BANKHEAD. I will ask unanimous consent that the gentleman from Ohio have time to reply, if he wishes.

Mr. BURTON of Ohio. I make no objection.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. The proposed power canal, Mr. Speaker, leaves the waters of the Tennessee River at a point below where the navigable canal leaves the river, and the water is returned to the river above where the navigable canal enters it again. It is not fair to compare this situation with that which exists on the Coosa River, to which the gentleman from Ohio [Mr. BURTON] has alluded. In that case the Government has expended five or six hundred thousand dollars for the construction of a dam and lock for the purpose of navigation. The Government has created the power. It has built a lock and dam, or partially built them. The power is the result, and all that those people have had to do who desired to utilize that power has been to put a flume into the dam, or cut a very short canal around it for the purpose of conveying the water to their power wheels.

Mr. BURTON of Ohio. If the gentleman please, from what source does the gentleman obtain his figures that the dam cost five or six hundred thousand dollars?

Mr. BANKHEAD. From the books.

Mr. BURTON of Ohio. Is the gentleman not aware that the engineering report also gives an estimate for the completion of the dam, without any appliances, and that the amount there estimated for the purpose is $108,250, without any reference to power?

Mr. BANKHEAD. It is true that the engineering department estimates that about $100,000, or a little more, must be expended before this power can be utilized or even created, and the provision is that those gentlemen who propose to utilize it must complete the lock.

Now, Mr. Speaker, we have a similar situation here within sight of this Capitol. Exactly the conditions exist that exist at Muscle Shoals, so far as navigation is concerned. A few miles above the city of Washington are the Great Falls of the Potomac. Just above those falls a dam has been built across the river, and the city of Washington has built an aqueduct, and from that dam it receives its water supply. The Chesapeake and Ohio Canal runs up the bank of the Potomac River from here to the Great Falls and above and connects with the navigable waters of the Potomac River here and below. Would the gentleman from Ohio, or any other gentleman on this floor, insist that to build a power plant at the falls of the Potomac below the mouth of the aqueduct and along the side of the canal would in any way affect the navigation of the Potomac River or the water supply of Washington?

Mr. BURTON of Ohio. Will the gentleman from Alabama maintain for a minute that the resources of the Potomac above this point, and the country to be subserved thereby, compare with the country tributary to the Tennessee?

Mr. BANKHEAD. Well, Mr. Speaker, the principle is the same; it is only a question of degree; that is all. There may be more power in the Tennessee River; it is perhaps a larger river; but the principle involved is the same. Now, I want to say most frankly to this House that if the money expended by the Government of the United States in the construction of this canal in the effort to make the Tennessee River navigable in any manner contributed to the value of this power, in any manner lessened the expense that would be required to build the plant and make the power available, I would not have a word to say on this subject.

[Here the hammer fell.]

Mr. RICHARDSON of Alabama. Mr. Speaker, I believe I have one minute remaining.

The SPEAKER pro tempore (Mr. BONYNGE). The gentleman is right; he has one minute.

Mr. ADAMSON. Mr. Speaker, before the gentleman begins, as he has only a minute remaining, I ask unanimous consent that he have fifteen minutes additional, and that the gentleman from Ohio have a corresponding amount of time, if he chooses to use it.

Mr. BURTON of Ohio. Mr. Speaker, I shall have to object to that.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for one minute.

Mr. RICHARDSON of Alabama. Mr. Speaker, I admit that I am greatly interested about the success of this bill. It has been near my heart ever since I have been a Member of Con-

gress, and I thank the House for the kind courtesy extended. What is the real status of this bill now? Here it is before you, gentlemen, with the indorsement of the highest engineer officer of this Government, the Chief of Engineers, General Mackenzie, an able, worthy, and distinguished man in his profession. Here it is with the unqualified indorsement of the Secretary of War, a great lawyer, a splendid man, an able Secretary. It stands with the only objection made to it in the fears and apprehensions of the gentleman from Ohio. That is the true condition and the real status of this bill. The gentleman from Ohio is not able, on his part, to give a single instance in the history of this Government where a cent has ever been charged in cases where the Government has not expended money to create public improvements. He asks that the Government shall reap where it has not sown. [Applause.]

The SPEAKER pro tempore. The question is on suspending the rules and agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. BURTON of Ohio. Division, Mr. Speaker!

The House divided; and there were—ayes 113, noes 30.

So, two-thirds having voted in favor thereof, the resolution was agreed to.

REPRINT OF A BILL.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 4527) for preventing the adulteration or misbranding of foods or drugs and for regulating the traffic therein, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will call the committees.

PUNISHMENT FOR EXTORTION.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, I call up the bill (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5481 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which if performed would make him guilty of such extortion, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter."

Mr. LACEY. Mr. Speaker, the purpose of this amendment to the law is to prevent the false impersonation of public officers in the land service. Occasionally men have assumed to be public officers for the purpose of extorting money by such assumption from various individuals upon the public lands. The Department of the Interior and the Commissioner of the Land Office request an amendment to the law so as to include in the punishment of extortion by officers also extortions by those who pretend to be officers. That is all there is involved in this bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

PROTECTION OF BIRDS.

Mr. LACEY. Mr. Speaker, I also call up the bill H. R. 13190, to protect birds and their eggs in game and bird preserves.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of such birds on any lands of the United States which have already been or may hereafter be set apart or reserved as game preserves or as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $500 or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court.

With the following amendments recommended by the Committee on Public Lands:

In line 6 strike out the words "already" and "or may hereafter be."
In line 7 strike out the words "as game preserves or."

Mr. LACEY. Mr. Speaker, there are some amendments to this bill limiting the effects of the bill to those reserves that have heretofore been set apart. The President, by Executive order, withdrew from settlement a few islands in the Gulf of Mexico and some in the lakes of the North. These islands are useless for agricultural purposes. They are low-lying islands, and have been used from time immemorial for nesting and propagation of wild migratory fowl, and the President withdrew them from entry and reserved them for that purpose. It is in the power of the officers of the Land Department to protect the islands from trespass in a general way by ordering people to keep off. This bill goes a step further, and makes interference with the nests or the eggs on the islands unlawful, and punishes the offense.

Mr. CRUMPACKER. If the gentleman will allow me, in the course of this bill I notice it makes it a crime for any person to willfully disturb a bird on the Government reservation. I presume there are thoroughfares in the reserve, and if a man is walking or driving along a thoroughfare and a bird happens to be in the road, what is he to do?

Mr. LACEY. The islands are all marshy islands; nobody lives on them. They are public lands.

Mr. CRUMPACKER. Does anybody ever go there?

Mr. LACEY. They go there to get the birds' eggs and rob the nests or for hunting purposes.

Mr. CRUMPACKER. No inhabitants on the islands?

Mr. LACEY. No; unoccupied tide-water islands or marsh lands.

Mr. CRUMPACKER. But this will operate for all time to come, and——

Mr. LACEY. I hope so.

Mr. CRUMPACKER. If there should be any settlement there, any thoroughfare—if a man meets, as I say, a bird in the road, what is he to do?

Mr. LACEY. And the bird bites him? [Laughter.]

The gentleman from Indiana is borrowing trouble. There are a few islands that have been used immemorially for the propagation of bird life. Now, this subject used to be treated somewhat jocularly, but the scarcity of our disappearing bird life has brought the subject to the attention of the public in such a way as to cause the matter to be treated more seriously. Now, a few islands that are especially adapted to this use have been withdrawn from public settlement, and we want to protect them from marauders.

Mr. CRUMPACKER. I would ask the gentleman if it would not make the law operate better if the word "unnecessarily" were put in there after the word "willfully." It seems to me that looks like a rather arbitrary thing.

Mr. PALMER. But when is it necessary to disturb a bird? [Laughter.]

Mr. COUSINS. That would make it so that you could only kill it in self-defense. [Laughter.]

Mr. CRUMPACKER. Yes.

Mr. LACEY. Mr. Speaker, I do not believe any such amendment is necessary. It prevents the willful disturbance of or injury to the birds breeding in these reserves, and nothing else.

Mr. CRUMPACKER. Well, Mr. Speaker, I do not expect to go there, so that I shall not insist upon my objection.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

SOLDIERS' ADDITIONAL HOMESTEAD RIGHTS.

Mr. LACEY. Mr. Speaker, I call up the bill (S. 983) to validate certain certificates of soldiers' additional homestead rights, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the certificates of soldiers' additional homestead right, under section 2306, Revised Statutes of the United States, issued by the Commissioner of the General Land Office in May, 1896, under authority of the act of Congress of August 18, 1894, to M. J. Wine, assignee of Thomas O. George, Moses Roley, Andrew A. Harrison, William Bohanan, Leland L. Betterton, James R. Blades, John Pendleton, Charles M. Blair, Elbert S. Wittenberg, William D. Reynolds, John M. Walker, and Caleb Sill, be, and the same are hereby, made valid.

Mr. LACEY. Mr. Speaker, this bill validates about twelve soldiers' additional homestead rights. The Department of the Interior first held that those rights were not assignable, and after so holding allowed the parties who had assigned the rights to locate them in their own names and dispose of the property after location, thus cutting out the rights of the assignees. The assignees had attempted to protect themselves by filing in the Department the proper evidence of the assignment. Sub-

sequently it was determined that these rights were assignable, and the parties having the rights, who had bought them and paid for them, ask now to be permitted to exercise their rights, notwithstanding the fact that they have been denied them by previous ruling and the rights have been allowed to be exercised by the original claimants.

Mr. GOULDEN. It is in the interests of the old soldier?

Mr. LACEY. The old soldier did not treat his assignee quite right. He got the money from his assignee and sold his right, and then afterwards exercised it himself. Now, since it has been held that these rights are assignable the Department recognized in these twelve cases that they should be permitted to exercise the right.

Mr. MANN. Who are these people—who gets the benefit of this act? Are they speculators?

Mr. LACEY. Purchasers of the various claims. We call them speculators. They have undoubtedly bought them and hope to make something out of them. They have paid their money for them, and have been deprived of the right of locating them upon the lands by reason of an erroneous ruling which has been subsequently reversed.

Mr. MANN. It is known who they are?

Mr. LACEY. Yes; their names are mentioned in the bill.

Mr. MANN. The soldiers have exercised this right once?

Mr. LACEY. First they assigned their rights for value, and when they were held unassignable went and exercised that right themselves, and afterwards it being determined that they were assignable the parties who had bought and paid for the rights and who have been deprived of locating them under this erroneous ruling ask the privilege now to make the locations.

Mr. MANN. The soldiers had the right and they sold that right to speculators.

Mr. LACEY. The soldiers had this right. All soldiers prior to 1874 who had a homestead of less than 160 acres had the right to go and locate enough to make up the 160 acres somewhere else, and get title to it, or sell that right to somebody else.

Mr. MANN. What does the gentleman mean by all soldiers prior to 1874?

Mr. LACEY. The law was repealed in 1874, so that no soldiers excepting those who had taken less than 160 acres of land prior to 1874 are entitled to the benefits of what is known as "soldiers' additional" rights.

Mr. MANN. So that the soldier, prior to 1874, having the right to locate, sold that right to a speculator?

Mr. LACEY. No; having the right to locate and having located less than 160 acres of land, he sold his right to the surplus to a speculator or anybody else.

Mr. MANN. Sold to a speculator the right to locate the surplus, and then the Department ruled he could not make the sale?

Mr. LACEY. It ruled it was not assignable.

Mr. MANN. Then the soldier went ahead and made his location and this bill is to relieve the speculator now. You do not grant the soldier himself that right now?

Mr. LACEY. This only applies to a valid right which had been transferred under a valid law for value and which the Department, by making this rule, had prevented from being exercised.

Mr. MANN. Well, if the gentleman will pardon me, if the soldier sold a valid right under a valid law, we can not prevent him from exercising that right, and you are seeking to confirm a right here which is not valid because of its invalidity.

Mr. LACEY. He has been prevented from exercising the right, and the injustice of the matter has been referred to the Department, and they recommend the passage of the bill so that justice might be done to these parties by reason of an erroneous ruling.

Mr. MANN. The Department recommend, as they do everything of that kind, to put everybody on an equality; but I think we are entitled to an explanation of why, having given to a soldier prior to 1874 a right which we do not give to a soldier at all now, in addition to that we should give that right twice to the soldier which we do not give at all to any other soldier.

Mr. LACEY. No; that soldier has, by an erroneous ruling, been permitted to exercise a right he did not own, that he had sold and transferred to somebody else and got money for it.

Mr. MANN. Every speculator takes chances when he buys something on speculation.

Mr. LACEY. The speculator took his assignment and filed it and made it of record in the Department, and the Department then went on and aided the soldier in taking land somewhere else by accepting his filing, and thus deprived him of his right of location. Now, that injustice has been done, and the man—you may call him a speculator, as you please; any man who buys real estate might be called a speculator; he might be a homesteader——

Mr. MANN. Then the speculator has a valid claim against the soldier?

Mr. LACEY. Not at all.

Mr. MANN. Why not? He sold something that he could not deliver.

Mr. LACEY. He sold something he could not and did not deliver, namely, the right to make a location, just like selling a land warrant, and the Department subsequently held that notwithstanding that he had sold it he could not——

Mr. MANN. The Department held he could not sell it?

Mr. LACEY. Yes; and the Supreme Court held the Department was wrong. That is all there is to it, and now having so held they propose to allow these men to exercise that right which they have been denied and which the Supreme Court says they have.

Mr. MANN. It seems to me if they have a claim against the Government they ought to present it through the Committee on Claims.

Mr. LACEY. It is not a claim, it is a right to locate land just like a land warrant.

Mr. MANN. If they have any right there, why should they come here and ask Congress to give them a right? We can not take away a right.

Mr. LACEY. Let me explain to the gentleman. Here is a right given to a soldier to enter an additional 80 acres of land. He has the right now to enter 80 acres of land, providing he made his original homestead location prior to 1874. At that time the law was repealed and any soldier since that time taking less than a hundred and sixty acres can not have this additional right. There are probably 10,000 acres of those rights still in existence unlocated.

Mr. MANN. What are they worth?

Mr. LACEY. These particular ones were held unlocatable, because they were deemed unassignable, and the soldiers took the land and kept the money that they got for the rights which they had sold and assigned. The Land Department had thus deprived the assignee of the right to take the land. The Supreme Court says that the right was assignable. Now, in view of this situation, when the Department comes to adjust the location for John Smith, we will say, of a certain regiment, they find they had already allowed an entry for that same man. The entry is erroneous, but can not now be set aside. So that it requires special legislation to permit the assignees to make the locations, of which they have been thus deprived.

Mr. POWERS. Will the gentleman from Iowa [Mr. LACEY] permit me to ask him a question?

Mr. LACEY. Yes.

Mr. POWERS. If I understand the statement of the gentleman, the soldiers have located and obtained this residue of land from the Government after selling the right to locate, so that if it is granted again the Government parts with the land twice?

Mr. LACEY. No; they have given these soldiers land that did not belong to them, and they propose to give to these other men the land that does belong to them.

Mr. POWERS. They part with the same amount of land twice?

Mr. LACEY. Certainly. Just the same as if I owe the gentleman a hundred dollars and he assigns the right to somebody else, and gives me notice of it; and then I pay it to him after it has been assigned to the other man. After it has been assigned, the other man can make me pay it again. I pay it twice, but only once to the right person.

Mr. POWERS. One more question. Does the gentleman contend that the purchaser—call him a speculator, if you will—of this right has no remedy against the person to whom he sold? Will not the soldier by taking this land hold it in trust for the person to whom he sold it, or is he not liable to that person?

Mr. LACEY. I think he would be a trustee.

Mr. POWERS. So do I.

Mr. LACEY. But he has attended to that. He has sold the land. He is beyond the reach of the courts.

Mr. POWERS. Then, is he not liable for the amount?

Mr. LACEY. Probably, as a trustee, for the amount. That may be.

Mr. POWERS. Is he not liable, then, for the amount? Then why should they come in here and ask the United States to grant the land a second time if the party—the speculator who bought it—has a remedy against the soldier who has received the assignment by compelling a conveyance, or by suing at law if he has parted with the land.

Mr. LACEY. For this reason: If anyone has obtained something that belongs to somebody else, there are two remedies. One is to go on and exercise the real rights that he has and the other is to treat the wrongdoer as a trustee. He is not com-

pelled to that; he is not compelled to follow the insolvent trustee when he has a valid claim to land. When he has recorded his assignment in the proper office and given notice of it, he is not compelled, because the Department has given this land to the wrong man, to follow the wrong man. He may follow him, if he wants to, but he is not compelled to do that. It would be unjust to compel it in a case like this, because the parties are insolvent.

Mr. POWERS. Is there any evidence to that effect?

Mr. SHERLEY. Will the gentleman from Iowa [Mr. LACEY] permit a question?

Mr. LACEY. Certainly.

Mr. SHERLEY. If it is true that he has a right of entry, why the need of this legislation?

Mr. LACEY. The Department has held that inasmuch as on the face of the record they have already allowed an entry for an individual of that name, and have even wrongfully allowed it, that the subject has been exhausted, and they have to ask Congress to give them an opportunity to allow a second entry in order to correct the error that they made before. In short, they have given the wrong man the land. They want now to give the right man the land. I have no doubt that the Government could go into the court and cancel the entry made to the other party, but, after land has passed into the hands of innocent transferees that would be an injustice on the part of the Government which they would not be disposed to commit.

Mr. SHERLEY. The meat of this is that if the soldier has been guilty of fraud and has made a transfer, and instead of abiding by it has himself gotten possession of the land, the United States Government must come in and make whole the man he has defrauded?

Mr. LACEY. Not at all. The soldier has a right, we will say, to 80 acres of land. Suppose he has a land warrant for that amount. He sells that warrant and transfers it. The man to whom he transfers it files it in the Land Department and makes a record of it, and shows the assignment in the Department. Subsequently, by mistake of the Government, they allow the assignor to take the same amount of land again. That sometimes has occurred where a duplicate land warrant is issued.

But in this case the right has been transferred, and they have given a person land who had no right to it and have denied his bona fide assignee the land; and by reason of the condition of the records it becomes necessary to have Congressional authority to clear up the record in these twelve cases and to allow the man whom the courts have determined to be the rightful owner to obtain his land.

Mr. SHERLEY. Now, if I understand you, I find this is in this shape: That the Land Office, having made a mistake, instead of correcting it by canceling the wrong land grant made to the soldier who had assigned his claim, now wants Congress to remedy its mistake by granting land turned over to one soldier to another man in the service.

Mr. LACEY. Why, certainly not. The party does not want to go into a court of equity to cancel twelve different entries in order to do justice to the parties in these claims.

Mr. SMITH of Iowa. As I understand, this does not cut off the right of the parties for the amount they hold.

Mr. LACEY. Not at all.

Mr. SMITH of Iowa. As I understand it, if I owed you an account and you assigned it, and I, knowing of the assignment, use that for the sole purpose of not paying you, this case is in the state of what would be the claim that I would not pay it to the man who had the claim—that he ought to follow you.

Mr. LACEY. That seems to be the suggestion; but it was worse than that, because this instrument is negotiable. The assignor has the right to the land itself, and under the same rights as a deed to the land itself, and it is so held by the court.

Mr. HOLLIDAY. It is not true that the assignment of these instruments carries with them no guaranty or warranty title, but only amounts to a quitclaim title.

Mr. LACEY. The deed carries all the rights that the assignor had.

Mr. HOLLIDAY. It is simply a quitclaim deed.

Mr. LACEY. It is a deed of conveyance without a warranty. He is not compelled to file it on the particular land his assignor had selected, but is allowed to select some other public land. Now, some may not want to select land in Colorado, others in California, and if so the right will be taken from them unless they could make their own selections on the public domain.

Mr. GOULDEN. How many acres are involved in this?

Mr. McCARTHY. One thousand and forty acres.

Mr. GOULDEN. This is simply to perfect the title?

Mr. LACEY. Whenever they make a selection then the title would pass.

Mr. HINSHAW. Do they make it under the homestead law?

Mr. LACEY. They make it under the soldier's additional homestead law, which would be without regard to residence.

Mr. MANN. They can locate on land anywhere?

Mr. LACEY. Anywhere.

Mr. HINSHAW. It would not require residence for the time they did not serve?

Mr. LACEY. Not at all. This soldier's additional homestead law, I think, was a bad law, and I think it was well to repeal it.

Mr. HINSHAW. It would show that the assignees have acted in good faith and paid their money.

Mr. LACEY. That is true.

Mr. MANN. What was the decision of the Supreme Court holding that the Department was wrong in the decision that it made with reference to those lands?

Mr. LACEY. Webster *v.* Luther, reported in 163 United States, which is referred to in this report.

Mr. MANN. What was the date of that decision?

Mr. LACEY. I am not sure about the date. It is in 163 United States, probably seven or eight years ago. I call for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MINING LAWS IN ALASKA.

Mr. LACEY. I now call up the bill H. R. 8984.

The bill was read, as follows:

A bill (H. R. 8984) to amend the laws governing labor or improvements upon mining claims in Alaska.

Be it enacted, etc., That during each year and until patent has been issued therefor, at least $75 worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in the district of Alaska heretofore or hereafter located, and in addition thereto the locator or owner of each such claim shall perform $25 worth of work upon highways, roads, or trails within the recording division or district in which such claim shall be situate, or, in lieu of such work upon highways, roads, or trails, the sum of $25 may be paid to the recorder for such division or district, who shall give a receipt therefor and enter such payment upon a record of affidavit of annual work done on mining claims; and in case work of the value aforesaid shall be performed upon such highways, roads, or trails as aforesaid the affidavit of the locator or owner of such claim, or of some other person having knowledge of the facts, showing the performance thereof and specifying the highway, road, or trail and the character and extent of such work done thereon, shall be made and filed with said recorder and be recorded by him in his said record, and such affidavit when so made and filed shall be prima facie evidence of the performance of such work. And in like manner the locator or owner of such claim shall also make and file with the said recorder an affidavit showing the performance of labor or making of improvements to the amount of $75 as aforesaid and specifying the character and extent of such work, and such affidavit shall be prima facie evidence of the performance of such work or making of such improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this act, or any of them, such claim shall become forfeited and open to location by others as if no location of the same had ever been made. The affidavits required hereby may be made before any officer authorized to administer oaths, and the provisions of section 5392 of the Revised Statutes are hereby extended to such affidavits.

SEC. 2. That the recorders for the several divisions or districts of Alaska shall each give bond in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and shall account to the Secretary of the Treasury for all moneys received by them under the provisions of this act; and all such moneys shall, under the direction and control of the road commissioners of Alaska, be expended within the mining district where collected in the opening and improvement of highways, roads, and trails of Alaska.

The amendments recommended by the committee were read, as follows:

In line 18 on page 2, after the termination of the word "improvements," strike out the period and insert a comma, also the following words: "but if such affidavit be not filed within the time fixed by this act, the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements."

Further amend by striking out, after the word "act," in line 19, page 2, "or any of them" and inserting in lieu thereof "as to performance of work and improvements."

Also, after the word "affidavits," in line 25, on page 2, insert the following: "Said affidavits shall be filed not later than thirty days after the close of the year in which such work is performed."

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman in charge of the bill a question or two.

Mr. LACEY. Very well.

Mr. CLARK of Missouri. The general law requires that anywhere else, outside of this jurisdiction for which you are legislating, the locator of a claim shall do a hundred dollars' worth of work a year, does it not?

Mr. LACEY. Yes.

Mr. CLARK of Missouri. What is it you are driving at about this?

Mr. LACEY. I will explain.

Mr. CLARK of Missouri. I wish you would.

Mr. LACEY. This bill still requires a hundred dollars'

worth of work to be done, but requires that $25 of it shall be done on roads or trails. That provision was inserted with the idea of trying to get a little better means of transportation in Alaska, by permitting a portion of the annual assessment work to be done on roads or trails. The amount of work is not changed, but it may be put in on a trail anywhere, selected by the locater.

There is, however, another provision in the bill to which I will call the attention of the gentleman from Missouri.

Mr. CLARK of Missouri. I do not think I am opposed to this, but if you pass this law, is it not inevitable that the miners out in Colorado, New Mexico, and Arizona, and in all the rough country, the miners generally in the mountainous country, will be here demanding identically the same kind of a law?

Mr. LACEY. I think not, because the miners in Colorado would a little rather do the work on their own claims than on the roads. This simply requires the miner to take $25 worth of the work that he would in many respects throw away on his claim and put it on the roads. Now, the miners of Colorado would prefer not to do that, because their claims are lode claims, and the $25 worth of work, if they were required to put it in on the road, would be that much subtracted from the actual improvement of their own claims. However, in Alaska, where the claims are placer, the most of this $100 worth of work is practically thrown away. It fills up the next season. They dig a hole and it fills up again, and it is more evidence of good faith than it is actual improvement of the claim. So that the amount of work is still the same in this bill as it is under existing law, but $25 of it goes in on the highways or trails.

There is this further peculiar situation in Alaska: The mining laws of the United States authorize the various States and Territories to make local laws on the subject, not inconsistent with the national laws, and every mining State and Territory in the Union has so far enacted some law requiring the filing of proof with the recorder as to the annual assessment work done, and this bill practically makes the same rule in Alaska that now exists in Nevada, Arizona, and the other mineral States, where proofs are required to be filed within thirty days after the end of the year of the fact of the work having been done. Now, there being no legislature in Alaska, they have not enacted this needful local law.

These two propositions are all that are involved in this bill: First, that $25 of the $100 worth of work shall be done on the roads; and, second, the filing of proof of the fact of the doing of the work with the recorder of the district.

Mr. Speaker, if there is no other question, I call for a vote on the amendments and on the bill.

The amendments recommended by the Committee on the Public Lands were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the various bills reported by the Committee on the Public Lands to-day were passed was laid on the table.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. GROSVENOR. Mr. Speaker, I was called to the door at the time that the committee of which I have the honor to be chairman was called, and I came back too late to call up a couple of bills unanimously reported by the Committee on the Merchant Marine and Fisheries. I ask unanimous consent to return to the Committee on the Merchant Marine and Fisheries.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to the call of the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I should like to know what bills the gentleman desires to call up.

Mr. GROSVENOR. I have two small bills unanimously reported by the committee. One relates to the inspection of foreign ships and the other relates to dredges.

Mr. FITZGERALD. The latter bill is the one I have in mind.

Mr. GROSVENOR. I will call up the other bill first.

Mr. FITZGERALD. I will not object if the gentleman from Ohio wishes to call up the bill for the inspection of steamboats.

Mr. GROSVENOR. If the gentleman will allow me to go back to the call now, I will withdraw the other bill if the gentleman makes any objection to it.

Mr. FITZGERALD. The bill that I may have some objection to is the bill relating to dredges.

Mr. GROSVENOR: Very well, then, let me pass the other bill. You will hardly take advantage of my being accidentally called to the door, and in that way prevent my going back to the call of my committee.

Mr. FITZGERALD. Very well; I will not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

INSPECTION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I call up the bill (H. R. 13398) to amend section 4400 of the Revised Statutes, relating to the inspection of steam vessels.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4400 of the Revised Statutes be amended so as to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid: *Provided, however*, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

"It is further provided that the Secretary of Commerce and Labor may, in his discretion, permit any foreign passenger steamer coming within the provisions of this act whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: *Provided, however*, That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States."

SEC. 2. That this act shall take effect from and after its passage and approval.

Mr. GROSVENOR. Mr. Speaker, I will state to the House exactly what this bill provides. As the law now stands, no ship is allowed to clear from an American port unless it has a certificate of inspection from an American inspector; and, if a foreign ship, she must have a certificate of her inspection still alive, as you might say, touching her capacity and fitness as a passenger and freight ship.

Now, it has come about that some foreign ships have found themselves with their inspection certificate terminated by lapse of time, either while on the voyage here or while lying in an American port waiting for her cargo or for her day of sailing. Thereupon she finds herself under our statute refused a clearance because she carries no certificate of inspection.

Now, this bill provides, and it is the only change in the law, that if that ship belongs to a country that recognizes our inspection in her ports, she may have a clearance from our ports to return to her home port without a live certificate of inspection, until she can renew that under the law of her own construction. With the single exception, that so far as her equipment as to safety and various matters that relate directly to her fitness for the home voyage, she must be examined and certified to by a special inspector in our home port. This law applies only to ships, as I have said, bearing the flag of some country that extends the same reciprocal relation to American ships.

That is the simple proposition. The bill is recommended by the Bureau of Navigation of the Department of Commerce and Labor, and has a unanimous report from the Committee on Merchant Marine and Fisheries.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

FOREIGN-BUILT DREDGES.

Mr. GROSVENOR. Mr. Speaker, I now call up the bill (H. R. 395) concerning foreign-built dredges.

The Clerk read the bill, as follows:

Be it enacted, etc., That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

The following amendment, recommended by the Committee on the Merchant Marine and Fisheries, was read:

In line 5, after the word "States," insert the following:
"*Provided*, That if any foreign-built dredge is now at work under contract in the waters of the United States nothing herein contained shall prevent the use of such dredge or dredges in the completion of such contract."

Mr. GROSVENOR. Now, if the gentleman from New York [Mr. FITZGERALD] desires to oppose this bill, I will make a brief statement.

Mr. FITZGERALD. I wish the gentleman would explain it.

Mr. GROSVENOR. The bill provides that foreign-built dredges shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States. That is the bill as it passed the House last year. It failed of passage by the Senate for want of time. It passed the House, I think, in the latter end of the session.

Now, it was introduced at the time to prevent the coming into this country of foreign-built dredges. Dredges require a large expenditure of money and labor in their building, and it was believed that they ought to be put under the same law and same regulations that apply to our merchant marine in general.

The committee had information from gentlemen from New York engaged in the business of manufacturing these dredges that they were building the very highest type of the vessel, and that these dredges came to this country in this way. A contract was let to some foreign organization for the dredging of Galveston Harbor after the great storm, and, without any authority of law, two or more of these dredges came over. It was said that others were coming, and the Bureau of Navigation recommended that they should be put under the same conditions. But the committee this year have seen fit to make a change in favor of the men—the contractors—who have come here in good faith and taken their contracts based upon the idea that there would be no difficulty in bringing their dredges into this country, and so we have provided an amendment which I will read:

Provided, That if any foreign-built dredge is now at work under contract in the waters of the United States, nothing herein contained shall prevent the use of such dredge or dredges in the completion of such contracts.

I think there ought to be no objection to this bill.

Mr. FITZGERALD. If the gentleman will allow me——

Mr. GROSVENOR. I yield to the gentleman.

Mr. FITZGERALD. The report of the Commissioner of Navigation, which is a part of this report, states that these dredges are the property of an American corporation. How do these dredges under these circumstances fly a foreign flag?

Mr. GROSVENOR. They were built in a foreign country and bear a foreign flag. The fact that an American builds a ship in a foreign country does not change its relation.

Mr. FITZGERALD. No; but does not the corporation or person have to be a citizen of the country whose flag the vessel flies?

Mr. GROSVENOR. No; a great many Americans have bought foreign ships and operate foreign ships. There is nothing unusual in that.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. SHERLEY. I would like to know if the amendment to that bill is meant to cover particularly the dredges now engaged in the work at Galveston, Tex.?

Mr. GROSVENOR. Or anywhere else.

Mr. SHERLEY. I understand that that was the real purpose of it.

Mr. GROSVENOR. Yes; to exempt them from the operation of the law.

Mr. SHERLEY. I would like to ask the gentleman if this amendment does not exempt them only as to the extent of that particular contract?

Mr. GROSVENOR. Well, Mr. Speaker, if the gentleman will prepare an amendment specifying that they shall thereafter be admitted to American registry, I will consent to its going in the bill.

Mr. SHERLEY. I understand that; but I am asking the gentleman——

Mr. GROSVENOR. It is a question that I would not like to decide offhand. The language of the bill is as follows:

Nothing herein contained shall prevent the use of such dredge or dredges in the completion of such contracts.

Now, while that amendment is furnished by the Department, I still think that it is not as specific as the committee would have been willing to grant, and they would be willing that these dredges should be entirely exempted from the operation of the law. They came in here when they were not subject to this provision.

Mr. SHERLEY. That is what I had in mind. I, unfortunately, was not present at the meeting of the committee, as the gentleman will recall, when this matter came up, and I suggest to him that he allow this matter to go over until some future time when, I think, we can draft a proper amendment that will safeguard those dredges as they should be safeguarded.

Mr. GROSVENOR. Can the gentleman not do that now, that we have the floor and the right? Can the gentleman not draw that amendment in a moment?

Mr. SHERLEY. I can, if I can get the names of the dredges.

Mr. GROSVENOR. But the gentleman does not need the names of the dredges.

Mr. FITZGERALD. Mr. Speaker, I would suggest that the gentleman change that amendment to read something like this:

This act shall not apply to any foreign-built dredges now at work under contract in the United States.

Mr. SHERLEY. Well, Mr. Speaker, that would be all right.

Mr. GROSVENOR. I agree to that amendment—that is, I have no objection to it.

Mr. FITZGERALD. In place of the amendment reported by the committee.

Mr. McNARY. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. GROSVENOR] are there any dredges besides those at Galveston?

Mr. GROSVENOR. Not that the committee had any knowledge of, and I presume there are not.

Mr. McNARY. There was not any particular reason why the Galveston dredges should be treated any different from any others?

Mr. GROSVENOR. Only this: The owners of those dredges came here and bid on that great contract when there was no obstacle in the way of bringing their own dredges here, and it seems inequitable to put any limitation on them either during or after the fulfillment of their contracts.

Mr. McNARY. I desire to ask whether or not there are any dredges built on the Lakes by Canadians which are used on the Lakes and the North Atlantic seaboard?

Mr. GROSVENOR. Yes; we have plenty of them. We have the very highest type of dredge builders in this country.

Mr. McNARY. Owned by Canadians?

Mr. GROSVENOR. They are owned in New York. There is a company which came forward and showed us that they could build for the same price as good a dredge as these dredges in Galveston. The gentleman from New York [Mr. GOULDEN], my colleague on the committee, will state that, I think.

Mr. GOULDEN. Mr. Speaker, I desire to say that I think there are but three of those foreign-built dredges now operating in waters of the United States, and we have abundant opportunity and facility for building them at New York City.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Ohio a couple of questions for information. What does this rather unusual and remarkable word "documented" mean?

Mr. GROSVENOR. It means registered—an American registry of citizenship, if you please.

Mr. CLARK of Missouri. I know we have gotten so here lately that we make a verb out of almost anything.

Mr. GROSVENOR. I will say to the gentleman from Missouri while to us—to himself and myself—it is a rather unusual word, yet it is a word in common use in the matter of shipping.

Mr. CLARK of Missouri. That is what I supposed it meant. Now, there is one other question, Mr. Speaker. Can this language of the bill be construed to shut out foreign dredges operating in the Canal Zone?

Mr. GROSVENOR. Certainly not.

Mr. CLARK of Missouri. Does not that Zone belong to the United States?

Mr. GROSVENOR. Not for any purposes of this character. We have no law requiring a ship that makes its appearance in the Canal Zone to be documented in the United States.

Mr. CLARK of Missouri. The reason I asked that question is I think it has not been determined yet whether we are going to build the canal ourselves or let it out to contract. Of course, if we build it ourselves, we will do as we please about ships.

Mr. GROSVENOR. If we are going to let it out to contract, I would not be one who would be willing to encumber the bidder by any limitations of our navigation laws.

Mr. CLARK of Missouri. I would not either.

The SPEAKER. The Clerk will report the bill and amendments.

Mr. FITZGERALD. I have sent my amendment to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 395) concerning foreign-built dredges.

Be it enacted, etc., That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

The amendment recommended by the committee was read, as follows:

Provided, That if any foreign-built dredge is now at work under contract in the waters of the United States, nothing herein contained shall prevent the use of such dredge or dredges in the completion of such contract.

The amendment proposed by the gentleman from New York [Mr. FITZGERALD] was read, as follows:

Strike out, in line 5, all after the word "that" and insert "This act shall not apply to any foreign-built dredges now at work under contract in the waters of the United States."

Mr. GROSVENOR. Mr. Speaker, the amendment proposed by the committee should be defeated and the amendment to the amendment should be agreed to.

Mr. FITZGERALD. My amendment is in the nature of a substitute.

Mr. GROSVENOR. It leaves two words in the original amendment.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. CURTIS (when the Committee on Indian Affairs was called). Mr. Speaker, I ask that the Committee on Indian Affairs be passed without prejudice.

The SPEAKER. The gentleman from Kansas asks that the Committee on Indian Affairs be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY.

Mr. DAVIDSON (when the Committee on Railways and Canals was called). Mr. Speaker, I call up for present consideration the bill H. R. 14396.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURNETT. For the purpose of raising the question of consideration at the proper time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Be it enacted, etc., That to facilitate interstate commerce between the Great Lakes and the Ohio and Mississippi rivers Edward J. Lloyd, George A. Kelly, jr., John H. Jones, Henry Buhl, jr., Thomas P. Roberts, William J. East, George W. Stewart, Emil Swensson, Charles A. Fagan, George M. Lehman, James W. Wardrop, Burd S. Patterson, and John E. Shaw, together with such persons as may become associated with them and their successors, are hereby created a body corporate under the name and style of "The Lake Erie and Ohio River Ship Canal Company," and by that name, style, and title shall have perpetual succession, may sue and be sued, plead and be impleaded, make and use a common seal, receive and acquire, by purchase or otherwise, real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act.

SEC. 2. That the company, in addition to the powers expressed or implied in this act, shall have the right of eminent domain, which shall be exercised as provided in the case of railroad companies organized under the laws, respectively, of the States of Pennsylvania and Ohio.

SEC. 3. That the capital stock of the company shall not exceed $500,000 per mile of canal proposed to be constructed, divided into shares of $100 each, and the bonded and other indebtedness authorized by this act shall not exceed $300,000 per mile proposed to be constructed, so that the sum total of stock issued and debt created shall not exceed $600,000 per mile of canal proposed to be constructed; and the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and fully paid in in cash and bona fide expended in the promotion, maintenance, and construction of said canals and works; and in no event shall the stock issued and debt created be in larger amount than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this act; and said company is hereby authorized to issue its bonds, and the same shall be a first and prior lien to all other claims or demands upon the company, secured by a mortgage upon its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation.

SEC. 4. That no dividends shall be declared or paid whereby the capital of the company shall in any manner be reduced or impaired.

SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

SEC. 6. That as soon as at least $5,000 of stock for every mile of canal proposed to be constructed is subscribed and paid for in cash, the incorporators named herein, or a majority of them, shall call a general meeting of the shareholders, to be held in the city of Pittsburg, Pa., for the purpose of electing a board of directors of said company, consisting of not less than nine of the shareholders, and of transacting any other business that may be done at a shareholders' meeting. At such meeting the shareholders shall decide by a majority vote of those present, either in person or by proxy, the length of the term or terms of the directors, and if the majority decide to elect a portion of their directors for a term or terms longer than one year, it may and shall be legal for such company to divide the directors who are to be chosen into two, three, or four classes, and to elect the first class to serve for the term of one year, and the second, third, and fourth classes to serve for two, three, or four years, respectively; and at all ensuing elections of such company the shareholders shall elect only the number of directors necessary to take the place of those whose terms of office shall then expire, and such directors shall be elected for the longest term for which any class may have been elected as hereinbefore provided; and notice in writing signed by or on behalf of the incorporators, or a majority of them, fixing the date and place of holding the same, mailed, postage prepaid, to the post-office address of each shareholder not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.

SEC. 7. That the directors of said company, a majority of whom shall constitute a quorum, shall hold office until their successors shall have been elected and qualified. They shall elect a president, secretary, and treasurer, and may provide for such other officers and employees as may be deemed advisable, and to make by-laws for the control and management of the works, property, and business of the said company.

SEC. 8. That the main office of the company shall be at the city of Pittsburg, in the State of Pennsylvania, and the annual meeting of the shareholders shall be held on the third Tuesday of January in each year.

SEC. 9. That the said company shall be subject to the control of the Interstate Commerce Commission, the same as if it were a railroad corporation, and shall make such sworn statements and reports as may be required by the said Commission.

SEC. 10. That the company is hereby empowered to lay out, construct, maintain, and operate a canal from some point on the Ohio River, between Beaver, Pa., and Pittsburg, Pa.; thence by the way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio; thence northwardly through the State of Ohio to the most accessible harbor on Lake Erie, between the Pennsylvania and Ohio State line and the mouth of the Grand River, in the State of Ohio, including said river, also a branch canal from the mouth of the Shenango River, in the State of Pennsylvania; thence along the Shenango River to a point at or near Sharon, Pa.; also a branch canal from a point at or near Warren, Ohio; the said main canal connecting the Ohio River and Lake Erie to be of such dimensions as to make and construct navigable channels of at least 12 feet in depth and having a standard cross section of not less than 1,800 square feet of area; construct, maintain, and operate all such locks, dams, towpaths, basins, tunnels, aqueducts, feeders to supply water from any lakes, rivers, streams, or water courses, reservoirs, cuttings, apparatus, appliances, and machinery as may be necessary for the construction and operation of said canals; and such locks on such main canals shall not be less than 340 feet long between quoins, 45 feet wide between lock walls, and 12 feet depth of water over miter sills, and between the Ohio River and Lake Erie the total lockage shall not exceed 600 feet.

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals and other works of the company hereby authorized, and it shall have the authority to alter any and all highways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals and other works of the company, and whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other works can not agree as to the character, method, and terms of such alteration, and there are no laws of the State in which the alteration is proposed applicable thereto, then the same shall be determined by the district court of the United States of the district in which the alteration is proposed, and the district courts of the United States in the district through which the canal herein authorized shall run are hereby clothed with jurisdiction to hear and determine such disputes, under such rules as said courts may prescribe, and to fix the character, method, and terms upon which the alteration shall be made.

SEC. 12. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may obtain, take, and use for the construction and operation of the said canal, from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply, sufficient water for the purpose of constructing, maintaining, operating, and using the said canals and works hereby authorized; control and regulate the flood waters of the Allegheny River above Franklin, Pa., and the Beaver, Mahoning, Grand, Ashtabula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams, by regulating dams, weirs, reservoirs, and impounding dams, and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses, when the same is necessary to the making, maintaining, and operating of the said canal and works hereby authorized: *Provided*, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the reasonable requirements of such city, village, or municipality, or in any manner to pollute the same.

SEC. 13. That the said company may construct, maintain, acquire, operate, and lease, or otherwise dispose of the terminals, docks, harbors, piers, wharves, elevators, warehouses and appurtenances, and telegraph and telephone lines along the said canals that may be necessary

or useful in the construction, operation, and maintenance thereof, and may acquire or make any vessel, craft, mechanism, or appliance whatsoever necessary for constructing, maintaining, and operating said canal, and use, lease, or dispose of the same; and develop, acquire, use, and dispose of any motive power whatsoever in connection with or as part of the works herein authorized.

SEC. 14. That the said company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds, on or at which the said canals may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, or other works of the company, and may also construct such works as may be necessary to improve the navigation of said rivers and to stop the waste of waters therefrom and economize and utilize the same for the uses herein provided for.

SEC. 15. That the company shall prepare and file with the Secretary of War, for his approval, the plans, locations, dimensions, and all necessary particulars of its canals and other works between the Ohio River and Lake Erie, and before such approval the construction thereof shall not be begun; and should any change in said plans be proposed during the progress of construction, such change shall be submitted to the Secretary of War and be by him approved before such change shall be made. Upon notice of the approval of the Secretary of War, the company may forthwith begin the construction of its canals and works, or any part thereof, according to this act.

SEC. 16. That the said company, at its own expense, shall maintain on its works, from sunset to sunrise, during the season of navigation, such lights and signals as may be prescribed by the United States Light-House Board.

SEC. 17. That the said company may demand, take, and recover for its own proper use, for all persons and things of whatsoever description transported upon the said canals and works, or in vessels and craft using the same, such reasonable charges or tolls as may by its by-laws be determined; but all such charges or tolls shall, under similar circumstances, be charged equally to all persons, vessels, and goods under certain classifications to be established by the company; and no rebate, reduction, drawback, or advance of any sort on such charges or tolls shall ever be made directly or indirectly. And the said charges or tolls for the ensuing year shall be fixed, published, and posted on or in every place where they are to be collected, on or before the 15th day of February of each year, and shall not be changed except after thirty days' public notice, which notice shall plainly state the changes proposed to be made in the charges or tolls then in force and the time when the changed charges or tolls will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Interstate Commerce Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified or modify the foregoing requirements in respect to publishing and posting of such schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions: *And provided further*, That all charges or tolls upon commerce within the several States through which said canal as located shall be governed by and subject to the laws of the respective States in which said commerce shall be carried.

SEC. 18. That the canals and other works hereby authorized shall be lawful military and post routes, which the United States may forever use for the transmission of mails, dispatches, troops, munitions of war, supplies, and public stores, at fair and reasonable rates of compensation not exceeding that paid by private parties for the same service.

SEC. 19. That if the construction of the canal or some of the canals hereby authorized shall not have been commenced, and a sum equal to 10 per cent of the capital stock of the company not have been expended thereon within six years after the passage of this act, or if the main canal shall not have been finished within fifteen years after the passage of this act, the franchise herein granted shall cease and be null and void; but in calculating the time aforesaid delays caused by the acts of God or the public enemy shall not be included.

SEC. 20. That the Government of the United States may, at any time after fifty years from the opening of the canal to navigation, upon notice to said company of not less than one year, assume possession, control, and ownership of the said canals and their appurtenances and of all the rights and privileges thereunto belonging, full title to which shall, upon such assumption, be fully vested in the United States, and the United States shall thereupon pay to the said company the value of the same, to be ascertained and fixed by three arbitrators, or a majority of them, one of whom shall be appointed by the President of the United States, another by said Lake Erie and Ohio River Ship Canal Company, and the third by the arbitrators thus selected, and said arbitrators, in fixing the value of the canals and works so acquired by the United States, shall not consider or allow any value for the franchise conferred by this act or for earnings or good will.

SEC. 21. That any person, association, or corporation, municipal or otherwise, which shall suffer any damage or loss to person or property by reason of the construction, operation, or maintenance of the said canal, or any of the works thereof, by reason of the exercise of any of the powers herein conferred or shall have any right of action against said company or its property, shall be entitled to all the rights and remedies therefor allowed by the laws of the State wherein said injury was suffered or loss sustained, or right of action accrued, and any action therefor may be brought in the courts of the State having jurisdiction thereof.

SEC. 22. That the said company when exercising the right of eminent domain shall proceed under the laws and in the courts of the State where the property sought to be condemned is located.

SEC. 23. That the corporation hereby created shall be subject, in the respective States in which it does business, to all the laws of said States regulating the taxation of foreign corporations.

SEC. 24. That the right to amend, modify, or repeal this act is hereby reserved by Congress.

Mr. DAVIDSON. Mr. Speaker, those who have followed——

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] raises the question of consideration.

Mr. BURNETT. Yes.

The SPEAKER. The question is, Will the House consider the bill?

The question was taken; and the Chair announced the ayes seemed to have it.

Mr. BURNETT. Division, Mr. Speaker.

The House divided; and there were—ayes 155, noes 71.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 65, answered "present" 6, not voting 199, as follows:

YEAS—113.

Alexander	Cooper, Wis.	Higgins	Mouser
Allen, Me.	Cousins	Hinshaw	Mudd
Allen, N. J.	Crumpacker	Hoar	Murdock
Ames	Currier	Holliday	Olcott
Bankhead	Curtis	Howell, Utah	Olmsted
Bannon	Dale	Huff	Otjen
Barchfeld	Dalzell	Hughes	Palmer
Bennet, N. Y.	Davidson	Hull	Patterson, Pa.
Bennett, Ky.	Draper	Humphreys, Miss.	Payne
Birdsall	Dresser	Jenkins	Pollard
Bonynge	Dunwell	Kahn	Ransdell, La.
Boutell	Esch	Keifer	Samuel
Bowersock	Foster, Vt.	Kennedy, Nebr.	Smith, Cal.
Brick	French	Ketcham	Smith, Iowa
Brown	Fulkerson	Knopf	Smith, Pa.
Burke, S. Dak.	Fuller	Lacey	Southwick
Burleigh	Gaines, W. Va.	Landis, Chas. B.	Stafford
Burton, Del.	Gardner, N. J.	Le Fevre	Steenerson
Burton, Ohio	Gilbert, Ind.	Lilley, Conn.	Stevens, Minn.
Butler, Pa.	Gillett, Cal.	Littauer	Tawney
Calderhead	Graff	McCarthy	Tirrell
Campbell, Kans.	Grosvenor	McCleary, Minn.	Townsend
Campbell, Ohio	Hale	McMorran	Underwood
Capron	Hamilton	Macon	Waldo
Cassel	Haskins	Madden	Wharton
Chaney	Hayes	Mahon	Wood, N. J.
Cocks	Hedge	Mann	
Conner	Henry, Conn.	Martin	
Cooper, Pa.	Hepburn	Mondell	

NAYS—65.

Bartlett	Ellerbe	Hill, Miss.	Rixey
Beall, Tex.	Field	Houston	Robinson, Ark.
Bell, Ga.	Finley	Hunt	Russell
Bowie	Fitzgerald	Kitchin, Claude	Ryan
Brantley	Flood	Kitchin, Wm. W.	Sheppard
Broocks, Tex.	Floyd	Lamar	Sims
Broussard	Garner	Lester	Smith, Ky.
Burleson	Garrett	Lever	Smith, Tex.
Burnett	Gilbert, Ky	Lewis	Southall
Butler, Tenn.	Gillespie	Lloyd	Spight
Byrd	Glass	McNary	Sullivan, Mass.
Candler	Granger	Moon, Tenn.	Trimble
Clark, Mo.	Griggs	Moore	Webb
Clayton	Gudger	Page	Williams
Davis, W. Va.	Hay	Patterson, N. C.	
De Armond	Heflin	Pou	
Dixon, Ind.	Henry, Tex.	Randell, Tex.	

ANSWERED "PRESENT"—6.

Goulden	Jones, Wash.	Sherley	Wanger
Hopkins	Shackleford		

NOT VOTING—199.

Acheson	Gaines, Tenn.	McCall	Sherman
Adams, Pa.	Garber	McCreary, Pa.	Sibley
Adams, Wis.	Gardner, Mass.	McDermott	Slayden
Adamson	Gardner, Mich.	McGavin	Slemp
Aiken	Gill	McKinlay, Cal.	Small
Andrus	Gillett, Mass.	McKinley, Ill.	Smith, Ill.
Babcock	Goebel	McKinney	Smith, Md.
Bartholdt	Goldfogle	McLachlan	Smith, Samuel W.
Bates	Graham	McLain	Smith, Wm. Alden
Bede	Greene	Marshall	Smyser
Beidler	Gregg	Maynard	Snapp
Bingham	Gronna	Meyer	Southard
Bishop	Hardwick	Michalek	Sparkman
Blackburn	Haugen	Miller	Sperry
Bowers	Hearst	Minor	Stanley
Bradley	Hermann	Moon, Pa.	Stephens, Tex.
Brooks, Colo.	Hill, Conn.	Morrell	Sterling
Brownlow	Hitt	Murphy	Sullivan, N. Y.
Brundidge	Hogg	Needham	Sulloway
Buckman	Howard	Nevin	Sulzer
Burgess	Howell, N. J.	Norris	Talbott
Burke, Pa.	Hubbard	Overstreet	Taylor, Ala.
Calder	Humphrey, Wash.	Padgett	Taylor, Ohio
Chapman	James	Parker	Thomas, N. C.
Clark, Fla.	Johnson	Parsons	Thomas, Ohio
Cockran	Jones, Va.	Patterson, S. C.	Towne
Cole	Kelliher	Patterson, Tenn.	Tyndall
Cromer	Kennedy, Ohio.	Pearre	Van Duzer
Cushman	Kinkaid	Perkins	Van Winkle
Darragh	Klepper	Powers	Volstead
Davey, La.	Kline	Prince	Vreeland
Davis, Minn.	Knapp	Pujo	Wachter
Dawes	Knowland	Rainey	Wadsworth
Dawson	Lafean	Reeder	Wallace
Deemer	Lamb	Reid	Watkins
Denby	Landis, Frederick	Reynolds	Watson
Dickson, Ill.	Law	Rhinock	Webber
Dixon, Mont.	Lawrence	Rhodes	Weeks
Dovener	Lee	Richardson, Ala.	Weems
Driscoll	Legare	Richardson, Ky.	Weisse
Dwight	Lilley, Pa.	Rives	Welborn
Edwards	Lindsay	Roberts	Wiley, Ala.
Ellis	Little	Robertson, La.	Wiley, N. J.
Fassett	Littlefield	Rodenberg	Williamson
Flack	Livingston	Rucker	Wilson
Fletcher	Longworth	Ruppert	Wood, Mo.
Fordney	Lorimer	Schneebeli	Woodyard
Foss	Loud	Scott	Young
Foster, Ind.	Loudenslager	Scroggy	Zenor
Fowler	Lovering	Shartel	

No quorum voting.

The following pairs were announced:
On this vote:
Mr. LAW with Mr. BURGESS.
Until further notice:
Mr. DWIGHT with Mr. LEE.
Mr. STERLING with Mr. WEISSE.
Mr. LONGWORTH with Mr. AIKEN.
Mr. DAWSON with Mr. PADGETT.
Mr. DICKSON of Illinois with Mr. RAINEY.
Mr. WATSON of Indiana with Mr. SHERLEY.
Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.
Mr. HITT with Mr. LITTLE.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. CROMER with Mr. ZENOR.
Mr. BINGHAM with Mr. VAN DUZER.
Mr. DOVENER with Mr. SPARKMAN.
Mr. BEDE with Mr. RUCKER.
Mr. POWERS with Mr. PUJO.
For the day:
Mr. VREELAND with Mr. DAVEY of Louisiana.
Mr. PEARRE with Mr. PATTERSON of South Carolina.
Mr. KINKAID with Mr. STEPHENS of Texas.
Mr. FOSS with Mr. GREGG.
Mr. LAFEAN with Mr. SULZER.
Mr. DAWES with Mr. TOWNE.
Mr. GILLETT of Massachusetts with Mr. HEARST.
Mr. YOUNG with Mr. SLAYDEN.
Mr. HOWELL of New Jersey with Mr. CLARK of Florida.
Mr. BABCOCK with Mr. LIVINGSTON.
Mr. DRISCOLL with Mr. SMALL.
Mr. WM. ALDEN SMITH with Mr. SMITH of Maryland.
Mr. CALDER with Mr. BOWERS.
Mr. ANDRUS with Mr. KELIHER.
Mr. DAVIS of Minnesota with Mr. TALBOTT.
Mr. GARDNER of Michigan with Mr. GAINES of Tennessee.
Mr. MCKINLEY of Illinois with Mr. JAMES.
Mr. JONES of Washington with Mr. JONES of Virginia.
Mr. WILEY of New Jersey with Mr. STANLEY.
Mr. WACHTER with Mr. WOOD of Missouri.
Mr. SAMUEL W. SMITH with Mr. WILEY of Alabama.
Mr. REYNOLDS with Mr. WATKINS.
Mr. PARSONS with Mr. WALLACE.
Mr. OVERSTREET with Mr. TAYLOR of Alabama.
Mr. MARSHALL with Mr. RICHARDSON of Kentucky.
Mr. MCKINNEY with Mr. RHINOCK.
Mr. MCCREARY of Pennsylvania with Mr. REID.
Mr. LOVERING with Mr. MCLAIN.
Mr. LILLEY of Pennsylvania with Mr. LINDSAY.
Mr. LAWRENCE with Mr. LAMB.
Mr. KNAPP with Mr. KLINE.
Mr. KENNEDY of Ohio with Mr. JOHNSON.
Mr. HUMPHREY of Washington with Mr. HOWARD.
Mr. BUCKMAN with Mr. GOLDFOGLE.
Mr. BATES with Mr. GILL.
Mr. BARTHOLDT with Mr. GARBER.
Mr. ADAMS of Pennsylvania with Mr. COCKRAN.
Mr. SCOTT with Mr. HARDWICK.
Mr. WOODYARD with Mr. MAYNARD.
Mr. RODENBERG with Mr. SHACKLEFORD.
Mr. HILL of Connecticut with Mr. MEYER until Monday a. m.
Until Tuesday:
Mr. THOMAS of Ohio with Mr. THOMAS of North Carolina.
For one week:
Mr. GREENE with Mr. MCDERMOTT.
Until March 6:
Mr. CHAPMAN with Mr. HOPKINS.
For the session:
Mr. WANGER with Mr. ADAMSON.
Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
Mr. BRADLEY with Mr. GOULDEN.
Mr. SHERMAN with Mr. RUPPERT.
Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. PAYNE. Mr. Speaker, is there a quorum present?

The SPEAKER. There is not.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title; when the Speaker signed the same:

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905; and

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan in the Philippine Islands.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 26. Joint resolution providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

Mr. PAYNE. Then I move that the House do now adjourn.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 14314) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation in the State of Washington, and for other purposes, reported the same with amendment, accompanied by a report (No. 1681); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10152) granting certain lands to the city of Biloxi, in Harrison County, Miss., for park, cemetery, and hospital purposes, reported the same with amendment, accompanied by a report (No. 1682); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8976) to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue, reported the same with amendment, accompanied by a report (No. 1683); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2452) creating an additional land office in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 1684); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 7006) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act, reported the same with amendment, accompanied by a report (No. 1685); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPERRY: A bill (H. R. 15510) for the erection of a public building at Middletown, Conn.—to the Committtee on Public Buildings and Grounds.

By Mr. CRUMPACKER: A bill (H. R. 15511) to provide for the establishment of judicial divisions in the district of Indiana, and for other purposes in connection therewith—to the Committee on the Judiciary.

By Mr. MAYNARD: A bill (H. R. 15512) to provide for the erection of a public building in the town of Suffolk, in the State of Virginia—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States"—to the Committee on the Public Lands.

By Mr. FLOOD: A bill (H. R. 15514) for the relief of certain claimants under the Geneva award—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 15515) to amend an act

entitled "An act to establish a Code of Law for the District of Columbia," relative to betting, gambling, bookmaking, and pool selling—to the Committee on the District of Columbia.

By Mr. GRIGGS: A bill (H. R. 15516) for a public building at the city of Albany, Ga., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. LITTAUER: A bill (H. R. 15517) for the completion of the public building at Gloversville, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Arizona: A bill (H. R. 15518) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect court-house and jail in said county—to the Committee on the Territories.

By Mr. DALZELL (by request): A bill (H. R. 15519) to amend the code of the District of Columbia, relating to betting, gambling, bookmaking, and pool selling—to the Committee on the District of Columbia.

By Mr. OLMSTED: A bill (H. R. 15520) to provide for the enlargement and improvement of the public building at Harrisburg, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of California: A bill (H. R. 15521) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.—to the Committee on the Judiciary.

By Mr. CRUMPACKER: A resolution (H. Res. 341) directing the Postmaster-General to furnish to the House certain information concerning the People's United States Bank at St. Louis, Mo.—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: A resolution (H. Res. 342) authorizing the chairman of the Committee on Enrolled Bills to appoint an additional clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 15522) granting a pension to Eli B. Carlton—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 15523) granting a pension to Jose N. Lucero—to the Committee on Pensions.

Also, a bill (H. R. 15524) granting an increase of pension to Richard Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15525) granting an increase of pension to John A. Baker—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15526) granting a pension to Addison Renaud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15527) to remove the charge of desertion from John C. Eyclesheimer—to the Commmittee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 15528) for the relief of Francisco Krebs—to the Committee on Private Land Claims.

By Mr. BURLEIGH: A bill (H. R. 15529) granting an increase of pension to William B. Thomas—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 15530) granting a pension to John H. Guffey—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 15531) for the relief of A. C. Huddleson, of Putnam County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 15532) for the relief of Martha J. Netherton, widow of Elijah Netherton—to the Committee on Military Affairs.

Also, a bill (H. R. 15533) granting a pension to Julian F. Toney—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 15534) for the relief of the estate of John Graham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15535) for the relief of William R. Butler—to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 15536) granting an increase of pension to Henry H. Tillson—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 15537) granting an increase of pension to John H. Keys—to the Committee on Inavild Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15538) granting an increase of pension to Isaac Gordon—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 15539) granting an increase of pension to John McConnell—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 15540) granting an increase of pension to Prunetta N. Mapes—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 15541) granting an increase of pension to Joshua Pruitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15542) granting an increase of pension to Charles E. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15543) granting an increase of pension to George W. Maynard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15544) to correct the military record of John M. Harris and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 15545) to correct the military record of William R. Flud and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 15546) granting a pension to Rachel L. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15547) granting an increase of pension to Henry D. Duffield—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 15548) granting a pension to Jacob Ferber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15549) granting an increase of pension to Jonathan F. Gates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15550) to pay the estate of William Flinn, deceased, for property taken and destroyed during the civil war—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 15551) granting an increase of pension to Harvey M. Traver—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 15552) granting an increase of pension to George W. Hayter—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 15553) granting an increase of pension to Susan H. Isom—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 15554) for the relief of the sufferers by the explosion upon the United States steamer *Bennington*—to the Committee on Naval Affairs.

By Mr. SCROGGY: A bill (H. R. 15555) granting an increase of pension to Samuel Paxton—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 15556) for the relief of the heirs of Robert V. Keller, deceased, of Neosho, Mo.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 15557) for the relief of Cave Johnson Wall—to the Committee on War Claims.

Also, a bill (H. R. 15558) for the relief of Howard T. Bunch—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 15559) granting a pension to James C. Shackleford—to the Committee on Pensions.

Also, a bill (H. R. 15560) granting an increase of pension to Himelius Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15561) for the relief of the administrator of John G. Campbell, to permit prosecution of Indian depredation claims—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 15562) providing for the payment of an amount found by the Court of Claims to be due John J. Vincent—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 15563) granting an increase of pension to Julius R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15564) granting an increase of pension to Charles V. Lincoln—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15565) granting an increase of pension to Josias R. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15566) granting an increase of pension to Andrew F. Kreger—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 15567) granting an increase of pension to Anton Mazzanovich—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 15568) granting an increase of pension to Martha A. Sceurman—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 15569) granting a pension to Harriet A. Duvall—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 15570) granting a pension to Max Davis—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 15571) to refund legacy taxes illegally collected from the estate of Elizabeth B. S. Gordon, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 15572) to refund legacy taxes illegally collected from the estate of Mary S. Griffith, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

By Mr. WEBB: A bill (H. R. 15573) granting a pension to Joseph Y. Allen—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15574) to refund legacy taxes illegally collected from the estate of James F. Whitin—to the Committee on Claims.

By Mr. WELBORN: A bill (H. R. 15575) granting a pension to William Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15576) granting an increase of pension to Edward Laughlin—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 15577) for the relief of the estate of Nancy Maria Minter—to the Committee on War Claims.

Also, a bill (H. R. 15578) to remove the charge of desertion from the record of David Brown—to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 15579) for the relief of Sophia M. Pettit—to the Committee on War Claims.

Also, a bill (H. R. 15580) granting an increase of pension to James P. Hudkins—to the Committee on Invalid Pensions.

By Mr. FINLEY (by request): A bill (H. R. 15581) granting an increase of pension to John H. Wolf—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15582) for the relief of Samuel W. Shackelford, trustee of Susan A. Shackelford—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11077) granting a pension to Sarah E. Adams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11236) granting an increase of pension to Herbert O. Kohr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14875) granting an increase of pension to Mary A. Witt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14235) granting an increase of pension to John Williams—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of merchants and shippers of Brunswick, Ga.; the commissioners of pilotage, and the Pilots' Association, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Petition of citizens of Washington, Pa., against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Dravo Waterways Improvement Association, of Beaver County, Pa., for the Ohio River and Lake Erie Canal—to the Committee on Railways and Canals.

Also, petition of the Lawrenceville Board of Trade, for a public building for Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of Roundhead Camp, No. 73, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: Petition of James R. Philbrick and 108 others, of Kittery, Me., against purchase of the Agamenticus Water Company, of Kittery, Me., by the United States Government, for the navy-yard—to the Committee on Naval Affairs.

By Mr. BABCOCK: Paper to accompany bill for relief of Daniel J. Miller—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of W. H. Womsley, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Arbuckles & Co., relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Federation of Pennsylvania Women, to preserve Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Joseph D. Carlisle, relative to the "fraud order"—to the Committee on Rules.

Also, petition of the Union Trust Company of Pittsburg, for an appropriation for Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

Also, petition of J. A. Johnson, for bill H. R. 7136—to the Committee on Militia.

Also, petition of John B. Black, relative to trade-marks—to the Committee on Patents.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Milton Holt—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Burrell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Louisa E. Satterfield—to the Committee on Pensions.

Also, petition of Flowery Branch Council, No. 19, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BIRDSALL: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWIE: Petition of citizens of Alabama, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of J. A. Johnson, for bills S. 1442 and H. R. 7136—to the Committee on Militia.

Also, petition of the Union Trust Company, of Pittsburg, favoring bill H. R. 10714—to the Committee on Rivers and Harbors.

Also, petition of A. R. Stark, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of George R. Lanman, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Machinists' Association of New York, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. C. Danforth, William H. Wormley, and Arbuckles & Co., relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Harvey H. Smith, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURNETT: Paper to accompany bill for relief of Joseph Nobinger—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Berry—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Martha J. Netherton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. C. Huddleston—to the Committee on War Claims.

Also, paper to accompany bill for relief of James W. Anderson—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Western Union Telegraph Company, for pensions to telegraphers in the civil war—to the Committee on Invalid Pensions.

Also, petition of M. H. Dean, cashier of the First National Bank of Addison, Pa., in favor of bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of Frank Taylor, president of the First National Bank of Stoystown, Pa., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of R. Heber Barnes, of the Pennsylvania Prison Society, for bill H. R. 3250—to the Committee on the Judiciary.

Also, petition of the Workingmen's Federation of New York, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania Federation of Women, for Government forest reservations—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Isaac Gordon—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of citizens of Pennsylvania, for the McCumber-Sperry bill—to the Committee on the Judiciary.

Also, petition of citizens of Pennsylvania, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. DARRAGH: Petition of Sherman Grange, No. 570, of Osceola County, Mich., and North Branch Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Lodge No. 559, Brotherhood of Railway Trainmen, of Traverse City, Mich., for the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Frank Sutherland et al., for a law regulating interstate commerce in cigarette paper and material—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Humane Society, against the bill extending the unloading time of live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wisconsin, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of church societies of Brandon, Wis., for bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. DENBY: Petition of the Michigan Investor, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of the Audubon Society of New York, favoring bill S. 2966—to the Committee on Agriculture.

Also, petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Homœopathic Medical Society, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Petition of the Audubon Society of New York, for bill S. 2966—to the Committee on Agriculture.

Also, petition of the Central Federated Union of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FORDNEY: Petition of M. V. Dawson et al., of Fostoria, Mich., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: Petition of citizens of South Poultney, against religious legislation—to the Committee on the District of Columbia.

Also, petition of Dunmore Grange, No. 277, of Salisbury, Vt.; Pomona Grange; Harrison Dodge, master of Harmony Pomona Grange, and Harmony Pomona Grange, of Morrisville, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FRENCH: Petitions of the Nez Perce Herald, the Free Press, and the Northern Idaho News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Sycamore (Ill.) National Bank, favoring bill H. R. 8973, etc.—to the Committee on Banking and Currency.

Also, petition of the Heath & Milligan Manufacturing Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. W. Dunton and C. E. Walker, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLESPIE: Petition of the Erath Appeal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the adjutant-general's office of Pennsylvania, favoring bills H. R. 1736 and S. 1442—to the Committee on Militia.

Also, petition of the National Guard of Pennsylvania, for bills S. 2152 and H. R. 8989—to the Committee on Military Affairs.

Also, petition of R. S. Davis & Co., for bill S. 1442—to the Committee on Militia.

Also, petition of the Castalia Portland Cement Company, for bill H. R. 10098—to the Committee on Interstate and Foreign Commerce.

Also, petition of James D. Carlisle, relative to the "fraud order"—to the Committee on Rules.

Also, petition of the Merchants' Association of New York, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William H. Womsley, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Arbuckle & Co., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of Hoedroff Camp, No. 498, Sons of Veterans, of Broadwell, Ohio, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Washington Grange, of Logan, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Grange, No. 5, of Logan, Ohio, for bill H. R. 180—to the Committee on Agriculture.

Also, petition of Watson Camp, No. 218, Sons of Veterans, of Rutland, Ohio, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Democrat-Enquirer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Pomona Grange, Windham, Vt., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Papers to accompany bill H. R. 14125—to the Committee on Claims.

Also, paper to accompany bill for relief of William F. Primley—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: Petition of the Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of the Svenska Amerikanska Tribunen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KAHN: Petition of many citizens of San Francisco, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, for bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, for an appropriation as a loan to the Reclamation Service—to the Committee on Irrigation of Arid Lands.

By Mr. LACEY: Petition of citizens of Blakesburg, Iowa, for the military telegraph pension bill—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Petition of sundry citizens of Pennsylvania, against repeal of the Morris law—to the Committee on Agriculture.

By Mr. LLOYD: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LOUDENSLAGER: Petition of Thorofare (N. J.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the board of managers of the New Jersey Geological Survey, for an appropriation to improve Absecon Inlet—to the Committee on Rivers and Harbors.

By Mr. McKINLEY of Illinois: Petition of Elliott Durand, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. McMORRAN: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MEYER: Petition of citizens of Washington, D. C., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PALMER: Petition of Harkness Camp, No. 169, Sons of Veterans, of Wilkes-Barre, Pa., against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of the Register and the Mail, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RICHARDSON: Paper to accompany bill for relief of heirs of Samuel W. Shackleford—to the Committee on War Claims.

By Mr. RYAN: Petition of the New York Sheep Breeders' Association, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Audubon Society of New York, for bill S. 2966—to the Committee on Agriculture.

By Mr. SCROGGY: Petition of the Japanese and Korean Exclusion League, against modification of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Citizens' National Bank of Lebanon, Ohio, relative to national-bank loans—to the Committee on Banking and Currency.

Also, petition of S. S. Pirckett, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Sarah S. Richards, relative to the Chinese-exclusion law, its modifications, and favoring the better classes of Chinese—to the Committee on Foreign Affairs.

Also, petition of Amity Council, No. 87, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHARTEL: Petition of George Washington Council, No. 1, of St. Louis, Mo., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Arizona: Petition of the Yuma County

(Ariz.) Board of Trade, relative to irrigation—to the Committee on Irrigation of Arid Lands.

Also, petition of Dewey Lodge, No. 460, Brotherhood of Railway Trainmen, for bills H. R. 9328 and 239—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Petition of the Leitchfield Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of George Todd—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Papers to accompany bill H. R. 15342—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of citizens of Ansonia, Conn., for a Government public building—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Petition of Naumkeag Grange, of Litchfield, N. H., and Northampton Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Manchester Grange, No. 1173, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Jackson County, Mich., against religious legislation—to the Committee on the District of Columbia.

By Mr. VOLSTEAD: Petition of Peter O'Neill et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 24, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DAMS AND POWER STATIONS AT MUSCLE SHOALS, ALABAMA.

The SPEAKER. The Chair calls the attention of the House to the concurrent resolution that passed the House yesterday, covering the Muscle Shoals bill. It reads:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate, etc.

It should be "and of the Vice-President." If there be no objection, the concurrent resolution will be amended as suggested, inserting "the Vice-President" instead of "the President pro tempore." The Chair hears no objection, and it is so ordered.

RECLASSIFICATION OF THE PUBLIC LANDS OF ALABAMA.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13194.

The bill was read, as follows:

A bill (H. R. 13194) to authorize the Secretary of the Interior to reclassify the public lands of Alabama.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to reclassify the public lands of Alabama, so as to determine which of said lands are in fact agricultural lands and which mineral lands, and to decide which of said lands should be subject to homestead entry, and to that end he is hereby authorized and empowered to employ such expert mineralogist, assayists, and civil engineers as may be necessary to designate and survey said mineral and agricultural lands.

SEC. 2. That upon receipt of the report of the parties designated to make such classification, all lands designated thereby as agricultural shall be subject to homestead entry as such.

SEC. 3. That for the purpose of carrying out this act there is hereby appropriated, out of any money in the Treasury not otherwise expended, the sum of $5,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I would like to know what committee reported this bill.

Mr. BANKHEAD. Mr. Speaker, this bill was reported unanimously by the Committee on Public Lands. It was recommended by the Secretary of the Interior. The conditions are these, Mr. Speaker: In 1883 Congress passed a law withdrawing from homestead entry certain lands in Alabama, because it was then supposed that they were valuable as coal lands. Since that time nearly all of these lands have been donated by Congress to the public schools of Alabama, and they have been carefully examined by experts and located. The remaining portion of these lands largely consists of agricultural lands, and this bill simply provides that the Secretary of the Interior shall have an examination made by experts, and wherever the lands examined show to be nonmineral and more valuable for agricultural purposes, that they may be restored to the public domain and subject to homestead entry.

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to ask the gentleman how much there is of this land?

Mr. BANKHEAD. There are in all, Mr. Speaker, so the Secretary of the Interior informs us, about 90,000 acres. Perhaps 15 or 20 per cent of the lands are valuable for coal, and will be so held, no doubt. It is only the agricultural lands that are purely agricultural and of no value at all for minerals that this bill seeks to affect at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BANKHEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

SURPLUS AND ALLOTTED LANDS ON THE YAKIMA INDIAN RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10067.

The bill was read, as follows:

A bill (H. R. 10067) authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes.

Be it enacted, etc., That if within the limits of the Yakima Indian Reservation, in the State of Washington, as described in the act approved December 21, 1904, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington," there shall be found surplus or unallotted lands under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the "reclamation act," the Secretary of the Interior is hereby authorized to exclude from the provisions of said act of December 21, 1904, such surplus or unallotted lands which can be irrigated under such project and to dispose of the same in the manner hereinafter provided, and he is further authorized to make withdrawals of such lands for the purposes provided in said reclamation act.

SEC. 2. That the irrigable surplus and unallotted lands in any such project shall be subject to homestead entry under all the provisions of the reclamation act at such time as may be fixed by the Secretary of the Interior and at a price determined by appraisal as provided in said act of December 21, 1904. Payments for the land shall be made in annual installments, the number and time of beginning being fixed by the Secretary of the Interior, and shall be deposited in the Treasury of the United States and credited to the Yakima Indian fund, and disposed of as provided by section 4 of the said act of December 21, 1904. Such payments shall be in addition to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation act. In case of failure to make any payment for such lands when due the Secretary of the Interior shall have power to cancel the entry and the corresponding water right and declare forfeited to the said Yakima Indian fund and the reclamation fund, respectively, the amounts paid on such entry and water right. The lands embraced within such canceled entry shall be subject to further entry under the reclamation act at the appraised value until otherwise directed by the President, who may by proclamation, as provided by said act of December 21, 1904, from time to time fix such price as he may deem most advantageous upon all lands within such projects not disposed of.

SEC. 3. That if any lands heretofore allotted or patented to Indians shall be found irrigable under any project the Secretary of the Interior is hereby authorized, upon the request or with the consent of such allottee or patentee, to dispose of all land in excess of 20 acres in each case, in tracts of an area approved by him and subject to all the provisions of the reclamation act to any person qualified to purchase water rights under the provisions of the reclamation act at a price satisfactory to the allottee or patentee and approved by the Secretary of the Interior, or at public sale to the highest bidder. The payments shall be made in annual installments, the number and terms being approved by the Secretary of the Interior. Such payments shall be in addition to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation act. In case of failure to make any payment for such lands when due the Secretary of the Interior shall have power to cancel the entry and the corresponding water right and again sell the land and water right in the manner hereinbefore provided. The proceeds of such resale, after deducting all expenses, shall be divided into two amounts, as deemed proper by the Secretary of the Interior, one to be credited to the reclamation fund and the other to be deposited in the Treasury of the United States to be credited to and disposed of for the benefit of the Indian allottee and patentee as hereinafter provided.

SEC. 4. That from the payments received from the sale of such individual Indian lands there shall be covered into the reclamation fund the amounts fixed by the Secretary of the Interior as the annual charges on account of the land retained by such Indian for the construction and maintenance of the irrigation system as required under the reclamation act. The balance, if any, shall be deposited in the Treasury of the United States to the credit of the individual Indian, and may be paid to any of them if, in the opinion of the Secretary of the Interior, such payments will tend to improve the condition and advance the progress of said Indians, but not otherwise.

SEC. 5. That the Secretary of the Interior is hereby authorized to cover into the reclamation fund from the money of any such Indian, either from his individual credit or from the general Yakima Indian fund, for the payment of charges for construction and maintenance for the water rights appurtenant to the lands retained by him or for the annual maintenance charges payable on account of such water rights after the construction charge thereon has been paid in full. After

unconditional title in fee has passed from the United States for any lands retained by such Indians, the water for irrigating such lands shall be furnished under the same conditions in all respects as for other lands under the project.

SEC. 6. That the Secretary of the Interior shall be authorized, upon compliance with the provisions of this act and of the reclamation act, by any party having purchased such allotted or patented lands as herein provided, to issue patent passing unconditional title in fee by the United States as trustee for the allottee or patentee, and shall cancel any allotment as to the lands disposed of under this act.

SEC. 7. That the irrigation works heretofore constructed for the Yakima Indian Reservation shall be included in any project developed under the provisions of this act, and shall become a part of said project for all purposes of the reclamation act, and the cost of same shall be included in the cost of such project and be paid into the Yakima Indian fund out of the proceeds arising from the sale of water rights. The provisions of this act shall be construed as superseding or amending any provisions of the said act of December 21, 1904, so far as any conflict may appear.

SEC. 8. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendments recommended by the committee were read, as follows:

Add to section 5 the following provisos: "*Provided*, That any Indian taking advantage of this act shall have a perpetual water right so long as the maintenance charges are paid, whether he uses the water or not, and the Secretary of the Interior is hereby authorized to use the funds of the tribe to pay such maintenance charges which in his discretion it is necessary to preserve said water right: *Provided further*, That he may, in his discretion, use said funds to pay for water rights and the maintenance charges on 20 acres of any Indian allotment if the sum obtained from the sale of the allottee's land in excess of 20 acres and his interest in the tribal funds be insufficient for those purposes."

Amend section 7, in line 22, after the word "rights," by adding the words "from time to time, as payments on account thereof are received."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from what committee this bill is reported?

Mr. JONES of Washington. From the Committee on Indian Affairs.

Mr. PAYNE. Mr. Speaker, I am unwilling to have this bill considered by the House until I have some opportunity of conferring with members of the Committee on Arid Lands.

Mr. JONES of Washington. I assure the gentleman, if I can have a few minutes, I can explain the bill to his satisfaction.

Mr. PAYNE. I do not think the gentleman can satisfy me as to a bill involving so much as this does with a simple explanation, without opportunity to consider the bill fully.

Mr. JONES of Washington. I do not believe the gentleman will object after he hears my explanation of the bill.

Mr. PAYNE. I think the gentleman is only wasting the time of the House. I can not take in a bill like that myself and understand it, nor do I think other Members of the House can, and I am unwilling to consent to its consideration and passage until I have further opportunity to consider it.

Mr. JONES of Washington. If I can not explain it in a few minutes to the gentleman's satisfaction, I am perfectly willing that he should make his objection.

Mr. STEPHENS of Texas. If the gentleman will permit, I suggest to the gentleman from New York that this comes from the Committee on Indian Affairs, which is the only committee that can handle it, and there will be no conflict as to the jurisdiction of committees.

Mr. PAYNE. I will have to object to the consideration of this bill, but the gentleman seems to want to make a speech, and I have no objection to his doing so, but I will have to object to the bill.

Mr. JONES of Washington. I would like the gentleman to withhold his objection until I can make an explanation.

Mr. PAYNE. I reserve the right to object.

Mr. JONES of Washington. Mr. Speaker, in 1904 we passed a bill to provide for the opening of the Yakima Indian Reservation, and providing for the disposition of the surplus lands. A great deal of this land is arid and desert land. The Secretary of the Interior has found that a considerable amount of it can be irrigated, under a project which he has conditionally approved under the reclamation act. One of the conditions he imposes is that provision shall be made by which such of the Indian lands as can be irrigated shall get water under this reclamation project. This bill has been prepared to meet this condition, has been submitted to his legal officers and carefully examined by them, and simply does this: It provides that if there are any unallotted lands that can be irrigated by any irrigation project, then the Secretary may dispose of them under the reclamation act, providing for their disposition under the homestead law, the person who takes them up under the homestead law to pay, in addition to the cost of the reclamation, as required by the reclamation act, the appraised value of the land under the act of 1904. That is with reference to the unallotted land.

Mr. BURKE of South Dakota. Will the gentleman allow me to ask him a question?

Mr. JONES of Washington. Yes.

Mr. BURKE of South Dakota. Does the bill make any charge on the Treasury?

Mr. JONES of Washington. Not a dollar.

Mr. BURKE of South Dakota. It simply takes the funds of the Indians to irrigate these lands and then adds the extra cost to the land, and the purchaser pays it when he buys the land?

Mr. JONES of Washington. It does not necessarily take any of the money of the Indians. It provides that the man who buys these lands from the Indians, or takes them, must pay the cost of the reclamation in addition to the appraised value. Under the act of 1904 there was no provision of that kind. Then it refers to the allotted land, and provides that any allottee or patentee—and every Indian on that reservation, every man, woman, and child, has 80 acres—may receive the benefit of this irrigation project in this way. (I hope the gentleman from New York [Mr. PAYNE] will pay close attention to this.) The Government can not deal with each individual Indian. This bill simply authorizes the Secretary, with the consent of the allottee or at his request, to dispose of 60 acres of the Indian's land to persons qualified to take lands under the terms of the reclamation act. In other words, the man who buys the 60 acres then goes to the reclamation act, just like any other homesteader on the public domain, and pays the cost of the reclamation.

Now, here is the real point about it. It authorizes the Secretary, out of the proceeds of the sale of the 60 acres, to purchase for the other 20 acres of the Indians a water right under the reclamation act. It thus places the land of the Indians in a position where they can acquire water rights for the 20 acres and dispose at good advantage the other 60 to those who will farm and reclaim it. That is all there is to the bill. It has been very carefully gone over by the law officers of the Reclamation Service, very carefully gone over by the law officers of the Indian Office, by the Assistant Attorney-General, by the Secretary of the Interior, and by the Commissioner of Indian Affairs. It is a very important matter for the Indians, because they can not get water in any other way for these lands.

Mr. CURTIS. It only applies to Indian lands. Is that not so?

Mr. JONES of Washington. That is true.

Mr. STEPHENS of Texas. If the gentleman will allow me to make a suggestion, the necessity for legislation is that this water in the Yakima River may be disposed of to other parties above there and the Indians, unless they are brought under the reclamation act, will not have the benefit of the water that will accrue.

Mr. JONES of Washington. That is absolutely true. In fact, every bit of the water of the river at the low stage has been diverted now, and unless the Indian lands can be brought under this storage system they can not get a drop of water and all this land will lie absolutely idle. This bill entails no expense on the Government. It affects only Indian lands and is, in effect, for the sole benefit of the Indians. Their lands are now desert and unproductive. This is a means, and the only means, by which they can ever secure water, and there should be no objection to the bill, and I know there will be none by anyone knowing the aims and purpose of it.

Mr. PAYNE. Mr. Speaker, what the gentleman says convinces me that the very able committee of this House on the irrigation of arid lands ought to examine this bill.

Mr. JONES of Washington. I do not see why. It clearly belonged to the Indian Committee and does not affect the public lands or the terms of the reclamation act. I know the members of the Irrigation Committee will not oppose it.

Mr. PAYNE. If the gentleman will allow me a moment, if the committee can not do this collectively I want the opinion of the individual members of that committee who are familiar with this subject. The bill relates more to the reclamation of arid lands than it does to Indian affairs, and I want to get the judgment of the members of the Committee on Irrigation with reference to the bill.

Mr. JONES of Washington. It relates absolutely——

Mr. PAYNE. Therefore I shall object, much as I regret to do so.

The SPEAKER. The gentleman from New York objects.

PUBLICITY OF RECORDS OF INTERNAL REVENUE.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R.

14968) to amend the internal-revenue laws so as to provide for publicity of its records.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240, so as to read:

"SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any person he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

The SPEAKER. Is there objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear an explanation of the bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, under the provisions of the Revised Statutes now the various internal-revenue collectors throughout the country are required to post in their offices an alphabetical list of the names of the parties who pay a tax as retail liquor dealers. Under a rule that has been issued by the Secretary of the Treasury, through the commissioner of internal revenue, these various collectors are forbidden to give any information to the State courts when parties are being prosecuted in State courts for violation of the liquor laws of the State. They are required, under the order of the Secretary of the Treasury, to go into the State courts in answer to subpœnas duces tecum, and respectfully decline to give any information whatever on the subject, and to decline to give copies of those records.

Now, this bill makes an amendment to the Revised Statutes and provides that in addition to posting these alphabetical lists of the parties who have paid the internal-revenue tax the collector shall certify a list—that is, give a certified copy of the list he is required to post to any person who will pay the fee which the bill provides—of $1.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SMITH of Kentucky. I would like to ask the gentleman if this bill provides that the certified list may be evidenced in a prosecution of any person in the State courts?

Mr. HUMPHREYS of Mississippi. It does not make that provision. I think Congress would have no authority to declare what would be and what would not be evidence in a State court.

Mr. SMITH of Kentucky. I understand that, but I wanted to know if there was any provision in the bill of that nature.

Mr. DALZELL. If the gentleman from Mississippi will pardon me, I want to say that this bill was unanimously reported from the Committee on Ways and Means after hearing a large number of witnesses. Under existing law the collector of internal revenue is compelled to have in his office publicly displayed the names and places of residences of parties who have paid special tax. Under the regulations prescribed by the Secretary of the Treasury the collector of internal revenue is prohibited from testifying upon that subject at all. This bill removes the prohibition of the Secretary of the Treasury and permits the collector of internal revenue to furnish upon request certified copies of the list which the law provides he shall keep in his office. It is a good bill and, in my judgment, ought to pass.

Mr. MANN. I understand that the purpose of this bill—and if I am not right the gentleman will correct me—is to make a matter of evidence in the local courts the fact that the person accused under the liquor laws has taken out a license from the Government in order to create a presumption that he is violating the liquor law.

Mr. DALZELL. The purpose of the bill is to remove the prohibition that arises out of the Treasury regulations and which prevents a person from getting the testimony that he ought to have.

Mr. MANN. The Government issues a license——

Mr. DALZELL. No; it does not issue a license.

Mr. MANN. We call it a license. The Government calls it a special tax, but we call it a license. Now, you want to change the law so that the issuing of that paper shall be used in evidence against the person in the local courts, and this question arises if that is not the purpose of the bill.

Mr. DALZELL. It is to furnish evidence to the party entitled to have it, against which there is this regulation.

Mr. MANN. The purpose of the bill is to call the Commissioner of Internal Revenue as a witness against a person who has taken out a license in order to prove that he is violating the liquor law.

Mr. DALZELL. The purpose of the bill is not to call the collector of internal revenue at all, but to relieve him of the necessity of being called. The purpose of the bill is to provide that he may furnish a copy of that which the act of Congress prescribes that he shall keep.

Mr. MANN. That is the same thing, whether he is called personally or by giving a certified copy—it makes no difference. What I want to get at is the gentleman's opinion. Now, the people in prohibition districts are compelled to take out a Government license. If this bill passes, will not the result be that these illicit dealers in liquor will then cease not only to get a local license, but cease to take out a Government license, and then the Government will be asked to go in and do the police duty of the States—each one of the prohibition States and Territories?

Mr. DALZELL. No; I do not think so.

Mr. MANN. Well, I think that is the case, Mr. Speaker, and I have no doubt that if this bill becomes a law in a very short time the National Government will be engaged in police work in all of the prohibition States and some of the prohibition districts—and I have the honor to represent a prohibition district in this House—and that the National Government will be called upon to do that police work in these districts, because it is perfectly self-evident that the man engaged in the illicit sale of liquor will not take out a Government license which will convict him on the first trial. The result will be that he will not have any license at all. Then the internal-revenue officers will be put upon the work of doing the police work, which ought to be done by the States. Yet, Mr. Speaker, notwithstanding this——

Mr. DALZELL. Mr. Speaker, will not the gentleman allow me a moment? The gentleman persists in calling this a license. It is not a license at all. It is a special tax. There is a notice on the face of it——

Mr. MANN. Oh, I understand that perfectly well.

Mr. DALZELL. To the effect that it gives no authority to make sales. The Supreme Court of the United States has held that it can not be pleaded in bar in a prosecution of a party for a legal sale of liquor.

Mr. MANN. Oh, Mr. Speaker, I am perfectly familiar with the law on that subject. Everybody in the House is.

Mr. DALZELL. This simply makes available that which the act of Congress has already prescribed shall be published, and it seems to me that the question as to whether or not a party will take out and pay a Government tax or not cuts a very small figure in comparison with the justice of the case. The party prosecuting a violator of the law is entitled to have the evidence.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman from Pennsylvania [Mr. DALZELL] if this bill was not in response to a large demand from the different parts of the country to meet what is called the so-called "blind tiger" evil, or illicit sale of liquor practiced in prohibition districts, and that, even if the gentleman from Illinois [Mr. MANN] is correct, that this will result in "cooperation," as he terms it, does not the gentleman from Pennsylvania think it right and proper?

Mr. DALZELL. Mr. Speaker, I would say to the gentleman from Alabama that this whole subject was thoroughly and exhaustively examined by a subcommittee of the Committee on Ways and Means. A great deal of testimony was taken on the subject, and the committee was unanimous in its report, and the whole committee was unanimous upon the report being made in favor of recommending this bill. It seems to me it is only just and right that we should pass such a bill.

Mr. GAINES of Tennessee. Does not the law contemplate what we are now trying to say the law is, and which has been abrogated very largely by a rule which we are trying to destroy?

Mr. DALZELL. I think the law contemplates that parties in possession of information on any subject ought to be liable to be subpœnaed.

Mr. GAINES of Tennessee. And the rule of the Department abrogates that, and this bill seeks to wipe out that rule.

Mr. DALZELL. Yes. Mr. Speaker, I hope the gentleman from Illinois [Mr. MANN] will not object.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. HUMPHREYS of Mississippi. Will not the gentleman from Illinois [Mr. MANN] permit me to make a statement before he concludes?

Mr. MANN. Certainly.

Mr. HUMPHREYS of Mississippi. Allow me to make this statement: I want to say this, in response to the suggestion that this is an effort to have the Federal Government enforce the police laws of the States, that it is nothing of the sort. It is an effort to prevent the Federal Government from interfering, as it now does, with the enforcement of the police laws of the State

by the several States themselves. The rule which the Secretary of the Treasury has annulled, through the order of the Commissioner of Internal Revenue, which forbids the internal-revenue collectors from giving evidence in State courts and from giving copies of their records, applies to every other official in this country from the President of the United States down.

There is not an officer in this Government, not excepting the President, who is not subject to the processes of the court, and a subpœna duces tecum can go against the President of the United States and against any other officer in this Government. Now, there are two answers that can be made to a subpœna duces tecum, and two only, and our courts have passed on this in numerous cases, and they are—first, that the officer may reply that it will be a matter of such inconvenience that it will seriously interfere with the proper discharge of his duties to leave his office and carry with him his records, that it would hamper him in the discharge of his public duties, and that he can not, therefore, go into court, and our courts hold that under such circumstances he may then give a certified copy of the records asked for and that that is a sufficient response to the subpœna.

He can, on the other hand report, as the President has done in numerous cases, that the matter sought to be made public ought not to be made public; that it is a Government secret and should not be made public in an answer to the process of the courts. They are the only reasons recognized by the rules of law that any officer can ever give for a failure to respond to this subpœna. Now, in this case we provide that the collector shall furnish only a copy, so it will never be necessary for him to leave his office or carry the records out of his office. That disposes of the first objection. The other objection is disposed of by the statute itself, which requires now that this list be posted in his office containing the name of every man who pays the tax and the place where he intends to do business, etc., so that it is no secret whatever. The rule now prohibits the collector from giving the information that he would have to give and which the courts decided he would have to give, and instructs him now that he can not go into court and testify. In other words, it puts him in a class by himself and gives him——

The SPEAKER. Is there objection?

Mr. PALMER. I would like to ask the gentleman to tell me, for the sake of information, under what law the Secretary of the Treasury has the right to make any such regulation?

Mr. HUMPHREYS of Mississippi. Well, that matter was decided by our courts. He has the right to make the rules and regulations and prescribe the manner in which his office shall be conducted.

Mr. PALMER. Can he alter the rules of testimony in your State?

Mr. HUMPHREYS of Mississippi. He has done it, and the court has sustained it in the case of Boske *v.* Comingore (177 U. S.) and in the Lamberton case (124 Fed. Rep.).

Mr. MANN. What good will it be to have this certified copy in evidence?

Mr. HUMPHREYS of Mississippi. It will do whatever good the State legislatures see fit to make of it.

Mr. MANN. What is the purpose of it?

Mr. HUMPHREYS of Mississippi. The purpose is to let the collector testify, or require him to testify, exactly as every other man in the United States is required.

Mr. MANN. What is the purpose of having this certified copy?

Mr. HUMPHREYS of Mississippi. It is that he will give it to the authorities in the States that they may use it, just as they may use any other testimony that they have.

Mr. MANN. That is for the purpose of making a conviction of the accused. Is not that the purpose of it?

Mr. HUMPHREYS of Mississippi. If the accused is guilty of violating the State laws, and this man is called on as a witness to testify to a particular fact, then, if that fact will result in his conviction, it ought to be known.

Mr. MANN. The purpose is to convict a man of having committed the offense?

Mr. HUMPHREYS of Mississippi. The purpose is to get testimony the State ought to have.

Mr. RANDELL of Texas. Mr. Speaker, the gentleman from Illinois asked what effect that will have upon our State law. The passage of this national law will give the people the right to know who desire to sell liquor and have paid their taxes to the Government. Now, under the law of Texas, the tax receipt would be prima facie evidence of the fact that he is engaged in the liquor business. It also gives to the officers the information as to who were engaged in the business or who probably will engage in it. Publicity as to their names would save a great deal of expense in our State government and assist in preventing crime, and if the bill provides only that we can acquire knowledge of the men engaged in the liquor traffic it will assist in enforcing local option when in force and in carrying on our local self-government, and that, too, without the National Government interfering in the least with our local affairs. This is a good provision, and I hope the gentleman will not object, but will let the bill come up for consideration.

Mr. HUMPHREYS of Mississippi. Let me state to the gentleman from Illinois the President of the United States, in his last message, called on Congress to amend the revenue laws of the Government to enable the law to be enforced in the Indian Territory, for instance, against the unlawful sale of liquor—bootlegging, as he calls it. The President thought it of sufficient importance to direct the attention of Congress to it in his message.

What is the condition? It is anomalous. The President here is calling upon Congress to pass laws to help to enforce the laws against the sale of liquor in the Indian Territory. The internal-revenue collectors have issued these tax receipts—we call them internal-revenue licenses—for retail liquor dealers and retail dealers in malt liquors—160 of them in the Indian Territory. Now, the President is calling for Congress to amend the laws so that we can bring these men to justice, while the internal-revenue collector sits back and says: "I will not testify against them. I have the proof on them, but I won't let you have it." I think it is scandalous.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to have a couple of minutes by unanimous consent. Reserving the right to object, I will say that I have no doubt that the purposes of this bill are intended to be good, and I quite sympathize with the gentleman who desires to have the bill pass. But the effect of the bill, in my judgment, will be that, instead of receiving from the internal-revenue collector a certified copy of a license issued, there will be no license issued. There will be no application for a license, because no man who is engaged in the illicit selling of liquor will deliberately and openly give evidence upon which he can be convicted. We all understand perfectly well that these people are engaged in an illegal and illicit business, and that it will be much easier for them to refuse to give evidence against themselves and take the chances against the General Government that they now take against the State government than to take out a license, which insures conviction under the existing law or under law which may be passed. Now, the result will be that these licenses will not be taken out, and the General Government will be called upon to do police duty in these States. I at least congratulate my friends from the South, who have always advocated State rights, in now coming to Congress and appealing to the General Government to do police duty in their own States. Nobody else has ever gone that far.

Mr. CLAYTON. Does not the gentleman think that would break up the business?

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

YELLOWSTONE FOREST RESERVE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 13673, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the general provisions of the homestead laws of the United States be, and the same are hereby, extended to and over the surveyed lands in townships 48, 49, and 50, and ranges 105 and 106, within the Yellowstone Forest Reserve, and the said lands shall be subject to entry ninety days after the passage of this act, within which ninety-day period the Secretary of Agriculture may set aside such portions of said lands as were not occupied by a bona fide settler January 1, 1906, not to exceed 160 acres, as may be necessary for forest reserve administrative purposes, which lands so set aside shall not be subject to settlement entry or location during the life of the forest reserve: *Provided*, That the commutation clause of the homestead laws shall not apply to the said lands, and any bona fide settler who made settlement on said lands prior to January 1, 1906, and who had prior to that time lost or exercised his homestead right, may enter and perfect title to the lands settled upon by him as though his homestead right had not been lost or exercised.

Also the following committee amendments were read:

In line 12, page 1, after the word "exceeding," insert the words "in the aggregate."

At the end of line 7, page 2, strike out the period and insert a comma and the following: "upon the payment of the sum of $1.25 per acre for the land included in his entry at the time of making final proof;" and that as amended the bill do pass.

Mr. CLARK of Missouri. I would like to inquire of the gentleman from Wyoming whether or not these are Indian lands?

Mr. MONDELL. They are not.

Mr. CLARK of Missouri. How does it come, then, that they are not under the general homestead law?

Mr. MONDELL. The lands affected by this legislation constitute about 8,000 acres formerly subject to all the public land laws; but by reason of the creation of a forest reserve over the lands they were withdrawn from all forms of entry. A survey was had to designate and indicate the agricultural lands in the valley of the Shoshone River. We now propose to restore these agricultural lands thus surveyed to entry under the homestead law.

Mr. CLARK of Missouri. Is this a unanimous report from the committee?

Mr. MONDELL. It is.

Mr. CLARK of Missouri. Is the Secretary of the Interior in favor of it?

Mr. MONDELL. The Secretary of Agriculture—yes, sir.

Mr. CLARK of Missouri. That is under his Department?

Mr. MONDELL. It is.

Mr. PAYNE. Are these lands in the valley covered by forests?

Mr. MONDELL. They are not. They are agricultural lands.

Mr. PAYNE. I suppose, Mr. Speaker, that when we open these forest reserves all up, and the land adjacent to them, and they come to be occupied as homesteads, we will have another bill in here for the Appalachian Forest Reserve, the Green Mountain Forest Reserve, and the Yellowstone Mountain Forest Reserve, and an opportunity to spend the surplus and other current revenues of the Government to buy out these same gentlemen going in there.

Mr. MONDELL. I do not understand, Mr. Speaker, how that can possibly occur. I believe it is a proper policy on the part of the General Government to open to homestead entry all lands within forest reserves purely agricultural in their character. Such is the desire of the Forestry Service. In this case, in order that there could be no question as to the character of the lands opened to homestead entry, a survey was made by the Land Office of the land strictly agricultural in a certain valley; and thereupon it is proposed to restore these lands to homestead entry. I will say to the gentleman that a considerable proportion of them are already occupied by homesteaders.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF COURT AT VICTORIA, TEX.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12863.

The Clerk read as follows:

A bill (H. R. 12863) to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes.

Be it enacted, etc., That the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, and Victoria shall constitute a division of the southern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the southern district of Texas shall be held twice in each year at the city of Victoria, in Victoria County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Victoria, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the above-named counties and cognizable before said courts shall be issued out of and made returnable to said courts at Victoria, and that all prosecutions against persons for offenses committed in any of said counties shall be tried in said courts at Victoria: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

SEC. 4. That the clerks of said courts of said district shall maintain an office in charge of themselves or a deputy at said city of Victoria, which shall be kept open at all times for the transaction of business.

The amendment recommended by the committee was read, as follows:

Insert at the end of section 4 the following: "*Provided*, That suitable rooms and accommodations shall be furnished for holding of said courts at said places, free of expense to the Government of the United States."

The SPEAKER. Is there objection?

Mr. RANDELL of Texas. Reserving the right to object, I would like to ask the gentleman, does this touch the eastern district of Texas in any way?

Mr. BURGESS. No, sir.

Mr. RANDELL of Texas. None of these counties are in the eastern district?

Mr. BURGESS. No, sir.

Mr. RANDELL of Texas. Is this a unanimous report of the committee?

Mr. BURGESS. Yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURGESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALUMET RIVER BRIDGE.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 13365) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905.

Be it enacted, etc., That section 5 of an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905, be amended so as to read as follows:

"SEC. 5. That the right to alter, amend, or repeal this act is expressly reserved; and this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the 1st day of February, 1906."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPPLIES TO WAR VESSELS.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill which I send to the Clerk's desk.

Mr. PAYNE. I suggest to the gentleman that he ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

Mr. KAHN. I accept the suggestion of the gentleman.

The SPEAKER. The gentleman asks unanimous consent for consideration in the House, as in Committee of the Whole House on the state of the Union, of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 381) to amend section 2982 of the Revised Statutes of the United States, in reference to the sale of supplies to vessels of war.

Be it enacted, etc., That section 2982 of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

"SEC. 2982. The privilege of purchasing supplies, duty free, from public warehouses, or bonded manufacturing warehouses, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports."

The amendments recommended by the committee were read, as follows:

In lines 6 and 7, strike out the words "duty free;" in line 7, strike out the word "or" and insert after the word "warehouses," "free of duty, and from;" line 8, after the word "warehouses," insert "free of duty or of internal-revenue tax, as the case may be."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar for consideration to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the bills on the Calendar in order for consideration yesterday, but considered to-day, because to-day was substituted for yesterday, may be considered in the House

as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill.

JEROME GOODSELL.

The first pension business was the bill (H. R. 4810) granting an increase of pension to Jerome Goodsell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Goodsell, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY F. LANDES.

The next pension business was the bill (H. R. 2991) granting a pension to Henry F. Landes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Landes, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry F. Landes."

FREDERICK HILDENBRAND.

The next pension business was the bill (H. R. 13034) granting an increase of pension to Frederick Hildenbrand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hildenbrand, late of Company G, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. HAVENS.

The next pension business was the bill (H. R. 12900) granting an increase of pension to James D. Havens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Havens, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. FRANKLIN.

The next pension business was the bill (H. R. 12643) granting an increase of pension to William H. Franklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Franklin, late of Company I, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORRIS J. JAMES.

The next pension business was the bill (H. R. 12540) granting an increase of pension to Morris J. James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris J. James, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH POLLARD.

The next pension business was the bill (H. R. 11065) granting an increase of pension to Joseph Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Pollard, late of Company G, Twelfth Regiment, and Company G, First Regiment, Rhode Island Volunteer Infantry, and him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Twelfth" and insert in lieu thereof the word "First."

In line 7 strike out the word "First" and insert in lieu thereof the word "Twelfth."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES MARTIN.

The next pension business was the bill (H. R. 10594) granting an increase of pension to James Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Martin, late of Company B, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLEN E. WILLIAMS.

The next pension business was the bill (H. R. 11071) granting an increase of pension to Allen E. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen E. Williams, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. CULVER.

The next pension business was the bill (H. R. 11742) granting an increase of pension to Charles H. Culver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Culver, late of Company F, Eleventh Regiment Michigan Volunteer

Cavalry, and Company D, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "Corps,' insert the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS GRIFFITH.

The next pension business was the bill (H. R. 11209) granting an increase of pension to Thomas Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Griffith, late of Company H, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GOTTLIEB SPITZER, ALIAS GOTTFRIED BRUNER.

The next pension business was the bill (H. R. 14123) granting an increase of pension to Gottleib Spitzer, alias Gottfried Bruner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gottleib Spitzer, alias Gottfried Bruner, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Gottleib" and insert in lieu thereof the word "Gottlieb."

Amend the title so as to read: "A bill granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE BLAIR.

The next pension business was the bill (H. R. 7223) granting an increase of pension to George Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Blair, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. BALL.

The next pension business was the bill (H. R. 7396) granting an increase of pension to John E. Ball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Ball, late captain Company E, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALONZO DOUGLAS.

The next pension business was the bill (H. R. 8161) granting an increase of pension to Alonzo Douglas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Douglas, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC J. HOLT.

The next pension business was the bill (H. R. 8289) granting an increase of pension to Isaac J. Holt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac J. Holt, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY CRANDELL.

The next pension business was the bill (H. R. 8642) granting an increase of pension to Henry Crandall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Crandall, late of Company D, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Crandall" and insert in lieu thereof the word "Crandell."

In same line, after the word "Company," insert the words "C, Seventieth Regiment New York Volunteer Infantry, and Troop."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Crandell."

ANNA M. JEFFERIS.

The next pension business was the bill (H. R. 13584) granting an increase of pension to Anna M. Jefferis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Jefferis, widow of Carleton L. Jefferis, late of First Battery, Delaware Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "First," insert the word "Independent."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. LINDSEY.

The next pension business was the bill (H. R. 11129) granting an increase of pension to Thomas J. Lindsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Lindsey, late of Company A, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAHAM H. MILLER.

The next pension business was the bill (H. R. 9898) granting a pension to Abraham H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Abraham H. Miller, late of Company I, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Abraham H. Miller."

WILLIAM M'GOWAN.

The next pension business was the bill (H. R. 10478) granting an increase of pension to William McGowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McGowan, late of Companies I and H, Second Regiment Minnesota Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."

In same line strike out the words "I and."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY M. STARK.

The next pension business was the bill (H. R. 12090) granting an increase of pension to Mary M. Stark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Stark, widow of William H. Stark, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, before the word "Twenty-fourth," insert the words "and lieutenant-colonel."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED CONNOR.

The next pension business was the bill (H. R. 12101) granting an increase of pension to Alfred Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Connor, late of Company A, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. H. SANDS.

The next pension business was the bill (H. R. 10399) granting an increase of pension to John H. H. Sands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. H. Sands, of The Plains, Fauquier County, Va., late of Company F, Seventy-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of The Plains, Fauquier County, Va."

In line 8, after the word "Infantry," insert the words "Company C, Fifth Regiment, and Company G, Seventh Regiment, New Jersey Volunteer Infantry."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VERELLE S. WILLARD.

The next pension business was the bill (H. R. 12275) granting a pension to Verelle S. Willard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Verelle S. Willard, widow of Manfred W. Willard, late of Company H, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of thirty dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Verelle S. Willard."

SAMUEL G. RAYMOND.

The next pension business was the bill (H. R. 12417) granting an increase of pension to Samuel G. Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Raymond, late of Company L, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company H, Twelfth Regiment Veteran Reserve Corps."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY STIMON.

The next pension business was the bill (H. R. 12795) granting an increase of pension to Henry Stimon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Stimon, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA J. HENSLEY.

The next pension business was the bill (H. R. 13525) granting a pension to Wilson Hensley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson Hensley, imbecile son of the late Silas B. Hensley, and pay him a pension at the rate of $10 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of Martha J. Hensley, widow of Silas B. Hensley, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional for each of the minor children of said soldier until they shall arrive at the age of 16 years: *Provided*, That in the event of the death of Wilson Hensley, helpless and dependent child of said Silas B. Hensley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha J. Hensley the name of said Wilson Hensley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Martha J. Hensley."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martha J. Hensley."

JAMES HANN.

The next pension business was the bill (H. R. 13610) granting an increase of pension to James Hann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hann, late of United States Marine Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of United States Marine Corps" and insert in lieu thereof the words "of Company I, Twenty-first Regiment New Jersey Volunteer Infantry, and Company G, Sixth Regiment New York Volunteer Heavy Artillery."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALIDA KING.

The next pension business was the bill (H. R. 13798) granting an increase of pension to Alida King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alida King, widow of Henry King, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Eugene T. King, helpless and dependent child of said Henry King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Alida King the name of said Eugene T. King shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Alida King.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILHELM DICKHOFF.

The next pension business was the bill (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelm Dickhoff, late of Company K, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. BURTON.

The next pension business was the bill (H. R. 1243) granting an increase of pension to John W. Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Burton, late of Company I, Forty-first Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Forty-first" and insert in lieu thereof the word "Second."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSWELL J. KELSEY.

The next pension business was the bill (H. R. 1331) granting an increase of pension to Roswell J. Kelsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roswell J. Kelsey, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. RENELL.

The next pension business was the bill (H. R. 1460) granting an increase of pension to C. W. Renell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. W. Renell, late of Company L, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C." and insert in lieu thereof the word "Charles."

In line 7, before the word "Volunteer," insert the word "Veteran."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles W. Renell."

JONATHAN DAUGHENBAUGH.

The next pension business was the bill (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Daughenbaugh, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH BAKER.

The next pension business was the bill (H. R. 1967) granting an increase of pension to Joseph Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Baker, late of Battery B, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FLORENCE B. KNIGHT.

The next pension business was the bill (H. R. 2006) granting an increase of pension to Florence B. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence B. Knight, widow of Cyrus W. Knight, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Florence B. Knight."

SELDEN C. CLOBRIDGE.

The next pension business was the bill (H. R. 2344) granting an increase of pension to Selden C. Clobridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Selden C. Clobridge, late of Company G, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANSEL K. TISDALE.

The next pension business was the bill (H. R. 2982) granting an increase of pension to Ansel K. Tisdale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ansel K. Tisdale, late of Company H, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS CHRISLER.

The next pension business was the bill (H. R. 3397) granting an increase of pension to Nicholas Chrisler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Chrisler, late member of the Norfolk Brigade Band, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "member."
In line 7, after the word "Band," insert the words "United States Volunteers."
In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OTTO BOESEWETTER.

The next pension business was the bill (H. R. 4222) granting an increase of pension to Otto Boesewetter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto Boesewetter, late of Company C, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."
In same line and in line 9 strike out the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Otto Boesewetter."

HENRY W. YATES.

The next pension business was the bill (H. R. 4832) granting an increase of pension to Henry W. Yates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Yates, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JENNIE LITTLE.

The next pension business was the bill (H. R. 5215) granting an increase of pension to Jennie Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie Little, widow of George E. Little, late of the band of the Forty-first Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Ohio," insert the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. DAVIS.

The next pension business was the bill (H. R. 5383) for the relief of John W. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Davis, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Davis."

JOHN COLEMAN, JR.

The next pension business was the bill (H. R. 5615) granting an increase of pension to John Coleman, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coleman, jr., late private, Company E, of the Eighty-fourth New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."
In same line strike out the words "of the."
In line 7, before the words "New York," insert the word "Regiment."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MARSDEN.

The next pension business was the bill (H. R. 6453) granting an increase of pension to W. H. Marsden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. H. Marsden, late of Company E, Fourth Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W" and insert in lieu thereof the word "William."
In same line, before the word "Indiana," insert the word "Regiment."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Marsden."

NEETA H. MARQUIS.

The next pension business was the bill (H. R. 9904) granting an increase of pension to Neeta H. Marquis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Neeta H. Marquis, widow of John F. Marquis, late first lieutenant Company K, Second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "Infantry" and insert in lieu thereof the words "Light Artillery."

In same line and in line 9 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. HUDSON.

The next pension business was the bill (H. R. 11536) granting an increase of pension to James D. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Hudson, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. ROBISON.

The next pension business was the bill (H. R. 11625) granting a pension to William C. Robison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Robison, late of Company E, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ETTA D. CONANT.

The next pension business was the bill (H. R. 10725) granting an increase of pension to Etta D. Conant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Etta D. Conant, widow of William L. Conant, late first lieutenant and brevet captain of Company F, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month for herself and $5 per month for each of her two minor children in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and brevet captain of."

In same line, before the word "One," insert the words "and captain Company H."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Strike out all of lines 10 and 11 and insert in lieu thereof the following:

"in lieu of that she is now receiving, and $2 per month additional on account of a minor child of said officer until such child shall arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHOEBE KEITH.

The next pension business was the bill (H. R. 7844) granting a pension to Phoebe Keith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe Keith, widow of Albert J. Keith, late of Company F, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "J."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY COBURN.

The next pension business was the bill (H. R. 8063) granting an increase of pension to Mary A. Coburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Coburn, widow of W. C. Coburn, late of Company —, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A."

In same line strike out the letter "W." and insert in lieu thereof the word "William."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 7, before the word "Eighteenth," insert the letter "F."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary Coburn."

ADA J. LASSWELL.

The next pension business was the bill (H. R. 8144) granting a pension to Ada J. Lasswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada J. Lasswell, helpless child of James Lasswell, late of Battery A, Third Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA I. ASHBURY.

The next pension business was the bill (H. R. 9561) granting a pension to Clara I. Ashbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara I. Ashbury, widow of John A. Ashbury, late of Company G, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE E. BROWN.

The next pension business was the bill (H. R. 2766) granting an increase of pension to Horace E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Brown, late captain Company A, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. CRANE.

The next pension business was the bill (H. R. 12494) granting an increase of pension to John H. Crane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Crane, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Second" and insert in lieu thereof the word "Ninth."

In line 7 strike out the word "Ohio" and insert in lieu thereof the word "Iowa."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK CRITTENDEN.

The next pension business was the bill (H. R. 10827) granting a pension to Frank Crittenden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Crittenden, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frank Crittenden."

WILLIAM J. MORGAN.

The next pension business was the bill (H. R. 10817) granting an increase of pension to William J. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Morgan, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ELLICOTT.

The next pension business was the bill (H. R. 10047) granting an increase of pension to George W. Ellicott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ellicott, late of Company L, Sixth Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Troop."

In line 7 strike out the words "New Jersey Volunteer" and insert in lieu thereof the words "United States."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS JOHNSON.

The next pension business was the bill (H. R. 9995) granting an increase of pension to Elias Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Johnson, late of Company F, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M'KENZIE.

The next pension business was the bill (H. R. 9896) granting an increase of pension to William McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McKenzie, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE SAXE.

The next pension business was the bill (H. R. 9887) granting a pension to George Saxe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Saxe, late of Company B, One hundred and second Regiment New York State National Guard, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "State National Guard" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH A. MASON.

The next pension business was the bill (H. R. 8826) granting a pension to Elizabeth A. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Mason, widow of Peter Mason, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VIENNA WARD.

The next pension business was the bill (H. R. 8339) granting a pension to Vienna Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vienna Ward, widow of John Ward, late of Company I, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS E. BISHOP.

The next pension business was the bill (H. R. 8176) granting an increase of pension to Thomas E. Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Thomas E. Bishop, late captain Company C, Twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lief thereof the words "first lieutenant."

In same line strike out the letter "C" and insert in lieu thereof the letter "B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL DILTS.

The next pension business was the bill (H. R. 7883) granting a pension to Daniel Dilts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Dilts, late sergeant Company G, Thirtieth Regiment New Jersey Volunteers, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Dilts."

GEORGE GAYLORD.

The next pension business was the bill (H. R. 7765) granting an increase of pension to George Gaylord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Gaylord, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY HANSON.

The next pension business was the bill (H. R. 7498) granting an increase of pension to Mary Hanson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Mary Hanson, widow of Halvor Hanson, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 9, after the word "receiving," insert the following: "*Provided*, That in the event of the death of Oscar Hanson, helpless and dependent child of said Halvor Hanson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Hanson the name of said Oscar Hanson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Mary Hanson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS G. MASSEY.

The next pension business was the bill (H. R. 7208) granting a pension to Thomas G. Massey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Massey, late of Company M, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas G. Massey."

HEINRICK KRUMDICK.

The next pension business was the bill (H. R. 6918) granting an increase of pension to Heinrich Krumdick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Heinrich Krumdick, late of Company H, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Heinrich" and insert in lieu thereof the word "Heinrick."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Heinrick Krumdick."

CHARLES H. JASPER.

The next pension business was the bill (H. R. 6557) granting an increase of pension to Charles H. Jasper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Jasper, late of Company D, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. MOORE.

The next pension business was the bill (H. R. 6508) granting an increase of pension to John P. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Moore, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN D. HOPKINS.

The next pension business was the bill (H. R. 6216) granting an increase of pension to Stephen J. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen J. Hopkins, late of Company I, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J" and insert in lieu thereof the letter "D."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Stephen D. Hopkins."

JOHN HAACK.

The next pension business was the bill (H. R. 6177) granting an increase of pension to John Haack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Haack, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT H. LEWIS.

The next pension business was the bill (H. R. 6066) granting an increase of pension to Albert H. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Lewis, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. SHERWOOD.

The next pension business was the bill (H. R. 4816) granting an increase of pension to John A. Sherwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Sherwood, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE E. BULLARD.

The next pension business was the bill (H. R. 4759) granting an increase of pension to Jane E. Bullard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Bullard, widow of Benjamin M. Bullard, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

In same line, after the word "receiving," insert the words "and $2 per month additional for each of the two minor children of the soldier until they arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. WEST.

The next pension business was the bill (H. R. 4616) granting an increase of pension to William W. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. West, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC N. RAY.

The next pension business was the bill (H. R. 3255) granting an increase of pension to Isaac N. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Ray, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. PHILBRICK.

The next pension business was the bill (H. R. 3225) granting an increase of pension to William B. Philbrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Philbrick, late of Eighth Battery, Light Artillery, Wisconsin Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Battery," insert the word "Independent."

In same line, after the word "Battery," insert the words "Wisconsin Volunteer."

In line 7 strike out the words "Wisconsin Volunteers."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. MOWER.

The next pension business was the bill (H. R. 2443) granting a pension to George W. Mower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Mower, late of Company K, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Mower."

JOHN FARRELL.

The next pension business was the bill (H. R. 2060) granting an increase of pension to John Farrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Farrell, late of Company L, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. MYERS.

The next pension business was the bill (H. R. 1962) granting an increase of pension to George C. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Myers, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Drafted Militia Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMELINE MALONE.

The next pension business was the bill (H. R. 1857) granting a pension to Emeline Malone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline Malone, widow of Thomas Malone, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and second lieutenant, Company I, Fifth Regiment United States Colored Volunteer Heavy Artillery."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M. WEST.

The next pension business was the bill (H. R. 1787) granting an increase of pension to Joseph M. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. West, late of Company E, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "of," at the beginning of the line, strike out the word "thirty" and insert the word "twenty-four."

Also, after the word "month" insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARVEY J. FULMER.

The next pension business was the bill (H. R. 1553) granting an increase of pension to Harvey J. Fulmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey J. Fulmer, late lieutenant of Companies I and E, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "lieutenant."

In same line strike out the word "Companies" and insert in lieu thereof the word "Company."

In same line strike out the letter "E" and insert in lieu thereof the words "second lieutenant Company C."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL MORRISSEY.

The next pension business was the bill (H. R. 675) granting an increase of pension to Daniel Morrissey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Morrissey, late first lieutenant Company F, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL M. COFFMAN.

The next pension business was the bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Coffman, late lieutenant-colonel Third Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "of Company L, Seventh Regiment Ohio Volunteer Cavalry, and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN L. HIGGINS.

The next pension business was the bill (H. R. 14563) granting an increase of pension to Edwin L. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin L. Higgins, late of Company K, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY WINFREY.

The next pension business was the bill (H. R. 14098) granting a pension to Mary Winfrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Winfrey, widow of Thomas J. Winfrey, late of Company H, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES COYNER.

The next pension business was the bill (H. R. 14092) granting a pension to Frances Coyner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Coyner, widow of David H. Coyner, late chaplain Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY M'MAHON.

The next pension business was the bill (H. R. 13988) granting an increase of pension to Mary McMahon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary McMahon, widow of Daniel McMahon, late of Company D, Twentieth New York Militia or Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7 strike out the words "Twentieth New York Militia or Eightieth" and insert in lieu thereof the word "Eightieth."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALVIN D. HOPPER.

The next pension business was the bill (H. R. 13872) granting an increase of pension to Alvin D. Hopper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin D. Hopper, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA M. WILSON.

The next pension business was the bill (H. R. 13710) granting an increase of pension to Anna M. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Wilson, widow of Robert Wilson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, after the word "Infantry," insert the words "and captain Company L, and major, Fifth Regiment United States Colored Volunteer Heavy Artillery."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SHOEMAKER.

The next pension business was the bill (H. R. 13697) granting an increase of pension to William Shoemaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Shoemaker, late of Company F, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM EVANS.

The next pension business was the bill (H. R. 13166) granting an increase of pension to William Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Evans, late of Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Ninth," insert the words "Company H."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATE F. GALBRAITH.

The next pension business was the bill (H. R. 13150) granting an increase of pension to Cate F. Galbraith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the penison laws, the name of Cate F. Galbraith, widow of Benjamin Galbraith, late of Battery B, New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7, before the words "New Jersey," insert the words "First Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM DAVIS.

The next pension business was the bill (H. R. 13148) granting an increase of pension to William Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Davis, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM RALSTON.

The next pension business was the bill (H. R. 12760) granting an increase of pension to William Ralston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ralston, late of Company F, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company B, First Regiment Missouri Volunteer Engineers."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL SOUTHARD.

The next pension business was the bill (H. R. 12443) granting an increase of pension to Nathaniel Southard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Southard, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS H. FRASIER.

The next pension business was the bill (H. R. 12014) granting an increase of pension to Francis H. Frasier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis H. Frasier, late of Company M, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH E. ATKINSON.

The next pension business was the bill (H. R. 11905) granting an increase of pension to Elizabeth E. Atkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth E. Atkinson, widow of Edwin E. Atkinson, late surgeon, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Maryland," insert the words "Eastern Shore."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. VIVIAN.

The next pension business was the bill (H. R. 11638) granting a pension to John N. Vivian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Vivian, late of Company B, Fifth-th Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John N. Vivian."

WILLIAM J. RILEY.

The next pension business was the bill (H. R. 10894) granting an increase of pension to William J. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Riley, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

URIAL J. STREETER.

The next pension business was the bill (S. 75) granting an increase of pension to Urial J. Streeter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Urial J. Streeter, late of Company E, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GRANVILLE P. MASON.

The next pension business was the bill (S. 77) granting an increase of pension to Granville P. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Granville P. Mason, late captain Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY R. BLETHEN.

The next pension business was the bill (S. 78) granting an increase of pension to Mary R. Blethen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Blethen, widow of Allen Blethen, late of Company H, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES F. TILTON.

The next pension business was the bill (S. 79) granting an increase of pension to James F. Tilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Tilton, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN COOK.

The next pension business was the bill (S. 121) granting an increase of pension to John Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANTHONY H. CRAWFORD.

The next pension business was the bill (S. 127) granting an increase of pension to Anthony H. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony H. Crawford, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SABASTIAN LAUDNER.

The next pension business was the bill (S. 126) granting an increase of pension to Sabastian Laudner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sebastian Laudner, late of Company H, Fifth Regiment, and Company H, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK LE HUNDRA.

The next pension business was the bill (S. 139) granting an increase of pension to Frederick Le Hundra.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Le Hundra, late of U. S. S. Powhatan, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS E. STEVENS.

The next pension business was the bill (S. 181) granting an increase of pension to Francis E. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis E. Stevens, late of Company M, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL J. SMITH.

The next pension business was the bill (S. 208) granting an increase of pension to Daniel J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Smith, late of Company B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in this case having died, I move that the bill lie on the table.

The motion was agreed to.

JOHN M. DOERSCH.

The next pension business was the bill (S. 213) granting an increase of pension to John M. Doersch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Doersch, late of Company E, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EMILY PETERSON.

The next pension business was the bill (S. 476) granting an increase of pension to Emily Peterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Peterson, widow of Peter Peterson, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES WILSON.

The next pension business was the bill (S. 566) granting an increase of pension to James Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilson, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE WILEY.

The next pension business was the bill (S. 566) granting an increase of pension to George Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Wiley, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY T. BRAMAN.

The next pension business was the bill (S. 573) granting an increase of pension to Henry T. Braman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry T. Braman, late of Company H, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. CHENOWETH.

The next pension business was the bill (S. 587) granting a pension to Mary J. Chenoweth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Chenoweth, widow of Isaac Chenoweth, late of Company F, Thirtieth Regiment Missouri Enrolled Militia, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES F. PRATER.

The next pension business was the bill (S. 619) granting an increase of pension to James F. Prater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Prater, late commissary sergeant Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABBIE C. MOORE.

The next pension business was the bill (S. 624) granting an increase of pension to Abbie C. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie C. Moore, widow of Horace W. Moore, late of Company B, First Regiment Minnesota Volunteer Cavalry, and hospital steward Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE M. BRADLEY.

The next pension business was the bill (S. 639) granting an increase of pension to George M. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Bradley, late of Company A, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSHUA W. TOLFORD.

The next pension business was the bill (S. 676) granting an increase of pension to Joshua W. Tolford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua W. Tolford, late captain Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RICHARD DEARBORN.

The next pension business was the bill (S. 702) granting an increase of pension to Richard Dearborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dearborn, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDMUND T. CONNELLY, ALIAS JOHN MARKS.

The next pension business was the bill (S. 703) granting an increase of pension to Edmund T. Connelly, alias John Marks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund T. Connelly, alias John Marks, late of Company B, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE A. PARKER.

The next pension business was the bill (S. 724) granting an increase of pension to George A. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Parker, late of Company A, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD P. METCALF.

The next pension business was the bill (S. 788) granting an increase of pension to Edward P. Metcalf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward P. Metcalf, late of the United States steamers Sabine, Niagara, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARVEY M. D. HOPKINS.

The next pension business was the bill (S. 909) granting an increase of pension to Harvey M. D. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey M. D. Hopkins, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD MICHAELIS, ALIAS EDWARD MICHEL.

The next pension business was the bill (S. 968) granting an increase of pension to Edward Michaelis, alias Edward Michel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Michaelis, alias Edward Michel, late of Company C, Seventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM CROME.

The next pension business was the bill (S. 970) granting an increase of pension to William Crome.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Crome, late of Company H, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOEL M. SAWYER.

The next pension business was the bill (S. 1010) granting an increase of pension to Joel M. Sawyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel M. Sawyer, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY RYAN.

The next pension business was the bill (S. 1017) granting an increase of pension to Mary Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ryan, widow of James Ryan, late of Company H, Ninety-ninth Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADOLPHUS L. OXTON.

The next pension business was the bill (S. 1037) granting an increase of pension to Adolphus L. Oxton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus L. Oxton, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM LOUNSBERRY.

The next pension business was the bill (S. 1268) granting an increase of pension to William Lounsberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lounsberry, late of Company C, Sixty-seventh and Sixty-fifth Regiments New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY A. TILTON.

The next pension business was the bill (S. 1417) granting an increase of pension to Henry A. Tilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Tilton, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA Z. POTTER.

The next pension business was the bill (S. 1463) granting an increase of pension to Anna Z. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Z. Potter, widow of Joseph S. Potter, late of Company A, Thirteenth Regiment, and Company I, Fifty-sixth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHINEAS F. LULL.

The next pension business was the bill (S. 1518) granting an increase of pension to Phineas F. Lull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas F. Lull, late quartermaster-sergeant Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. BROWN.

The next pension business was the bill (S. 1536) granting an increase of pension to William H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brown, late of Company F, Fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LENA S. FENN.

The next pension business was the bill (S. 1736) granting a pension to Lena S. Fenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lena S. Fenn, widow of William R. Fenn, late of Cooley's battery, Illinois Volunteer Light Artillery (Chicago Mercantile Battery), and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL L. ANDREWS.

The next pension business was the bill (S. 1821) granting an increase of pension to Samuel L. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Andrews, late captain Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES PRETTYMAN.

The next pension business was the bill (S. 1840) granting an increase of pension to James Prettyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Prettyman, late of Company H, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN P. CAMPBELL, NO. 2.

The next pension business was the bill (S. 2089) granting an increase of pension to John P. Campbell, No. 2.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Campbell, No. 2, late of Company H, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE P. TROWBRIDGE.

The next pension business was the bill (S. 2183) granting an increase of pension to George P. Trowbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George P. Trowbridge, late of Company F, Twentieth Regiment Illinois Volunteer Infantry, and Company I, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CARRIE B. FINDLEY.

The next pension business was the bill (S. 2411) granting an increase of pension to Carrie B. Findley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie B. Findley, widow of Robert P. Findley, late captain Company K and lieutenant-colonel Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HERRICK HODGES.

The next pension business was the bill (S. 2421) granting an increase of pension to Herrick Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herrick Hodges, late of Company I, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER M. SCOTT.

The next pension business was the bill (S. 2459) granting an increase of pension to Alexander M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Scott, late first lieutenant Company B, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS WELCH.

The next pension business was the bill (S. 2526) granting an increase of pension to Thomas Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Welch, late of Company C, Fourteenth Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE B. HUNTER.

The next pension business was the bill (S. 2556) granting an increase of pension to George B. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Hunter, late of Campany A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES F. LONGFELLOW.

The next pension business was the bill (S. 2557) granting an increase of pension to Charles F. Longfellow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Longfellow, late of Company A, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. LANGFORD.

The next pension business was the bill (S. 2778) granting an increase of pension to John W. Langford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Langford, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RACHEL A. FOULK.

The next pension business was the bill (S. 2869) granting an increase of pension to Rachel A. Foulk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel A. Foulk, widow of Philip K. Foulk, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH BRUNELL, SR.

The next pension business was the bill (S. 2871) granting an increase of pension to Joseph Brunell, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brunell, sr., late of Company B, Hatche's Independent Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED T. HAWK.

The next pension business was the bill (S. 3184) granting an increase of pension to Alfred T. Hawk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred T. Hawk, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY M. HULL.

The next pension business was the bill (S. 3285) granting an increase of pension to Mary M. Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Hull, widow of Nelson B. Hull, late of Company K, Ninety-sixth Regiment Illinois Volunteer Infantry, and Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BERNHARD SCHAFFNER.

The next pension business was the bill (S. 3311) granting a pension to Bernhard Schaffner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernhard Schaffner, late of Company E, Gasconade County Battalion, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OLNEY P. B. WRIGHT.

The next pension business was the bill (S. 3321) granting an increase of pension to Olney P. B. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Olney P. B. Wright, late assistant surgeon, Fifty-second Regiment Wisconsin Volunteer Infantry and Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. VISSCHER.

The next pension business was the bill (S. 3508) granting a pension to Mary J. Visscher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary J. Visscher, widow of John Van Schaack Visscher, late of Company A, Twenty-fifth Regiment New York State Militia; Companies F and A, Forty-fourth Regiment New York Volunteer Infantry, and Company F, one hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM MAYER.

The next pension business was the bill (H. R. 484) granting a pension to William Mayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Mayer, late of Company H, Ninth Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "ten."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATILDA E. LAWTON.

The next pension business was the bill (H. R. 1440) to increase the pension of Matilda E. Lawton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Matilda E. Lawton, widow of the late Eldridge Lawton, late chief engineer, United States Navy, at the rate of $50 per month, the pension hereby granted to be in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 4 and 5 strike out "of the United States."
After "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."
In lines 5 and 6 strike out "the late."
In lines 7, 8, and 9 strike out "at the rate of $50 per month, the pension hereby granted to be in lieu of the pension she is now receiving."
In line 7, after "Navy," insert "and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Matilda E. Lawton."

EMMA C. ANDERSON.

The next pension business was the bill (H. R. 1977) granting a pension to Emma C. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma C. Anderson, widow of Carl A. Anderson, late of Company G, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain," and in the same line strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. PERKINS.

The next pension business was the bill (H. R. 2705) granting an increase of pension to H. W. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. W. Perkins, late of Captain Robert Bullock's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "H." where it appears in the title and the body of the bill to "Henry."
In line 6, after "Bullock's," insert "independent."
In line 7, after "Florida," insert "Mounted," and in the same line, after "Volunteers," insert "Florida and."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry W. Perkins."

JOHN C. KEENER.

The next pension business was the bill (H. R. 4219) granting an increase of pension to John C. Keener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Keener, late of Company D, First North Carolina Regiment of Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "First," insert "Regiment."
In line 7 strike out "Regiment of."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM O. GILLESPIE.

The next pension business was the bill (H. R. 5724) granting an increase of pension to William O. Gillespie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Gillespie, late of Company F, First North Carolina Regiment (Mexican war) Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving under certificate No. 7454.

The amendments recommended by the committee were read, as follows:

In line 6, after "First," insert "Regiment."
In line 7 strike out "Regiment (Mexican war)," and in the same line, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."
In line 9 strike out "under certificate No. 7454."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. HARRIS.

The next pension business was the bill (H. R. 5727) granting an increase of pension to William T. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Harris, late of Company D, First North Carolina Regiment (Mexican war) Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving under certificate No. 9804.

The amendments recommended by the committee were read, as follows:

In line 6, after "First" insert "Regiment."
In line 7 strike out "Regiment (Mexican war)." In same line, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."
In line 9 strike out "under certificate No. 9804."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY R. HILL.

The next pension business was the bill (H. R. 7981) granting a pension to Henry R. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Hill, late of Captain Lesley's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Florida," insert "Mounted."
In line 7, after "Volunteers," insert "and Captain Sparkman's independent company, Florida Mounted Volunteers, Florida and Seminole."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. SPANGLER.

The next pension business was the bill (H. R. 8218) granting an increase of pension to Mary C. Spangler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary C. Spangler, widow of A. L. Spangler, late of Company C, Fourth Regiment United States Army, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "A" and insert Adam."
In line 7 strike out "Army" and insert "Artillery."
In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IDA CARTY.

The next pension business was the bill (H. R. 9190) granting a pension to Ida Carty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Carty, widow of Thomas D. Carty, late of Company C, Sixth Regiment Missouri Volunteer Infantry, war with Spain, and pay her a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "seventeen" and insert "twelve."
Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Thomas D. Carty until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE R. MITCHELL.

The next pension business was the bill (H. R. 9216) granting an increase of pension to Catherine R. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine R. Mitchell, widow of Absolom R. Mitchell, late of Company K, Fifth Regiment Louisiana Militia Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Catherine," where is appears in the title and body of the bill, to "Catharine."
In line 8, before "and," insert "war with Mexico." In the same line strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catharine R. Mitchell."

GEORGE W. ROBINSON.

The next pension business was the bill (H. R. 9705) granting a pension to George W. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Robinson, late of Company E, Thirty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $13 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Spain" and strike out all in the bill after said "Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY EDNA CAMMERON.

The next pension business was the bill (H. R. 10920) granting a pension to Mary Edna Cammeron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Edna Cammeron, widow of Henry D. E. H. Cammeron, late of Company C, Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initials "D. E. H." and insert "De Haven."
In line 8 strike out the words "Company" and "Regiment." In the same line, after "late of," insert "Troop."
In line 8, after "Cavalry," insert "war with Spain." In the same line strike out "eight" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CHANDLER.

The next pension business was the bill (H. R. 11335) granting a pension to Thomas J. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Chandler, late of Company E, Sixth Regiment United States Infantry, Florida war, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "J." and after "Chandler" insert "alias Thomas Cooper."
In line 7, after "Florida," insert "Indian."
In line 8 strike out "thirty" and insert "sixteen," and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Chandler, alias Thomas Cooper."

WILLIAM R. GUION.

The next pension business was the bill (H. R. 12584) granting an increase of pension to William R. Guion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Guion, late of Captain Ramsey's company, First Regiment Ohio Volunteer Riflemen, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT R. WILSON.

The next pension business was the bill (H. R. 13005) granting an increase of pension to Robert R. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert R. Wilson, late of Company E, Easton's battery, Missouri Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "battery" and insert "battalion."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAGGIE D. RUSS.

The next pension business was the bill (H. R. 13035) granting an increase of pension to Maggie D. Russ.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie D. Russ, widow of Charles P. Russ, late first lieutenant, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "thirty" and insert "twenty-five."
Add to the end of the bill the words "and $2 per month additional on account of the minor child of said Charles P. Russ until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REBECCA RAMSEY.

The next pension business was the bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Ramsey, widow of Thomas J. Ramsey, late of Company B, —— Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Regiment" and "Infantry," and in the same line, after "Company B," insert "Crowzon's battalion." In the same line, after "Volunteer," insert "Riflemen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORREN R. SMITH.

The next pension business was the bill (H. R. 13081) granting an increase of pension to Orren R. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orren R. Smith, late of Company H, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company H." In the same line, after "late of," insert "Capt. G. E. B. Singeltary's company."

In line 7, after "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HERBERT WILLIAMS.

The next pension business was the bill (H. R. 13082) granting an increase of pension to Herbert Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herbert Williams, late of Company ——, Twelfth Regiment —— Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Company ——" and insert, after the word "late," "unassigned recruit."

In line 7 strike out "—— Volunteer." In the same line, before the word "Infantry," insert "United States."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORDICAI B. BARBEE.

The next pension business was the bill (H. R. 13083) granting an increase of pension to Mordicai B. Borbee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mordicai B. Borbee, late of Company D, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Change "Borbee" where it appears in the title and the body of the bill to "Barbee."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EADA LOWRY.

The next pension business was the bill (H. R. 13138) granting an increase of pension to Eada Lowry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eada Lowry, widow of William T. Lowry, late of Company D, Calhoun's mounted battalion, Georgia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty four" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHRISTOPHER C. HARLAN.

The next pension business was the bill (H. R. 13151) granting a pension to Christopher C. Harlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Harlan, late of Company E, Second Regiment Mississippi Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH WEBB.

The next pension business was the bill (H. R. 13230) granting an increase of pension to Elizabeth Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Webb, widow of Bennett Webb, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE H. BISHOP.

The next pension business was the bill (H. R. 1505) for the relief of Theodore H. Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of disobedience to orders and absence without leave now standing against the record of Theodore H. Bishop, late of the United States Navy, and issue to him an honorable discharge.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GATSEY MATTUCKS.

The next pension business was the bill (H. R. 13231) granting an increase of pension to Gatsy Mattucks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gatsy Mattucks, widow of William R. Mattucks, late of Company E, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In the title and body of the bill change the Christian name "Gatsy" to "Gatsey."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M'KEE.

The next pension business was the bill (H. R. 13310) granting an increase of pension to James McKee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McKee, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WILKINSON.

The next pension business was the bill (H. R. 13311) granting an increase of pension to John Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wilkinson, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA E. CHAMBERS.

The next pension business was the bill (H. R. 13505) granting an increase of pension to Martha E. Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Chambers, widow of Alexander Chambers, late of Captain Bullard's company, Louisville Legion, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Captain Bullard's company, Louisville Legion;" and in the same line, after "of," insert "Company K, First Regiment Kentucky Foot Volunteers."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE D. SCUDDER.

The next pension business was the bill (H. R. 13712) granting an increase of pension to Caroline Scudder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Scudder, widow of James I. Scudder, late first lieutenant Company K, First Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "James I." to "James L."

In line 9 strike out "forty" and insert "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HUGH G. WILSON.

The next pension business was the bill (H. R. 13891) granting an increase of pension to Hugh G. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh G. Wilson, late of Company A, Lieutenant Colonel Gray's battalion, Arkansas Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "Lieutenant-Colonel."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. STALCUP.

The next pension business was the bill (H. R. 13976) granting an increase of pension to John R. Stalcup.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Stallcup, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Stallcup" where it appears in the title and the body of the bill to "Stalcup."

In line 6, after "late of," insert "Captain Murray's;" in the same line strike out "B, Second;" and after "company," in the same line, insert "Haskell's."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT HENDERSON GRIFFIN.

The next pension business was the bill (H. R. 14425) granting an increase of pension to Robert Henderson Griffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Henderson Griffin, late of Company A, First Regiment Mississippi Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS S. MENEFEE.

The next pension business was the bill (H. R. 14426) granting an increase of pension to Thomas S. Menefee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Menefee, late of Company C, Colonel Hayes's Texas Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Colonel Hayes's."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA G. ARCHER.

The next pension business was the bill (S. 4029) granting an increase of pension to Martha G. Archer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Archer, widow of Fletcher H. Archer, late captain Company E, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANTHONY W. PRESLEY.

The next pension business was the bill (S. 3537) granting an increase of pension to Anthony W. Presley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony W. Presley, late of Captain C. Bennett's company F, First Regiment Oregon Mounted Volunteers, and first lieutenant Captain B. Miller's company J, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MATTHEW D. RAKER, JR.

The next pension business was the bill (S. 3291) granting an increase of pension to Matthew D. Raker, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew D. Raker, jr., late of Captains Burney and Mews's companies Florida Militia, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CLARA T. LEATHERS.

The next pension business was the bill (S. 2377) granting a pension to Clara T. Leathers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara T. Leathers, widow of Alexander T. Leathers, late of Company C, Fourth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH B. PAPY.

The next pension business was the bill (S. 1744) granting an increase of pension to Joseph B. Papy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Papy, late of Captain Mickler's company, Florida Volunteer Mounted Infantry, Seminole Indian war, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM O. COLSON.

The next pension business was the bill (S. 1731) granting an increase of pension to William O. Colson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William O. Colson, late of Capt. A. D. Johnston's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMOS HART.

The next pension business was the bill (H. R. 14389) granting an increase of pension to Amos Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Hart, late of Company F, Fifth Regiment Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "United States."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL PENCE.

The next pension business was the bill (H. R. 14086) granting a pension to Daniel Pence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Pence, late of Company, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Pence."

WILLIAM H. UHLER.

The next pension business was the bill (H. R. 7827) granting an increase of pension to William H. Uhler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Uhler, late of Company G, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RAY E. KLINE.

The next pension business was the bill (H. R. 7839) granting a pension to Ray E. Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ray E. Kline, widow of Daniel L. Kline, late of Company F, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "brigade band."

In line 7 strike out the words "F, Sixty-third Regiment Ohio Volunteer Infantry" and insert in lieu thereof the words "First Brigade, First Division, Sixteenth Army Corps."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. EDMUNDSON.

The next pension business was the bill (H. R. 9447) granting an increase of pension to John L. Edmondson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Edmondson, late of Company E, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Edmondson" and insert in lieu thereof the word "Edmundson."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John L. Edmundson."

ISAIAH COLLINS.

The next pension business was the bill (H. R. 7412) granting an increase of pension to Isaiah L. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah L. Collins, late of Company E, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaiah Collins."

ROBERT AUCOCK.

The next pension business was the bill (H. R. 8275) granting an increase of pension to Robert Aucock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Aucock, late of Company F, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, before the word "Seventy-seventh," insert the words "and E."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC L. RERICK.

The next pension business was the bill (H. R. 9127) granting an increase of pension to Isaac L. Rerick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac L. Rerick, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. FOSTER.

The next pension business was the bill (H. R. 7631) granting an increase of pension to Joseph W. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Foster, late captain of Company K, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "captain," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDGAR W. CALHOUN.

The next pension business was the bill (H. R. 10322) granting an increase of pension to Edgar W. Calhoun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar W. Calhoun, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN G. SMITH.

The next pension business was the bill (H. R. 10271) granting an increase of pension to Stephen G. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen G. Smith, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK N. GRAY.

The next pension business was the bill (H. R. 8739) granting an increase of pension to Frank N. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank N. Gray, late of Company D, Fifty-ninth Regiment United States Colored Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH D. TATE.

The next pension business was the bill (H. R. 7615) granting an increase of pension to Joseph D. Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Tate, late of Company C, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID A. KIRK.

The next pension business was the bill (H. R. 9617) granting an increase of pension to David A. Kirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Kirk, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, and Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "Company E, Tenth Regiment Kentucky Volunteer Cavalry, and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. BARNES.

The next pension business was the bill (H. R. 10217) granting an increase of pension to William A. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Barnes, late of Company C, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company C, One hundred and eighth Regiment New York Volunteer Infantry" and insert in lieu thereof the words "first lieutenant, Company D, Twenty-fourth Regiment United States Colored Volunteer Infantry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS G. COVELL.

The next pension business was the bill (H. R. 7815) granting an increase of pension to Thomas G. Covell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Covell, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ALLISON.

The next pension business was the bill (H. R. 7547) granting an increase of pension to George W. Allison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Allison, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES HINES.

The next pension business was the bill (H. R. 8917) granting an increase of pension to James Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hines, late master at arms of United States steamer Norwich, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of United States steamer" and insert in lieu thereof the letters "U. S. S."

In line 7, after the word "Norwich," insert the words "and North Carolina, United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH GIRDLER.

The next pension business was the bill (H. R. 7585) granting an increase of pension to Joseph Girdler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. GILBERT.

The next pension business was the bill (H. R. 6490) granting an increase of pension to William H. Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gilbert, late of Company H, First Regiment United States Veteran Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Engineers," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY RITTENHOUSE.

The next pension business was the bill (H. R. 6158) granting an increase of pension to Henry Rittenhouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Rittenhouse, late of Company G, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM V. VAN OSTERN.

The next pension business was the bill (H. R. 6401) granting a pension to William V. Van Ostern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Van Ostern, late second lieutenant of Company K, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "lieutenant," strike out the word "of."

In same line strike out the word "Company" an insert in lieu thereof the words "Companies B and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William V. Van Ostern."

JOHN W. HATFIELD.

The next pension business was the bill (H. R. 4809) granting an increase of pension to John W. Hatfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hatfield, late of Company K, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DOMINICK ARNOLD.

The next pension business was the bill (H. R. 4989) granting an increase of pension to Dominick Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dominick Arnold, late of Company A, Third Regiment Maryland Potomac Home Brigade Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Maryland."

In the same line, before the word "Volunteer," insert the word "Maryland."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVA L. MARTIN.

The next pension business was the bill (H. R. 3806) granting an increase of pension to Eva L. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva L. Martin, widow of Solomon P. Martin, late of Company A, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ena" and insert in lieu thereof the word "Eva."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Eva L. Martin."

SEYMOUR COLE.

The next pension business was the bill (H. R. 6988) granting an increase of pension to Seymour Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seymour Cole, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL WARD.

The next pension business was the bill (H. R. 6395) granting an increase of pension to Daniel Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Ward, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company D, First Regiment West Virginia Veteran Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was orderd to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDGAR SCHROEDERS.

The next pension business was the bill (H. R. 5616) granting an increase of pension to Edgar Schroeders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar Schroeders, late private Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. SMITH.

The next pension business was the bill (H. R. 2150) granting an increase of pension to William E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William E. Smith, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SEWALL A. EDWARDS.

The next pension business was the bill (H. R. 2088) granting an increase of pension to Sewal A. Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sewal A. Edwards, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sewal" and insert in lieu thereof the word "Sewall."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sewall A. Edwards."

ALPHONSO H. HARVEY.

The next pension business was the bill (H. R. 1058) granting an increase of pension to Alphonso H. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso H. Harvey, late of Company A, Second Wisconsin Infantry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."

In line 7, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "Volunteers."

In same line, before the word "and," insert the words "and Company F, First Regiment Minnesota Veteran Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SYDNEY A. ASSON.

The next pension business was the bill (H. R. 2080) granting an increase of pension to Sydney A. Asson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sydney A. Asson, widow of William T. Asson, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA C. WOOD.

The next pension business was the bill (H. R. 2151) granting an increase of pension to Lydia A. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Wood, widow of Gustavus A. Wood, late colonel Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Lydia," strike out the letter "A" and insert in lieu thereof the letter "C."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lydia C. Wood."

JEREMIAH CALLAHAN.

The next pension business was the bill (H. R. 3284) granting an increase of pension to Jeremiah Callahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Callahan, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MERIDETH.

The next pension business was the bill (H. R. 2736) granting a pension to William Merideth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Merideth, late of Company M, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN H. DECKER.

The next pension business was the bill (H. R. 3384) granting a pension to Benjamin H. Decker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Decker, late of Company M, Fifteenth New York Volunteer Engineers, and pay him a pension at the rate of $6 per month, or such higher rate of pension as he may hereafter show himself to be entitled to, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment recommended by the committee was read, as follows:

Insert, after the word "Fifteenth," in line 6, the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN FRENCH.

The next pension business was the bill (H. R. 10723) granting an increase of pension to Benjamin French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin French, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM GAYNOR.

The next pension business was the bill (H. R. 13136) granting an increase of pension to William Gaynor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Gaynor, late of United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "United States," insert the words "U. S. S. Massachusetts."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUST FRAHM.

The next pension business was the bill (H. R. 13587) granting an increase of pension to August Frahm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of August Frahm, late of Company D, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "thirty" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOLOMON R. TRUEBLOOD.

The next pension business was the bill (H. R. 11886) granting an increase of pension to Solomon R. Trueblood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon R. Trueblood, late of Company F, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. BUCHANAN.

The next pension business was the bill (H. R. 13502) granting an increase of pension to John N. Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Buchanan, formerly of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, later of Company B, Mississippi Marine Cavalry Brigade, later second lieutenant Fourth Regiment Arkansas Volunteer Infantry, known afterwards as Fifty-seventh Regiment United States Colored Troops, later first sergeant and second lieutenant Company G, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "formerly of Company C, Forty-fourth," and all of lines 7, 8, 9, and 10.

In line 11 strike out the words "Troops, later first sergeant and" and insert in lieu thereof the word "late."

In line 13 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC DEEMS.

The next pension business was the bill (H. R. 10897) granting an increase of pension to Isaac Deems.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Deems, late of Company H, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARNES B. SMITH.

The next pension business was the bill (H. R. 11259) granting an increase of pension to Barnes B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barnes B. Smith, late of Company I, Eleventh Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA A. FIEDLER.

The next pension business was the bill (H. R. 12403) granting a pension to Lydia A. Fiedler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Fiedler, widow of Charles F. Fiedler, late of Company H, Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "and," insert the words "and unassigned, One hundred and ninetieth Regiment, New York Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES HUTCHINSON.

The next pension business was the bill (H. R. 12396) granting an increase of pension to James Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hutchinson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEREMIAH KINCAID.

The next pension business was the bill (H. R. 12565) granting an increase of pension to Jeremiah Kincaid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Kincaid, late of Company H, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT M. YOUNG.

The next pension business was the bill (H. R. 11849) granting a pension to Robert M. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert M. Young, late of Company B, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert M. Young."

HOMER F. HERRIMAN.

The next pension business was the bill (H. R. 13627) granting an increase of pension to Homer F. Herriman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Homer F. Herriman, late of Company G, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias George F. Wilson."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an in-

crease of pension to Homer F. Herriman, alias George F. Wilson."

WILLIAM STRASBURG.

The next pension business was the bill (H. R. 13238) granting an increase of pension to William Strasburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Strasburg, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read a third time, and passed.

GEORGE W. REED.

The next pension business was the bill (H. R. 11408) granting an increase of pension to George W. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Reed, late of Company C, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and Company I, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "Company C, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read a third time, and passed.

WILLIAM H. JOSLYN.

The next pension business was the bill (H. R. 11196) granting an increase of pension to William H. Joslyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Joslyn, late of Company H, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company K, Thirteenth Regiment New York Volunteer Infantry, and first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read a third time, and passed.

DANIEL BLOOMER.

The next pension business was the bill (H. R. 12825) granting an increase of pension to Daniel Bloomer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Bloomer, late of Company F, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company H, Seventy-first Regiment, and."

In same line strike out the word "Twelfth" and insert in lieu thereof the words "One hundred and twentieth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORLANDO W. FRAZIER.

The next pension business was the bill (H. R. 14768) granting a pension to Orlando W. Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando W. Frazier, dependent son of Orlando W. Frazier, late captain Company C, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

In line 7 strike out the letter "C" and insert in lieu thereof the letter "G."

In same line strike out the word "Fifty-ninth," and insert in lieu thereof the words "One hundred and forty-fourth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. DRAKE.

The next pension business was the bill (H. R. 14698) granting an increase of pension to William F. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Drake, late of Company K, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company B, Fifth Regiment Veteran Reserve Corps."

In line 8, strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA BROOKS.

The next pension business was the bill (H. R. 14287) granting an increase of pension to Martha Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Brooks, widow of William H. Brooks, late of Second Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Second," insert the words "Troop H."

In line 8, strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI BRAINARD.

The next pension business was the bill (H. R. 8208) granting an increase of pension to Eli Brainard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Brainard, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. SCOTT.

The next pension business was the bill (H. R. 14277) granting an increase of pension to G. S. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. S. Scott, late of Company M, Third Regiment, and Company C, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the word "George."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George S. Scott."

MARTIN HARTER.

The next pension business was the bill (H. R. 14089) granting an increase of pension to Martin Harter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Carter, late of Company G, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SANDERS.

The next pension business was the bill (H. R. 14076) granting an increase of pension to William Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sanders, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS B. MOUSER.

The next pension business was the bill (H. R. 13959) granting an increase of pension to Thomas B. Mouser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Mouser, late of Company D, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANTHONY SHERLOCK.

The next pension business was the bill (H. R. 2763) granting an increase of pension to Anthony Sherlock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony Sherlock, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS LOWRY.

The next pension business was the bill (H. R. 1566) granting an increase of pension to Thomas Lowry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Lowry, late of Company D, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK M'DERMOTT.

The next pension business was the bill (H. R. 11804) granting an increase of pension to Patrick McDermott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick McDermott, late of Company D, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M. HALL.

The next pension business was the bill (S. 8) granting an increase of pension to William M. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Hall, late of Company K, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CURTIS B. M'INTOSH.

The next pension business was the bill (S. 124) granting an increase of pension to Curtis B. McIntosh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Curtis B. McIntosh, late of Company I, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN E. HADSALL.

The next pension business was the bill (S. 125) granting an increase of pension to John E. Hadsall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Hadsall, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. MARSH.

The next pension business was the bill (S. 176) granting an increase of pension to Benjamin F. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Marsh, late of Company B, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE P. HOWE.

The next pension business was the bill (S. 186) granting an increase of pension to George P. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George P. Howe, late of Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYMAN E. FARRAND.

The next pension business was the bill (S. 201) granting an increase of pension to Lyman E. Farrand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman E. Farrand, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARION F. HOWE.

The next pension business was the bill (S. 207) granting an increase of pension to Marion F. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion F. Howe, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS M. MUNSON.

The next pension business was the bill (S. 533) granting an increase of pension to Francis M. Munson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Francis M. Munson, late of Company D, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH S. LAW.

The next pension business was the bill (S. 620) granting an increase of pension to Elizabeth S. Law.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth S. Law, widow of Thomas W. Law, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HUGH P. BUFFON.

The next pension business was the bill (S. 640) granting an increase of pension to Hugh P. Buffon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh P. Buffon, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES H. TUCK.

The next pension business was the bill (S. 717) granting an increase of pension to Charles H. Tuck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Tuck, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. WOLF.

The next pension business was the bill (S. 789) granting an increase of pension to Mary E. Wolf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Wolf, widow of Henry Wolf, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES LANDER.

The next pension business was the bill (S. 853) granting an increase of pension to Charles Lander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Lander, late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM W. BENEDICT.

The next pension business was the bill (H. R. 984) granting an increase of pension to William W. Benedict.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Benedict, late of Company A, First Regiment Dakota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT E. LYON.

The next pension business was the bill (S. 992) granting an increase of pension to Albert E. Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert E. Lyon, late of Company H, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS W. USHER.

The next pension business was the bill (S. 1298) granting an increase of pension to Francis W. Usher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis W. Usher, late first lieutenant Company B, Thirty-fourth Regiment New York Volunteer Infantry, and landsman, U. S. steamships Ohio and Connecticut, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIDNEY G. SMITH.

The next pension business was the bill (S. 1414) granting an increase of pension to Sidney G. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney G. Smith, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. WILLARD.

The next pension business was the bill (S. 1433) granting an increase of pension to Joseph W. Willard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Willard, late of Company E, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK FALLIHEE.

The next pension business was the bill (S. 1465) granting an increase of pension to Patrick Fallihee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Fallihee, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

INDIANA A. PAUL.

The next pension business was the bill (S. 1538) granting an increase of pension to Indiana A. Paul.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Indiana A. Paul, widow of Edward A. Paul, late captain Company E, First Regiment Massachusetts Volunteers, war with Mexico, and captain and volunteer aid-de-camp on staff of General Kilpatrick, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M'NABB.

The next pension business was the bill (S. 1670) granting an increase of pension to William McNabb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McNabb, late of Company K, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WALDO W. PAINE.

The next pension business was the bill (S. 1753) granting an increase of pension to Waldo W. Paine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Waldo W. Paine, late captain Company K, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT K. SMITH.

The next pension business was the bill (S. 1798) granting an increase of pension to Robert K. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert L. Smith, late of Company A, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES G. DOANE.

The next pension business was the bill (S. 1835) granting an increase of pension to James G. Doane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Doane, late of Company A, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY LOGAN.

The next pension business was the bill (S. 1799) granting an increase of pension to Henry Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Logan, late captain Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NELLIE RAYMOND.

The next pension business was the bill (S. 1883) granting an increase of pension to Nellie Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Raymond, widow of Henry S. Raymond, late captain Company F, and lieutenant-colonel Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. CAMPBELL.

The next pension business was the bill (S. 2257) granting an increase of pension to Mary J. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Campbell, widow of Michael J. Campbell, late of Company G, Twenty-eighth Regiment, and Company K, Thirteenth Regiment, Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIDNEY F. MULLIN.

The next pension business was the bill (S. 2327) granting an increase of pension to Sidney F. Mullin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney F. Mullin, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN FRANKLIN BIGELOW.

The next pension business was the bill (S. 2328) granting an increase of pension to Benjamin Franklin Bigelow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Franklin Bigelow, late of Company G, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KNUTE TORGESON.

The next pension business was the bill (S. 2329) granting an increase of pension to Knute Torgeson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Knute Torgeson, late of Second Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN S. LARNED.

The next pension business was the bill (S. 2337) granting an increase of pension to Ellen S. Larned.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen S. Larned, widow of Sylvester Larned, late lieutenant-colonel Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN P. WINGET.

The next pension business was the bill (S. 2405) granting an increase of pension to John P. Winget.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Winget, late first lieutenant Company K, Thirty-fourth Regiment Ohio Volunteer Infantry, and late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CUTLER A. CHAMBERLIN.

The next pension business was the bill (S. 2482) granting an increase of pension to Cutler A. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cutler A. Chamberlin, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. DIGHTMAN.

The next pension business was the bill (S. 2702) granting an increase of pension to George W. Dightman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Dightman, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT S. MOORE.

The next pension business was the bill (S. 2752) granting an increase of pension to Robert S. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Moore, late colonel Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES BUGGIE.

The next pension business was the bill (S. 2797) granting an increase of pension to James Buggie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hegeby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Buggie, late of Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY L. MILLER.

The next pension business was the bill (S. 2975) granting a pension to Mary L. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Miller, widow of Abram O. Miller, late colonel Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY DRISCOLL.

The next pension business was the bill (S. 3120) granting an increase of pension to Mary Driscoll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Driscoll, widow of Daniel Driscoll, late of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Daniel Driscoll until she reaches the age of 16 years: *Provided*, That in the event of the death of Ellen Driscoll, helpless and dependent child of said Daniel Driscoll, the additional pension herein granted shall cease and determine.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH SMITH.

The next pension business was the bill (S. 3039) granting an increase of pension to Joseph Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Smith, late captain Company A, Fifth Regiment California Volunteer Infantry, and major First Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. ALBAN.

The next pension business was the bill (S. 3123) granting an increase of pension to William H. Alban.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Alban, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STEPHEN B. TARLTON.

The next pension business was the bill (S. 3126) granting an increase of pension to Stephen B. Tarlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen B. Tarlton, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN T. JONES.

The next pension business was the bill (S. 3240) granting an increase of pension to John T. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Jones, late of Company H, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. BABER.

The next pension business was the bill (S. 3309) granting an increase of pension to John C. Baber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Baber, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE W. ELLIOTT.

The next pension business was the bill (S. 3462) granting an increase of pension to Jesse W. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse W. Elliott, late of Company M, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC VAN VOLKENBURGH.

The next pension business was the bill (S. 3507) granting an increase of pension to Isaac Van Volkenburgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Van Volkenburgh, late of Company E, Thirteenth Regiment, and Company K, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZA ORR.

The next pension business was the bill (S. 3587) granting a pension to Eliza Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Orr, widow of David Orr, late of Company I, Forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ida Orr, helpless and dependent child of said David Orr, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza Orr, the name of the said Ida Orr shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza Orr.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT SMITH.

The next pension business was the bill (S. 3605) granting an increase of pension to Albert Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Smith, late of United States ship Lodona, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTIN L. BARBER.

The next pension business was the bill (S. 3630) granting an increase of pension to Martin L. Barber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Barber, late of Company H, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SETH RAYMOND.

The next pension business was the bill (S. 3643) granting an increase of pension to Seth Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth Raymond, late first lieutenant Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA J. BRISCO.

The next pension business was the bill (S. 3667) granting an increase of pension to Martha J. Brisco.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Brisco, widow of John A. Brisco, late boatswain, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REUBEN I. TURCKHEIM.

The next pension business was the bill (H. R. 12229) granting an increase of pension to Isaac Turckheim.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Isaac Turckheim, also known as Joseph Adler, late of Company H,

Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Isaac" and insert in lieu thereof the letter "I."

In same line strike out the words "also known as" and insert in lieu thereof the word "alias."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Reuben I. Turckheim, alias Joseph Adler."

ABRAHAM M. KAUFMAN.

The next pension business was the bill (H. R. 1137) granting an increase of pension to Abraham M. Kauffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham M. Kauffman, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kauffman" and insert in lieu thereof the word "Kaufman."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Abraham M. Kaufman."

WILLIAM H. BANTOM.

The next pension business was the bill (H. R. 485) granting an increase of pension to William H. Bantom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Bantom, late private, Company E, Eighty-second Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month from and after the passage of this act. He is now on pension roll at $12 per month, invalid certificate No. 120288, additional act, June 27, 1890.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7, before the word "Pennsylvania," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line strike out the words "from and after" and all of lines 9, 10, 11, and 12 and insert in lieu thereof the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN SNOUSE.

The next pension business was the bill (H. R. 3418) granting an increase of pension to John Snouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Snouse, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT M'ANALLY.

The next pension business was the bill (H. R. 2264) granting an increase of pension to Robert McAnally.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert McAnally, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN MONROE.

The next pension business was the bill (H. R. 1958) granting an increase of pension to John Monroe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Monroe, late of Company F, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN D. WEATHERMAN.

The next pension business was the bill (H. R. 11927) granting an increase of pension to Calvin D. Weatherman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin D. Weatherman, late of Company F, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. VANCE.

The next pension business was the bill (H. R. 11052) granting an increase of pension to John P. Vance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Vance, late of Company C, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company C" and insert in lieu thereof the words "commissary sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODOR SCHRAMM.

The next pension business was the bill (H. R. 12834) granting an increase of pension to Theodore Schramm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Schramm, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Theodore" and insert in lieu thereof the word "Theodor."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Theodor Schramm."

WILLIAM HARDY.

The next pension business was the bill (H. R. 12363) granting an increase of pension to William Hardy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William

Hardy, late of Company I, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Missouri," insert the words "State Militia."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATT FITZPATRICK.

The next pension business was the bill (H. R. 11687) granting an increase of pension to Matt Fitzpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matt Fitzpatrick, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA B. WILSON.

The next pension business was the bill (H. R. 6921) granting a pension to Eliza B. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza B. Wilson, widow of William N. Wilson, late of Company H, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WINNIE C. PITTENGER.

The next pension business was the bill (H. R. 5933) granting an increase of pension to Mrs. W. C. Pittinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. W. C. Pittinger, widow of William Pittinger, late of Company G, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. W." and insert in lieu thereof the word "Winnie."

In same line strike out the word "Pittinger" and insert in lieu thereof the word "Pittenger."

In same line, after the word "William," strike out the word "Pittinger" and insert in lieu thereof the word "Pittenger."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Winnie C. Pittenger."

LEVI PICK.

The next pension business was the bill (H. R. 3553) granting an increase of pension to Levi Pick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Pick, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASA TOUT.

The next pension business was the bill (H. R. 5026) granting an increase of pension to Asa Tout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa Tout, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WHITE.

The next pension business was the bill (H. R. 3811) granting an increase of pension to James White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James White, late of Company H, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET E. GROGAN.

The next pension business was the bill (H. R. 1911) granting a pension to Harriet E. Grogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet E. Grogan, formerly Preston, late a nurse, in the United States Army, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "a."

In same line strike out the words "in the" and insert in lieu thereof the words "Medical Department."

In line 7 strike out the word "Army" and insert in lieu thereof the word "Volunteers."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet E. Grogan, formerly Preston."

SLATER D. LEWIS.

The next pension business was the bill (H. R. 7229) granting an increase of pension to Slater D. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Slater D. Lewis, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY CONE.

The next pension business was the bill (H. R. 5614) granting an increase of pension to Henry Coue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

Cone, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Coue" and insert in lieu thereof the word "Cone."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Cone."

HUGH GREEN.

The next pension business was the bill (H. R. 5434) granting an increase of pension to Hugh Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Green, late of Company C, Fourth Regiment United States Private Troop Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Troop."

In line 7 strike out the words "Private Troop."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT G. CLUCK.

The next pension business was the bill (H. R. 5564) granting an increase of pension to Albert G. Cluck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert G. Cluck, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM K. KEECH.

The next pension business was the bill (H. R. 1071) granting an increase of pension to William K. Keech.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William K. Keech, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "Captain Myers' independent company, Pennsylvania Emergency Militia Cavalry, and unassigned, Eighteenth Regiment Pennsylvania Volunteer Cavalry."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL P. BIGGER.

The next pension business was the bill (H. R. 1205) granting a pension to Samuel P. Bigger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Bigger, late of Company I, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel P. Bigger."

JAMES B. WILKINS.

The next pension business was the bill (H. R. 3557) granting an increase of pension to James B. Wilkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Wilkins, late of Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES O. TOBEY.

The next pension business was the bill (H. R. 3685) granting an increase of pension to James O. Tobey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James O. Tobey, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE M. DURNEY.

The next pension business was the bill (H. R. 4257) granting a pension to Alice M. Durney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice M. Durney, widow of Francis Durney, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alice M. Durney."

JOHN M'KEEVER.

The next pension business was the bill (H. R. 3981) granting an increase of pension to John McKeever.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McKeever, late of Company A, First Regiment Colorado Mounted Volunteer Infantry, and Company I, Second Colorado Cavalry Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Mounted."

In line 8, before the word "Colorado," insert the word "Regiment."

In same line strike out the word "Cavalry."

In same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. C. MACFARLANE.

The next pension business was the bill (H. R. 4823) granting an increase of pension to John G. McFarlane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. McFarlane, late lieutenant-colonel Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "McFarlane" and insert in lieu thereof the words "C. Macfarlane."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John G. C. Macfarlane."

JOSEPH E. MILLER.

The next pension business was the bill (H. R. 3698) granting an increase of pension to Joseph E. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Miller, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRED DILG.

The next pension business was the bill (H. R. 2244) granting an increase of pension to Fred Dilg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fred Dilg, late of Companies D, E, and B, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies D, E, and" and insert in lieu thereof the words "first lieutenant, Company."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SANFORD C. H. SMITH.

The next pension business was the bill (H. R. 1997) granting an increase of pension to S. C. H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. C. H. Smith, late of Company H, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Sanford."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sanford C. H. Smith."

JACOB M'GAUGHEY.

The next pension business was the bill (H. R. 3452) granting an increase of pension to Jacob McGaughey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob McGaughey, late of Company B, Seventy-eighth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "B, Seventy-eighth" and insert in lieu thereof the words "I, One hundred and forty-ninth."

In line 7, before the word "Indiana," insert the words "and Company I, One hundred and fifteenth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS W. SALLADE.

The next pension business was the bill (H. R. 3435) granting an increase of pension to Thomas W. Sallade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Sallade, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Reserve."

In same line, after the word "Infantry," insert the words "and Company I, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BEDIENT.

The next pension business was the bill (H. R. 1685) granting an increase of pension to George W. Bedient.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Bedient, late of Company G, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Thirty-fifth" and insert in lieu thereof the word "Thirty-third."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH E. SCOTT.

The next pension business was the bill (H. R. 550) granting an increase of pension to Joseph E. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Scott, late of Company K, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AGNES FLYNN.

The next pension business was the bill (H. R. 2749) granting an increase of pension to Agnes Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Flynn, widow of Patrick Flynn, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "and," insert the words "and One hundred and thirty-first Company, Second Battalion, Veteran Reserve Corps."

In same line strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BYARD H. CHURCH.

The next pension business was the bill (H. R. 11689) granting an increase of pension to Byard H. Church.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byard H. Church, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE T. HILL.

The next pension business was the bill (H. R. 12292) granting an increase of pension to George T. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George T. Hill, late of Companies B, H, and K, Second Regiment United States Cavalry, and ordnance-sergeant, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies B, H, and K" and insert in lieu thereof the words "Troop H."

In lines 7 and 8 strike out the words "and ordnance-sergeant, United States Army."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLINTON A. CHAPMAN.

The next pension business was the bill (H. R. 11557) granting an increase of pension to Clinton A. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clinton A. Chapman, late of Company D, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Massachusetts," insert the words "and Company E, Twentieth Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. BENNETT.

The next pension business was the bill (H. R. 13028) granting an increase of pension to Sarah E. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Bennett, widow of Augustus G. Bennett, late lieutenant-colonel Twenty-first Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sarah" and insert in lieu thereof the word "Mary."

In line 8, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Bennett."

NATHANIEL W. PLYMATE.

The next pension business was the bill (H. R. 12755) granting an increase of pension to N. W. Plymate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of N. W. Plymate, late of Company K, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "N." and insert in lieu thereof the word "Nathaniel."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nathaniel W. Plymate."

MARQUIS D. L. STALEY.

The next pension business was the bill (H. R. 11516) granting an increase of pension to Marquis D. L. Staley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marquis D. L. Staley, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT B. MALONE.

The next pension business was the bill (H. R. 12897) granting an increase of pension to Robert B. Malone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert B. Malone, late of Company L, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Tennessee," insert the word "East."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. BOOKMAN.

The next pension business was the bill (H. R. 13417) granting an increase of pension to John W. Bookman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Bookman, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA A. BUNKER.

The next pension business was the bill (H. R. 14888) granting an increase of pension to Eliza A. Bunker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Bunker, widow of Samuel Bunker, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John S. Bunker, helpless and dependent child of said Samuel Bunker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza A. Bunker the name of said John S. Bunker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza A. Bunker.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. BURKS.

The next pension business was the bill (H. R. 14748) granting an increase of pension to William F. Burks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Burks, late of Company H, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HANNAH A. PRESTON.

The next pension business was the bill (H. R. 14719) granting an increase of pension to Hannah A. Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Preston, widow of Joel W. Preston and Eugene F. Norwood, late of Company B, Eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."
In same line strike out the words "Joel W. Preston and."
In line 7 strike out the letter "B" and insert in lieu thereof the letter "D."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MORROW.

The next pension business was the bill (H. R. 14358) granting an increase of pension to William H. Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morrow, late of Company A, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEMUEL O. GILMAN.

The next pension business was the bill (H. R. 14367) granting an increase of pension to Lemuel O. Gilman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel O. Gilman, late lieutenant-colonel, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant-colonel," insert the words "captain Company B, and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TROY MOORE.

The next pension business was the bill (H. R. 2245) granting an increase of pension to Troy Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Troy Moore, late captain Company E, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant Company C, Thirty-second Regiment and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. CHESEBRO.

The next pension business was the bill (H. R. 14077) granting an increase of pension to George W. Chesebro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Chesebro, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS A. BARKIS.

The next pension business was the bill (H. R. 13994) granting an increase of pension to Francis A. Barkis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Barkis, late of Company C, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK S. PETTINGILL.

The next pension business was the bill (H. R. 13826) granting an increase of pension to Frank S. Pettingill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank S. Pettingill, late of Company B, One hundred and twenty-six Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH H. HIRST.

The next pension business was the bill (H. R. 9860) granting an increase of pension to Joseph H. Hirst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Hirst, late of Company D, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE E. BRAGG.

The next pension business was the bill (H. R. 9288) granting an increase of pension to Catharine Braggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Braggs, widow of Frederick A. Braggs, late major, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Catherine E. Bragg, widow of Frederick A. Bragg, late captain Company A, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as read: "A bill granting an increase of pension to Catherine E. Bragg."

KATE H. KAVANAUGH.

The next pension business was the bill (H. R. 9235) granting an increase of pension to Kate H. Kavanaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Kate H. Kavanaugh, widow of Delaney Kavanaugh, late of Company A, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "captain."
In line 7 strike out the word "of."
In same line, before the word "Sixth," insert the words "and major."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM WINN.

The next pension business was the bill (H. R. 9087) granting an increase of pension to William Winn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Winn, late of Company I, First Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH C. HOWELL.

The next pension business was the bill (H. R. 8836) granting an increase of pension to Elizabeth C. Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Howell, widow of Caleb H. Howell, late of Company D, Forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. HONEYWELL.

The next pension business was the bill (H. R. 8383) granting an increase of pension to John G. Honeywell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Honeywell, late of Company E, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL A. PROCTOR.

The next pension business was the bill (H. R. 8207) granting an increase of pension to Daniel A. Proctor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Proctor, late of Companies A and C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NORMAN C. POTTER.

The next pension business was the bill (H. R. 7856) granting an increase of pension to Norman C. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman C. Potter, late of Twelfth Regiment, Ohio Independent Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Regiment" and insert in lieu thereof the word "Battery."
In same line, after the word "Ohio," insert the word "Volunteer."
In line 7 strike out the word "Independent."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. FRITTS.

The next pension business was the bill (H. R. 11107) granting an increase of pension to William E. Fritz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Fritz, late of Company E, Twenty-first Regiment Indiana Volunteer Infantry (First Regiment Heavy Artillery), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Fritz" and insert in lieu thereof the word "Fritts."
In lines 7 and 8 strike out the words "(First Regiment Heavy Artillery)."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William E. Fritts."

LOUISE ACKLEY.

The next pension business was the bill (H. R. 12656) granting a pension to Louise Ackley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise Ackley, widow of Henry Ackley, late of Company G, Thirty-sixth Regiment Pennsylvania Militia Infantry, 1863, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Henry" insert the letter "B."
In line 7, before the word "Militia" insert the word "Emergency."
In line 8 strike out the words "eighteen hundred and sixty-three."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC BAKER.

The next pension business was the bill (H. R. 11214) granting an increase of pension to Isaac Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Baker, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."
In the same line, after the word "month," strike out the words "In lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Isaac Baker."

JONATHAN K. PORTER.

The next pension business was the bill (H. R. 13171) granting an increase of pension to Jonathan K. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan K. Porter, late of Company K, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," strike out the letter "K" and insert in lieu thereof the letter "H."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID BRUCE.

The next pension business was the bill (H. R. 10724) granting an increase of pension to David Bruce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Bruce, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OLIVER L. KENDALL.

The next pension business was the bill (H. R. 5553) granting an increase of pension to Oliver L. Kendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver L. Kendall, late of Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER KINNISON.

The next pension business was the bill (H. R. 1775) granting a pension to Alexander Kinnison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Kinnison, late of Company M, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE S. TAYLOR.

The next pension business was the bill (H. R. 1803) granting a pension to George S. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Taylor, late of Company M, Seventh Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. HUGHES.

The next pension business was the bill (H. R. 4596) granting an increase of pension to John J. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Hughes, late of Company I, Second Regiment Texas Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Cavalry;" in the same line, after "Texas," insert "Mounted Volunteers."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA J. ENGLAND.

The next pension business was the bill (H. R. 5426) for the relief of Martha J. England.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. England, widow of Robert A. England, late private in Capt. John T. Lucas's company Georgia Mounted Volunteers, Creek Indian war, 1836, at the rate of $12 per month, commencing from the date of the soldier's death.

The amendments recommended by the committee were read, as follows:

In line 7 change "John T. Lucas's" to "John P. Lucas's;" in same line strike out "Mounted."

In lines 8 and 9 strike out "eighteen hundred and thirty-six" and insert "and pay her a pension:"

In line 9 strike out "twelve" and insert "eight."

In lines 9 and 10 strike out "commencing from the date of the soldier's death."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Martha J. England."

HENRY P. WILL.

The next pension business was the bill (H. R. 6148) granting a pension to Henry P. Will.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Will, late of Company E, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM P. KNOWLTON.

The next pension business was the bill (H. R. 6963) granting a pension to William P. Knowlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Knowlton, late of Company E, Fifteenth Regiment United States Infantry, and United States Navy, and pay him a pension at the rate of —— dollars per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Infantry" in line 7.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTHUR HAIRE.

The next pension business was the bill (H. R. 8607) granting an increase of pension to Arthur Haire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Haire, late of Indian war, and pay him a pension at the rate of $30 per month in lieu of that he now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Indian war."

In the same line, after "late of," insert "Captain Morgan's company, Georgia Volunteers, Creek Indian war."

In line 7 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE ROGERS.

The next pension business was the bill (H. R. 8891) granting an increase of pension to Mrs. R. C. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. R. C. Rogers, widow of Robert C. Rogers, late a passed midshipman of the United States Navy, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Mrs. R. C." and insert "Josephine."
In the same line, before "passed," strike out "a."
In line 7 strike out "of the."
In line 8 strike out "twenty-five" and insert "twelve."
Add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josephine Rogers."

JAMES T. BUTLER.

The next pension business was the bill (H. R. 9248) granting an increase of pension to James T. Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Butler, late of Company H, First Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD S. CROMER.

The next pension business was the bill (H. R. 9249) granting an increase of pension to R. S. Cromer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. S. Cromer, late of Company C, Second Mississippi Regiment, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "R." in claimant's name, where it appears in the title and body of the bill, to "Richard."
In lines 6 and 7 strike out "Regiment."
In line 6, after "Second," insert "Regiment."
In the same line, after "Mississippi," insert "Volunteers."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM COOK.

The next pension business was the bill (H. R. 9267) granting an increase of pension to William Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cook, a soldier of the United States Army in the war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a soldier of the United States Army in the" and insert "late of Troop K, United States Mounted Rifles."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA BYRON.

The next pension business was the bill (H. R. 9287) granting a pension to Eliza Byron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Byron, widow of John Byron, late of Company F, First Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. BAKER.

The next pension business was the bill (H. R. 9955) granting a pension to James W. Baker.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Baker, late of Company H, Forty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MORGAN.

The next pension business was the bill (H. R. 10166) granting an increase of pension to Elizabeth Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Morgan, widow of Nicholas D. Morgan, late of Captain Dawson's company, First Regiment Georgia Volunteers, Indian wars, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "Indian wars" and insert "Creek Indian war."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSA ZURRIN.

The next pension business was the bill (H. R. 11078) granting a pension to Rosa Zurrin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Zurrin, widow of John Zurrin, late of Company C, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN FOLTZ.

The next pension business was the bill (H. R. 12351) granting an increase of pension to John Foltz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Foltz, late of Company F, First Regiment Ohio Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TILLMAN T. HERRIDGE.

The next pension business was the bill (H. R. 12354) granting an increase of pension to Tillman T. Herridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Tillman T. Herridge, late of Company B, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE B. KIRK.

The next pension business was the bill (H. R. 12715) granting a pension to George B. Kirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Kirk, late of Company L, First Regiment United States Volunteer Engineers, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Amend by adding the words "war with Spain" after "Engineers," in line 7.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYNTHIA A. EMBRY.

The next pension business was the bill (H. R. 13161) granting a pension to Cynthia A. Embry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia A. Embry, widow of Jesse M. Embry, late of First Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Smith's company."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN NOLAN.

The next pension business was the bill (H. R. 13165) granting a pension to Martin Noland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Noland, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the surname where it appears in the title and the body of the bill to "Nolan."
In line 7 strike out "Kentucky Volunteer" and insert "United States."
In line 8 strike out "twelve" and insert "ten."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLARD V. SHEPHERD.

The next pension business was the bill (H. R. 13527) granting a pension to Willard V. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard V. Shepherd, late of Company C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Strike out the word "Company," in line 6, and insert "Battery."
Also strike out, in line 8, the word "twenty" and insert "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN COOK.

The next pension business was the bill (H. R. 13761) granting an increase of pension to John Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Indian wars."
In line 6, after "Cook," insert "late of Captain Irvin's company, North Carolina Volunteers, Cherokee Indian war."
In line 7 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. BAKER.

The next pension business was the bill (H. R. 14112) granting an increase of pension to Andrew J. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Baker, late of Company E, Fourth Regiment Ohio Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Mexico," insert "and Company G, Seventeenth Regiment Illinois Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE M. CAGE.

The next pension business was the bill (H. R. 14140) granting an increase of pension to J. M. Cage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. M. Cage, widow of William L. Cage, late of Company B, First Regiment Mississippi Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "J." where it appears in claimant's name in the title and body of the bill to "Josephine."
In line 7, after "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA L. NORWOOD.

The next pension business was the bill (H. R. 14538) granting an increase of pension to Eliza L. Norwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza L. Norwood, widow of William W. Norwood, late of Company I, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. HIMES.

The next pension business was the bill (H. R. 14642) granting a pension to James P. Himes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Himes, late of Company M, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMBROSE R. FISHER.

The next pension business was the bill (H. R. 14646) granting an increase of pension to A. R. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. R. Fisher, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "A." in claimant's name, where it appears in the title and body of the bill, to "Ambrose."
In line 8 strike out "twenty-four" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOPHRONIA LOFTON.

The next pension business was the bill (H. R. 14653) granting an increase of pension to Sophronia Lofton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophronia Lofton, widow of Thomas Lofton, late of Company A, First Battalion Alabama Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA H. WAGNER.

The next pension business was the bill (H. R. 14669) granting an increase of pension to Anna H. Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna H. Wagner, widow of Arthur L. Wagner, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "colonel," insert the words "and military secretary, General Staff."

In line 8 strike out the word "fifty" and insert the word "forty."

Also, in line 9 insert the following words: "and $2 per month additional on account of each of the minor children of said Arthur L. Wagner until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL R. DUMMER.

The next pension business was the bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel R. Dummer, late of Company H, Tenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. HOWELL.

The next pension business was the bill (H. R. 14793) granting an increase of pension to William W. Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Howell, late of Company B, First Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMANTHA E. HERALD.

The next pension business was the bill (H. R. 14848) granting an increase of pension to Samantha E. Herald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha E. Herald, widow of William Herald, late of Company A, Regiment Mississippi Rifles, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Regiment" and insert the words "Anderson's battalion."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES GRIZZLE.

The next pension business was the bill (H. R. 13925) granting an increase of pension to James Grizzle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Grizzle, late of Company D, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. NAGLE.

The next pension business was the bill (H. R. 14937) granting an increase of pension to William S. Nagle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Nagle, late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. COX.

The next pension business was the bill (H. R. 14988) granting an increase of pension to James B. Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Cox, late of Company ——, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Gillespie's."

In the same line, after "company," insert "Hay's Regiment Texas Mounted Volunteers."

In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS SPARROW.

The next pension business was the bill (H. R. 15062) granting an increase of pension to Thomas Sparrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Sparrow, late of Company K, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

Also, in line 7, after the word "Infantry," insert the words "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN JACOBY.

The next pension business was the bill (H. R. 12455) granting an increase of pension to John Jacoby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Jacoby, late of Company G, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SULLOWAY. Mr. Speaker, I move that the votes by which the several bills were passed be reconsidered and that that motion lie on the table.

The motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until Monday, February 26, 1906, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of Monterey Harbor, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for administrative expenses of the Board of Children's Guardians—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the National Home for Disabled Volunteer Soldiers, Danville Branch—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8103) to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn., reported the same with amendment, accompanied by a report (No. 1714); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6982) for the relief of James W. Jones, reported the same with amendment, accompanied by a report (No. 1686); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 4736) for the relief of the county of Custer, State of Montana, reported the same without amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 5954) to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill., reported the same without amendment, accompanied by a report (No. 1688); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6) for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 1689); which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 12028) granting relief to John W. Donovan, reported the same without amendment, accompanied by a report (No. 1690); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 5223) to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States, reported the same without amendment, accompanied by a report (No. 1691); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5221) for the relief of Edward King, of Niagara Falls, in the State of New York, reported the same without amendment, accompanied by a report (No. 1692); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 6101) for the relief of the estate of Charles M. Demarest, deceased, reported the same without amendment, accompanied by a report (No. 1693); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 3649) for the relief of Zenas Parker, reported the same without amendment, accompanied by a report (No. 1694); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8717) for the relief of Jacob Pickens, reported the same without amendment, accompanied by a report (No. 1695); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10605) for the relief of Edward F. Stahl, reported the same with amendment, accompanied by a report (No. 1696); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9528) to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902, reported the same without amendment, accompanied by a report (No. 1697); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army, reported the same without amendment, accompanied by a report (No. 1698); which said bill and report were referred to the Private Calendar.

Mr. TIRREL, from the Committee on Claims, to which was referred the bill of the House (H. R. 2996) to reimburse Capt. Sydney Layland for sums paid by him while master of the U. S. transport *Mobile* in July and August, 1898, reported the same without amendment, accompanied by a report (No. 1699); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 13247) for the relief of John H. Tharp, of Eversonville, Mo., reported the same without amendment, accompanied by a report (No. 1700); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 7709) for the relief of Joseph Crow, reported the same without amendment, accompanied by a report (No. 1701); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 14344) for the relief of Col. Medad C. Martin, reported the same without amendment, accompanied by a report (No. 1702); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 12252) for the relief of the legal representatives of Massalon Whitten, deceased, reported the same with amendment, accompanied by a report (No. 1703); which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 13154) for the relief of John T. Irion, reported the same without amendment, accompanied by a report (No. 1704); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5167) for the relief of William H. Stiner & Sons, reported the same without amendment, accompanied by a report (No. 1705); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10584) for the relief of F. H. Driscoll, reported the same without amendment, accompanied by a report (No. 1706); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 13946) for the relief of Charles L. Allen, reported the same without amendment, accompanied by a report (No. 1707); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex., reported the same without amendment, accompanied by a report (No. 1708); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7771) for the relief of Judd O. Hartzell, reported the same without amendment, accompanied by a

report (No. 1709); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 7961) for the relief of G. F. Tarbell, reported the same without amendment, accompanied by a report (No. 1710); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 850) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported the same with amendment, accompanied by a report (No. 1711); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the Senate (S. 1236) to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902, reported the same without amendment, accompanied by a report (No. 1712); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails, reported the same without amendment, accompanied by a report (No. 1713); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. POWERS: A bill (H. R. 15336) to amend an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882—to the Committee on Banking and Currency.

By Mr. MACON: A bill (H. R. 15583) to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 15584) to regulate the salaries of assistant postmasters in post-offices of the first class—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: A bill (H. R. 15585) granting pensions to soldiers, sailors, and marines confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 15586) to provide for the purchase of a site and the erection of a public building thereon at Waukesha, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A joint resolution (H. J. Res. 104) proposing an amendment to the Constitution to limit fortunes—to the Committee on the Judiciary.

By Mr. BARTLETT: A resolution (H. Res. 343) of inquiry to the Postmaster-General demanding information relative to the exclusion of the Union News, a newspaper published at Thomaston, Ga., from the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 15587) granting a pension to Sarah J. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15588) granting a pension to Hester Hyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15589) granting a pension to Mary E. Latimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15590) granting an increase of pension to Ann Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15591) for the removal of the charge of desertion against Aaron Reynolds—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 15592) granting an increase of pension to Levi H. Townsend—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 15593) granting a pension to Henry L. Wannamaker—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 15594) for the relief of John B. Brown—to the Committee on the Judiciary.

By Mr. BYRD: A bill (H. R. 15595) for the relief of D. M. Snowden—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 15596) granting an increase of pension to Tighlman A. Brown—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 15597) granting an increase of pension to Alonzo Carter—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15598) for the relief of Andy Inman—to the Committee on Military Affairs.

Also, a bill (H. R. 15599) for the relief of William McGee—to the Committee on Claims.

Also, a bill (H. R. 15600) for the relief of Martin A. Turner—to the Committee on Military Affairs.

Also, a bill (H. R. 15601) for the relief of D. C. Napier—to the Committee on Military Affairs.

Also, a bill (H. R. 15602) for the relief of William McQuery—to the Committee on Military Affairs.

Also, a bill (H. R. 15603) for the relief of John Downey—to the Committee on Military Affairs.

Also, a bill (H. R. 15604) for the relief of Bertin Klensman—to the Committee on Military Affairs.

Also, a bill (H. R. 15605) for the relief of Jane Todd—to the Committee on War Claims.

Also, a bill (H. R. 15606) for the relief of Isaac Cornett, Fred Benge, and James Benge—to the Committee on Claims.

Also, a bill (H. R. 15607) granting a pension to Robert Stinson—to the Committee on Pensions.

Also, a bill (H. R. 15608) granting a pension to Elizabeth Centers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15609) granting a pension to Asa Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15610) granting a pension to Nancy E. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15611) granting a pension to John Nelson—to the Committee on Pensions.

Also, a bill (H. R. 15612) granting a pension to William H. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 15613) granting an increase of pension to William W. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15614) granting an increase of pension to Clark Cornett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15615) granting an increase of pension to John M. Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15616) granting an increase of pension to Pleasant Calor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15617) granting an increase of pension to Green Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15618) granting an increase of pension to Reuben Muncey—to the Comittee on Invalid Pensions.

Also, a bill (H. R. 15619) granting an increase of pension to Samuel W. Atkinson—to the Committee on Pensions.

Also, a bill (H. R. 15620) granting an increase of pension to David D. Owens—to the Committee on Pensions.

Also, a bill (H. R. 15621) granting an increase of pension to Caleb M. Tarter—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 15622) granting an increase of pensions to Argle Z. Buck—to the Committee on Invalid Pensions.

My Mr. FLOYD: A bill (H. R. 15623) for the relief of the estate of Nathan P. English, deceased—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 15624) granting a pension to Tennie L. Smith—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 15625) granting an increase of pension to William H. Crane—to the Committee on Invalid Pensions.

By Mr. HOAR: A bill (H. R. 15626) to pay certain moneys to William J. Wright and others—to the Committee on Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 15627) granting an increase of pension to Augustus J. Robbins—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15628) granting an increase of pension to Alexander Thacker—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 15629) for the relief of James W. Person and Isabella M. Person—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 15630) granting a pension to Sarah A. Kizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15631) granting an increase of pension to Henry Clay Worley—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 15632) granting an increase of pension to Joseph B. Sanders—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 15633) granting an increase of pension to Alice H. McMullen—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 15634) granting an increase of pension to Samuel M. Reese—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 15635) granting an increase of pension to Ridgley M. Laird—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 15636) for the relief of Ellen Mansfield and Mattie Mansfield—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 15637) for the relief of John Nutt, deceased—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 15638) granting a pension to Joseph F. Hicks—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 15639) to provide for the payment of certain railroad bonds of the county of Coconino which have been funded into Territorial bonds of the Territory of Arizona, and for other purposes—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 15640) granting an increase of pension to Corydon McElvain—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 15641) granting an increase of pension to Eli Woodbury—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14530) granting a pension to Louisa E. Satterfield, and it was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Washington, Pa., against bill H. R. 3022—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: Petition of Bolivar Council, No. 570, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Fifth Regiment Camp, No. 29, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Lancaster Council, No. 912, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the City Front Federation, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Independent Refiners' Association, relative to railway rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hilldale Council, No. 235; Strickersville Council, No. 907, and Fodelsville Council, No. 403, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of the Jewelers' Board of Trade of New York, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BANNON: Paper to accompany bill for relief of Martin Lunsford—to the Committee on Military Affairs.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, papers to accompany bill (H. R. 14530) for relief of Louisa Satterfield—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of C. W. Scheveter et al. and Local Union No. 490, Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the Commercial Club of Arkansas City, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Maine, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of A. H. Potts, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BYRD: Petition of J. J. Thomas, praying for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. CAPRON: Paper to accompany bill for relief of Abby J. Bryant—to the Committee on Invalid Pensions.

Also, petition of the Water Color Club of Providence, for removal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the Medical Society of Newport, R. I., for reorganization of the Medical Corps of the Army—to the Committee on Military Affairs.

Also, petition of Rev. Albert Donnell, of Slatersville, R. I., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Mrs. Esther Browning, for bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rhode Island Division, No. 390, Brotherhood of Railway Trainmen, for passage of the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Pomona Grange, Patrons of Husbandry, of Rhode Island, and E. F. Henry, of East Greenwich, R. I.—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Union of Pascoag, R. I.; the Cranston Street Baptist Church, the Roger Williams Baptist Church, and the Second United Presbyterian Church, of Providence; the Shawmut Baptist Church, of Warwick, and the Coventry Central Six Principles Baptist Church, of Anthony, against repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of the Baptist Church of Warwick, the Woman's Christian Temperance Union, and the Young People's Society of Christian Endeavor of Rhode Island, in favor of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Pennsylvania: Letter of George W. Neff, in favor of bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of Olander Richter, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petitions of the First Methodist Church, the Presbyterian Church, the First Methodist Episcopal Church, and the Presbyterian Body, all of Sheridanville, Pa., for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Trinity Lutheran Church, of Sheridanville, Pa., for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of H. P. Benvold, for extending the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIDSON: Petition of the Courant, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Eau Claire, Wis., against bill H. R. 3022—to the Committee on the District of Columbia.

Also, petition of John Weibel et al., against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. FINLEY: Paper to accompany bill for relief of John H. Wolf—to the Committee on Invalid Pensions.

By Mr. FLACK: Petition of owners of motor boats on the St. Lawrence River, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of the Minneapolis Telegram, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOYD: Papers to accompany bill (H. R. 15544) for relief of John M. Harris—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 15545) for the relief of William R. Flud—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 15541) for the relief of Joshua Pruitt—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition for the removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Blackfoot Republican and the Mackay Mirror, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Independent Refiners' Association, relative to railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Chandler, relative to railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Postum Cereal Company, for the Gardner pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: Petition of the Press, L. H. Love & Co., and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of Mary A. Smith—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of Royal Grange, No. 986, of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of G. D. Litchfield et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of S. J. Cook et al., of San Francisco, Cal., against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Mail, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., for an appropriation for the reclamation fund—to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of San Francisco, for bill H. R. 7079, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. Howell of New Jersey: Petition of the Board of Foreign Missions of the Reformed Church of America, for a modification of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of George T. Cranmer, of Trenton, N. J., for a duty on sea moss—to the Committee on Ways and Means.

By Mr. HUGHES: Petitions of the Junior Order United American Mechanics of Danville, W. Va., and Bright Hope Council, No. 85, of Heizer, W. Va., for further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of James H. Davison—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of Hyde Park (N. Y.) Grange and Emerson S. Rymph et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CLAUDE KITCHIN: Petitions of Andrew J. Conner and the Ledger, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of J. M. Williams, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of 70 citizens of New York, against bills H. R. 3022 and 10510—to the Committee on the Judiciary.

By Mr. LIVINGSTON: Petition of Local Union No. 193, of Atlanta, Ga., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of the Missouri Corn Growers' Association, in favor of reciprocity with Germany—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of citizens of Illinois, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. McGAVIN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. McMORRAN: Petition of M. H. Merritt et al., for bill H. R. 180—to the Committee on Agriculture.

Also, petition of H. M. Merritt, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. H. Merritt, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. H. Merritt et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Wales and Ray granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of citizens of Chicago, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MINOR: Petition of the Kewaunee Banner and the Northern Wisconsin Advertiser, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of San Francisco, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, relative to irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. OTJEN: Petition of the Badger, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PARSONS: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of John W. Shipler and the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of citizens of Oklahoma City, for an amendment to the capital section of the statehood bill—to the Committee on the Territories.

Also, petition of the National Grocers' Association, against private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. SCROGGY: Petition of the Jersey Hustler, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of Elizabeth Parks—to the Committee on Pensions.

By Mr. SHERMAN: Petition of Fairfield Grange, No. 569, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petition of the Baltimore Board of Trade, relative to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of Zion, Cowentown, Cecil County, Md., relative to liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEENERSON: Petitions of John S. Bummings, of Minnesota; F. Damschey, Carl Messelt, Gunder Hoie, and O. B. Horen, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of M. C. Davis and others, against religious legislation—to the Committee on the District of Columbia.

By Mr. TOWNSEND: Petition of the Michigan Alumnus, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Papers to accompany bill (H. R. 15570) for the relief of Max Davis—to the Committee on Invalid Pensions.

By Mr. WEBB: Paper to accompany bill for relief of Joseph Y. Allen—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 26, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NATIONAL CEMETERY, ARLINGTON, VA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, requesting that section 4875 of the Revised Statutes be amended so as to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the national cemetery at Arlington, Va.; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

GOLDFIELD AND TONOPAH (NEV.) POST-OFFICES.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, recommending a special appropriation of not less than $5,000 to supplement the allowances granted under the present law relative to the necessity of providing for the cost of maintaining the post-offices at Goldfield and Tonopah, Nev.; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of Liberty Church, of Dranesville, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of Hartwood Presbyterian Church, of Stafford County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of St. John's Catholic Church, of Summersville, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the fiscal year 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 1465. An act granting an increase of pension to Patrick Fallihee; and

S. R. 32. Joint resolution instructing the Interstate Commerce Commission to make an examination into the subject of railroad discriminations and monopolies, and report on the same from time to time.

The message also requested the return to the House the bill (H. R. 2897) granting an increase of pension to R. G. Childress, the bill having been incorrectly reported and engrossed as H. R. 2897.

The message further announced that the House had passed a concurrent resolution to rescind the action of the Speaker of the House of Representatives and the Vice-President of the United States and President of the Senate in signing the enrolled bill H. R. 297, "An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;" in which it requested the concurrence of the Senate in certain amendments in the enrollment thereof.

The message also announced that the House had passed the following bills:

S. 8. An act granting an increase of pension to William M. Hall;

S. 75. An act granting an increase of pension to Urial J. Streefer;

S. 77. An act granting an increase of pension to Granville P. Mason;

S. 78. An act granting an increase of pension to Mary R. Blethen;

S. 79. An act granting an increase of pension to James F. Tilton;

S. 121. An act granting an increase of pension to John Cook;

S. 124. An act granting an increase of pension to Curtis B. McIntosh;

S. 125. An act granting an increase of pension to John E. Hadsall;

S. 127. An act granting an increase of pension to Anthony H. Crawford;

S. 136. An act granting an increase of pension to Sabastian Landner;

S. 139. An act granting an increase of pension to Frederick Le Hundra;

S. 176. An act granting an increase of pension to Benjamin F. Marsh;

S. 181. An act granting an increase of pension to Francis E. Stevens;

S. 186. An act granting an increase of pension to George P. Howe;

S. 201. An act granting an increase of pension to Lyman E. Farrand;

S. 207. An act granting an increase of pension to Marion F. Howe;

S. 213. An act granting an increase of pension to John M. Doersch;

S. 476. An act granting an increase of pension to Emily Peterson;

S. 506. An act granting an increase of pension to James Wilson;

S. 533. An act granting an increase of pension to Francis M. Munson;

S. 566. An act granting an increase of pension to George Wiley;

S. 573. An act granting an increase of pension to Henry T. Braman;

S. 587. An act granting a pension to Mary J. Chenoweth;

S. 619. An act granting an increase of pension to James F. Prater;

S. 620. An act granting an increase of pension to Elizabeth S. Law;

S. 624. An act granting an increase of pension to Abbie C. Moore;

S. 639. An act granting an increase of pension to George M. Bradley;

S. 640. An act granting an increase of pension to Hugh P. Buffon;

S. 676. An act granting an increase of pension to Joshua W. Tolford;

S. 702. An act granting an increase of pension to Richard Dearborn;

S. 703. An act granting an increase of pension to Edmund T. Connelly, alias John Marks;

S. 717. An act granting an increase of pension to Charles H. Tuck;

S. 724. An act granting an increase of pension to George A. Parker;

S. 788. An act granting an increase of pension to Edward P. Metcalf;

S. 789. An act granting an increase of pension to Mary E. Wolf;

S. 853. An act granting an increase of pension to Charles Lander;

S. 894. An act granting an increase of pension to Florence A. Sewell;

S. 909. An act granting an increase of pension to Harvey M. D. Hopkins;

S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel;

S. 970. An act granting an increase of pension to William Crome;

S. 983. An act to validate certain certificates of soldiers' additional homestead rights;

S. 984. An act granting an increase of pension to William W. Benedict;

S. 992. An act granting an increase of pension to Albert E. Lyon;

S. 1010. An act granting an increase of pension to Joel M. Sawyer;

S. 1017. An act granting an increase of pension to Mary Ryan;

S. 1037. An act granting an increase of pension to Adolphus L. Oxton;

S. 1268. An act granting an increase of pension to William Lounsberry;

S. 1298. An act granting an increase of pension to Francis W. Usher;

S. 1414. An act granting an increase of pension to Sidney C. Smith;

S. 1417. An act granting an increase of pension to Henry A. Tilton;

S. 1433. An act granting an increase of pension to Joseph W. Willard;

S. 1463. An act granting an increase of pension to Anna Z. Potter;

S. 1518. An act granting an increase of pension to Phineas F. Lull;

S. 1536. An act granting an increase of pension to William H. Brown;

S. 1538. An act granting an increase of pension to Indiana A. Paul;

S. 1670. An act granting an increase of pension to William McNabb;

S. 1731. An act granting an increase of pension to William O. Colson;

S. 1736. An act granting a pension to Lena S. Fenn;

S. 1744. An act granting an increase of pension to Joseph B. Papy;

S. 1753. An act granting an increase of pension to Waldo W. Paine;

S. 1798. An act granting an increase of pension to Robert K. Smith;

S. 1799. An act granting an increase of pension to Henry Logan;

S. 1821. An act granting an increase of pension to Samuel L. Andrews;

S. 1835. An act granting an increase of pension to James G. Doane;

S. 1840. An act granting an increase of pension to James Prettyman;
S. 1883. An act granting an increase of pension to Nellie Raymond;
S. 2089. An act granting an increase of pension to John P. Campbell, No. 2;
S. 2183. An act granting an increase of pension to George P. Trowbridge;
S. 2257. An act granting an increase of pension to Mary J. Campbell;
S. 2327. An act granting an increase of pension to Sidney F. Mullin;
S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow;
S. 2329. An act granting an increase of pension to Knute Torgeson;
S. 2337. An act granting an increase of pension to Ellen S. Larned;
S. 2377. An act granting a pension to Clara T. Leathers;
S. 2405. An act granting an increase of pension to John P. Winget;
S. 2411. An act granting an increase of pension to Carrie B. Findley;
S. 2421. An act granting an increase of pension to Herrick Hodges;
S. 2459. An act granting an increase of pension to Alexander M. Scott;
S. 2482. An act granting an increase of pension to Cutler A. Chamberlin;
S. 2526. An act granting an increase of pension to Thomas Welch;
S. 2556. An act granting an increase of pension to George B. Hunter;
S. 2557. An act granting an increase of pension to Charles F. Longfellow;
S. 2762. An act granting an increase of pension to George W. Lightman;
S. 2752. An act granting an increase of pension to Robert S Moore;
S. 2778. An act granting an increase of pension to John W. Langford;
S. 2797. An act granting an increase of pension to James Buggie;
S. 2869. An act granting an increase of pension to Rachel A. Foulk;
S. 2871. An act granting an increase of pension to Joseph Brunell, sr.;
S. 2975. An act granting a pension to Mary L. Miller;
S. 3039. An act granting an increase of pension to Joseph Smith;
S. 3120. An act granting an increase of pension to Mary Driscoll;
S. 3123. An act granting an increase of pension to William H. Albaugh;
S. 3126. An act granting an increase of pension to Stephen B. Tarlton;
S. 3184. An act granting an increase of pension to Alfred T. Hawk;
S. 3240. An act granting an increase of pension to John T. Jones;
S. 3285. An act granting an increase of pension to Mary M. Hull;
S. 3291. An act granting an increase of pension to Matthew D. Raker, jr.;
S. 3309. An act granting an increase of pension to John C. Baber;
S. 3311. An act granting a pension to Bernhard Schaffner;
S. 3321. An act granting an increase of pension to Olney P. B. Wright;
S. 3402. An act granting an increase of pension to Jesse W. Elliott;
S. 3507. An act granting an increase of pension to Isaac Van Volkenburgh;
S. 3508. An act granting a pension to Mary J. Visscher;
S. 3537. An act granting an increase of pension to Anthony W. Presley;
S. 3587. An act granting an increase of pension to Eliza Orr;
S. 3605. An act granting an increase of pension to Albert Smith;
S. 3630. An act granting an increase of pension to Martin L. Barber;
S. 3643. An act granting an increase of pension to Seth Raymond;
S. 3667. An act granting an increase of pension to Martha J. Brisco; and
S. 4029. An act granting an increase of pension to Martha G. Archer.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 381. An act to amend section 2082 of the Revised Statutes of the United States in reference to the sale of supplies to vessels of war;
H. R. 395. An act concerning foreign-built dredges;
H. R. 484. An act granting a pension to William Mayer;
H. R. 485. An act granting an increase of pension to William H. Bantom;
H. R. 550. An act granting an increase of pension to Joseph E. Scott;
H. R. 675. An act granting an increase of pension to Daniel Morrissey;
H. R. 1058. An act granting an increase of pension to Alphonso H. Harvey;
H. R. 1071. An act granting an increase of pension to William K. Keech;
H. R. 1137. An act granting an increase of pension to Abraham M. Kauffman;
H. R. 1205. An act granting an increase of pension to Samuel P. Bigger;
H. R. 1243. An act granting an increase of pension to John W. Burton;
H. R. 1331. An act granting an increase of pension to Roswell J. Kelsey;
H. R. 1440. An act granting an increase of pension to Matilda E. Lawton;
H. R. 1460. An act granting an increase of pension to Charles W. Renell;
H. R. 1553. An act granting an increase of pension to Harvey J. Fulmer;
H. R. 1565. An act for the relief of Theodore H. Bishop;
H. R. 1566. An act granting an increase of pension to Thomas Lowry;
H. R. 1685. An act granting an increase of pension to George W. Bedient;
H. R. 1742. An act granting an increase of pension to Jonathan Daughenbaugh;
H. R. 1775. An act granting an increase of pension to Alexander Kinnison;
H. R. 1787. An act granting an increase of pension to Joseph M. West;
H. R. 1803. An act granting a pension to George S. Taylor;
H. R. 1857. An act granting a pension to Emeline Malone;
H. R. 1911. An act granting an increase of pension to Harriet E. Grogan, formerly Preston;
H. R. 1962. An act granting an increase of pension to George C. Myers;
H. R. 1967. An act granting an increase of pension to Joseph Baker;
H. R. 1968. An act granting an increase of pension to John Monroe;
H. R. 1977. An act granting a pension to Emma C. Anderson;
H. R. 1997. An act granting an increase of pension to Sanford C. H. Smith;
H. R. 2006. An act granting a pension to Florence B. Knight;
H. R. 2060. An act granting an increase of pension to John Farrell;
H. R. 2080. An act granting an increase of pension to Sydney A. Asson;
H. R. 2088. An act granting an increase of pension to Sewall A. Edwards;
H. R. 2150. An act granting an increase of pension to William E. Smith;
H. R. 2151. An act granting an increase of pension to Lydia C. Wood;
H. R. 2244. An act granting an increase of pension to Fred Dilg;
H. R. 2245. An act granting an increase of pension to Troy Moore;
H. R. 2264. An act granting an increase of pension to Robert McAnally;
H. R. 2344. An act granting an increase of pension to Selden C. Clobridge;
H. R. 2443. An act granting an increase of pension George W. Mower;
H. R. 2705. An act granting an increase of pension to Henry W. Perkins;
H. R. 2736. An act granting a pension to William Merideth;

H. R. 2749. An act granting an increase of pension to Agnes Flynn;
H. R. 2763. An act granting an increase of pension to Anthony Sherlock;
H. R. 2766. An act granting an increase of pension to Horace E. Brown;
H. R. 2982. An act granting an increase of pension to Ansel K. Tisdale;
H. R. 2991. An act granting an increase of pension to Henry F. Landes;
H. R. 3225. An act granting an increase of pension to William B. Philbrick;
H. R. 3255. An act granting an increase of pension to Isaac N. Ray;
H. R. 3284. An act granting an increase of pension to Jeremiah Callahan;
H. R. 3384. An act granting a pension to Benjamin H. Decker;
H. R. 3397. An act granting an increase of pension to Nicholas Chrisler;
H. R. 3418. An act granting an increase of pension to John Snouse;
H. R. 3435. An act granting an increase of pension to Thomas W. Sallade;
H. R. 3452. An act granting an increase of pension to Jacob McGaughey;
H. R. 3553. An act granting an increase of pension to Levi Pick;
H. R. 3557. An act granting an increase of pension to James B. Wilkins;
H. R. 3685. An act granting an increase of pension to James O. Tobey;
H. R. 3698. An act granting an increase of pension to Joseph E. Miller;
H. R. 3806. An act granting a pension to Eva L. Martin;
H. R. 3811. An act granting an increase of pension to James White;
H. R. 3981. An act granting an increase of pension to John Mckeever;
H. R. 4219. An act granting an increase of pension to John C. Keener;
H. R. 4222. A act granting a pension to Otto Boesewetter;
H. R. 4257. An act granting an increase of pension to Alice M. Durney;
H. R. 4596. An act granting an increase of pension to John J. Hughes;
H. R. 4616. An act granting an increase of pension to William W. West;
H. R. 4759. An act granting an increase of pension to Jane E. Bullard;
H. R. 4809. An act granting an increase of pension to John W. Hatfield;
H. R. 4810. An act granting an increase of pension to Jerome Goodsell;
H. R. 4816. An act granting an increase of pension to John A. Sherwood;
H. R. 4823. An act granting an increase of pension to John G. C. MacFarlane;
H. R. 4832. An act granting an increase of pension to Henry W. Yates;
H. R. 4989. An act granting an increase of pension to Dominick Arnold;
H. R. 5026. An act granting an increase of pension to Asa Tout;
H. R. 5215. An act granting an increase of pension to Jennie Little;
H. R. 5383. An act granting an increase of pension to John W. Davis;
H. R. 5426. An act granting a pension to Martha J. England;
H. R. 5434. An act granting an increase of pension to Hugh Green;
H. R. 5553. An act granting an increase of pension to Oliver L. Kimball;
H. R. 5564. An act granting an increase of pension to Albert G. Cluck;
H. R. 5614. An act granting an increase of pension to Henry Cone;
H. R. 5615. An act granting an increase of pension to John Coleman, jr.;
H. R. 5616. An act granting an increase of pension to Edgar Schroeders;
H. R. 5724. An act granting an increase of pension to William O. Gillespie;
H. R. 5727. An act granting an increase of pension to William T. Harris;
H. R. 5923. An act granting an increase of pension to Winnie C. Pittinger;
H. R. 6066. An act granting an increase of pension to Albert H. Lewis;
H. R. 6148. An act granting a pension to Henry P. Will;
H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;
H. R. 6177. An act granting an increase of pension to John Haack;
H. R. 6216. An act granting an increase of pension to Stephen D. Hopkins;
H. R. 6395. An act granting an increase of pension to Daniel Ward;
H. R. 6401. An act granting an increase of pension to William V. Van Ostern;
H. R. 6453. An act granting an increase of pension to William H. Marsden;
H. R. 6490. An act granting an increase of pension to William H. Gilbert;
H. R. 6508. An act granting an increase of pension to John P. Moore;
H. R. 6557. An act granting an increase of pension to Charles H. Jasper;
H. R. 6918. An act granting an increase of pension to Heinrick Krumdick;
H. R. 6921. An act granting a pension to Eliza B. Wilson;
H. R. 6963. An act granting a pension to William P. Knowlton;
H. R. 6988. An act granting an increase of pension to Seymour Cole;
H. R. 7208. An act granting an increase of pension to Thomas G. Massey;
H. R. 7223. An act granting an increase of pension to George Blair;
H. R. 7229. An act granting an increase of pension to Slater D. Lewis;
H. R. 7396. An act granting an increase of pension to John E. Ball;
H. R. 7412. An act granting an increase of pension to Isaiah Collins;
H. R. 7498. An act granting an increase of pension to Mary Hanson;
H. R. 7547. An act granting an increase of pension to George W. Allison;
H. R. 7585. An act granting an increase of pension to Joseph Girdler;
H. R. 7615. An act granting an increase of pension to Joseph D. Tate;
H. R. 7631. An act granting an increase of pension to Joseph W. Foster;
H. R. 7765. An act granting an increase of pension to George Gaylord;
H. R. 7815. An act granting an increase of pension to Thomas G. Covell;
H. R. 7827. An act granting an increase of pension to William H. Uhler;
H. R. 7839. An act granting a pension to Ray E. Kline;
H. R. 7844. An act granting a pension to Phoebe Keith;
H. R. 7856. An act granting an increase of pension to Norman C. Potter;
H. R. 7883. An act granting an increase of pension to Daniel Dilts;
H. R. 7984. An act granting a pension to Henry R. Hill;
H. R. 8063. An act granting an increase of pension to Mary Coburn;
H. R. 8144. An act granting a pension to Ada J. Lasswell;
H. R. 8161. An act granting an increase of pension to Alonzo Douglas;
H. R. 8176. An act granting an increase of pension to Thomas E. Bishop;
H. R. 8207. An act granting an increase of pension to Daniel A. Proctor;
H. R. 8208. An act granting an increase of pension to Eli Brainard;
H. R. 8218. An act granting an increase of pension to Mary C. Spangler;
H. R. 8275. An act granting an increase of pension to Robert Aucock;
H. R. 8289. An act granting an increase of pension to Isaac J. Holt;
H. R. 8333. An act granting an increase of pension to John G. Honeywell;
H. R. 8339. An act granting a pension to Vienna Ward;
H. R. 8607. An act granting an increase of pension to Arthur Haire;

H. R. 8642. An act granting an increase of pension to Henry Crandell;
H. R. 8739. An act granting an increase of pension to Frank N. Gray;
H. R. 8826. An act granting a pension to Elizabeth A. Mason;
H. R. 8836. An act granting an increase of pension to Elizabeth C. Howell;
H. R. 8891. An act granting an increase of pension to Josephine Rogers;
H. R. 8917. An act granting an increase of pension to James Hines;
H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska;
H. R. 9087. An act granting an increase of pension to William Winn;
H. R. 9127. An act granting an increase of pension to Isaac L. Berick;
H. R. 9190. An act granting a pension to Ida Carty;
H. R. 9216. An act granting an increase of pension to Catharine R. Mitchell;
H. R. 9235. An act granting an increase of pension to Kate H. Kavanaugh;
H. R. 9248. An act granting an increase of pension to James T. Butler;
H. R. 9249. An act granting an increase of pension to Richard S. Cromer;
H. R. 9267. An act granting an increase of pension to William Cook;
H. R. 9287. An act granting a pension to Eliza Byron;
H. R. 9288. An act granting an increase of pension to Catherine E. Bragg;
H. R. 9447. An act granting an increase of pension to John L. Edmundston;
H. R. 9561. An act granting a pension to Clara I. Ashbury;
H. R. 9617. An act granting an increase of pension to David A. Kirk;
H. R. 9705. An act granting a pension to George W. Robinson;
H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;
H. R. 9860. An act granting an increase of pension to Joseph H. Hirst;
H. R. 9887. An act granting a pension to George Saxe;
H. R. 9896. An act granting an increase of pension to William McKenzie;
H. R. 9898. An act granting an increase of pension to Abraham H. Miller;
H. R. 9904. An act granting an increase of pension to Neeta H. Marquis;
H. R. 9955. An act granting a pension to James W. Baker;
H. R. 9995. An act granting an increase of pension to Elias Johnson;
H. R. 10047. An act granting an increase of pension to George W. Ellicott;
H. R. 10166. An act granting an increase of pension to Elizabeth Morgan;
H. R. 10217. An act granting an increase of pension to William A. Barnes;
H. R. 10271. An act granting an increase of pension to Stephen G. Smith;
H. R. 10322. An act granting an increase of pension to Edgar W. Calhoun;
H. R. 10399. An act granting an increase of pension to John H. H. Sands;
H. R. 10478. An act granting an increase of pension to William McGowan;
H. R. 10594. An act granting an increase of pension to James Martin;
H. R. 10723. An act granting an increase of pension to Benjamin French;
H. R. 10724. An act granting an increase of pension to David Bruce;
H. R. 10725. An act granting an increase of pension to Etta D. Conant;
H. R. 10817. An act granting an increase of pension to William J. Morgan;
H. R. 10827. An act granting an increase of pension to Frank Crittenden;
H. R. 10894. An act granting an increase of pension to William J. Riley;
H. R. 10897. An act granting an increase of pension to Isaac Deems;
H. R. 10920. An act granting a pension to Mary Edna Cameron;
H. R. 11052. An act granting an increase of pension to John P. Vance;
H. R. 11065. An act granting an increase of pension to Joseph Pollard;
H. R. 11071. An act granting an increase of pension to Allen E. Williams;
H. R. 11078. An act granting a pension to Rosa Zurrin;
H. R. 11107. An act granting an increase of pension to William E. Fritts;
H. R. 11129. An act granting an increase of pension to Thomas J. Lindsey;
H. R. 11196. An act granting an increase of pension to William H. Joslyn;
H. R. 11209. An act granting an increase of pension to Thomas Griffith;
H. R. 11214. An act granting a pension to Isaac Baker;
H. R. 11259. An act granting an increase of pension to Barnes B. Smith;
H. R. 11335. An act granting an increase of pension to Thomas Chandler, alias Thomas Cooper;
H. R. 11408. An act granting an increase of pension to George W. Reed;
H. R. 11516. An act granting an increase of pension to Marquis D. L. Staley;
H. R. 11536. An act granting an increase of pension to James D. Hudson;
H. R. 11557. An act granting an increase of pension to Clinton A. Chapman;
H. R. 11625. An act granting a pension to William C. Robison;
H. R. 11638. An act granting an increase of pension to John N. Vivian;
H. R. 11687. An act granting an increase of pension to Matt Fitzpatrick;
H. R. 11689. An act granting an increase of pension to Byard H. Church;
H. R. 11742. An act granting an increase of pension to Charles H. Culver;
H. R. 11804. An act granting an increase of pension to Patrick McDermott;
H. R. 11849. An act granting an increase of pension to Robert M. Young;
H. R. 11886. An act granting an increase of pension to Solomon R. Truemood;
H. R. 11905. An act granting an increase of pension to Elizabeth E. Atkinson;
H. R. 11927. An act granting an increase of pension to Calvin D. Weatherman;
H. R. 11990. An act granting an increase of pension to Daniel M. Coffman;
H. R. 12014. An act granting an increase of pension to Francis H. Frasier;
H. R. 12090. An act granting an increase of pension to Mary M. Stark;
H. R. 12101. An act granting an increase of pension to Alfred Connor;
H. R. 12229. An act granting an increase of pension to Reuben I. Tureckheim, alias Joseph Adler;
H. R. 12275. An act granting an increase of pension to Verelle S. Willard;
H. R. 12292. An act granting an increase of pension to George T. Hill;
H. R. 12351. An act granting an increase of pension to John Foltz;
H. R. 12354. An act granting an increase of pension to Tillman T. Herridge;
H. R. 12393. An act granting an increase of pension to William Hardy;
H. R. 12396. An act granting an increase of pension to James Hutchinson;
H. R. 12403. An act granting a pension to Lydia A. Fiedler;
H. R. 12417. An act granting an increase of pension to Samuel G. Raymond;
H. R. 12443. An act granting an increase of pension to Nathaniel Southard;
H. R. 12455. An act granting an increase of pension to John Jacoby;
H. R. 12494. An act granting an increase of pension to John H. Crane;
H. R. 12540. An act granting an increase of pension to Morris J. James;
H. R. 12565. An act granting an increase of pension to Jeremiah Kincaid;
H. R. 12584. An act granting an increase of pension to William R. Guion;
H. R. 12643. An act granting an increase of pension to William H. Franklin;

H. R. 12656. An act granting a pension to Louise Ackley;
H. R. 12715. An act granting a pension to George B. Kirk;
H. R. 12755. An act granting an increase of pension to Nathaniel W. Plymate;
H. R. 12760. An act granting an increase of pension to William Ralston;
H. R. 12795. An act granting an increase of pension to Henry Stilson;
H. R. 12825. An act granting an increase of pension to Daniel Bloomer;
H. R. 12834. An act granting an increase of pension to Theodor Schramm;
H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes;
H. R. 12897. An act granting an increase of pension to Robert B. Malone;
H. R. 12900. An act granting an increase of pension to James D. Havens;
H. R. 13005. An act granting an increase of pension to Robert R. Wilson;
H. R. 13028. An act granting an increase of pension to Mary E. Bennett;
H. R. 13034. An act granting an increase of pension to Frederick Hildenbrand;
H. R. 13035. An act granting an increase of pension to Maggie D. Russ;
H. R. 13038. An act granting an increase of pension to Rebecca Ramsey;
H. R. 13081. An act granting an increase of pension to Orren R. Smith;
H. R. 13082. An act granting an increase of pension to Herbert Williams;
H. R. 13083. An act granting an increase of pension to Mordicai B. Borbee;
H. R. 13136. An act granting an increase of pension to William Gaynor;
H. R. 13138. An act granting an increase of pension to Eada Lowry;
H. R. 13148. An act granting an increase of pension to William Davis;
H. R. 13150. An act granting an increase of pension to Cate F. Galbraith;
H. R. 13151. An act granting a pension to Christopher C. Harlan;
H. R. 13161. An act granting a pension to Cynthia A. Embry;
H. R. 13165. An act granting a pension to Martin Noland;
H. R. 13166. An act granting an increase of pension to William Evans;
H. R. 13171. An act granting an increase of pension to Jonathan K. Porter;
H. R. 13190. An act to protect birds and their eggs in game and bird preserves;
H. R. 13194. An act to authorize the Secretary of the Interior to reclassify the public lands of Alabama;
H. R. 13230. An act granting an increase of pension to Elizabeth Webb;
H. R. 13231. An act granting an increase of pension to Gatsey Mattucks;
H. R. 13238. An act granting an increase of pension to William Strasburg;
H. R. 13310. An act granting an increase of pension to James McKee;
H. R. 13311. An act granting an increase of pension to John Wilkinson;
H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905;
H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;
H. R. 13417. An act granting an increase of pension to John W. Bookman;
H. R. 13502. An act granting an increase of pension to John N. Buchanan;
H. R. 13505. An act granting an increase of pension to Martha E. Chambers;
H. R. 13525. An act granting an increase of pension to Martha J. Hensley;
H. R. 13527. An act granting a pension to Willard V. Shepherd;
H. R. 13584. An act granting an increase of pension to Anna M. Jefferis;
H. R. 13587. An act granting an increase of pension to August Frahm;
H. R. 13610. An act granting an increase of pension to James Hann;
H. R. 13627. An act granting an increase of pension to Homer F. Herriman, alias George F. Wilson;
H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve;
H. R. 13697. An act granting an increase of pension to William Shoemaker;
H. R. 13710. An act granting an increase of pension to Anna M. Wilson;
H. R. 13712. An act granting an increase of pension to Caroline D. Scudder;
H. R. 13761. An act granting an increase of pension to John Cook;
H. R. 13798. An act granting an increase of pension to Alida King;
H. R. 13826. An act granting an increase of pension to Frank S. Pettingill;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 13872. An act granting an increase of pension to Alvin D. Hopper;
H. R. 13891. An act granting an increase of pension to Hugh G. Wilson;
H. R. 13959. An act granting an increase of pension to Thomas B. Mouser;
H. R. 13976. An act granting an increase of pension to John R. Stallcup;
H. R. 13988. An act granting an increase of pension to Mary McMahon;
H. R. 13994. An act granting an increase of pension to Francis A. Barkis;
H. R. 14076. An act granting an increase of pension to William Sanders;
H. R. 14077. An act granting an increase of pension to George W. Chesebro;
H. R. 14086. An act granting an increase of pension to Daniel Pence;
H. R. 14089. An act granting an increase of pension to Martin Harter;
H. R. 14092. An act granting a pension to Frances Coyner;
H. R. 14098. An act granting a pension to Mary Winfrey;
H. R. 14112. An act granting an increase of pension to Andrew J. Baker;
H. R. 14123. An act granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;
H. R. 14140. An act granting an increase of pension to Josephine M. Cage;
H. R. 14277. An act granting an increase of pension to George S. Scott;
H. R. 14287. An act granting an increase of pension to Martha Brooks;
H. R. 14358. An act granting an increase of pension to William H. Morrow;
H. R. 14367. An act granting an increase of pension to Lemuel O. Gilman;
H. R. 14389. An act granting an increase of pension to Amos Hart;
H. R. 14425. An act granting an increase of pension to Robert Henderson Griffin;
H. R. 14426. An act granting an increase of pension to Thomas S. Menefee;
H. R. 14538. An act granting an increase of pension to Eliza L. Norwood;
H. R. 14563. An act granting an increase of pension to Edwin L. Higgins;
H. R. 14642. An act granting a pension to James P. Himes;
H. R. 14646. An act granting an increase of pension to Ambrose R. Fisher;
H. R. 14653. An act granting an increase of pension to Sophronia Lofton;
H. R. 14669. An act granting an increase of pension to Anna H. Wagner;
H. R. 14694. An act granting an increase of pension to Samuel R. Dunmer;
H. R. 14698. An act granting an increase of pension to William F. Drake;
H. R. 14719. An act granting an increase of pension to Hannah A. Preston;
H. R. 14748. An act granting an increase of pension to William F. Burks;
H. R. 14768. An act granting a pension to Orlando W. Frazier;
H. R. 14793. An act granting an increase of pension to William W. Howell;

H. R. 14848. An act granting an increase of pension to Samantha E. Herald;

H. R. 14888. An act granting an increase of pension to Eliza A. Bunker;

H. R. 14925. An act granting an increase of pension to James Grizzle;

H. R. 14937. An act granting an increase of pension to William S. Nagle;

H. R. 14988. An act granting an increase of pension to James E. Cox;

H. R. 15062. An act granting an increase of pension to Thomas Sparrow; and

H. J. Res. 97. Joint resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands;

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905; and

S. R. 26. Joint resolution providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Association of Cement Users, of Indianapolis, Ind., praying for the enactment of legislation providing for a continuance of the investigation by the United States Geological Survey of cement, mortars, and other structural materials; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Independent Refiners' Association, of Titusville and Oil City, Pa., and the petition of H. B. Berwald, of Titusville, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table.

He also presented a petition of the Postal Protective League, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Oklahoma City, Okla., and a petition of sundry citizens of Oklahoma City, Okla., praying for the adoption of an amendment to the capital section of the so-called "statehood bill;" which were ordered to lie on the table.

Mr. FRYE presented a memorial of the Marine Cooks and Stewards' Association of the Pacific, of Seattle, Wash., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Seamen's Union, of North Tonawanda, N. Y., and a petition of the United Trades and Labor Council, of Cleveland, Ohio, praying for the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Point Pleasant, W. Va., and a petition of the Kanawha River Improvement Association, of Point Pleasant, W. Va., praying for the enactment of legislation providing for the establishment of a steamboat-inspection office at that city; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the United Trades and Labor Council of Cleveland, Ohio, and a petition of the Lake Seamen's Union of North Tonawanda, N. Y., praying for the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

He also presented the petition of James B. Cassard, of the Central district, Indian Territory, praying for the enactment of legislation to prohibit gambling and the sale of cocaine in that Territory; which was referred to the Committee on Territories.

He also presented a memorial of the Lake Seamen's Union of North Tonawanda, N. Y., remonstrating against the enactment of legislation to abolish the United States Marine Hospitals at certain cities in the United States; which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Franklin Lodge, No. 697, International Association of Machinists, of Portsmouth, N. H., praying for the enactment of legislation providing that all Government work on vessels be done at the navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chickasaw Teachers' Association of Ardmore, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Maryland Child Labor Committee of Baltimore, Md., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Massachusetts Audubon Society, of Boston, Mass.; of the State Audubon Society of North Dakota, of Grand Forks, N. Dak., and of the Audubon Society of the State of New York, of New York City, N. Y., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PLATT presented petitions of the congregation of the Kensington Baptist Church, of Buffalo; of G. P. Sewall, of Aurora, and of H. G. Walker and sundry other citizens of Buffalo, all in the State of New York, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented the petition of Francis Van Dresar, of Holland Patent, N. Y., and the petition of Steward Van Dresar, of Westernville, N. Y., praying for the enactment of legislation to provide for the establishment of a Department of Mines and Mining; which were referred to the Committee on Mines and Mining.

He also presented the petition of Rev. A. H. Knight, of Gorham, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Poughkeepsie Grange, No. 839, Patrons of Husbandry, of Arlington, N. Y., praying for the removal of the internal-revenue tax on denaturized alcohol, and also for the establishment of a parcels post; which was referred to the Committee on Finance.

He also presented petitions of Local Division No. 46, Brotherhood of Locomotive Engineers, of Albany, and of Local Division No. 155, Order of Railway Conductors, of Albany, in the State of New York, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. DEPEW presented petitions of the National Consumers League of New York City; of the Homeopathic Medical Society of Kings County, and of the Young Friends' Association of New York City, all in the State of New York, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Lockport, N. Y., and a petition of the Grain Dealer's National Association of Toledo, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table.

He also presented a memorial of the congregation of the Central Church of Yonkers, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Troy, N. Y., and a petition of the Republican Citizens' Committee of Watervliet, N. Y., praying for the enactment of legislation providing for the continuance of Government work at the Watervliet Arsenal, in that State; which were referred to the Committee on Military Affairs.

He also presented a petition of the Baptist Ministers Conference, of Rochester, N. Y., and a petition of sundry citizens of Rochester, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Brewers' Association of New York City, N. Y., praying for the enactment of legislation to create a Federal judicial court in the Orient; which was referred to the Committee on Foreign Relations.

He also presented a petition of Erasmus Council, No. 99, Junior Order of United American Mechanics, of Flatbush, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Grange No. 311, Patrons of Husbandry, of Barnard, N. Y., praying for the enactment of

legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a memorial of the New York State Grange, Patrons of Husbandry, of Skaneateles, N. Y., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Lockport, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

Mr. BURNHAM presented the petition of Rev. Ward R. Clarke and 26 other citizens of Dover, N. H., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Kingston, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Kingston, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of Liberty Council, No. 137, Junior Order United American Mechanics, of Bedington, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Sandyston, N. J., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a petition of the Federation of Women's Clubs of Plainfield, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the New Jersey Pharmaceutical Association, of Elizabeth, N. J., praying for the passage of the so-called "Mann patent bill," relating to medicinal compounds; which was referred to the Committee on Patents.

He also presented a petition of Local Branch No. 7, Glass Bottle Blowers' Association, of Millville, N. J., praying for the enactment of legislation making applicable the eight-hour law in connection with the construction of the Panama Canal; which was referred to the Committee on Interoceanic Canals.

He also presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Sandyston N. J., praying for the passage of the so-called "Brownlow good roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Sandyston, N. J., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Unity Division, No. 235, Brotherhood of Locomotive Engineers, of New Durham, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Sandyston, N. J., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Sandyston, N. J., praying for the retention of the present revenue tax on imitation butter; which was referred to the Committee on Finance.

He also presented petitions of Wilson Lodge, No. 272, Brotherhood of Locomotive Firemen, of Hampton Junction; of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, and of Unity Division, No. 235, Brotherhood of Locomotive Engineers, of Union Hill, all in the State of New Jersey, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. NIXON presented a memorial of sundry citizens of Reno, Nev., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented petitions of Truckee Lodge, Brotherhood of Locomotive Firemen, of Sparks, and of Local Division No. 478, Order of Railway Conductors, of Tonopah, all in the State of Nevada, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a petition of sundry citizens of Minnesota, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Minnesota, praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of sundry associations and organizations of St. Paul, Minn., praying for the ratification of a new commercial treaty between the United States and the German Empire; which was referred to the Committee on Finance.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Springfield, Dixon, and Ottawa, all in the State of Illinois, praying for an investigation of existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Orders of Railway Conductors, Engineers, and Firemen, of Chicago, Galesburg, Mattoon, Mount Carmel, Clinton, and Rock Island, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union, of Upper Alton, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. HEMENWAY presented a memorial of Laborers' Protective Union No. 12025, American Federation of Labor, of Crawfordsville, Ind., and a memorial of Local Union No. 62, Cigar Makers' International Union, of Richmond, Ind., remonstrating against the passage of the so-called "Philippine free-trade bill;" which were referred to the Committee on the Philippines.

He also presented a petition of Linton Council, No. 9, Junior Order United American Mechanics, of Linton, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Central Labor Union of Evansville, Ind., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a memorial of Dr. J. R. Adams Camp No. 123, Indiana Division, Sons of Veterans, United States Army, remonstrating against the wearing of uniforms of the Army, Navy, the Marine Corps, and the Revenue Service; which was referred to the Committee on Military Affairs.

He also presented a petition of Jefferson Pomona Grange, No. 22, Patrons of Husbandry, of Madison, Ind., praying for the removal of the internal-revenue tax on alcohol; which was referred to the Committee on Finance.

He also presented a memorial of sundry veterans, widows of soldiers, and sons of veterans of Valparaiso, Ind., remonstrating against the enactment of legislation to place the officers of the civil war above the rank of major on the retired list at three-quarters full pay, etc; which was referred to the Committee on Military Affairs.

Mr. WARREN. Mr. President, I present the petition of Thomas Kean and 153 other citizens of Oklahoma and Indian Territories, asking that sections 16 and 36, designated as school sections in the proposed State of Oklahoma, shall be subject to the same laws and rules regarding mineral claims as obtain in the other new States of the Union, and the same as proposed for the new State of Arizona.

I believe that the statehood bill has been reported from the Committee on Territories. I therefore call the attention of the members of that committee to this subject, and ask that the petition may go to the Committee on Territories, and I will later in the day offer an amendment covering the substance of the petition.

I move that the petition be referred to the Committee on Territories.

The motion was agreed to.

Mr. DRYDEN presented a petition of sundry citizens of East Orange and Newark, N. J., praying for the enactment of legislation granting separate statehood to the Indian Territory; which was ordered to lie on the table.

He also presented a petition of the Somerset County Medical Society, of Somerville, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of Unity Division, No. 235,

Brotherhood of Locomotive Engineers, of Union Hill; of Camden Division, No. 170, Order of Railway Conductors, of Camden; of Hoboken Lodge, No. 508, Brotherhood of Railroad Trainmen, of Newark; of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, of Trenton, and of Wilson Lodge, No. 272, Brotherhood of Locomotive Firemen, of Hampton Junction, all in the State of New Jersey, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented the petition of Dr. A. K. Baldwin, of Newark, N. J., praying for the enactment of legislation to repeal the present Army canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Unity Division, No. 235, Brotherhood of Locomotive Engineers, of Union Hill, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the New Jersey Pharmaceutical Association, of Elizabeth, N. J., praying for the passage of the so-called "Mann patent bill," relating to medicinal compounds; which was referred to the Committee on Patents.

He also presented the memorial of F. B. Vandegrift & Co., of New York City, N. Y., remonstrating against the enactment of legislation granting a license to any person to transact business as a custom-house broker or agent of importers; which was referred to the Committee on Finance.

He also presented a petition of the Literary Club of Arlington, N. J., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Lumberton, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Branch No. 7, Glass Bottle Blowers' Association, of Millville, N. J. remonstrating against the enactment of legislation to abolish the present eight-hour law in connection with alien labor on the Panama Canal; which was referred to the Committee on Interoceanic Canals.

Mr. FULTON presented a petition of sundry citizens of Oregon, praying for the adoption of certain amendments to the present postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Local Union No. 50, United Brotherhood of Carpenters and Joiners, of Portland; of Bricklayers' Local Union No. 1, of Portland; of Cigar Makers' Local Union No. 202, of Portland, and of the Federated Trades Council of Portland, all in the State of Oregon, remonstrating against the enactment of legislation relating to the complement of crews of vessels; which were referred to the Committee on Commerce.

Mr. STONE presented memorials of the board of directors of the public library of Sedalia; of the advisory committee of the Missouri Historical Society, of St. Louis; of the board of directors of the public library of Kansas City, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the free importation of foreign publications by libraries; which were referred to the Committee on Finance.

He also presented a petition of the Central Trades and Labor Union of St. Louis, Mo., and a petition of Local Union No. 2, American Federation of Musicians, of St. Louis, Mo., praying for the enactment of legislation to prevent enlisted musicians of the military and naval service of the United States from competing with civilians; which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Commercial Club of Moberly, Mo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fruit Growers' Association of Verona, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table.

He also presented a petition of the advisory committee of the Missouri Historical Society, of St. Louis, Mo., praying for the enactment of legislation to establish a United States Historical Commission; which was referred to the Committee on the Library.

He also presented the petition of Harry C. Jewell, of Springfield, Mo., praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the ratification of international reciprocity treaties with European nations so as to secure equality for American goods with foreign goods in foreign markets; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kansas City, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table.

He also presented a petition of Iron Mountain Lodge, No. 230, Brotherhood of Locomotive Firemen, of St. Louis, Mo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. MCENERY presented sundry papers to accompany the bill (S. 4255) for the relief of Charles E. Fenner, executor of George E. Payne, deceased; which were referred to the Committee on Claims.

Mr. SIMMONS presented a petition of Goldsboro Council, Junior Order United American Mechanics, of Goldsboro, N. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. GAMBLE presented a paper to accompany the bill (S. 4010) granting an increase of pension to Bridget Egan; which was referred to the Committee on Pensions.

Mr. MCCUMBER presented the petition of H. H. Walters and 69 other citizens of Casselton, N. Dak., praying for the removal of the internal-revenue tax on alcohol for commercial purposes; which was referred to the Committee on Finance.

Mr. MARTIN presented a petition of the Junior Order of American Mechanics of Port Norfolk, Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented sundry papers to accompany the bill (S. 4214) to appoint Holmes E. Offley upon the retired list of the Navy with the rank of lieutenant; which were referred to the Committee on Naval Affairs.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 4634) granting an increase of pension to Charles Westcott; which were referred to the Committee on Pensions.

Mr. CLAY. I present a letter, in the nature of a petition, from the cotton manufacturers of my State, setting forth reasons why the Philippine tariff bill should be enacted into law. The letter is short, and I ask that it be printed in the RECORD and referred to the Committee on the Philippines.

There being no objection, the letter was referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

THE GRIFFIN MANUFACTURING COMPANY,
Griffin, Ga., February 19, 1906.

Hon. ALEXANDER S. CLAY,
United States Senate, Washington.

DEAR SIR: I see that the general Philippine tariff bill (No. 3) has passed the House of Representatives and is now pending before the United States Senate. As all of the southern cotton manufacturers are vitally interested in the passage of this bill, I write to request you to use your influence and to give its passage your active and vigorous indorsement.

The free entry of southern cotton-mill products in the Philippines would no doubt be beneficial to southern cotton manufacturers, and I see no good reason why the United States should allow England, Spain, and other foreign countries to monopolize this trade. Surely we have expended enough money on these islands to receive some benefit therefrom.

I am also in favor of reciprocity with the Philippines, and do not object to reduction to 25 per cent of the present tariff on sugar, rice, and tobacco. As a matter of fact, sugar is the only item worth considering, as the amount of rice that would be imported from the Philippines would be practically of no importance, and the tobacco that would be imported does not conflict with the tobacco raised in the South.

Trusting that this bill meets with your approval and that you will give it your vigorous support, I am,

Yours, truly, W. J. KINCAID, *President.*

We, the undersigned cotton-mill officers, of Griffin, Ga., heartily approve of the foregoing letter.

The Griffin Manufacturing Company, per Edw. M. Warner, treasurer; The Spalding Cotton Mills, by J. J. Mangham, president; Kincaid Manufacturing Company, per Ed. M. Warner, treasurer; The Spalding Cotton Mills, by Douglas Boyd, president; The Griffin Manufacturing Company, per Seaton Grantland, vice-president; The Spalding Cotton Mills, by John W. Mangham, treasurer; Kincaid Manufacturing Company, per Seaton Grantland, vice-president; Boyd-Mangham Manufacturing Company, by J. J. Mangham, treasurer; Central Mills, by J. J. Mangham, president; Boyd-Mangham Manufacturing Company, by Douglas Boyd, president; Central Mills, by Douglas Boyd, vice-president; Rushton Cotton Mills, by S. L. Shidley, treasurer; Central Mills, by John E. O. Mangham, treasurer; Rushton Cotton Mills, by Robt. T. Daniel, vice-president, and Rushton Cotton Mills, by J. O. Nichols, treasurer.

Mr. CLAY presented a petition of Atlanta Division, No. 180, Order of Railway Conductors, of Atlanta, Ga., praying for the passage of the so-called "employers' liability bill" and also

the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I am instructed by the Committee on Interstate Commerce to report back favorably House bill 12987 as it passed the House of Representatives, it being understood that the members of the committee reserve the right to offer amendments to the bill and vote for the same while it is under consideration in the Senate.

Accompanying the bill, Mr. President, I present the hearings which have been had before the committee at its several sessions during the past year, embracing the volumes on my desk—several thousand pages. The committee thinking that the mass of testimony, much of it irrelevant, might be inconvenient for the Senate, have felt that it was necessary, at least desirable, to employ two experts, Messrs. Newcomb and Adams, who have been instructed, without giving any opinions of their own, to epitomize as far as practicable the evidence presented in the hearings, and also to gather a considerable mass of very valuable information bearing on railway rates both in this country and in Europe.

I send that along with the report of the bill, and ask that it be printed as a document to accompany the bill. The mass of the testimony embraced in these volumes will be subject to the order of the Senate. If the Senate wants to have it printed it will cost a considerable amount of money, although the plates are already in the Printing Office, and nothing but the cost of the paper will be involved in the printing. It will be left for the Senate to determine whether it will want the full hearings printed or not.

Mr. President, as soon as I can gather the data and digest it I will present a written report bearing on this important subject, and presenting the views of those of us who are in favor of this kind of legislation. At present I shall content myself with giving notice that as soon as——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. HALE. It is only about the volumes of testimony. I understand they have not been printed for the use of the Senate, but only for the committee.

Mr. TILLMAN. That is all, so far.

Mr. HALE. It is not now, then, in any form a public document?

Mr. TILLMAN. It is not a public document.

Mr. HALE. And the Senator submits an abstract or epitome of the valuable parts of the testimony, which will be the public document that Senators will consult?

Mr. TILLMAN. Unless Senators want the whole testimony. They might not be willing to take the condensation or epitome, but would prefer to go to the original testimony. That is a matter for the Senate to determine.

Mr. HALE. But whether we shall have, in either one form or the other, a document for the use of the Senate and Congress and the country, depends upon future action?

Mr. TILLMAN. That, of course, will depend upon the order of the Senate. The document I have sent to the desk embraces what is supposed to be, and what it certainly was our desire to have, an epitome and a condensation of the valuable parts of the testimony, with references to the pages in the original testimony.

Mr. HALE. I think it quite likely that we should want to have it all printed, but for the present, at any rate, if a Senator wants the document he can not get it, because it has only been printed for the committee.

Mr. TILLMAN. No Senator can get this document, because there are none in existence, but I will state that the printed matter has been stereotyped and the plates are at the Printing Office.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I rose simply to call attention to the fact the Senator has just now adverted to, that the plates are still preserved, and that to print further copies of the hearings would involve nothing more than the cost of the paper. Therefore, if it is to be of any value at all, it seems to me there ought not to be any question about printing the hearings as a Senate document for the use of the Senate. There was a larger number printed by the order of the committee than is usual for mere committee use, but not enough to answer the purposes of the Senate. As the subject is one which is likely to be very much discussed and in which the country is very greatly interested, I suggest to the Senator it would be entirely proper for him, in connection with the report he is now making, to ask that the hearings be printed as a Senate document.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. Certainly.

Mr. ALLISON. The Senator from Ohio substantially said what I intended to say. As I understand it, in this excerpt prepared by the two experts they have, of course, taken what they considered to be the important parts of the testimony, according to their judgment. But I am quite sure that when Senators undertake to examine the digest they will also want to examine the whole testimony. I hope the Senator will now, in connection with his report, ask that not only the excerpt, but that the testimony shall be printed.

Mr. TILLMAN. How many copies would the Senator suggest—10,000?

Mr. ALLISON. The usual number. Let the question of extra copies be considered later.

Mr. TILLMAN. I will say to the Senator I am sure, from my own experience in responding to requests for the testimony, that a very large number will be asked for, and while I, of course, am willing to be guided by the great experience and wisdom of my friend from Iowa, I would think that the ordinary number of only a few hundred would be exhausted almost before it was off the press.

Mr. ALLISON. Very well; then I would suggest to the Senator that he ask that five or ten thousand copies be printed in connection with the digest of the testimony prepared by the experts.

Mr. HALE. I suggest that as a part of the printing legislation there is a rule providing that any printing which cost over $500 shall be first submitted to the Committee on Printing and a report be made; but I think it has been ruled by the Chair in a previous Congress that while that applies generally to documents it does not apply to reports of committees and papers accompanying the report. I ask the Chair to state his construction of that rule.

The VICE-PRESIDENT. The rule does not apply, as the Chair is advised, to reports and documents accompanying reports.

Mr. HALE. That has been my understanding.

Mr. TILLMAN. Then I ask that 10,000 copies of the digest——

Mr. ELKINS. Will the Senator allow me to interrupt him before he puts the motion?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. TILLMAN. Certainly.

Mr. ELKINS. I will state for the information of the Senator from South Carolina and the Senate that after the conclusion of the hearings, by order of the committee, 3,000 sets were printed for the House and the Senate for distribution as they might see fit and by the committee itself. I thought it was proper for the Senate to be informed of this fact before making an order as to the number that shall be printed.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I was only going to say as to the set referred to by the Senator from West Virginia, I do not think it was complete. Moreover, the number has not been sufficient. There is demand already for it, and I am sure the Senator from South Carolina will desire to give us all that we need.

Mr. TILLMAN. I was going to ask that 10,000 copies of the evidence and also of the abstract or epitome be printed, because there is a good deal of entirely new material in the abstract that is not in the evidence. I ask that 10,000 copies of the two be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from South Carolina reports from the Committee on Interstate Commerce a bill which will be stated.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The bill will be placed on the Calendar. The Senator from South Carolina asks that 10,000 copies of the testimony taken by the Committee on Interstate Commerce in support of the bill just reported and 10,000 copies of the digest of the hearings upon the same subject be printed. Is there objection? The Chair hears none, and it is so ordered.

Mr. TILLMAN. Now, Mr. President, only a word more. I

stated a moment ago that as soon as I shall be able to gather the material and digest it for making a written report, I will submit such a report, certainly within the next two weeks.

In the meantime I desire to serve notice that in view of the transcendent importance of this legislation and the wide and universal interest in Congress doing something, I shall take occasion, as soon as the statehood bill is disposed of, and probably before, if it should hang on the hook too long, to ask the Senate to take up this bill and consider it and press it to a vote just as soon as we can get one.

Mr. ALDRICH. Mr. President, a majority of the Republican members of the committee did not join in the favorable report which has just been made by the Senator from South Carolina for the reason that, in their judgment, an attempt should have been made by the committee to remedy, by proper amendments, some of the obvious and admitted defects and omissions of the House bill, and that clear and adequate provision should have been made for subjecting the orders of the Commission affecting rates to judicial review. They believed that these amendments were not only necessary to protect the rights of all the parties in interest, but that they were essential to the vitality and efficiency of the measure. With these amendments the minority members, with the possible exception of the Senator from Ohio——

Mr. FORAKER. With the actual exception.

Mr. ALDRICH. With the actual exception of the Senator from Ohio, who is opposed, as I understand, to all Government rate making, were ready to give their support to the House bill.

I beg to assure the Senator in charge of the bill that the opponents of the measure in its present form will ask for no unnecessary delays in its consideration. The legislation proposed is of such a character that the most careful examination of its provisions and the fullest discussion of its terms will be necessary. But beyond this no attempt will be made to prolong the debate.

Mr. ELKINS. Mr. President, some of the members of the Interstate Commerce Committee could not give their consent to vote to report the bill just as it was reported by the Senator from South Carolina, without amendment, and they will submit a report giving their reasons therefor, and their views of the bill which has now been reported.

Mr. CULBERSON subsequently said: The Senator from South Carolina, in making a favorable report of what is known as the "rate bill," suggested, as I understood him, that that report was made with a reservation that the majority of the committee joining in it will offer such amendments in the Senate as hereafter they may see proper.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. CULBERSON. Certainly.

Mr. TILLMAN. The Senator is not entirely accurate. The entire committee passed that rule. All the members of the committee, not only those who reported the bill but the others, reserved the right to offer amendments.

Mr. CULBERSON. Very well. Mr. President, the entire committee reserved the right to offer such amendments to the bill as they may think fit hereafter. I take it, therefore, that in a large degree this is no more nor less than a transfer of this controversy from the committee to the Senate Chamber.

I therefore offer a substitute for the bill.

The VICE-PRESIDENT. Will the Senator withhold it until the order of the introduction of bills and joint resolutions is reached? We are now on the order of reports of standing and select committees.

Mr. SPOONER. Let the Senator ask for unanimous consent.

Mr. CULBERSON. Very well. I will simply complete the sentence, which is that I offer a substitute for the entire bill, moving to strike out all after the enacting clause. The substitute I offer is in effect and substance the bill which I have heretofore introduced in the Senate upon this general subject. I ask that I may offer the substitute now out of order.

The VICE-PRESIDENT. Without objection, it will be received now. The Senator from Texas submits a proposed substitute for House bill 12987. It will be printed and lie on the table.

Mr. TILLMAN subsequently said: I am advised by the Chair that, as the extra cost of printing the hearings before the Interstate Commerce Committee, and the printing of the prepared digest, will each exceed the cost of $500, he is of the opinion that it will be necessary to introduce concurrent resolutions, and that they shall be referred to the Committee on Printing. I have had prepared for the purpose and now introduce two resolutions.

The concurrent resolutions were read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 extra copies of the testimony taken by the Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill," 3,000 for the use of the Senate and 7,000 for the use of the House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 extra copies of the digest, prepared under the direction of the committee, of the testimony taken by the Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill"—3,000 for the use of the Senate and 7,000 for the use of the House of Representatives.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4507) granting an increase of pension to Joseph Chandler, jr.;

A bill (S. 1645) granting an increase of pension to Jacob G. Orth;

A bill (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney;

A bill (H. R. 11051) granting a pension to Henry T. McDowell;

A bill (H. R. 8317) granting an increase of pension to Eliza Thompson;

A bill (H. R. 7982) granting an increase of pension to Francis M. Kellogg;

A bill (H. R. 9146) granting an increase of pension to Francis A. Jones;

A bill (H. R. 9651) granting an increase of pension to Charles S. Word; and

A bill (H. R. 10954) granting an increase of pension to Letitia D. Watkins.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 65) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4168) to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District;" and

A bill (S. 4170) to amend an act approved March 3, 1901, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes."

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2270) for the relief of Nicola Masino, of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 4313) ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California, reported it with an amendment.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2735) granting a pension to Marcelina S. Groff, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8233) granting an increase of pension to Charles A. Power;

A bill (H. R. 9077) granting an increase of pension to Samuel Engle;

A bill (H. R. 8664) granting an increase of pension to Henry Wascher;

A bill (H. R. 8663) granting an increase of pension to Frederick A. Amende;

A bill (H. R. 9209) granting an increase of pension to Stephen D. Cohen;

A bill (H. R. 10437) granting an increase of pension to Casper Yost; and

A bill (H. R. 13582) granting an increase of pension to James Sutherland.

Mr. McCUMBER, from the Committee on Pensions, to whom

were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1508) granting an increase of pension to Francesco Del Giudice;

A bill (S. 1905) granting an increase of pension to Edgar Tibbits; and

A bill (S. 3714) granting an increase of pension to James Ruth.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2044) granting a pension to Solomon F. Wehr;

A bill (S. 3121) granting an increase of pension to John G. Blessing; and

A bill (S. 1911) granting an increase of pension to Gunnerus Ingebretson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2103) granting an increase of pension to Lorin R. Bingham; and

A bill (S. 2868) granting an increase of pension to George W. Flick.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 2080) granting a pension to Ruth F. Bennett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7628) granting an increase of pension to Lorenzo D. Stoker;

A bill (H. R. 7721) granting an increase of pension to Daniel V. Lowary;

A bill (H. R. 9065) granting an increase of pension to George G. Brail;

A bill (H. R. 8562) granting an increase of pension to William Ostermann; and

A bill (H. R. 9851) granting an increase of pension to William G. Richardson.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4459) authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 49) authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4469) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 48) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4000) granting an increase of pension to Pyle Woodward; and

A bill (S. 3199) granting an increase of pension to Andrew J. Coulton.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted a report thereon:

A bill (S. 1437) granting an increase of pension to William F. Davis;

A bill (H. R. 7213) granting an increase of pension to Loucette E. Glavis;

A bill (H. R. 9237) granting an increase of pension to Jacob Dachrodt; and

A bill (H. R. 10307) granting an increase of pension to Milton A. Saeger.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3492) granting an increase of pension to Catherine Bechtol, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (H. R. 10853) to prohibit gambling in the Territories, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3132) granting an increase of pension to Georgia D. Brown;

A bill (S. 1666) granting an increase of pension to George W. Beard;

A bill (S. 1555) granting an increase of pension to Mary C. Bishop; and

A bill (S. 4223) granting an increase of pension to Benjamin F. Peirce.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 1421) granting an increase of pension to Harvey C. Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1357) granting an increase of pension to Orlando C. Pinkham, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 4422) granting an increase of pension to Lindsay Kirby, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4496) granting an increase of pension to Alphonso Brooks;

A bill (H. R. 8156) granting an increase of pension to Loren H. Howard;

A bill (H. R. 8061) granting an increase of pension to Heart Echard;

A bill (H. R. 5711) granting a pension to Richard H. Kelly; and

A bill (H. R. 9405) granting an increase of pension to John Burns.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (S. 395) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, reported it with amendments.

Mr. CLARK of Montana, from the Committee on the Library, to whom was referred the bill (S. 2266) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 599) granting an increase of pension to Mary A. Megrue, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1130) granting an increase of pension to Isaiah Mitchell; and

A bill (S. 3312) granting a pension to Oscar F. Renick.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 3721) granting a pension to Mary C. Morgan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 671) granting an increase of pension to Charles Conine, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9122) granting an increase of pension to Philander Bennett;

A bill (H. R. 7222) granting an increase of pension to Levi J. Walton;

A bill (H. R. 9052) granting an increase of pension to Jonathan Wood;

A bill (H. R. 8714) granting an increase of pension to George Gibson;

A bill (H. R. 9929) granting an increase of pension to Orlean De Witt; and

A bill (H. R. 10256) granting an increase of pension to Daniel D. Diehl.

Mr. OVERMAN, from the Committee on Pensions, to whom

was referred the bill (S. 2168) granting an increase of pension to Isaac B. Hewitt, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4595) granting an increase of pension to Amos McManus; and

A bill (H. R. 8493) granting an increase of pension to Sallie P. Sheffield.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3189) granting an increase of pension to Elizabeth Rutherford;

A bill (H. R. 13078) granting an increase of pension to Elizabeth F. Partin;

A bill (H. R. 6813) granting an increase of pension to Emsley Kinsauls;

A bill (H. R. 13084) granting an increase of pension to William Dixon;

A bill (H. R. 12837) granting an increase of pension to Martha Miller;

A bill (H. R. 8494) granting an increase of pension to David A. Jones;

A bill (H. R. 8949) granting an increase of pension to Albert Richard Clark;

A bill (H. R. 10483) granting a pension to James Gallt; and

A bill (H. R. 9351) granting an increase of pension to Marie G. Benham.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 251) granting an increase of pension to Martin L. Adams; and

A bill (S. 2548) granting an increase of pension to Jesse M. Furman.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 3539) granting an increase of pension to Dominick Cavanaugh, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6494) granting an increase of pension to William Hughes;

A bill (H. R. 7948) granting an increase of pension to James W. Reynolds, alias William Reynolds;

A bill (H. R. 8169) granting an increase of pension to Eliza C. Jones;

A bill (H. R. 9906) granting an increase of pension to Hinman Rhodes;

A bill (H. R. 12156) granting an increase of pension to Edwin Billing;

A bill (H. R. 12290) granting an increase of pension to David L. Kretsinger; and

A bill (H. R. 12297) granting a pension to Estelle Kuhn.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (S. 4115) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district, reported it without amendment.

BILLS INTRODUCED.

Mr. WETMORE introduced a bill (S. 4650) granting an increase of pension to Thomas McDonald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4651) granting an increase of pension to Rufus M. Ashley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4652) for the relief of the State of Rhode Island; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 4653) to regulate the retirement of certain veterans of the civil war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LA FOLLETTE introduced a bill (S. 4654) to require an accounting of money expended in elections, provide for the filing of statements of receipts and disbursements of political committees with the Secretary of the Department of Commerce and Labor, and to prohibit corporations from directly or indirectly paying or contributing any money, property, or thing of value to any political committee or to any candidate for any political office; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4655) for the relief of the estate of George Mitchelltree, deceased;

A bill (S. 4656) for the relief of J. B. Cheppert;

A bill (S. 4657) for the relief of the estate of Hiram Anderson, deceased;

A bill (S. 4658) for the relief of Odon Ducatte; and

A bill (S. 4659) for the relief of the heirs of John Schwartzenburg, sr., deceased (with an accompanying paper).

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4660) for the relief of Laura V. Phipps; and

A bill (S. 4661) for the relief of the Methodist Protestant Church.

Mr. MALLORY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4662) for the relief of the St. Luke's Protestant Episcopal Church, of Marianna, Fla.; and

A bill (S. 4663) for the relief of Sarah E. Callahan.

Mr. LATIMER introduced a bill (S. 4664) for the relief of Ulysses G. Des Portes, administrator of the estate of Saling S. Wolf, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 4665) granting an increase of pension to Louis Du Bois; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4666) authorizing the appointment of Charles D. Clay, captain, United States Army, retired, as a major on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4667) granting an increase of pension to James H. Lile; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4668) granting an increase of pension to George Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4669) for the relief of W. K. Denny; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 4670) to provide for the control, administration, and support of the public schools of the District of Columbia; and

A bill (S. 4671) to determine and regulate the salaries of officers, teachers, and other employees of the board of education for the public schools of the District of Columbia.

Mr. PLATT introduced a bill (S. 4672) fixing the compensation of the laborers in the customs service at the port of New York; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4673) to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a bill (S. 4674) for the relief of Morris and Abe Schneider; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4675) granting an increase of pension to Fannie Parker Norton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4676) to amend the Code of Law for the District of Columbia relating to interest and usury; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4677) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers, when summoned; which was read

twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4678) to meet the emergency caused by the continued spread of the gypsy moth; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. WARREN introduced a bill (S. 4679) to improve the public building at Cheyenne, Wyo.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 4680) granting an increase of pension to Henry B. Tector; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4681) granting an increase of pension to William S. Gray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 4682) to repeal an act entitled "An act providing for the resurvey of township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLARK of Wyoming introduced a bill (S. 4683) granting an increase of pension to William McCann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 4684) authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. NIXON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (S. 4685) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies; and

A bill (S. 4686) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4687) granting an increase of pension to Isaac B. Sandusky;

A bill (S. 4688) granting an increase of pension to Noel J. Burgoss;

A bill (S. 4689) granting an increase of pension to John Brown;

A bill (S. 4690) granting an increase of pension to G. W. Alexander;

A bill (S. 4691) granting an increase of pension to A. J. Burget; and

A bill (S. 4692) granting a pension to Adaline M. Thornton.

Mr. McCUMBER introduced a bill (S. 4693) granting an increase of pension to Irwin M. Hill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4694) granting an increase of pension to Homer S. Smythe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 4695) granting an increase of pension to John H. Mullen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4696) for the relief of the estate of Alfred L. Shotwell; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 4697) for the relief of Ellen Sexton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4698) for the preservation of American antiquities; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4699) granting an increase of pension to Isaac W. Chatfield;

A bill (S. 4700) granting a pension to James Lawton; and

A bill (S. 4701) granting an increase of pension to John Englebeck.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4702) for the relief of the heirs of Christopher Wood, deceased;

A bill (S. 4703) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased;

A bill (S. 4704) for the relief of Charles O. Spencer;

A bill (S. 4705) for the relief of J. R. Jeter;

A bill (S. 4706) for the relief of the trustees of the Church of Christ, in Bledsoe County, Tenn.;

A bill (S. 4707) for the relief of G. R. West; and

A bill (S. 4708) for the relief of the estate of T. E. Robison, deceased.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4709) for the relief of the estate of Margaret Rawlings, deceased;

A bill (S. 4710) for the relief of John W. Fowler;

A bill (S. 4711) for the relief of the estate of John W. Atkisson, deceased;

A bill (S. 4712) for the relief of Joseph B. Johnson;

A bill (S. 4713) for the relief of the estate of John W. Hester, deceased;

A bill (S. 4714) for the relief of Mary C. Jackson; and

A bill (S. 4715) for the relief of the estate of W. A. Rawlings, deceased.

Mr. CLARK of Montana introduced a bill (S. 4716) appropriating $15,000 for acquiring additional ground and necessary improvements for the same for the Federal building at Butte, Mont.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. KNOX introduced a bill (S. 4717) granting an increase of pension to Ellen A. Gibbon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4718) granting an increase of pension to George W. Gibson; and

A bill (S. 4719) granting an increase of pension to John Joines.

Mr. BAILEY (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4720) for the relief of W. M. Justice;

A bill (S. 4721) for the relief of George W. Guyer; and

A bill (S. 4722) for the relief of the estate of A. Underwood, deceased.

Mr. FULTON introduced a bill (S. 4723) granting an increase of pension to C. E. Du Bois; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4724) granting an increase of pension to Alexander B. Mott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4725) to provide for the division of penalty recovered under the alien contract labor law; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 4726) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOPKINS introduced a bill (S. 4727) granting a pension to Maud L. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4728) granting a pension to Greenbury Overstreet; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 4729) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4730) for the relief of Jacob Cohen; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4731) for the relief of the estate of Anton Borchert; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4732) for the relief of the estate of Sarah S. Maner; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4733) for the relief of George W. Randall for damages sustained by him as the owner of the sloop *Lottie W;* which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 4734) for the relief of Franklin Foy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4735) granting a pension to Hettie Wendley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 4736) for the relief of the legal representatives of the estate of James Baggs, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 4737) to authorize the appointment of Jackson Ernest Price as a second lieutenant in the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TILLMAN introduced a bill (S. 4738) for the relief of Powell S. Boatwright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 4739) granting an increase of pension to Benjamin F. Burgess; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 4740) to provide for enlarging and improving the United States building at Lynchburg, Va., now containing the United States court rooms, clerk's office, and post-office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MALLORY introduced a joint resolution (S. R. 35) for a survey of the land between the big lagoon at the western end of Pensacola Bay, in the State of Florida, and Perdido Bay, with a view of constructing a canal; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. BURKETT submitted an amendment relative to the disposition of allotments of land to Indians who have died since their allotments were made, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was referred to the Committee on Territories, and ordered to be printed.

PURE-FOOD BILL.

On motion of Mr. HEYBURN, it was

Ordered, That there be printed for the use of the Senate 500 copies of S. 88, "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes."

SEPARATE STATEHOOD IN INDIAN TERRITORY.

On motion of Mr. FORAKER, it was

Ordered, That 500 copies of Senate Document No. 143, Fifty-ninth Congress, first session, be printed for the use of the Senate document room.

REGULATION OF RAILROAD RATES.

Mr. McCUMBER. Mr. President, I offer a resolution, which I send to the desk, embodying my own views of what will be proper amendments to the present interstate-commerce law and also the limitations of the authority which, in my mind, should be placed upon the Interstate Commerce Commission. I ask that the resolution may be printed and lie on the table. I desire to give notice at this time that I shall ask the indulgence of the Senate to address myself to this particular subject in the near future.

Mr. GALLINGER. Let the resolution be read, Mr. President.

The VICE-PRESIDENT. The Senator from North Dakota submits a resolution, which will be read.

The Secretary read as follows:

Be it resolved by the Senate of the United States, That the act to regulate commerce, approved February 4, 1887, and acts amendatory and supplementary thereto, should be so amended as to provide:

1. That the provisions of said act shall be so extended as to cover and include all rates and charges for transfer or switching and apply to all terminal or other facilities for receiving, handling, and shipping goods, wares, and merchandise, and shall prohibit any and all unjust charges or discrimination in legislation thereto.

2. That if it be established that any railroad company has granted or paid, directly or indirectly, by or through any means or device whatever, any rebate or preference to any shipper, that both such railroad and said shipper shall be adjudged to pay a fine of three times the amount of such rebate or the value of such preference granted or received, in addition to any other fine or penalty now provided in said act.

3. That all refrigerator cars or cold-storage cars or other cars, whether owned by any railway company or by any other person or corporation, used in interstate commerce, shall be covered by the provisions of said act.

4. That all charges paid by any railroad company for use or rental of any such cars shall be just and reasonable to the end that the owner of such cars, using the same for shipment of his own goods, shall secure no unfair or unjust benefit over any other shipper of like goods; and all unjust and unreasonable charges by the owners of such cars for the use or rental thereof to any railway company, or for use, or rental thereof by any other shippers or for icing or other service in connection with the use thereof, shall be prohibited.

5. That on and after January 1, 1909, every railroad company doing an interstate-commerce business shall furnish all cars, whether refrigerator, cold storage, or other specially constructed or designed cars for the carriage of special merchandise, necessary for the conduct of its business as a common carrier, and shall furnish at just and reasonable rates all icing and other service necessary or proper for the protection of any goods in transit; and on and after such date no such railroad company shall enter into any contract with the owner or shipper of any goods to ship the same in the cars of such owner or shipper or pay any rental for such cars.

6. That all discrimination in rates or service between persons shipping from one point to another point shall be strictly prohibited; but such provision shall not prevent any railroad company from making such special rates to or from any locality as it may deem necessary for the development of such locality, or enterprise therein, as may seem to be for the interest of such locality, business, or the railroad serving the same.

7. That the said Interstate Commerce Commission shall be prohibited from making any rules or regulations or adjusting any rates, the result of which shall in any respect prevent or discourage free and full competition between the several carrying lines of the country.

8. That such Interstate Commerce Commission shall make no rule or regulation having for its object the distribution of the carrying or transportation business of the country between any particular carrying lines or between any particular cities; but that all such carrying business or transportation of goods shall be allowed to go to such road or roads, or through such city or cities, as shall be able under free and unfettered competition to secure the same.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On February 23:

S. R. 28. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

On February 24:

S. 2106. An act to authorize the construction of a bridge across the Arkansas River at or near Van Buren, Ark.; and

S. 3318. An act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.

FIVE CIVILIZED TRIBES OF INDIANS.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed.

Mr. CLAPP. Mr. President, I desire to renew the request which I made on Thursday last for unanimous consent for the consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. FORAKER. Mr. President, I have no objection to the consideration of that bill until the conclusion of the morning hour at 2 o'clock, but I shall object to that or any other bill, except the unfinished business, being considered after 2 o'clock.

Mr. CLAPP. Mr. President, I should like to say to the Senator from Ohio [Mr. FORAKER], and to anyone else who might be disposed to object to the consideration of the bill, that the existing tribal relations of the Five Civilized Tribes will terminate on Sunday next, and unless some legislation is enacted their affairs will be left in a very uncertain condition. More than that, there is a very large land grant depending, in the opinion of many members of the committee, upon the action of Congress between now and then making disposition of the land which will not go under the terms of that grant.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. President, pending that request I desire to say that it is exceedingly doubtful whether the Senator from Minnesota [Mr. CLAPP] can pass this bill by 2 o'clock, on account of some very objectionable provisions in the original bill and still more objectionable amendments reported by the committee; but if the Senator wants to prevent the dissolution of the tribal relations—and that may or may not be important—he can easily pass within fifteen minutes enough of the bill to continue the tribal relations.

The Senator has in this bill some amendments which will overrule the decisions of the courts and the opinions of the Assistant Attorney-General for the Interior Department, which I feel it my duty to resist.

The Senator also has in this bill an elaborate provision for the

disposition of the coal lands in the Indian Territory, and I shall feel it my duty to propose such amendments as will render it impossible for the railroads traversing that Territory to acquire those coal lands.

I might add that there is a provision in the bill for the exercise, by certain public-service corporations, of important franchises, but there is no provision that they take these rights subject to future repeal, amendment, or alteration. I think that an amendment of that kind, reserving to the future State the power to control them, is of great importance. While I think these things will require somewhat extended consideration of the Senate, I shall not myself object to the consideration of the bill; but if the Senator deems it of vital importance to continue the tribal relations beyond the time now set for their termination the easy and simple way would be the best way.

Mr. HALE. Let me say there that the Senator in charge of this bill would find himself in great trouble upon the other side. Some Senators have very strong objections to this bill because it does continue the tribal relations. I should not consent that the bill be taken up upon any proposition that that feature of the bill shall be agreed to by the Senate. So the Senator from Texas and I in that regard have entirely distinct and opposing views.

Mr. BAILEY. I suggest to the Senator from Maine that there is a consequence involved in the tribal dissolution that would appeal to him against opposition on that point. I believe that if this tribal relation is dissolved and the title to the lands reverts to the Government of the United States there will be an enormous grant of lands to the railroads passing through that Territory, which will deplete the assets of the Indian tribes by millions of dollars, and surely the Senator from Maine would not insist upon the present dissolution of the tribal relations when he understands that the effect would be that the lands, which would otherwise provide a school fund for the children of that present Territory, soon to become a State, will go as a gift to the railroads.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. The Chair will suggest that the debate is proceeding by unanimous consent.

Mr. HALE. Undoubtedly.

The VICE-PRESIDENT. The question is, Shall unanimous consent be given for the present consideration of the bill?

Mr. HALE. That, Mr. President, I shall not agree to at present.

The VICE-PRESIDENT. There is objection.

Mr. FORAKER. Mr. President, I want to say, in answer to the suggestion of the Senator from Minnesota [Mr. CLAPP], that my objection to the consideration of the bill beyond the hour of 2 o'clock was not predicated on anything that is in the bill. I have never read the bill, and I do not know what the bill does, for I am not on any of the committees that have had the matter under consideration. My objection was simply because the unfinished business will come up at 2 o'clock, and I did not want it displaced; on the contrary, I want it proceeded with.

Mr. HALE. Mr. President, I have no special knowledge of the details of this bill, not being a member of the committee that has reported it, and not having given such attention to the subject-matter as I think I do to other matters that my mind particularly dwells upon—for we have to divide these duties—but I have objections to the feature of the bill that the Senator from Texas says can be passed in a few minutes, which are sufficiently strong to prevent my agreeing to any proposition here and now or to any programme that will allow that to be passed. I do not wish to discuss it. If the Senator from Minnesota wants to go on with the entire bill until the regular unfinished business is reached, I have no objection to that; and he can take his chances.

Mr. BAILEY. Mr. President——

Mr. CLAPP. Will the Senator pardon me a moment?

Mr. BAILEY. Certainly.

Mr. CLAPP. I think I can reduce this discussion to one proposition. In view of the opinion of the Attorney-General, so far as I am personally concerned, I will not press the amendment, and there can certainly be no objection if that is not in the bill; and regarding the clause in the bill relating to flowage rights there can be no objection to a provision referring it to future legislation. There will be no particular objection on my part to the reservation of the mineral lands. As to the railroads, the committee felt that was a matter which would more properly come within the purview of the interstate-commerce regulations. There would be no objection, so far as the chairman of the committee is concerned, to either of those.

Mr. BAILEY. Mr. President, the trouble about reserving that question is that this title would revert upon the dissolution of the tribal relation to the Government of the United States. If the Government of the United States parts with the title, it can not afterwards control it; but if the Government couples with its conveyance of title a stipulation that whenever it passes into the ownership of any common carrier it shall revert to the United States, then that condition runs with the land. I want to say, Mr. President, that as much as I object to certain provisions of this bill I would forego those objections rather than see the tribal relations dissolved by the statute that limits it to the 4th of March next, and allow this enormous patrimony of the Indians pass to the railroads without a dollar of value received. I would prefer to see the bill pass as it is amended, though those amendments, in my opinion, are, some of them, indefensible, but the greater consequence of depriving these Indians of their lands overcomes that objection.

Mr. SPOONER and Mr. LONG addressed the Chair.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. SPOONER] is recognized.

Mr. SPOONER. I want to ask a question.

Mr. LONG. I was only going to ask the Senator from Texas [Mr. BAILEY] a question.

Mr. SPOONER. If I have the floor, I will yield to the Senator from Kansas.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. SPOONER] is entitled to the floor.

Mr. SPOONER. Then I yield.

Mr. LONG. Has the Senator from Texas [Mr. BAILEY] examined section 27 of the bill, providing for the disposition of these lands after the 4th of March next, and that they shall not become public lands or property of the United States, but shall be held in trust by the United States for the benefit of the Indians of the different tribes?

Mr. BAILEY. If the bill passes that will be sufficient, and for that reason I say——

Mr. LONG. Does not the Senator think it will be sufficient without section 28, which extends the tribal governments after the 4th of March next?

Mr. BAILEY. I will say to the Senator from Kansas that if the entire bill passes, either section may be sufficient.

Mr. LONG. I am very much opposed to section 28, and do not think it necessary. I think the matter is fully covered by section 27.

Mr. BAILEY. Well, Mr. President, assuming that the Senator from Kansas [Mr. LONG] is correct in that, and without further examination I would not venture to assert an opinion, it still requires the passage of this bill containing that section, or else it will require the passage of some law continuing the tribal relations. Either may be sufficient to prevent the result to which I object.

Mr. HALE. Is the Senator convinced, if the bill passes with section 27, that section 28, which in terms extends the tribal relation, should be stricken out?

Mr. BAILEY. Mr. President, I have not examined that closely enough to be certain that I agree with the Senator from Kansas [Mr. LONG], and I would want to be sure on that point before I forego an objection and permit what I may describe as a forfeiture of the Indian lands to the railroads. I think that would be a most undesirable result.

Mr. LONG. Certainly. I fully agree that that would be very undesirable.

Mr. BAILEY. If the Senator from Kansas desires to prevent that result, since he is a member of this committee and has no doubt given deliberate and close attention to this matter, I should be disposed to receive his opinion on it.

Mr. HALE. I will say, Mr. President, that I felt greatly reenforced in the objection I made to section 28 by the attitude of the Senator from Kansas [Mr. LONG], who has examined the subject thoroughly, who is a member of the committee, and who, from his situation and location in the neighborhood of these tribes in this Territory, is competent to have a thoroughly intelligent view of the matter, which I acknowledge I have not. I thought there was serious objection to section 28, but I am not prepared to discuss it fully, and the Senator from Kansas is.

Mr. BAILEY. Mr. President, I am not quite certain that section 28 protects the Indians. As I understand it, the state of the title is this: The United States conveyed these lands to the Choctaw tribe of Indians so long as they exist as a tribe and occupy them. Afterwards it was provided in a railroad grant that whenever that tribal title was extinguished the railroad would become entitled to certain lands.

Mr. CLAPP. Not entirely so. The provision was that it should go to the railroad company when the Indian title was extinguished, provided the land should become public lands of the United States. That was the condition in full.

Mr. LONG. Provision was made in that act that the grant should only attach if the land became public land of the United States.

Mr. BAILEY. Mr. President, I was going to suggest a difficulty which presents itself to my mind. The Indians have a determinable or base fee, the Government of the United States have the reversion. Now, can the Government of the United States grant that land to the railroads, we will say, contingent upon a certain event and then defeat its own grant? It is a very serious question whether Congress can, by this kind of an act, lift this land out of its condition of public land, in order to defeat a remainder, which it has granted to the railroads.

It is certain that Congress can continue the tribal relation and thus continue the title of that land in the Indians forever; but, if Congress grants one title to the Indians and another to the railroad, the railroad title becomes a vested remainder, because there was a party in being in whom that remainder could vest upon the termination of the first title. That may present a very serious question.

Mr. SPOONER. I wish to ask the Senator from Texas whether, in his opinion, if this bill should fail to pass before the 4th day of March next, the law devolves the grant, or the title to the grant, upon the railway companies?

Mr. BAILEY. I think undoubtedly it does.

Mr. SPOONER. Mr. President, if there is any doubt whatever about that, this Senate ought to transact no business during this week until this bill in some form is passed. It would be a national crime if we allow any legislation or any proceeding in this Chamber to intervene to prevent the passage of adequate legislation before the dissolution of the tribal relations of the Five Civilized Tribes. I had a talk yesterday with the Secretary of the Interior—as conscientious, faithful, and devoted a public servant as ever was in the service of this Government; he has as much at heart the conservation of all the public interests within the jurisdiction of his Department as any man I have ever know in the public service—and he deems it of vital consequence that before the 4th day of March next Congress shall have so far disposed of this subject as to render it impossible that there shall be any question as to this alleged remainder in the railway company as to these lands, or any question as to whether they are not safeguarded for all time in the interest of the Indians and their descendants.

Mr. HALE. May I ask the Senator from Wisconsin a question before he sits down?

Mr. SPOONER. Certainly.

Mr. HALE. I was interested in what the Senator said about the judgment of the Secretary of the Interior on the question. I agree with him that the Secretary is a very careful, painstaking, and honorable officer of the Government. Did the Senator learn from his conversation with the Secretary of the Interior whether or not the Secretary of the Interior is for or against the incorporation in this bill of section 28?

Mr. SPOONER. I did not learn from the Secretary of the Interior that he was in favor of extending the tribal relations, and I think section 28 of this bill does that, does it not?

Mr. HALE. Yes.

Mr. SPOONER. I did learn from the Secretary of the Interior that he was very much opposed to the provision beginning in line 9, on page 19, as follows:

> After said appraisals as aforesaid, but not prior to March 4, 1907, the Secretary of the Interior, subject to the approval of the President, may sell, etc.

His theory, as he stated to me, being that that enlarged time was being sought, for an ulterior purpose outside, to be incorporated in this bill.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. I yield to the Senator from Maine, and I yield the floor entirely.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. I only wish to say a word. I will yield in a moment.

Mr. TELLER. If I have the floor, I will yield; if not, I will sit down.

The VICE-PRESIDENT. The Senator from Maine [Mr. HALE] is entitled to the floor. Does he yield to the Senator from Colorado?

Mr. HALE. In half a minute I will yield the floor, Mr. President. I only wish to say that I have reason to believe—not that we should take it as a rule of action, but it is worth while to consider in investigating—that the Secretary of the Interior is very decidedly and strongly opposed to section 28, believing that its operation will be evil and that it ought not to be in the bill whenever it shall be passed, although he is very strongly in favor of the bill generally. Now, I yield entirely, Mr. President.

Mr. TELLER obtained the floor.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I do.

Mr. CLARK of Wyoming. I simply want to ask the Senator from Wisconsin as to a statement he made which I did not entirely catch, being in the rear of the Senate Chamber, that a certain provision was inserted in this bill from sinister motives. I should like to ask the Senator to again call attention to the portion of the bill to which he refers.

Mr. SPOONER. I understood from the Secretary of the Interior that he was not in favor of the words "but not prior to March 4, 1907," in the provision and this provision beginning in the ninth line on page 19:

> After said appraisals as aforesaid, but not prior to March 4, 1907, the Secretary of the Interior, subject to the approval of the President, may sell, etc.

Mr. CLARK of Wyoming. I understand the Senator to say that the Secretary of the Interior had stated that that provision was inserted from sinister motives.

Mr. SPOONER. No; but I got the impression from my talk with the Secretary, which extended over an hour, that he thought that there were inherited motives—not in the committee, of course—for the incorporation of that amendment.

Mr. CLARK of Wyoming. I will say to the Senator from Wisconsin, that that was inserted in the committee and not with reference to any outside influence or statement whatever that had been made.

Mr. SPOONER. The whole matter can be debated. My principal point was to bring the attention of the Senate to the absolute necessity that this bill should not be permitted to go along until the time shall arrive when, by operation of law and the expiration of the treaty, these tribal relations will be dissolved.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. The Chair will state for the information of the Senate that the bill is not before the Senate, and that this debate is still proceeding by unanimous consent.

Mr. TELLER. Then, Mr. President, I ask unanimous consent that I may say a few words on the bill.

The VICE-PRESIDENT. In the absence of objection, the Senator will proceed.

Mr. TELLER. Mr. President, I am a member of the Committee on Indian Affairs. This is a House bill. It came to the committee, and a subcommittee on it was appointed, of which I was not a member. They considered this bill for nearly a week. The committee have held hearings upon it, beginning at half past 9 in the morning and continuing until 12 o'clock noon. They have considered and discussed every feature of this bill and a great many things that are not in it. The committee were met, Mr. President, by the fact that on the 4th of March the tribal relations of these Indians ceased by a provision of law. As a lawyer, I have no hesitation in saying that it is in the interest of the Indians and almost a necessity for the proper discharge of the duties of this Government that these tribal relations should be extended at least temporarily. I have no question, Mr. President, that, in the absence of legislation, on the 4th of March next these railroad companies will claim the lands, not, as the Senator from Texas [Mr. BAILEY] says, worth a million or two million dollars, but worth several million dollars.

Mr. President, this bill deals with property belonging to the Indians. There are at least forty or fifty million dollars concerned in this bill, affecting the property the Indians own and its distribution. There are two grants to railroads, extending clear across the Territory, taking thousands and tens of thousands of acres of these lands—coal lands, valuable lands for agriculture, valuable lands for minerals—that, in my judgment, when the tribal relation ceases, if the Government has made no disposition of these lands, will become the property of the railroads. These railroads were not built upon the faith of the railroad companies ultimately becoming the owners of these lands. They would have built the railroads without that provision being put in the act. They are now insisting that they will become entitled, if these lands are not disposed of by the Government, to make claim to lands worth, as I say—and I have not any question of it—instead of $1,000,000, five times that.

Mr. President, what harm can come by the extension of the time for the existence of the tribal relation? It is the sovereignty that holds this title, and when that sovereignty ceases

and expires, no man here who is a lawyer need be told that the title must vest somewhere; it can not float; it can not be in the air.

It has been said by some that it went to the Indians. That can not be maintained by any legal argument, by precedents, or upon principle. It vests in the Government. If there was a full sovereign, as a State, I have no question where the title would go; it would vest in the State. The Government of the United States is the sovereign over that land. It vests in the United States, with a moral obligation, I admit, to hold it for the Indians, but with no legal obligation whatever on the part of the Government. The question would immediately arise, Can the Government dispose of an acre of this land that belongs to the railroads under the act passed many years ago? Must not the railroad take this title?

I understand the Senator from Maine has withdrawn his objection to the present consideration of the bill.

Mr. President, I do not believe the twenty-seventh section answers the purpose. I doubt very much whether we can do by indirection what we can not do directly. I am for what is a fair disposition of this land. The title must remain where it is until the title has been put out of them, not by the operation of law, but by a conveyance by the tribe.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. I desire to ask the Senator what lands are provided for in section 13. Are they railroad lands?

Mr. TELLER. A part of them will be railroad lands.

Mr. FORAKER. As I understand the bill from hastily glancing at it since this discussion commenced, it would seem that the Secretary of the Interior is authorized to protect the interests of everybody by bringing the lands to sale in some form or other.

Mr. TELLER. I will say to the Senator from Ohio that there are 450,000 acres of coal lands. One hundred and seven thousand acres of the 450,000 have been leased and are making a return to the tribes of about $275,000 a year by way of royalty.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Yes, sir.

Mr. HEYBURN. I understand the debate is proceeding by unanimous consent, but it is amounting to a consideration of the bill. If the bill is before the Senate so that it is open to amendment, I will offer an amendment that will probably circumscribe this question so that we may dispose of it at this time, and I then would not offer any objection. Otherwise I object to the further consideration of the bill.

Mr. TELLER. I will say to the Senator that if the bill comes before the Senate of course it will be open to amendment.

Mr. HEYBURN. Perhaps the Senator would accept this proposition.

Mr. TELLER. I have no authority to accept anything.

Mr. HEYBURN. I mean so far as yielding, that the present consideration of the bill may be agreed on.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. I yield to the Senator.

Mr. CLAPP. For the purpose of bringing the measure properly before the Senate, I move that the Senate proceed to the consideration of the bill.

Mr. TELLER. During the morning hour?

Mr. CLAPP. During the morning hour.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate proceed to the consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. MORGAN. Let the bill be read.

Mr. TELLER. I merely wish to conclude, if the Senator will wait.

Mr. President, these 450,000 acres of coal lands are very valuable property. In my judgment the 450,000 acres are worth away up into the millions of dollars. The committee labored with this question very earnestly for several days, and we eliminated what it was thought would be a provision that would protect the Indians.

Mr. President, I do not like the suggestion which was made here that there was a sinister purpose in limiting the sale to one year. We first proposed in committee that the coal lands should not be sold within the next five years. Why? Because we knew that at this particular time there was not a purchaser for that vast body of coal land except in one single direction. It was as sure to fall into the hands of the railroad companies of the Territory as it was to be sold. It would have been in the interest of the Indians if we had said it should not be sold for the next ten years, and if we would extend the existence of the tribal relations to the next ten years it would be in the interest of the Indians.

I myself made the motion for five years. I made the motion also for one year in committee when I could not satisfy the committee that it ought to be five years. I may not have as much interest in the Indians as the Secretary of the Interior, but I think I have quite as much, and I think I have quite as much knowledge of what is to the interest of the Indians as anyone not connected with the Committee on Indian Affairs.

Mr. President, I think it is very important that this bill should be passed and become a law before the 4th of March, and I think it is absolutely essential that the twenty-eighth section shall be kept in, for I do not myself believe that the twenty-seventh section alone will do what will be done if the twenty-eighth section is kept in.

Mr. McCUMBER. Mr. President, I wish to make clear the legal status of the title of the land, so that Senators may understand it. I do not think we have made it as clear as we might. This land in the Indian Territory, given to all the tribes, has been granted by the Government of the United States to those tribes so long as the tribal relation exists; in other words, so long as the Indians exist as a tribe. The title of the Indian is simply a tribal title, to be divested upon the occurrence of a contingency, that contingency being the dissolution of the tribe itself.

In the meantime the Government has made a grant of this land, giving to a certain railway corporation every odd section for 10 miles on each side, making a grant 20 miles in width on the line of the road. The railway runs right along where the very best coal lands in the Territory are located, so that the company would receive very many of the mineral lands, which are estimated to be worth from $25,000,000 to $50,000,000.

Any Senator can see that the moment the tribal relation terminates the tribal interest in the property ceases, and it must necessarily revert to the Government of the United States.

The railway grant contains a provision that it should take effect on condition that the land became public land of the United States. The title, therefore, can be acquired upon the happening of two contingencies: First, that the tribal relations must cease; second, that the land must become public land of the United States.

Therefore, if we can avoid the second contingency we can prevent the attaching of the title of the railway company to lands of an enormous value. How may this be done? It can be done so long as we continue the tribal relations? It will cease when we discontinue them. But it will discontinue by operation of present law on the 4th day of March, 1906. Therefore we have got to meet that condition. We have either got to continue the tribal relations beyond the 4th of March, 1906, in order to prevent the vesting of the title in the railway company, or else we have got to dispose of the land in some way before that time.

We can not dispose of the land, and dispose of it properly, within that period. It is my belief that there is no method by which we can hold the land, even by a title in trust, that will be so certain and absolute as the continuance of the tribal relations for another year, or for whatever time may be necessary.

Mr. President, that is the object, and the sole object, of the continuance of the tribal relations. There are lands other than the coal lands, other than the grants, which must be disposed of or must be protected in some way for the benefit of the Indians themselves.

This continuation was not proposed for the purpose of allowing anybody to exploit that part of the Territory, but for the sole purpose of protecting the Indians themselves.

The Senator from Texas [Mr. BAILEY] objects to one provision of the bill. What is that provision? I want to be perfectly fair. The provision was first voted in and then it was voted out. Then it was voted in again and voted out; and it was voted in, I think, for about the third or fourth time. I simply call attention to that fact to show to the Senate that the committee itself was very closely divided as to whether the provision should or should not be in the bill.

Now, what is the provision? Under the present laws any

white man marrying into the Choctaw or Chickasaw Nation became a member of that tribe, and hence his children would become members of the tribe. In the case of any man or woman marrying into the tribe, contrary to the provisions of the ordinary law of nations where the status of the wife becomes the status of the husband, the status became the status of an Indian. Many white men married into the tribe. The Indian wife—and in most cases the Indian wife might be nine-tenths white—would die and then the white man would marry out of the tribe, or a white woman marrying a white man, and children would be born from the second marriage.

It was the opinion, at least on the last vote, of a majority of the committee that the issue of white parents entirely, who were married outside of the tribe, should not inherit the lands of the tribe. Under the present law they can inherit. There is no question about that. No one will deny that they have the right to inherit. No one will deny, also, that if we do change the law we change the law of inheritance. The majority of the committee felt that we were doing the Indians an injustice unless we provided that the issue of the marriage of white persons, one of whom should be outside of the tribal relations, should not inherit the tribal property. We did that upon the assumption that it was for the interest of the Indians, and we changed the law of descent so that it would not apply to those who absolutely did not have one drop of Indian blood in their veins.

The majority of the committee so decided, but I think the chairman of the committee has agreed that it will not do to jeopardize the vast interests that are concerned in the bill, that it may become a law before the 4th of March, 1906, by having the majority still insist upon that provision, and that we had better yield the amendment rather than have no law upon the subject.

Mr. CLAPP. Further, I will say to the Senator, the Attorney-General has rendered a decision in which he holds, so far as he has authority to do it, that the white children can not inherit.

Mr. McCUMBER. If that is true, then there would be no occasion for that provision. So I hope we may go on and get the bill through, so that we may protect the Indians and continue the tribal relations, because I want to make it clear, if I have not done so already, that the moment the tribe ceases to exist as a tribe, that moment the relation of guardian and ward ceases, and we have no further control over the property of those Indians. They will then be controlled by the new State. Once having let go of our authority by a dissolution of the tribe, we never can regain it, no matter how the conditions may be or how much we ought to regain that authority.

Mr. HEYBURN. I desire to send to the desk and have read an amendment which I think will go far to settle the present difficulty in regard to the pending bill.

The VICE-PRESIDENT. The Senator from Idaho offers an amendment, which will be stated.

The SECRETARY. Strike out all after the enacting clause down to section 28 and strike out all of section 29.

Mr. HEYBURN. That will leave the bill to provide only for the contingency which faces us. On the 4th of March, by the operation of existing law, certain conditions will arise of themselves. The time between now and the 4th of March is very short in which to consider and determine a bill of this magnitude.

If any amendments are made they must go back to the House and be there considered, or go to a conference committee, etc. There are only six days remaining between now and the time when it is necessary either to continue this tribal relation in the only manner in which it can be continued, and that is by authority of Congress, or else to allow those lands by operation of law to become public lands and be subject to the rights of the railroad company.

I think we ought to be willing to defer the consideration of the other provisions of the bill, no matter how wise they may be. I do not intend at this time to suggest even that they are not wise, but it is quite a sufficient inducement to defer the consideration of them at this time that it should be done in order that there may be no lapse of title which would result in the lands becoming public lands and subject to the contingent grant of the railroad company.

Therefore my amendment proposes to strike out all after the enacting clause down to section 28, leaving section 28 to stand as the only provision of the act. Section 28 provides—

That the tribal relations and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907; and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

That would be the bill complete. The amendment is to strike out all before and all after that provision, thus safeguarding the rights of the Indians to this land and preventing the attaching of the grant in remainder to the railroad company. Between now and the 4th of March, 1907, there is ample time to consider and determine the remaining provisions of the bill, or even during the present session we may do it; but the time is so short that I do not believe the bill can receive that consideration to which it is entitled, involving as it does the establishment of a new law of inheritance in regard to those Indians and the determination of titles that are in controversy in the courts to-day, and in controversy to such an extent that the very provisions of the bill are involved in the controversy that was decided during the last week in the circuit court of appeals for the eighth circuit at St. Louis, and which will undoubtedly be brought to the Supreme Court of the United States, involving a long delay.

Senators may say that questions in regard to those who are entitled to be registered are not involved. I think they will find upon the consideration of the decision itself that those questions are considered, and it is not possible for us to say what weight that court or the court to which the appeal may go will give those questions.

I think we had better provide here against the contingency, or rather the emergency, which faces us and allow the other provisions of the bill to remain for more deliberate consideration, when we may devote more time to it than there is between now and a week hence.

Mr. CLAPP. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the bill will be read for amendment. The amendments of the committee will be considered as they are reached in the reading.

Mr. LONG. Mr. President, I do not wish to delay the consideration of the bill to-day, knowing as I do the necessity for its early enactment into law. So I shall not at this time take occasion to reply to the statements made by the Senator from Colorado [Mr. TELLER] and the Senator from North Dakota [Mr. McCUMBER] in regard to the necessity for retaining section 28 in the bill. Later on, when that section is reached, I shall present my views why that section is not necessary, but that Congress has full and complete authority now over the disposition of the lands and property of these tribes, even without sections 27 or 28 of this bill.

The Secretary proceeded to read the bill, and read to line 6 on page 1.

Mr. TELLER. I desire to call the attention of the chairman of the committee to the fact that the word "formal," before the word "application," in line 6, was stricken out by the committee.

Mr. CLAPP. Yes; in line 6 strike out the word "formal." It is a mistake in the print. It should have been indicated as an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 6 strike out the word "formal" before the word "application;" so as to read:

That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribe of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December 1, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application.

The amendment was agreed to.

The first reported amendment of the Committee on Indian Affairs was, on page 2, line 1, after the word "tribes," to strike out "on or before March 4, 1906" and insert "within ninety days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within ninety days after the passage of this act."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "who," to strike out "were" and insert "are;" and in line 15 to strike out the word "five" and insert "six;" so as to read:

That for ninety days after approval hereof applications shall be received for enrollment of children who are minors living March 4, 1906, etc.

The amendment was agreed to.

The next amendment was, in line 16, after the word "enrolled," to strike out "in" and insert "as members of;" so as to read:

Whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, etc.

Mr. TELLER. I wish to ask the chairman of the committee

if it was the intention of the committee, for I do not recall what was said about it, to exclude the freedmen of the Choctaw and Chickasaw nations from the benefit of the enrollment? I understand that under the treaty they have the same rights to a limited extent as to the number of acres as the Indians. It seems to me that the word "freedmen" should be inserted after "members."

Mr. CLAPP. I will say to the Senator that it was the purpose to limit the provision to the members of the Choctaw, Chickasaw, and Cherokee tribes.

Mr. TELLER. I ask leave, then, to reserve the amendment for the present.

The VICE-PRESIDENT. The amendment in line 16 will be passed over. The next amendment will be stated.

The next amendment was, in line 17, before the word "Creek" to insert the word "or," and, after the word "Creek," to strike out the words "or Seminole;" so as to read:

Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 3, before the word "months," to strike out "nine" and insert "six;" so as to read:

The provisions of section 9 of the Creek agreement ratified by act approved March 1, 1901, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of six months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes,

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 6, after the word "tribes," to insert "and after the expiration of six months from the passage of this act as to allotments heretofore made,"

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 11, to strike out "June" and insert "March;" and in the same line to strike out "six" and insert "seven;" so as to read:

Provided, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

The amendment was agreed to.

The next amendment was, after the words "*Provided further*," in line 14, to strike out:

That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided further*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

And in lieu thereof to insert:

That no child the issue of two white parents, one or both of whom is enrolled or claims enrollment by reason of a prior intermarriage with a member of a tribe, shall be entitled to enrollment or to an allotment of land in any of said tribes; and all applications and enrollments heretofore made or attempted to be made in such a case are hereby declared void and vacated.

Mr. BAILEY. I understand that the committee does not insist upon that amendment, and I ask that the amendment be disagreed to.

Mr. CLAPP. I should hope that it may be agreed to unless some members of the committee object to it.

Mr. CLARK of Wyoming. I should like to have the amendment reserved for the present.

Mr. BAILEY. I will say to the Senator from Wyoming that I should like to dispose of it, because I am waiting now to attend a conference with some gentlemen.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. CLARK of Wyoming. The only delay I want is to examine the opinion which has been rendered by the Attorney-General of the United States, which perhaps modifies or more than modifies the opinion heretofore rendered by the Assistant Attorney-General. It is simply for the purpose of examining that opinion.

Mr. BAILEY. I will say to the Senator from Wyoming that if the opinion of the Attorney-General is what I learn it is, then these intermarried children can not be enrolled even without this amendemnt.

Mr. CLARK of Wyoming. That is exactly the purpose for which I want to examine the opinion.

Mr. BAILEY. Therefore it would not be necessary to include the amendment in order to exclude the intermarried children.

Mr. CLARK of Wyoming. That is the very reason why I desire to examine it. It is a very important amendment, it seems to me. I shall not insist on delaying it, however.

Mr. BAILEY. My understanding is that the Senator from Wyoming is in favor of the amendment now.

Mr. CLARK of Wyoming. I am in favor of the amendment.

Mr. BAILEY. Then the Senator can not care particularly for delay, because, if the opinion of the Attorney-General is to the effect which I understand it to be, these children go out under that decision without reference to the amendment. If the opinion of the Attorney-General is not what it is said to be, in view of the fact that the Attorney-General of the United States and the Assistant Attorney-General for the Interior Department and two or three learned and upright judges have all decided that they are entitled to enrollment the Senator from Wyoming would not want to exclude them, I am sure.

Mr. CLARK of Wyoming. The Senator rather puts the Senator from Wyoming in a false position. The Senator from Wyoming, if that is the law at the present time, is very desirous of a change of the law by act of Congress in regard to the rule of descent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. LONG subsequentiy said: I ask for a reprint of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, the bill that was under consideration this morning.

The VICE-PRESIDENT. The Senator from Kansas asks for a reprint of House bill 5976. Is there objection?

There being no objection, the order was agreed to, as follows:

Ordered, That the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, be reprinted.

Mr. LONG. In connection with the bill I also desire to have printed in the RECORD a letter from the Secretary of the Interior in reference to section 28 of the bill which was under consideration this morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs,
United States Senate.

SIR: I am in receipt of your communication of the 23d instant, submitting for my consideration section 28, H. R. 5976, being the bill to porvide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes. Said section reads as follows:

"That the tribal relations and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907; and all acts and parts of acts so far as they conflict herewith are hereby repealed."

It has been heretofore provided as to each of these tribes that the tribal government shall not continue longer than March 4, 1906, but in none of these provisions is mention made of "tribal relations." A change in the form of government would not change the character of title by which the tribal property is held. That would remain tribal or communal property, notwithstanding the status of individual members in respect of citizenship in the United States. The authority of Congress over the tribes and their property would remain unaffected. The community would not be dissolved, but would remain intact for all purposes necessary to the final disposition and division of tribal or communal property. It is believed these propositions are sustained by decisions of the Supreme Court of the United States.

That Congress has plenary power to provide for a change in the form of government of these tribes has been declared by the Supreme Court in Stevens *v.* Cherokee Nation (174 U. S., 445), in which the constitutionality of the act of June 28, 1898 (30 Stat., 495), was upheld. It is entirely competent and proper for Congress to provide for administration of the affairs of these tribes after the dissolution of the tribal government.

The property to be administered on is tribal or communal property. No individual has any separable vested interest therein except as division and distribution may be made. This is clearly set forth by the Supreme Court in Stevens *v.* Cherokee Nation, supra, and again in Cherokee Nation *v.* Hitchcock (187 U. S., 294). In the latter case it was said (p. 307):

"Whatever title the Indians have is in the tribe, and not in the individuals, although held by the tribe for the common use and equal benefit of all the members. (Cherokee Trust Funds, 117 U. S., 288, 308.) The manner in which this land is held is described in Cherokee Nation *v.* Journeycake (155 U. S., 196, 207), where this court, referring to the treaties and the patent mentioned in the bill of complaint herein, said: 'Under these treaties, and in December, 1838, a patent was issued to the Cherokees for these lands. By that patent whatever of title was conveyed was conveyed to the Cherokees as a nation, and no title was vested in severalty to the Cherokees, or any of them.'"

It should be noted here that each of the tribes holds under a like patent.

In Cherokee Nation *v.* Hitchcock, supra, it was further pointed out that citizenship of members does not affect the tribal property or control thereof, it being said:

"There is no question involved in this case as to the taking of property; the authority which it is proposed to exercise by virtue of the act of 1898 has relation merely to the control and development of tribal property which still remains subject to the administrative control of the Government, even though the members of the tribe have been invested with the status of citizenship under recent legislation."

The dissolution of the existing form of tribal government and substitution therefor of government by the Congress through an Executive Department of the United States can not alter the character of the property or change it from a communal holding to individual holdings.

Nor can it in any sense be considered as an abandonment by the tribe of the land held as communal property.

The Indians have come to consider the dissolution of their tribal government March 4, 1906, as inevitable and have been shaping their affairs to that end. This Department has also acted upon that theory, and has been conducting the work of enrollment, allotment, and preparation for final distribution of the tribal property to meet the conditions that will result from such dissolution. To now change the date would inevitably throw this work into confusion, give a new lease of life to the intolerable conditions which made necessary the intervention of Congress in the affairs of these tribes, and work injury to the individual members without any compensating advantage. Dissolution of the tribal governments and vesting in the Secretary of the Interior such powers as may be necessary to the administration of affairs and property of these tribes means simplifying the machinery with consequent lessening of expense and saving of time. Unless, therefore, it be absolutely necessary to protect tribal property no change should be made in respect to the time of dissolution of these governments, and the necessity thereof for that purpose is negated by the decisions of the Supreme Court referred to herein.

The policy adopted in the passage of the act of June 28, 1898, contemplated the dissolution of these tribal governments March 4, 1906, and each step since then, both legislative and executive, has been taken with that in view. All interests have accepted that as a final determination of the matter, and have governed themselves accordingly. Adherence to this policy is necessary to avoid confusion in working out the difficult problems arising in connection with this work. Any backward step at this time or any hesitation would be a serious mistake, entailing much delay and possibly great harm. Believing, as I do, that a firm adherence to the policy heretofore adopted and followed to this time will best protect the interests of the Indians and at the same time avoid the undesirable delay a change would involve, I most earnestly recommend that said section 28 be eliminated.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

STATEHOOD BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12707.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. The Senator from Ohio [Mr. DICK] is entitled to the floor upon the unfinished business. Does he yield to the Senator from Florida?

Mr. DICK. I yield to the Senator.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida in a few moments. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

H. R. 381. An act to amend section 2982 of the Revised Statutes of the United States, in reference to the sale of supplies to vessels of war, was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 395. An act concerning foreign-built dredges;

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River, approved February 7, 1905; and

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to the inspection of steam vessels.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Territories:

H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska; and

H. J. Res. 97. Joint resolution authorizing assignment of pay of teachers and other employees of the bureau of education in Alaska.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States; and

H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 13194. An act to authorize the Secretary of the Interior to reclassify the public lands of Alabama; and

H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve.

H. R. 13190. An act to protect birds and their eggs in game and bird preserves, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

H. R. 1565. An act for the relief of Theodore H. Bishop was read twice by its title, and referred to the Committee on Naval Affairs.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 23) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies and report on the same from time to time, which was to amend the joint resolution as follows:

Strike out the preamble and all after the resolving clause and insert the following:

"That the Interstate Commerce Commission be, and is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time, as the investigation proceeds:

"First. Whether any common carriers by railroad, subject to the interstate commerce act, or either of them, own or have any interest in, by means of stock ownership in other corporations or otherwise, any of the coal or oil which they or either of them, directly or through other companies which they control or in which they have an interest, carry over their or any of their lines as common carriers, or in any manner own, control, or have any interest in coal lands or properties or oil lands or properties.

"Second. Whether the officers of any of the carrier companies aforesaid, or any of them, or any person or persons charged with the duty of distributing cars or furnishing facilities to shippers, are interested, either directly or indirectly, by means of stock ownership or otherwise, in corporations or companies owning, operating, leasing, or otherwise interested in any coal mines, coal properties, or coal traffic, oil, oil properties, or oil traffic over the railroads with which they or any of them are connected or by which they or any of them are employed.

"Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of coal or oil is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize or combines or conspires with any other carrier, company or companies, person or persons, to monopolize any part of the trade or commerce in coal or oil or traffic therein among the several States, or with foreign nations, and whether or not, and if so to what extent, such carriers, or any of them, limit or control, directly or indirectly, the output of coal mines or the price of coal and oil fields or the price of oil.

"Fourth. If the Interstate Commerce Commission shall find that the facts, or any of them, set forth in the three paragraphs above do exist, then that it be further required to report as to the effect of such relationship, ownership, or interest in coal or coal properties and coal traffic, or oil, oil properties, or oil traffic aforesaid, or such contracts or combinations in form of trust or otherwise, or conspiracy, or such monopoly or attempt to monopolize or combine or conspire as aforesaid, upon such person or persons as may be engaged independently of any other persons in mining coal or producing oil and shipping the same, or other products, who may desire to so engage, or upon the general public as consumers of such coal or oil.

"Fifth. That said Commission be also required to investigate and report the system of car supply and distribution in effect upon the several railway lines engaged in the transportation of coal or oil as aforesaid, and whether said systems are fair and equitable, and whether the same are carried out fairly and properly; and whether said carriers, or any of them, discriminate against shippers or parties wishing to become shippers over their several lines, either in the matter of distribution of cars or in furnishing facilities or instrumentalities connected with receiving, forwarding, or carrying coal or oil as aforesaid.

"Sixth. That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

"Seventh. That said Commission be also required to report any facts or conclusions which it may think pertinent to the general inquiry above set forth.

"Eighth. That said Commission be required to make this investigation at its earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of its public duty."

Amend the title so as to read:

"Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil and report on the same from time to time."

Mr. TILLMAN. I am authorized by the Committee on Interstate Commerce to move that the Senate concur in the House amendment.

Mr. KEAN. Let me ask the Senator from South Carolina a question. As I understand the joint resolution of the House, it it not as broad as the joint resolution passed by the Senate?

Mr. TILLMAN. It is in one sense.

Mr. KEAN. It confines the investigation to coal and oil, while the joint resolution passed by the Senate embraced not only coal, but all other products.

Mr. TILLMAN. I say it is narrowed a little, but it is more specific, and the committee authorized me to move concurrence in the House amendment.

Mr. KEAN. I agree with the Senator.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate concur in the amendment made by the House of Representatives to the joint resolution.

The motion was agreed to.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Senator from Ohio yielded to the Senator from Florida.

Mr. HALE. If the Senator from Ohio has yielded up his time, I can not, of course, object, but I think the Senator should be allowed to go on with his remarks, which were suspended the other day.

The VICE-PRESIDENT. As a matter which is in order at this time the Chair lays before the Senate a message from the House of Representatives.

Mr. HALE. Certainly.

R. G. CHILDRESS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return to the House of the

bill (H. R. 2697) granting an increase of pension to R. G. Childress; and, by unanimous consent, the request was ordered to be complied with.

THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. TALIAFERRO. There seems to me objection to the consideration of any other bill now, and I withdraw my request.

The VICE-PRESIDENT. The Senator from Ohio will proceed.

Mr. DICK. Mr. President, this bill (H. R. 12707) provides for the admission of New Mexico and Arizona as one State under the name of Arizona.

AREA OF ARIZONA AND NEW MEXICO, AND POPULATION.

New Mexico has an area of 122,460 square miles. Arizona has an area of 112,920, and, combined with New Mexico as one State, will have an area of 235,380 square miles. This area is the land surface. The Territory of New Mexico has a population, as given in the year 1900 by the census, of 195,310 people, and Arizona by the same census contained a total population of 123,000, in round numbers, but of that number some 25,000 were Indians, leaving a net population of the Territory at that time, as given by the census, of some 98,000.

New Mexico at the same time had a population of twelve or thirteen thousand Indians, leaving something over 180,000 as the net American population of that Territory.

RELATIVE SIZE OF NEW STATE OF ARIZONA.

While Arizona and New Mexico combined will make a very large State, in area it will still be smaller than the State of Texas, for five of the smaller Eastern States could be added and it would still have less square miles than the Lone Star State. If we eliminate that portion of the area which is unfit for habitation, the size of the new State would be reduced very materially. The Territorial Delegate in Congress from Arizona said very recently:

TWO HUNDRED MILES OF DESERT MOUNTAIN WASTE.

Two hundred miles of unsettled country lies between the two Territories along the great Continental Divide, and that vast area will remain forever practically unsettled and untenanted, except by the roving followers of flocks of sheep and herds of cattle, and these may never come on account of the scarcity of water and forage in that inhospitable desert mountain waste.[a]

A strip of this size would equal the area of Ohio and Indiana combined, and is by no means all of the area of these Territories which is of that character.

THEY HAVE NOT KEPT PACE IN POPULATION.

The Territories of New Mexico and Arizona have not kept pace in the matter of population, though their civilization is the oldest of any portion of the United States.[b] In the year 1850, when New Mexico first appears in the census returns, that Territory, which then included the present Territory of Arizona, stood thirty-second in order of States and Territories according to population. The present States of Colorado, the two Dakotas, Idaho, Kansas, Montana, Nebraska, Nevada, Washington, Wyoming, and the Territory of Oklahoma did not then figure in the census returns. New Mexico then had more people than the District of Columbia, Minnesota, and Oregon. At the next Federal census in 1860, although New Mexico had increased her population over 50 per cent, she had dropped to the thirty-fourth position in relative rank. Kansas had come into being and beaten her in the race for population. Minnesota had exceeded her, jumping from 6,000 people to 172,000 people.

LOSS OF RELATIVE RANK EVERY CENSUS.

In the Federal census of 1870 Arizona first appears as a separate entry, with nearly 10,000 people. Taking the population of the two Territories together, they had dropped from the thirty-fourth to the thirty-sixth position in rank, Nebraska having passed them with its increase of from 28,000 people to 123,000 people. West Virginia had been created with a greater population, and even the District of Columbia had gone ahead. At the census of 1880 the joint population of Arizona and New Mexico was thirty-seventh in relative order of rank, Colorado having passed them, with its increase from 40,000 to 194,000 people. Oregon also had forged ahead and Delaware had only in that decade been left behind. In 1890 the joint population of these two Territories had dropped down to the thirty-ninth place in rank. Oklahoma and the Indian Territory had forged ahead, the State of Washington had jumped from 75,000 people to 350,000 people, and although Dakota has been divided into two States, South Dakota had leaped far ahead in the race. By the last Federal census North Dakota had taken the lead, and on joint population New Mexico and Arizona stood only in the forty-first place in order of rank. Oklahoma, though in the Territorial State, had increased from about 62,000 people to almost 400,000. These two Territories along the Mexican border have therefore in the last sixty years failed utterly in keeping pace with the other States and Territories. When it comes to a comparison of agricultural resources and manufactures the comparison is still more unfavorable.

TERRITORIAL STATUS NOT PROHIBITIVE OF GROWTH.

The claim that the Territorial status is prohibitive of growth and that statehood means an immediate boom in population is not borne out by the experience of all the States.

Arkansas was admitted in 1836, and increased in population 112.9 per cent the decade before admission, 221.1 per cent in the decade in which she was admitted, and only 115.1 per cent the decade after.

Colorado was admitted in 1876, and in that decade increased in population 387.5 per cent. How much was acquired before admission and how much afterwards is a matter of speculation. The growth the next decade dropped to 112.1 per cent.

The Dakotas were admitted in 1889. From 1860 to 1870 the Territory of Dakota increased in population 193.2 per cent; from 1870 to 1880, 853.2 per cent; from 1880 to 1890, 278.4 per cent, and in the decade succeeding admission the combined percentage of increase of the two States fell to 87.7 per cent.

Florida was admitted in 1845. The decade before she increased in population 56.9 per cent, in the decade in which she was admitted, 60.5 per cent, and in the succeeding decade, 60.6 per cent.

Idaho was admitted in 1890. In the decade from 1870 to 1880, she increased 117.4 per cent; from 1880 to 1890, 158.8 per cent, and from 1890 to 1900 decreased to 88.6 per cent.

Illinois was admitted in 1818. In that decade she increased 349.5 per cent; in the next decade, 185.2 per cent, and in the succeeding decade, 202.4 per cent.

Indiana was admitted in 1816, in which decade she increased 500.2 per cent, as compared to 334.7 per cent the preceding decade, and then fell back to 133.1 per cent the succeeding decade.

Iowa was admitted in 1846, and increased in that decade 345.8 per cent, as compared to 251.1 per cent for the next decade.

Louisiana was admitted in 1812, and increased in that decade 100.4 per cent, and only 40.6 per cent for the next decade.

Maine was admitted in 1820. Her population increased from 1800 to 1810, 50.7 per cent, from 1810 to 1820, 30.4 per cent, and 1820 to 1830, 33.9 per cent.

Michigan was admitted in 1837. In that decade she increased 570.9 per cent to 255.7 per cent the preceding decade, and only 87.3 per cent the decade after her admission.

Minnesota was admitted in 1858. Her increase in that decade reached the marvelous figure of 2,730.7 per cent, which dropped down the next decade to 155.6 per cent.

Missouri was admitted in 1821. From 1810 to 1820 she increased 219.4 per cent, from 1820 to 1830, 110.9 per cent, from 1830 to 1840—the highest figure reached in her history as a State—173.2 per cent.

Montana was admitted in 1889. From 1880 to 1890 she increased 237.5 per cent and from 1890 to 1900 only 75.2 per cent.

Nebraska was admitted in 1867. In that decade she increased 626.5 per cent, the next decade 267.8 per cent, and from 1880 to 1890, 134.1 per cent.

Oklahoma increased from 1890 to 1900, 518.2 per cent, a figure even she, with all her marvelous possibilities, will likely never again equal, regardless of admission to statehood.

Oregon was admitted in 1859. In that decade she increased 294.7 per cent, and in the next decade 73.3 per cent, and from 1870 to 1880 only 92.2 per cent.

Utah was admitted in 1896. Her population increased from 1850, when she was organized as a Territory, to 1860, 253.9 per cent; from 1860 to 1870, 115.5 per cent; from 1870 to 1880, 65.9 per cent; from 1880 to 1890, 44.4 per cent; from 1890 to 1900, 32.2 per cent, a constantly decreasing ratio.

Washington was admitted in 1889. From 1860 to 1870 she increased 106.6 per cent; from 1870 to 1880, 213.6 per cent; from 1880 to 1890, 365.1 per cent, and in the decade after her admission only 46.3 per cent.

Wisconsin was admitted in 1848. From 1840 to 1850 she increased 886.9 per cent and in the next decade 154.1 per cent, which dropped in the succeeding decade, 1860 to 1870, to 85.9 per cent.

[a] Congressional Record, Vol. 40 p. 1974.
[b] Statistical Abstract, 1904, p. 23.

Wyoming was admitted in 1890. In 1870 to 1880 she increased 128 per cent, from 1880 to 1890, 192 per cent, and in the last decade only 49.2 per cent.

Arkansas remained an organized Territory seventeen years; Colorado, fourteen years; Iowa, Kansas, and Louisiana, about seven years; Minnesota, eight years; Missouri, nearly nine; Montana, about twenty-five; Nebraska, thirteen; the Dakotas, twenty-eight; Wyoming, twenty-two; Nevada, three; Utah, forty-four; Idaho, twenty-seven; Oregon, eleven, and Washington thirty-six.

The unavoidable conclusion is that statehood has little to do with growth. In nearly every instance the percentage of growth has dropped off very materially after a Territory became a State. Where the natural advantages induce people to settle, there they will flock regardless of the form of government or the lack of government. Where the people go, railroads and other industrial developments follow.

THE GREATEST GROWTH HAS PRECEDED ADMISSION TO THE UNION.

Mr. HALE. Let me ask the Senator whether that is not the rule in almost every one of the cases where Territories have been admitted as States because of the immense increase of population up to the time of their admission?

Mr. DICK. That is the rule almost without exception.

Mr. HALE. And it does not apply to the case of Arizona and New Mexico?

Mr. DICK. Not at all.

SOME COMPARATIVE CENSUS FIGURES.

The following comparative figures are taken from the Federal Census of 1900, and I insert them for comparison:

	Arizona.	New Mexico.
Population	122,931	195,310
Indians not taxed	24,644	2,957
Total increase in 10 years ..... per cent..	39.3	21.9
Increase, including areas specially enumerated ....do....	68	24.6
Density of population ..... per square mile..	1.1	1.6
Native born	98,698	181,685
Native white born	70,508	166,946
Foreign born	24,253	13,625
Increase, native born ..... per cent..	42.1	21.9
Increase, foreign born ..... do....	28.9	21
Native born ..... do....	80.3	93
Foreign born ..... do....	19.7	7
Negroes	1,848	1,610
Whites ..... per cent..	75.6	92.3
Born of native white parents ..... do....	36.5	76.3
Foreign white population ..... do....	18.2	a 6.8
Born and living in Territory	b 52,780	c 143,216
Native whites born and living in Territory ..... per cent..	38.1	78
Native whites of native parents born and living in Territory ..... per cent..	27.7	80.2
Total born and living in Territory ..... do....	42.9	73.3
Foreign born ..... do....	19.7	7
Born of foreign parentage ..... do....	40.9	16.2
Foreign-born males over 21 who can not speak English	4,911	2,833

a Same in 1890. b Or 53.5 per cent. c Or 78.8 per cent.

CHARACTER OF THE POPULATION.

At the last Federal census New Mexico had approximately the Congressional ratio, and Arizona had about half the number, excluding Indians not taxed. Arizona, however, had increased in the decade about twice as much, proportionately, as New Mexico, having a growth of 39.3 per cent to 21.9 per cent in New Mexico. In both Territories, however, the density of population was only little over one person to the square mile. New Mexico had 166,946 native white born inhabitants and 13,625 foreign born, to 70,508 native white born in Arizona and 24,253 foreign born. In other words, New Mexico had 93 per cent native born and 7 per cent foreign born to 80.3 per cent native born in Arizona and 19.7 per cent foreign born. The foreign born white population in New Mexico was 6.8 per cent, where the figure had stood for a decade, to 18.2 per cent foreign white population in Arizona. The native whites born and living in New Mexico constitute 78 per cent of the population while those in Arizona were only 38.1 per cent of that population. The foreign-born constitute 7 per cent of the population of New Mexico and 19.7 per cent of the population of Arizona. Those born of foreign parentage constitute 16.2 per cent of the population of New Mexico and 40.9 per cent of the population of Arizona. The foreign-born males over 21 who could not speak English were 2,833 in New Mexico to 4,911 in Arizona. The native whites born and living in the Territory constitute 78 per cent of the population of New Mexico and 38.1 per cent of the population of Arizona.

If the Americans of Spanish descent in New Mexico have not been Americanized in language as rapidly as have other communities of foreign descent in the United States, it has been solely on account of the sparsity of population in New Mexico and the little incentive there has been to a large immigration of Americans from other States in the Union.

COMPARATIVE STATISTICS OF AGRICULTURE.

The following figures are taken from the statistics of agriculture of the census of 1900:

Value of live stock on farms and ranges: Arizona, $15,545,687; New Mexico, $31,727,400; total, $47,273,087; Oklahoma and Indian Territory, $96,208,263.

Value of farm lands and buildings: Arizona, $13,682,960; New Mexico, $20,888,814. Other States and Territories, including Delaware and Rhode Island, far exceed these figures, and even the farm lands and buildings in the District of Columbia almost equal the figure of Arizona. For Oklahoma and the Indian Territory the figures are $170,804,675.

Total number of farms: Arizona, 5,809; New Mexico, 12,311; total 18,120; Oklahoma and Indian Territory, 107,000.

Number of males engaged in agriculture: Arizona, 13,473; New Mexico, 25,947; Oklahoma and Indian Territory, 177,826; Delaware, 18,413. All other States larger, except Rhode Island, 10,512.

Total value of farm products of 1899: Arizona, $6,997,097; New Mexico, $10,155,215; Oklahoma and Indian Territory, $73,119,746; Nevada, $6,758,337; Rhode Island, $6,333,864; Delaware, $9,290,777.

Total expenditure for labor on farms in 1899: Arizona, $1,152,670; New Mexico, $1,951,110; Oklahoma and Indian Territory, $4,675,520; Rhode Island, $1,332,360; Delaware, $1,075,960.

Gross farm income of 1899: Arizona, $8,111,132; New Mexico, $12,926,635; Oklahoma and Indian Territory, $87,106,231; Delaware, $6,908,577; Rhode Island, $5,545,695.

Reported value of domestic animals on farms and ranges: Arizona, $15,375,286; New Mexico, $31,644,179; Oklahoma and Indian Territory, $94,746,713; Vermont, $17,373,169; New Jersey, $16,269,548.

Value of live stock: Arizona, $5,193,843; New Mexico, $9,793,484; Oklahoma and Indian Territory, $52,408,700; Connecticut, $9,136,180; New Jersey, $16,101,260.

THE SMALL AGRICULTURAL DEVELOPMENT.

The census plate showing the value of farm products per square mile shows only a small spot on Arizona, around Phoenix, indicating a production of $100 per square mile. The showing in New Mexico is little better, except for a considerable section in the north-central part of the State, where the production is as much as $500 to $1,000 per square mile.

The plate showing the proportion of improved land to total area makes an equally meager showing. There is one small dot on the map of Arizona showing over 10 per cent. There are two such sections in New Mexico. In the rest of these two Territories less than 1 per cent of the land is improved.

The areas of cultivated land in Arizona are little more than specks on the plate. In New Mexico there are two thin streaks, which mark the valleys of the Rio Grande and the Rio Pecos rivers. They unite above Albuquerque, and from there north to Colorado the cultivated land represents the lower portion of a thin trunk, to which the river valleys mentioned belong as slender limbs.

FARM ACREAGE OF ARIZONA VERY SMALL.

The entire total acreage in farms in Arizona was 1,135,227, of which only 254,521 acres are indicated as improved, and 185,000 acres were actually farmed. The land and improvements, except buildings, were valued at $11,416,460, buildings at $2,266,500, implements and machinery, $765,200. There are numerous single counties in the State of Ohio which make a far better showing than is represented by these figures.

The total value of farm property, including land, with improvements, implements, machinery, and live stock, was, for Arizona, $29,993,847; New Mexico, $53,767,824; Oklahoma and Indian Territory, $297,525,433; Delaware, $40,607,654; Rhode Island, $26,989,189.

HER LOW RANK IN AGRICULTURE.

Agriculturally considered, therefore, Arizona ranks with Rhode Island, Delaware, and Nevada. There are hundreds of counties in the older States which outrank Arizona in the number of acres under cultivation and in the value of farms and improvements.

A plate in the volume of the last census devoted to agriculture shows the rank of the States in total number of improved and unimproved acres in farms. At the bottom of the list is Rhode Island, and above, in the order named, come Delaware, Arizona, Connecticut, and Nevada. The order of the States, commencing at the bottom, in total value of farm land, with products, improvements, live stock, and farm implements, is

practically the same, ranking in this order: Rhode Island, Nevada, Arizona, Delaware, and New Mexico.

These two immense Territories, then, each of which is larger than any of the States of the Union except three, and which, combined, would have an area larger than any State save Texas, if ranked according to agricultural wealth are in the same class with Rhode Island and Delaware, the two smallest Commonwealths of the Union, and Nevada, which is almost as poor, agriculturally, although in area the fourth State in size in the Union.

THEIR STANDING IN PRODUCTION OF CEREALS AND OTHER CROPS.

New Mexico ranks thirteenth among the States and Territories in total number of farms reporting wheat raised and Arizona thirty-fifth.[a]

New Mexico ranks forty-fourth in the production of cereals in number of pounds and Arizona forty-sixth.[b]

New Mexico ranks thirty-seventh in total production of wheat in bushels and Arizona thirty-ninth.[c]

In value of all crops raised in 1899, including vegetables, Arizona, with $2,432,471 worth, ranks fiftieth in order of rank and New Mexico forty-seventh, with $3,030,290.[d]

Neither Arizona nor New Mexico figures as a cotton-producing State.

The total acreage of irrigated crops in Arizona was 137,233; acres of all crops, 150,872. New Mexico, 182,804 acres irrigated; acres of all crops, 204,028. Value of crops produced on irrigated land—Arizona, $2,250,519; New Mexico, $2,757,107.

OFFICIAL STATISTICS FOR 1903.

The official figures issued by the United States Bureau of Statistics for 1903 show the following:

Wheat production: Arizona, 483,964 bushels, worth $450,087; New Mexico, 822,701 bushels, worth $617,026; Oklahoma, 24,482,637 bushels, worth $15,424,061.

Corn production: Arizona, 194,925 bushels, worth $175,432; New Mexico, 956,688 bushels, worth $717,516; Oklahoma, 34,748,199 bushels, worth $13,204,316.

Oat production: Arizona, 64,468 bushels, worth $39,325; New Mexico, 345,147 bushels, worth $213,991; Oklahoma, 8,124,230 bushels, worth $2,762,238.

Barley crop: Arizona, 555,107 bushels, worth $399,677; New Mexico, 20,282 bushels, worth $12,980; Oklahoma, 410,548 bushels, worth $180,641.

Hay crop: Arizona, $2,855,132; New Mexico, $1,796,948; Oklahoma, $1,868,758.

Irish potatoes: Arizona, none; New Mexico, $94,785; Oklahoma, $781,752.

Wool production: Arizona, 4,387,500 pounds; New Mexico, 16,250,000 pounds.

Total value of production of wheat, corn, oats, barley, rye, hay, and potatoes: Arizona, $3,919,653; New Mexico, $3,453,246; Oklahoma, $34,254,998.

Value of horses and mules on farms: Arizona, $3,095,484; New Mexico, $2,207,322; Oklahoma, $21,092,512.

Arizona had 10,000,000 cattle in 1903, New Mexico 14,000,000, and Oklahoma 23,000,000.

Arizona had over a million sheep, New Mexico nearly four million, and Oklahoma very few. Oklahoma, on the other hand, had nearly half a million hogs to only a few thousand in both Arizona and New Mexico.

The total value of animals in Arizona was $16,000,000, New Mexico nearly twenty-four millions, and Oklahoma forty-seven millions.

Mr. FLINT. Will the Senator from Ohio permit me to ask him a question?

Mr. DICK. Certainly.

THE POSSIBILITIES OF IRRIGATION.

Mr. FLINT. Has the Senator the figures there to show the amount of lands that will be irrigated under the present projects contemplated by the Government?

Mr. DICK. Replying to the Senator from California I will say that before the close of my remarks I expect to discuss with considerable completeness the very subject to which the Senator refers, namely, that of irrigation; and in that discussion I expect to give the entire acreage which it is proposed to reclaim or irrigate by the systems now in process of construction or contemplation.

THE MINERAL OUTPUT.

In 1902 Arizona produced $4,000,000 worth of gold; New Mexico only half a million.

Arizona also produced nearly $4,000,000 worth of silver, and New Mexico half a million. On the other hand, New Mexico mined nearly a million tons of coal in 1902, while none is credited to Arizona. The total product of the mines of Arizona the past fiscal year is put at $30,000,000—over half the entire wealth produced. In New Mexico mining ranks third in importance of her interests.

BANKING AND RAILROADS.

In 1903 Arizona had eleven national banks and New Mexico nineteen; the capital stock, $605,000 to $1,162,000; individual deposits, $3,355,000 to $5,562,000. Total resources of all banks, $11,000,000 to $10,600,000.

On June 30, 1903, Arizona had a railroad mileage of 1,680½ miles. The last annual report of the Interstate Commerce Commission placed the figure, on June 30, 1904, at 1,751.35 miles. The estimate of the governor of the Territory, in his last annual report, is 1,836.94 miles. The railroad mileage of New Mexico in 1903 was 2,399.26 miles; in 1904, 2,404.66; in 1905, 2,556.44. The combined mileage in these two Territories is about equal to the mileage in the two Territories which it is proposed to admit as the State of Oklahoma. The commercial valuation of the railroad property in the two Territories is given by the Interstate Commerce Commission for the year 1904 as follows: Arizona, $68,356,000; New Mexico, $86,400,000, or an average value per mile in Arizona of $39,000; in New Mexico, $34,500.

DISSATISFACTION WITH CENSUS RETURNS COMMON.

Dissatisfaction with census returns is a very common complaint. Prosperous, thriving cities and communities are rarely satisfied with the official figures of population. By the census of 1900 Arizona was given 122,212 people and New Mexico 193,777. Arizona now claims 175,000 and New Mexico 350,000. Both claims are undoubtedly exaggerated. The Director of the Census estimates that on July 1, 1905, Arizona had 140,000 people[a] and 225,000 was probably about the number of people living in New Mexico at that time, the combined claimed population—365,000—of both Territories being less than one-fourth the average population of the States already in the Union. By the last census Arizona had 26,480 Indians, 1,419 Chinese, and 24,233 foreign born—over 40 per cent of the total population. New Mexico had 13,144 Indians, 341 Chinese, and only 13,567 foreign born—less than 15 per cent of the population.

POPULATION AND DENSITY OF POPULATION.

The annual reports of the agents of the Bureau of Indian Affairs[b] show an Indian population in 1904 of 38,567 in Arizona and 17,064 in New Mexico, indicating a much more rapid increase in the Indian population in Arizona than in New Mexico. Arizona, by the last census, contained 14,172 people born in Mexico, while New Mexico had only 6,649, or less than one-half as many. If the census estimate of 140,000 people living in Arizona in 1905 is correct, and you take therefrom the Indians reported there in 1904 and the Chinese living there, barely 100,000 people are left who were or could be full-fledged American citizens, and this number is only about one-half the Congressional ratio. Arizona, by the last census, had 1.1 persons to the square mile, New Mexico 1.6 persons, Indian Territory 12.6 persons, Oklahoma 10.3 persons. The question of present population is, however, not so important as the possibility of sustaining an increased population. The total possible amount of land in Arizona which may be irrigated is about 1 per cent. There is not an agricultural Congressional district in the entire country which does not contain more land which may be cultivated and does not report much larger and more valuable crops. Such are the official figures.

TOPOGRAPHY OF ARIZONA.

The logic of stern, inexorable facts opposes separate statehood for Arizona and New Mexico. Let us consider the topography.

The Territory of Arizona is sharply divided by the main axis of the great Colorado plateau, which enters the Territory at the northwestern corner and crosses it in a southeasterly direction and reaches a height of 13,000 feet. About 47,000 square miles lying along this plateau and sloping gradually to the north exceed an elevation of 5,000 feet. On most of this plateau the rainfall is insufficient to cultivate crops successfully, and the land is devoted to sheep and cattle raising. About 27,000 square miles have an altitude of from 3,000 to 5,000 feet and the balance of about 39,000 square miles lies below the elevation of 3,000 feet. This portion of the Territory lies south of this mountain axis and its northeastern boundary line is marked by steep slopes.[c]

AGRICULTURE DEPENDS SOLELY UPON IRRIGATION.

It has been declared this high mountain axis made a natural division, that it could only be penetrated at points where railroads had already crossed it, and that it furnished a strong

[a] Twelfth Census, Vol. VI, p. 28.
[b] Twelfth Census, Vol. VI, p. 66.
[c] Twelfth Census, Vol. VI, p. 92.
[d] Twelfth Census, Vol. VI, p. 324.

[a] Report of Governor of Arizona, 1905, p. 12.
[b] Statistical Abstract, 1904, p. 431.
[c] Water Supply and Irrigation Paper No. 2, p. 15.

argument why the two Territories should not be united into one State.[a] Reference to this point will be made later. It is this portion of Arizona lying in the southwestern part of the Territory and about the size of the State of Ohio, which contains the largest part of the present population of Arizona. In this low country there is not rainfall sufficient even for grazing, and only on favored mountain slopes can cattle be raised successfully. Here agriculture depends solely upon irrigation and is limited by the water supply.[b]

STORAGE BASINS NECESSARY TO INCREASE FARM AREA.

It is admitted that the limit of cultivation by present methods of irrigation has been reached, and that immense storage basins are necessary to preserve the water that flows in flood times, in order to increase the area of cultivation.[c] The rivers which furnish water for irrigation in Arizona are the Gila, which rises in New Mexico, and its tributaries, the Verde River, the Tonto River, Salt River, San Francisco River, San Pedro River, and others, and the Colorado River, which forms the boundary line between Arizona and California, and enters the Territory about the center of its northern boundary line. One of its principal tributaries is the San Juan River, which rises in Colorado and dips down into the northwestern county of New Mexico, and then goes north again into Utah, where it joins its waters to the Colorado.

THE COLORADO AND GILA RIVER SYSTEMS.

There are thus two river systems—the Colorado and the Gila—the former, with its tributaries, draining about one-half the Territory, but with river beds so deep that they can but seldom be used for irrigation.[d] Of the total irrigated acreage in the Territory 90.5 per cent lies in the valley of the Gila River and its tributaries. There are already large and important irrigation systems here and the population which can be sustained is limited solely by the supply of water available for irrigation purposes.

MANY ONCE IRRIGATED PLAINS ARE NOW DESERTS.

While farming by irrigation has, under most favorable conditions, almost the certainty of an exact science, yet the obstacles are many, and nature is not always subdued. The desert plains of Persia and Assyria were once the homes of teeming cities and a country of immense wheat production, raised by irrigation. They are now dreary wastes of sand, showing that man does not always prevail in the attempt to conquer dry lands by irrigation.

PREHISTORIC IRRIGATION IN ARIZONA.

When the Spaniards first discovered this country they found the ruins of a civilization so ancient that all memory of it was lost. Traces of ditches and ruins of old irrigation works where now are only sand and desert wastes prove that man, for a time, prevailed here in the contest against nature, but was finally destroyed and that ruin and desolation settled over land which once blossomed and bore fruit abundantly.

SOME OF THE DIFFICULTIES OF IRRIGATION.

It may be profitable to consider some of these problems of irrigation, especially since so much is claimed for it and so much depends upon it.

In these great areas of valley land in the southwestern portion of the Territory, under a semitropical sun, where the greatest development of agriculture is taking place, water is more valuable than gold. Here irrigation was carried on by the Indians long before the advent of white men. In many of these river valleys for long distances the water of the river flows underground, and can only be reached by sinking wells and erecting pumping stations. The experience of Arizona with this character of irrigation shows that the supply is limited, and that the limit of the number of acres which can be cultivated is soon reached.[e] In the fertile mesa region, lying near the junction of the Verde and Salt rivers, where a great deal of land is under cultivation and where the crop returns are most marvelous, many wells have been sunk. Water here has been found at an average of from 20 to 40 feet below the surface, and after passing through a thick vein of clay water has been found again at from six to eight hundred feet deep. That the supply of water from these surface wells is far from being inexhaustible is shown by the fact that the normal level of the water below the average surface of the ground lowered over 11 feet from July, 1901, to July, 1904.[f] A record of over 300 wells put down around Phoenix since 1882 shows almost without exception that the volume of water has diminished and the level is constantly lowered by use.[g] The water varies at different times of the year, and the steady use of one well will lower the level in near-by wells. A good many of these wells have gone dry, and others are dry part of the time.[h]

UNDERGROUND WATER SUPPLY UNCERTAIN.

Throughout this region the water table of underground water has steadily lowered in the past few years from 7 to 20 feet, and even more, and wells have had to be deepened to find water again. This water is taken from the stream which flows under the ground.

There are deep wells near Phoenix, which is in this neighborhood, some supplying the city, which pump 2,000 gallons per minute, but the supply is uncertain. There are near-by wells which should furnish ample water if the supply is plentiful, but which give very little water.[c]

At the Indian school near by the water level in one well lowered 22 feet in about eight years. In a near-by well water was found at 51 feet below the surface and immediately rose 15 feet in the well when struck; but as the drill went down until sand was punctured at 150 feet, the water in the well immediately went down 64 feet more, being apparently sucked into the sand. One well furnished 2,200 gallons per minute, but very few equal or approach this amount, and even the largest can be easily lowered or even drained by excessive pumping. The supply, therefore, is limited.[d]

SALT AND ALKALI IN THE WATER.

New irrigation works higher up the river have been depriving the lower proprietors of water they had long enjoyed. The silt water brought down in flood times has been injurious to the crops. Some water struck in these wells is so salt that it is almost clear brine. All this underground water shows considerable salt, but where it can be used in connection with silt river water, the danger of depositing an excess of salts on the land is minimized. The continual use of these wells generally improves the water, but an analysis of the Phoenix city supply shows a noticeable increase in salt contents in the past few years. Many wells are so strong in alkali and the bitter salts that they have been abandoned, and many such wells have been filled in. Some of these appear to improve by pumping, but in some such cases this means not so much an improvement of the water as an increasing accommodation of the owner's taste to salt water. A stranger might have found it intolerable.[c]

THIS WATER INJURIOUS TO VEGETATION.

Whether the water coming from these wells is injurious to vegetation because of the salt it contains is not yet fully determined. The water users themselves think it is. The last report of the Geological Survey says so.[f] Harmful accumulations of alkali are liable to collect. In many places no harmful results are noticed, but elsewhere white incrustations of salt cover the land, and some land has been abandoned because of accumulation of alkali.[g]

The water which supplies these wells comes from the river, and the river-bed level is the level of the water in the nearest wells. Thus the rivers of Arizona are sometimes above ground and sometimes under ground. Floods of even noticeable volume have been known to sink into the sands and gravel which fill the valleys within a distance of 6 miles. The underground conditions are so variable that the selection of sites for wells is a matter of pure guesswork.[h]

It is said that pumping for irrigation in the Salt River Valley can probably be carried on with profit over an area of 500 square miles. The underflow is large, but not inexhaustible, and too great use lowers the water level beyond practicable pumping distance.

THE SALT RIVER VALLEY.

This Salt River Valley contains the largest irrigated area in the Territory. Salt River flows across the southerly portion of the Territory and after it joins the Verde River, which drains the central portion of Arizona, the two streams make the largest river in the Territory, larger even than the Gila, whose name the river takes after they unite. The flow of the Salt River ranges from 100 cubic feet per second to many times that amount. In the great flood of 1891 the mean discharge increased from 835 second-feet in three days to 276,000 feet, and diminished the third day after to 14,890 feet. Two days later an even greater flood came, which reached a maximum of 300,000

[a] Hearing before House Committee on the Territories, 1906, p. 100.
[b] Water Supply and Irrigation Paper No. 33, p. 9.
[c] Water Supply and Irrigation Paper No. 2, pp. 12, 44, 77; Water Supply and Irrigation Paper No. 72, p. 9; Senate Document No. 36, pp. 136, 138.
[d] Census Bulletin No. 16, p. 44.
[e] Water Supply and Irrigation Paper No. 136, p. 64.
[f] Water Supply and Irrigation Paper No. 136, pp. 15, 121, 173.
[a] Water Supply and Irrigation Paper No. 136, pp. 48 et seq., 64, 173.
[b] Water Supply and Irrigation Paper No. 136, p. 64.
[c] Water Supply and Irrigation Paper No. 136, pp. 69, 71.
[d] Water Supply and Irrigation Paper No. 136, pp. 71, 74.
[e] Water Supply and Irrigation Paper No. 136, pp. 22, 47.
[f] P. 251.
[g] Water Supply and Irrigation Paper No. 136, pp. 148, 149; Water Supply and Irrigation Paper No. 104, p. 61.
[h] Water Supply and Irrigation Paper No. 136, p. 136.

second-feet, and subsided in two days again to 15,000 second-feet. There was another flood the year before, not so large, but on the average they are a great many years apart. The water supply is not enough to irrigate the improved lands, except in very wet years.[a]

SEVERE DROUGHTS AND DESTRUCTIVE FLOODS.

The long drought which prevailed in Arizona for several years was broken last year by excessive rainfall and tremendous floods. The latter inflicted great damage, washing away railroad bridges and embankments, destroying irrigating dams and canals. In Apache County the dams and reservoirs which were the sole dependence of large cultivated areas were entirely destroyed. This excessive precipitation followed six years of drought. None can tell what the next six years will bring forth. The deficiency of water may be greater than ever before.[b]

THE EXCESSIVE EVAPORATION.

The limit of cultivation has been reached and new water supplies are necessary. This is only possible by the construction of immense storage systems. These require dams, and dam construction involves serious difficulties and problems not yet entirely solved. The cost of masonry dams is sometimes prohibitory, and rock-filled dams may lose water excessively, by percolation. Over a large part of the Territory the mean annual precipitation is 8 or 9 inches, but at Phoenix it is less than 8 inches, while the evaporation is nearly 100 inches a year, or a foot of evaporation to an inch of rainfall. The limit to the economical height of a dam is determined by the supply of water available for storage, while a basin intended for the storage of water for any considerable time must be much larger than the actual need of water because of the excessive evaporation.[c]

FAILURES OF HIGH MASONRY DAMS.

There are four recorded failures of high masonry dams—one in Africa, two in Europe, and one in Texas. In all of the four the foundation was defective. It is, therefore, considered necessary to dig to solid rock for foundation, and some good sites are not available because solid rock is so far below the surface.[d]

GREAT AMOUNT OF SILT CARRIED IN THE RIVERS.

The sediment carried in these southwestern rivers varies, but in some it is very large. During a flood the Colorado River has carried 1,500,000 tons of silt in twenty-four hours. The amount of silt carried by the Gila is considerable, many observers insisting it is equal to half the volume.[e] It actually figures from 10 to 2 per cent. Even estimated at the smaller figure, it would mean that a reservoir on this river would fill up with silt matter unless some arrangement is made to carry it off. One projected reservoir would fill with solid matter, it is estimated, in eighteen years and another in twenty-eight years. This would require building new reservoirs in time or raising the dams already built. As the official report well says, it would be cruel to develop a civilization based on irrigation which would have to be destroyed at the end of a generation. While the Government experts engaged in this work believe this difficulty can be overcome, the problem is a serious one and a most expensive one.[f]

NUMEROUS PERILS THREATEN IRRIGATION PROJECTS.

Several ditches built to divert water from the Gila River have been practically abandoned, due to the shortage of water, caused principally by the increased use of water in the upper stretchers of the river.[g] Dams have been washed out by heavy floods and great damage caused.[h] Most of the land which can be irrigated by storage projects has already been taken up and there is practically no public land open to settlement which can be benefited by any feasible project of this kind. It is true that reserve storage basins can be constructed to hold the waters of the tremendous floods which occur occasionally, but their practical utility is limited to three or four years because of the evaporation and the filling by silt.[i] The stability and perpetuity of these reservoirs are constantly menaced, and principally from these occasional tremendous floods. Enormous and very expensive facilities are required to carry off water from the reservoir without injury to the dam. No entirely efficient plan has yet been put in operation to carry off the silt matter which will eventually fill these reservoirs and which is brought down in enormous quantities by these great floods.[a]

MUCH LAND ABANDONED FOR LACK OF WATER.

There has been a great waste of energy in the Salt River Valley in constructing parallel canals which could only be inadequately supplied with water. Lack of familiarity with and uncertainty concerning the rights of water users has resulted in long-drawn-out and expensive litigation. Land has been brought under cultivation which was afterwards abandoned for lack of water, and at a great waste of time and labor. Even under a storage system the limit of irrigation will soon be reached, and in no part of the Territory can enough water be furnished to supply the land which is adapted to cultivation.[b]

ONLY 1 PER CENT CAN POSSIBLY BE IRRIGATED.

The total area which can possibly be cultivated in the Gila River and Salt River valleys, under the most favorable conditions and after the expenditure of vast sums for storage basins, is put at 876,000 acres, an estimate which is very generous, and which the Geological Survey says can not be approached in actual results for very many years.[c]

VICISSITUDES OF AGRICULTURE UNDER IRRIGATION.

Agriculture by irrigation has its vicissitudes and uncertainties, even under the most favorable conditions. The development of new irrigation schemes in both New Mexico and Arizona has often taken water from cultivators lower down the stream, and resulted in great loss and misery. In some of the agricultural sections of New Mexico the population actually decreased in ten years, because much water had been diverted from New Mexico by canals and irrigation schemes in Colorado which were fed by the waters of the Rio Grande.

One farmer living near the Rio Grande testified that his farm was not watered regularly and that he suffered a great deal from want of water. He stated that many farmers have lost their farms, and there has been destruction amounting to many thousand dollars. He has 300 acres of land, but could not raise anything some years on account of lack of water. He had lost his orchard and nearly everything he had.[d]

MANY FARMS RUINED FOR LACK OF WATER.

In 1902 it is said that out of two hundred and fifty to two hundred and seventy-five thousand acres available for irrigation by artificial canals not over 90,000 acres were actually irrigated.[e]

An instance is given of one ranch of 340 acres, of which 280 had not had any water for three years, and only 40 acres were actually cultivated.[e]

EXCESSIVE CLAIMS AS TO AREA ACTUALLY IRRIGATED.

The Geological Survey reports the extreme difficulty of obtaining reliable figures concerning the area irrigated in any locality, because of many influences tending toward exaggeration of statements. Claims are made and proofs submitted that hundreds of acres are irrigated, although as a matter of fact the actual irrigation of them has amounted to almost nothing. There is a very great discrepancy between the acreage reported by the Government as actually irrigated and the acreage returned for taxation.[f]

SERIOUS CONDITIONS AT PHOENIX.

The conditions at Phoenix for a number of years were very serious, because the available water supply had not been enough to supply more than one-half or two-thirds of the land under cultivation. The volume of water in the river had been steadily shrinking for the past few years and no appreciable quantity of water could be obtained otherwise.

SUFFERINGS OF THE INDIANS DEPENDENT ON IRRIGATION.

A pathetic instance of the misery caused by the deprivation of the usual and long-accustomed water supply exists in the case of the Indians on the Gila River Indian Reservation, a tract of 257,120 acres, extending along both sides of the Gila from the mouth of Salt River and a short distance south of Phoenix.[g] The annual rainfall here is between 7 and 9 inches, but the Indians living here have long been industrious and successful farmers, raising large crops yearly, enjoying continued prosperity, and boasting that they had always been the friend of the white man. When the Apaches gave trouble and were massacreing and shedding blood these Indians were loyal to the United States. During the past fifteen years, however, the development of irrigation higher up both these rivers cut short their supply

[a] Water Supply and Irrigation Paper No. 73, p. 20.
[b] Report of Governor of Arizona, 1905.
[c] Water Supply and Irrigation Paper No. 136, pp. 136, 173.
[d] Water Supply and Irrigation Paper No. 73, p. 37.
[e] Water Supply and Irrigation Paper No. 33, p. 35; Water Supply and Irrigation Paper No. 73, p. 41.
[f] Water Supply and Irrigation Paper No. 33, p. 40; Water Supply and Irrigation Paper No. 2, p. 80.
[g] Water Supply and Irrigation Paper No. 2, pp. 12, 44, 93.
[h] Water Supply and Irrigation Paper No. 2, p. 48.
[i] Water Supply and Irrigation Paper No. 2, pp. 11, 79, 80.

[a] Water Supply and Irrigation Paper No. 2, p. 80; Water Supply and Irrigation Paper No. 33, p. 35.
[b] Water Supply and Irrigation Paper No. 2, p. 93.
[c] Water Supply and Irrigation Paper No. 2, p. 94.
[d] Senate Document No. 36, p. 104.
[e] Senate Document No. 36, p. 138.
[f] Census Bulletin No. 16, p. 44; Water Supply and Irrigation Paper No. 2, p. 53.
[g] Water Supply and Irrigation Paper No. 33, p. 9.

of water and reduced them to helplessness and destitution, and by reason of this diversion of water the land cultivated by these Indians has been reduced from 14,000 to 7,000 acres or less, and even this is insufficiently irrigated.

RETRIBUTION WHICH OVERTOOK THE FLORENCE CANAL.

The construction of the Florence Canal was the last blow. Year after year the Indians plowed and sowed and irrigated only to have their crops destroyed before maturity by lack of water when water was needed. The result was demoralization, relapse into indolence, vice, dependence upon charity, or degeneration into thieves and vagabonds. The Indian Bureau did what it could, the Department of Justice came to the rescue, but, notwithstanding all these efforts, the Florence Canal continued to divert the waters which belonged to the Indians, and the United States Government directly encouraged settlers to go in there and make use of this water. Later retribution overtook the Florence Canal itself because of the diversion of water for irrigation for new projects far above that point.[a]

NEW "SALTON SEA" MADE BY COLORADO RIVER.

An address delivered in this city last month by one of the engineers of the United States Reclamation Service describes some of the difficulties and dangers connected with irrigation work. He describes a well-known case, where an irrigation canal diverted the main waters of the stream by which it was fed and caused very great damage. This is what happened with the Colorado River, in the southern part of California, in what is now called "Imperial Valley," but is more familiarly known as "Death Valley." Irrigation wrought its usual miracle here, railroads were built, towns grew up, and last summer some 8,000 people were living in this valley below the level of the sea. A great flood came, which could not be controlled, and the Colorado River poured its normal flow, as well as its flood stream, into the Salton Sea, now a great body of water 60 miles in length and many miles wide.

The railroad has been submerged and the company forced to build on higher ground. The salt works, which had become a permanent industry, have been destroyed, and there is danger, if the river can not be returned to its proper channel, that the rising sea will submerge all of the valley which is below sea level, which includes a very large area. (National Geographic Magazine, February, 1906, p. 95.)

PROGRESS OF IRRIGATION IN ARIZONA.

The last Federal census says that of the 72,268,000 acres of land surface of Arizona only 1,335,327, or 2.7 per cent, were included in farms in 1900 and only 254,521, or 0.35 per cent, were improved, while the irrigated land, outside the Indian reservations, was only 185,396 acres.[b]

In the ten years from 1890 to 1900 545 miles of canals and ditches were constructed, which added 26,297 acres to the irrigated area. The total increase in irrigated land in ten years was 119,575 acres, a percentage of increase in ten years of 181.7 per cent. Of the total number of farms in the Territory, 73.8 per cent were irrigated, or 81.4 per cent of the number of improved acres, and 88.5 per cent of all crops raised were produced by irrigation.[c]

It is a significant fact that in 1899 48,463 acres of irrigated land were in pasture and crops that did not mature, and were, therefore, probably a total loss.

Of the total irrigated area of the Territory, all but 974 acres were watered from streams, the remainder from wells. The average cost of irrigating this land was $23.90 per acre.[d]

MUCH PUBLIC LAND UNAPPROPRIATED BUT FEW TAKERS.

There are still 47,000,000 acres of land in Arizona unappropriated and unreserved, open to any eligible homesteader who may apply. The total number of original homestead entries in the Territory during the past year was only 292. The business is so small that for most excellent economic reasons the two land districts have been consolidated into one.[e]

CONDITIONS IN NEW MEXICO LITTLE BETTER.

The area of New Mexico represents 122,460 square miles, or 78,374,400 acres. As observed heretofore, the cultivable land in this Territory lies along the Rio Grande and the Pecos valleys and a broad expanse of grazing land in the north, which is the southern extension of the Colorado Rocky Mountains. In San Juan County, in the extreme northwest of the State, there has been considerable development through irrigation. The system in vogue along the lower Rio Grande is very primitive and practically unchanged from the methods pursued long before the white man came to the State. The census report indicates that the development of the agricultural resources of New Mexico depends largely upon the control of the Rio Grande. It is not encouraging to the future of agricultural development here that there are a number of canals on the headwaters of the stream in Colorado which can easily absorb all the water which runs in the river. The result is that during the irrigation season the river for several hundred miles in the southern part of the Territory is often nothing but a dry waste of sand and dust, which is not reached by a drop of water.[a]

Two-thirds of the population of New Mexico and three-fourths of the land under cultivation are in the valley of the Rio Grande and its tributaries. New Mexico without the Rio Grande would be almost like Egypt without the Nile.

MOST OF THE RIVERS DRY IN SUMMER TIME.

The Canadian River flows through a valley 200 miles in length within the Territory before it reaches the Pecos, but there is a general scarcity of water during the irrigation season throughout the entire basin drained by this river, which has greatly retarded agricultural development and has caused the abandonment of many acres of valuable land.

The Pecos River runs entirely dry for several months in the year, and the supply of water for irrigation varies considerably. One ditch in Guadalupe County, which irrigates 1,500 acres in an average year, in 1899 could only supply water to irrigate 98 acres. Of the land surface of New Mexico, only 5,130,878 acres, or 6.5 per cent, were included in farms in 1899, and of the improved land only 303,438 acres were located outside of Indian reservations, and in 1899 the irrigated area outside the Indian reservations was 203,893 acres, or 67.2 per cent of the improved land.[b]

FARMS RUINED BY NEW IRRIGATION SCHEMES.

Of the percentage of all crops raised 89.6 per cent was irrigated, and of the total acreage irrigated all but 1,004 acres were watered from streams. The average cost per acre of this irrigation was $20.41, and the average value per acre of irrigated land was $29.26. Over three times the acreage irrigated was provided with ditches and only lacked water to make them cultivable. The result of recent new irrigation projects in this Territory has been to deprive lands lower down the river beds of the water which they had been accustomed to use for years and decades. Thousands of acres once cultivated are now of no value, because the water supply is insufficient. The irrigated farms in the Territory were 74.1 per cent of the total number of farms; in acreage, 56.4 per cent; in value of land and improvements, exclusive of buildings, 77.8 per cent; in implements and machinery, 75.9 per cent; in live stock, 49.7 per cent; in total farm wealth, 64.5 per cent.[c]

LAST ANNUAL REPORT OF RECLAMATION SERVICE.

The annual report of the Director of the Geological Survey for the year 1904–5, dated August 21, 1905, details the work of the Reclamation Service, which was created to carry into effect the act of Congress of June 17, 1902. The plans already made involve the investment of practically the entire fund, now about $30,000,000.[d]

Actual construction is now in progress on eight projects, including Salt River, Arizona, and Hondo, N. Mex. Proposals were received for work on the Lagoona dam, Yuma project, California and Arizona.

In Arizona there are two large and well-known reservoir sites—the San Carlos, on the Gila River, and the Salt River, on Salt River, the upper tributary of the Gila.

PROJECTED SAN CARLOS RESERVOIR.

The projected reservoir at San Carlos, on the Gila River, will probably furnish enough water to irrigate the entire 55,000 acres of farm land in Pinal County, which is now taxed, but not more than one-tenth of which can be irrigated at the present time.

General examination has been made of the probabilities of storing water in various parts of the Territory and of the underground waters of Salt River Valley that may be made available by pumping. The Salt River project involves a dam 270 feet high, to store 1,100,000 acre-feet of water, and power plants to pump water in the lower valley, at an estimated cost of $3,000,000. The dam site is 70 miles above Phoenix, and the water will be utilized on 160,000 to 200,000 acres of land near there. By pumping, an additional 40,000 acres can be irrigated.

DIFFICULTIES UNDER WHICH THIS PROJECT LABORS.

The location is so nearly inaccessible that brick, lime, and cement are being made on the ground. The contract for the dam has been let.

The quantity of water in the Salt River Valley is variable,

[a] Water Supply and Irrigation Paper No. 33, p. 11.
[b] Census Bulletin No. 16, p. 44.
[c] Twelfth Census, Vol. VI, p. 825.
[d] Twelfth Census, Vol. VI, p. 826.
[e] Governor's report, 1905, p. 43.

[a] Twelfth Census, Vol. VI, p. 850; Census Bulletin No. 16, p. 68.
[b] Twelfth Census, Vol. VI, pp. 851, 852; Census Bulletin No. 16, p. 69.
[c] Twelfth Census, Vol. VI, pp. 854, 865; Senate Document No. 36, p. 136.
[d] P. 249.

some of it containing so much common salt that its continued use for irrigation is detrimental to crops. The probability of the economic elimination of this salt is a problem under consideration.

The San Carlos reservoir site is on the White Mountain Indian Reservation, below the mouth of San Carlos Creek, on the Gila River; dam, to cost $1,200,000, to hold about 300,000 acre-feet of water. The water supply is scanty. The main difficulty will be the large amount of silt carried by the Gila River. Observations of river flow and sediment are being continued, and reconnaissance surveys have been made of possible reservoir sites on the upper Gila.

THE YUMA PROJECT.

The Yuma project proposes to irrigate 91,000 acres on the Arizona side of the Colorado River. A high diversion dam is impossible. Five thousand acres next to the Mexican line in Arizona will be subject to overflow, so they can not be irrigated. Some land will be too high, leaving a balance of 73,100 acres in Arizona which can be irrigated. The water supply of the Colorado is adequate. The disposition of the silt of the river is one of the most difficult features. Cost (estimated), $1,000,000.

NEW MEXICO.

Hondo project, on Hondo River, a tributary of the Pecos, about 12 miles from Roswell. Area to be irrigated, 10,000 acres; cost, $275,000. Construction is rapidly advancing.

Urton Lake project, on Pecos River, 60 miles north of Roswell, contemplates dam and canal about 35 miles long, to reclaim 60,000 acres.

Las Vegas project, 5 miles north of Las Vegas, is under consideration.

INTERNATIONAL QUESTIONS CONNECTED WITH THE RIO GRANDE.

It is proposed to store the flood waters of the Rio Grande in New Mexico to develop open valleys along the course of the river. Consideration, however, is required of the international questions involved between the United States and Mexico. The flow of the Rio Grande is so fluctuating that sufficient water for irrigation can not be furnished without regulation in storage reservoirs.

La Platte Valley project, in San Juan County, northwestern New Mexico, will reclaim 50,000 acres. No location for storage basin has yet been found.

CENSUS BULLETIN NO. 16 ON IRRIGATION.

Census Bulletin No. 16, of irrigation in the United States in 1902, transmitted October 18, 1904, adds some details of interest.

The Salt River Valley in Arizona was irrigated before the Spanish came, and supported a large population in the eighth or ninth century. The cliff dwellers in New Mexico also irrigated, and an extensive population once flourished there. The canals were skillfully conducted and some of them cut through solid rock. Over 8,000,000 acres of once worthless desert in Western States are now, by irrigation, producing each year crops worth $100,000,000.

Irrigation usually involves intensive agriculture and a decrease in the average size of farms and in the average number of irrigated acres per farm. The following figures are of interest:[a]

	Arizona.	New Mexico.	Nevada.
Number farms irrigated, 1902	3,867	9,285	2,250
Increase in 3 years ..... per cent..	29.7	17.8	18.6
Number acres irrigated	247,250	254,945	570,001
Increase in 3 years ..... per cent..	33.4	25	13.1
Average acres per farm	63.9	27.5	252.2
Construction cost of systems	$4,688,208	$4,301,915	$1,706,212
Average per irrigated acre	$18.96	$16.87	$2.99

ONLY SMALL PART OF ARIZONA CAPABLE OF IRRIGATION.

More than half of Arizona is over 5,000 feet high, and is part of the Colorado plateau. One-third is below the level of 5,000 feet. Except a few square miles, the entire Territory belongs to the Colorado River drainage basin. Little more than three-tenths of 1 per cent of the total area has been reclaimed, and it can not be carried much farther without storage. The main Colorado River basin occupies but a small place in Arizona's agricultural economy, as most of its course in the Territory lies in deep canyons.[b]

SMALL SHOWING MADE BY THESE TERRITORIES IN IRRIGATION.

The total number of acres irrigated and total number of farms irrigated shows California in the lead, with Colorado, Montana, and Utah following. New Mexico and Arizona make a comparatively small showing. Irrigation has wrought a wonderful transformation west of Yuma, Ariz., in California. Possibly the same future is in store for the land on the Arizona side. The extreme limit of the hope and faith of those who see the greatest future in store for agricultural possibilities in Arizona is 1,000,000 acres in irrigation. That figure is purely problematical. The volume of water furnished by the rivers of the Territory will never increase. The extreme limit of acreage possible to cultivate by the water supply is a fixed one, and it will be many years and only after the expenditure of immense sums in constructing storage basins before all this land can be utilized.

COLORADO CAN ABSORB ALL THE RIO GRANDE.

The great development of irrigation along the Rio Grande in Colorado has reduced the volume of the river in New Mexico, so that the supply can cover only a part of the land formerly irrigated. Water storage is absolutely essential. The present treaty between Mexico and the United States is a greater obstacle to development of irrigation than any engineering problem. This treaty prohibits the impounding of the waters of the Rio Grande and prevents the reclamation of an extensive area of land now desert and the irrigation of thousands of acres formerly cultivated. Less than 1 per cent of the stream's flow in Mexico comes from sources north of the Mexican line. Until the treaty is abrogated or amended large storage works on this stream can not be constructed. The Rio Grande irrigates 254,945 acres, or 9,285 farms, at a cost of $16.87 per irrigated acre. The Pecos River irrigates 56,497 acres, or 1,542 farms, at a cost of $48.41 per irrigated acre. The largest irrigation works in the United States are in New Mexico, and some of the largest projects under contemplation are there.[a]

JANUARY, 1906, BULLETIN OF THE RECLAMATION SERVICE.

A bulletin issued by the Reclamation Service of the United States Geological Survey, January, 1906, contains a brief statement concerning irrigation projects under consideration and construction by the Government. Without objection, I will insert it here as bearing forcibly on this subject.

The report is as follows:

IRRIGATION PROJECTS.

The following brief statement regarding irrigation projects under consideration and construction by the United States Reclamation Service and concerning irrigable lands in public and private ownership which will eventually be reclaimed by means of proposed systems is published in circular form for convenience in answering inquiries and for the information of the public generally.

ARIZONA: SALT RIVER PROJECT.

This project contemplates the construction of a large storage dam at Roosevelt, Ariz., 270 feet in height, which will regulate the supply of water from gravity systems for about 160,000 acres of land in the vicinity of Phoenix. When the dam is constructed, there will be developed a large amount of power, which will be utilized to increase the water supply in the Salt River Valley by means of pumping from underground sources.

Early in 1904 contracts were awarded for construction of considerable auxiliary work—power canals, sluicing tunnels, etc. A cement mill was erected by the Government and is now in operation, furnishing a first-class quality of cement to be used in the works. The construction of the dam will require 220,000 barrels of cement. The excavation work for the power canals is completed, the lining of canals is nearly completed, and the work on the sluicing tunnel was finished on October 3, 1905. The contract for the construction of the large dam was awarded to J. M. O'Rourke & Co., of Galveston, Tex. It is understood that there are no public lands available under this project for homestead entry, the entire area having been filed upon by settlers, many of whom have gained title to the land. For information as to the possibility of acquiring lands by purchase from present owners and other data of a local character concerning the soil and climate of the valley, apply to Mr. B. A. Fowler, president of the Salt River Valley Water Users' Association, Phoenix, Ariz. The irrigable lands under this project are tributary to branch lines of the Southern Pacific and Santa Fe railroad systems.

CALIFORNIA: YUMA PROJECT.

This project contemplates diversion of the waters of Colorado River by means of proposed Laguna dam and sluiceways, about 10 miles northeast of Yuma, Ariz., into two canals, one on each side of the river. In Arizona these canals will irrigate all the bottom lands of Colorado and Gila rivers between the Laguna dam and the Mexican boundary (an area of 84,000 acres, in round numbers) and in California the bottom lands in the Yuma Indian Reservation (an area of 17,000 acres), all tributary to the Southern Pacific Railroad. Plans also contemplate the construction of a complete system of levees to protect the bottom lands from overflow and a pumping system to remove the surplus water from the low-lying areas.

Lands under this project have been withdrawn, under the provisions of the reclamation act of June 17, 1902, from all forms of entry except by homestead. The mesa lands have been withdrawn from all forms of entry. Under the provisions of this act an individual holding may not exceed 160 acres. Definite decision has not been reached as to the farm-unit area, but it will probably not exceed 40 acres to each entryman.

The method by which the lands of the Yuma Reservation will be disposed of to settlers has not yet been announced. It is probable, however, that the reservation will be thrown open upon the completion of the irrigation works.

The cost of the works will be assessed proportionately upon each acre of land reclaimed, to be paid by settlers in ten annual installments, without interest. The only additional charge will be for maintenance. The distribution of water, collection of payments, maintenance charges,

[a] Census Bulletin No. 16, p. 11.
[b] Census Bulletin No. 16 p. 12.

[a] Census Bulletin No. 16, pp. 68, 69.

etc., will be looked after by the Yuma County Water Users' Association, M. Winsor, president, at Yuma, Ariz. The members of this association are the landowners of the district to be affected. Printed matter and information of a local character regarding the section may be had upon application to association headquarters at Yuma, Ariz.

On July 6, 1905, a contract was awarded to J. G. White & Co., New York, for the construction of the Laguna dam and sluiceways. Excavation is being carried on, and other preliminary plans are under way with a view to the construction of the dam. On September 13, 1905, a contract was awarded for the construction of Yuma dikes, on which actual work is now under way.

COLORADO: UNCOMPAHGRE VALLEY PROJECT.

This project contemplates the diversion of waters of the Gunnison River by means of a tunnel 30,000 feet in length, cross-section 10½ by 11½ feet, cement lined, capacity 1,300 second-feet. The tunnel passes under a high divide and carries the water to the Uncompahgre Valley, where it will be utilized for the reclamation of 120,000 acres of land in Montrose and Delta counties. Construction of tunnel was begun in November, 1904, and work thereon has since been progressing rapidly. More than a mile of the tunnel is completed.

About 80 per cent of the irrigable lands under this project are in private ownership. The remaining 20 per cent are subject to homestead entry by bona fide settlers in accordance with the rules and regulations governing that class of entry. The farm unit for first-class fruit land will probably be 40 acres, while on other lands suitable for growing grain, sugar beets, and alfalfa 80-acre tracts may be filed upon. At the proper time filings upon these lands should be made through the local land office at Montrose, Colo. No water can be delivered for irrigation prior to the crop season of 1909. All inquiries for information of a local nature concerning the character of the soil, crops, and climate of the section, etc., should be addressed to the president of the Uncompahgre Valley Water Users' Association, Montrose, Colo. The lands are tributary to the Denver and Rio Grande Railway.

IDAHO: MINIDOKA PROJECT.

This project provides for the reclamation of about 130,000 acres of land lying on both sides of Snake River in southern Idaho. The area to be benefited is all Government land which has been withdrawn from general entry under the provisions of the act of June 17, 1902, but remains subject to entry under the provisions of the homestead law. Homestead entries within a radius of 1½ miles from the center of each town site established are to be limited to 40-acre tracts, and those on all other lands under this project to 80 acres. The soil is excellent, being a deep sandy loam free from alkali, now producing a thrifty growth of sage brush. The cost of water right under this project will be $26 an acre. Settlers are permitted to pay their water-right assessment in ten annual installments, without interest. It is believed that all of the land is now filed upon by bona fide settlers. Contracts have been awarded as follows: In September, 1904, Bates & Rogers Construction Company, for construction of large dam, which is about one-half completed; in July, 1905, for construction of telephone system; during June and July, 1905, for construction of distribution system, this work being subdivided and contract awarded in sections to several contractors. Fair progress has been made in work on the distribution system, and strenuous effort is being made to complete the construction within the time specified by the contract. Present conditions indicate that water will probably be turned on the lands under the gravity canals late in the irrigating season of 1906. The lands to be included under this proposed system are tributary to the Oregon Short Line Railway, which has recently extended a branch line through the Minidoka tract, upon which are located three town sites. Early in 1906 the Government will sell at public auction a restricted number of lots in each town site.

IDAHO: PAYETTE-BOISE PROJECT.

The Payette-Boise project ultimately will reclaim about 350,000 acres of land in the valleys of the Payette, Boise, and Snake rivers in southwestern Idaho. Of this area about five-sixths is without present facilities for irrigation. The valleys are tributary to the Oregon Short Line, the Boise, Nampa, and Owyhee, and the Idaho Northern railroads.

The complete plans propose the utilization of both the Payette and Boise rivers, and include the construction of extensive storage works at the headwaters of each stream. The lands are in Ada, Canyon, and Owyhee counties and are smooth, with gentle slope to drainage. The work of construction will be taken up by units and several years will elapse before the whole project is completed.

Information concerning lands, climate, etc., can be obtained by addressing J. H. Lowell, president of the Water Users' Association, Caldwell, Idaho.

KANSAS: GARDEN CITY PROJECT.

This project, by means of an extensive pumping system, will provide a supply of water to irrigate about 8,600 acres situated just east of Deerfield in southwestern Kansas. The land in question is all in private ownership and is under an existing irrigation system owned by the Finney County Farmers' Irrigation Association. The attempt to furnish water for the irrigation of these lands by a gravity system supplied by diversion from the river has not met with success, owing to the rapid loss of water from the river to the gravels and the uncertain volume of flow in this stream.

The proposed pumping plant is designed for the recovery of underground waters, and involves the construction of 23 separate pumping stations, each driven electrically from a central power station located on the main line of the Atchison, Topeka and Santa Fe Railroad.

The irrigation association now in existence proposes to transfer its system to the Finney County Water Users' Association, of Garden City, Kans., recently formed. Pledges of subscription to the stock of the Water Users' Association have been given for practically the entire 8,600 acres entitled to water from the system. The preparation of plans and specifications is well under way, and construction will be begun at an early date.

MONTANA: HUNTLEY PROJECT.

This project contemplates the reclamation of about 30,000 acres of land located along Yellowstone River in southeastern Montana, within the ceded portion of the Crow Indian Reservation, between Huntley and Bull Mountain station. The lands to be reclaimed are along the Northern Pacific and Chicago, Burlington and Quincy railroads. They form a portion of the area which the Crow Indians, by treaty ratified by act of Congress approved April 27, 1904, ceded to the United States. One of the conditions named was the allotment to the Indians of homestead entries upon the reclaimed land.

Upon the completion of said allotments, the area remaining is to be subject to disposition in accordance with the provisions of the homestead laws, and the rules and regulations governing the disposal of public land. The President of the United States is authorized to issue a proclamation giving notice to the public that the lands will be thrown open to general entry and such notice will be issued at the proper time. During 1904 surveys were made to outline a comprehensive system of irrigation for a portion of these lands. This will necessitate the construction of a main canal 40 miles in length.

Contracts have been awarded for the construction of divisions 1, 2, and 3 of main canal, and it is expected that work will be started shortly. Contract for structures was awarded on July 24, 1905. Bids for constructing a distributing system and telephone system were opened on December 15.

In addition to the cost of reclamation, the price of these lands is to be $4 an acre when entered under the homestead laws. Further information will be given to the public as the work progresses.

NEBRASKA-WYOMING: NORTH PLATTE PROJECT.

This project has for its object the storage of the flood and surplus waters of North Platte River in an immense reservoir in Wyoming, which will be made by constructing a dam 210 feet high in a narrow canyon of the stream just below the mouth of Sweetwater River. During the irrigating season the water will be permitted to flow down the channel of the river a number of miles, where a low diversion dam will turn it into canals which will distribute it over the lands to be irrigated. The land to be reclaimed is tributary to the Chicago and Northwestern, Burlington and Missouri River, and Union Pacific railroads. It is fertile and adapted to the successful growth of a wide variety of products. It is expected that water can be delivered for purposes of irrigation for the crop season of 1906. Several contracts for construction of auxiliary portions of the system have been awarded, as follows: On January 5, 1905, to Kilpatrick Brothers & Collins Company, for the construction of the Pathfinder tunnel, in Wyoming—this work was completed on August 15, 1905; on August 1, 1905, to Geddes & Seerie Stone Company, for the construction of the Pathfinder dam, in Wyoming—actual work under this contract commenced September 25, when excavation was begun at the westerly approach to the tunnel. In addition, contracts for excavation for about 95 miles of the Interstate Canal and for reinforced concrete structures on the first 45 miles have been awarded. Work on the different schedules is progressing steadily.

When construction work has been advanced sufficiently to render such action advisable, homestead entries may be filed upon the irrigable area that is in public ownership. The size of the farm unit will probably be 80 acres. Applications will be received at Cheyenne, Wyo., the local land office, for lands in that State, and at Sidney and Alliance, Nebr., the local land offices, for lands in Nebraska.

Landowners in the districts to be affected have organized the North Platte Valley Water Users' Association. Persons interested in the section may obtain information of a local character by addressing Mr Andrew Crawford, secretary of the association, at Scotts Bluff, Nebr.

NEVADA: TRUCKEE-CARSON PROJECT.

When completed it is believed that this system will provide an ample supply of water to irrigate about 350,000 acres of arid land in western Nevada. The first work of actual construction was begun in September, 1903, on a canal 31 miles in length, to divert water from Truckee River and convey it to the channel of Carson River, where a storage reservoir eventually will be built. This canal, together with about 270 miles of lateral ditches, is completed, and on June 17, 1905, the third anniversary of the reclamation act, occurred the formal opening of this project, the first to be constructed under authority of the law of June 17, 1902.

Water is now ready for delivery to about 50,000 acres, 30,000 of which are public lands, which have been thrown open to homestead entry, and may be filed upon by bona fide settlers, in accordance with the rules and regulations of the homestead laws and reclamation act. The lands are tributary to the Southern Pacific and the Nevada and California railroads. An assessment of $26 per acre will be charged against the land for its water right, payable in 10 annual installments without interest. Maps showing the location of available entries may be inspected at the Carson City, Nev., land office, where application should be filed.

The construction of outlet and regulation works at the outlet of Lake Tahoe, and the extension of the system to include additional areas will be undertaken at an early date.

NEW MEXICO: HONDO PROJECT.

This project contemplates the diversion of Hondo River, a tributary of the Pecos, and will make possible the reclamation of about 10,000 acres of land in the vicinity of Roswell. Contracts for the construction of the dam and canals were awarded on December 5, 1904, and, judging from the progress which has been made upon this work, it is believed that the system will be completed during 1906. On November 2 a contract was awarded to Wood, Bancroft & Doty, of Omaha, Nebr., for the construction of the earth embankment in connection with the project, and the contractors have begun the work. The Pecos and Northeastern Railroad has a line into Roswell. It may be possible to purchase homesteads from the present owners. Information on this subject and on the character of the soil and climate of the section may be had from Mr. J. W. Poe, president of the Rio Hondo Water Users' Association, Roswell, N. Mex.

NEW MEXICO: CARLSBAD PROJECT.

The principal works under the Carlsbad project include storage reservoirs on the Pecos River in Chaves County, and the extension of canals which have been constructed by private enterprise to irrigate about 15,000 acres of land. The development of Pecos Valley has been brought about by individuals who installed an extensive system of irrigation works, representing the outlay of more than a million dollars. On October 4, 1904, a flood in the Pecos River destroyed a large portion of Avalon dam, upon which the canal system depended for its supply. The owners of the canal system were unable to repair the damages, and as property valued at not less than $2,000,000 was threatened with destruction unless the water supply was provided, an appeal was made to the Government to take the works and to initiate construction in order to prevent the destruction of homes and property. It is expected that the construction of storage works will be begun at an early date. All the land under this project is in private ownership and is tributary to the Santa Fe Railroad. Inquiries concerning lands, crops, climate, etc., should be addressed to the Water Users' Association, Carlsbad, N. Mex.

NEW MEXICO-TEXAS: RIO GRANDE PROJECT.

The Rio Grande project involves the construction of a storage dam opposite Engle, N. Mex., across the Rio Grande, which will form a reservoir 175 feet deep at its lower end, 40 miles long, with a storage

capacity of 2,000,000 acre-feet, for the irrigation of 180,000 acres of land in New Mexico, Texas, and Mexico.

The Leasburg diversion, which is a part of the Rio Grande project, calls for the construction of a 500-foot concrete dam, with pier, embankment, and sluice gates, head weir, and head gates. In connection with the diversion dam it will be necessary to construct 2 miles of full-size canal to connect with the old Las Cruces canal. Construction will be begun as soon as the landowners have given the Government security that this amount will be returned to the reclamation fund within a period of two years.

NORTH DAKOTA-MONTANA: LOWER YELLOWSTONE PROJECT.

This project contemplates the diversion of the waters of Yellowstone River at a point 17 miles northeast of Glendive, Mont., for the irrigation of 66,000 acres of land lying in northeastern Montana and northwestern North Dakota. The land is classed as follows: Montana, private lands, 14,618; public lands, 13,522; railroad lands, 16,742 acres; North Dakota, private lands, 12,786; public lands, 8,332 acres. The public lands under the project number 21,854 acres; railroad lands, 16,742 acres; and private lands, 27,404 acres, a total of 66,000 acres.

The public lands available for homestead entry should, at the proper time, be filed upon through the land office situated at Miles City, Mont. The lands to be affected by this system are tributary to the Northern Pacific Railway line, which passes through Glendive, 19 miles from the head gates, and the Great Northern Railroad, which has a station at Buford, 2 miles from the lower end of the project. They have been classified in detail. The most probable size for farms on this project will be 80-acre tracts.

Contract for the construction of the main canal was awarded in several sections, on July 11, 1905. On division 1, Schedule A, fair progress has been made. On division 1, Schedule B, of this work, excavation for structures is under way. Work on divisions 1, 2, and 3, Schedule B, of the main canal, is progressing satisfactorily. Bids were opened on November 15 for the construction of the main canal and lateral system, and for the construction of the Lower Yellowstone dam on December 5. The landowners under the system have organized an association known as the Lower Yellowstone Water Users' Association, Mr. B. S. Adams, president, Ridgelawn, Mont. Persons interested in the section can obtain information of local interest by applying to said association.

OREGON: UMATILLA PROJECT.

The Umatilla project embraces 20,000 acres immediately south of Columbia River and east of Umatilla River. The engineering work in connection with this project consists of a feed canal from Umatilla River to the Cold Springs reservoir, and a distribution system. The works are of simple character and capable of being constructed in a short time. The irrigable area under this project lies below 500 feet in altitude, is rolling in character, and the lands are of high fertility. The climate is warm and the soil adapted to orchards, small fruits, and vegetables. Transportation facilities are excellent, the lands being within 200 miles of Portland, Oreg., or Spokane, Wash., on the main lines of the Oregon Railroad and Navigation Company.

OREGON-CALIFORNIA: KLAMATH PROJECT.

The Secretary of the Interior, on May 15, 1905, approved the proposed Klamath project. The total irrigable area under this project embraces 236,402 acres, of which 45 per cent, or 106,829 acres, is public land; and 55 per cent, or 129,573, is private lands, 90,000 acres being in California and the remainder in Oregon. The lands are of excellent quality, and alfalfa, wheat, oats, barley, rye, vegetables, and the deciduous fruits are grown successfully. Experiments of the culture of sugar beets show that this crop may become a profitable industry. The project is naturally divided into two distinct parts—the so-called "Upper Project," providing for the irrigation of lands in Langells, Yonna, Poe, and Upper Klamath valleys; and the "Lower Project," which includes the irrigation of lands in Klamath and lower Poe valleys, and the reclamation of Lower Klamath and Tule lakes by drainage. The principal town in the valley is Klamath Falls, Oreg., where headquarters are established for the engineer in charge of the project.

The greater part of the land in private ownership is held in large tracts, and under the provisions of the reclamation act must be sold in small lots, as one person can not purchase water for more than 160 acres. The Klamath Water Users' Association, a corporation of landowners, has been organized to cooperate with and assist the Reclamation Service. The office of this association is located at Klamath Falls, Oreg., where persons interested should apply for pamphlets and descriptive matter. At the proper time settlers may file applications for homestead entries upon available public lands, those located in California being under the jurisdiction of the local land office at Susanville, Cal., while for Oregon, land applications should be filed at the Lakeview, Oreg., office.

Specifications and proposals have been prepared for the construction of the main canal and the auxiliary works, and bids for this work were opened on December 29, at San Francisco, Cal. Actual construction of the system will be taken up as early as possible.

SOUTH DAKOTA: BELLE FOURCHE PROJECT.

When completed, this project will reclaim about 60,000 acres lying northeast of the Black Hills in Butte and Meade counties, S. Dak., tributary to the Chicago and Northwestern and Burlington and Missouri River railroads. Of the total irrigable area it appears that about 50,000 acres is public, or Government, land.

The classification of this land has been completed, and farm-unit maps are in course of preparation. The size of farm unit has not been determined, but will probably be 80 acres of irrigable land, except in the vicinity of the new town site, where the unit may be 40 acres.

Present information is that the major portion of these lands has been filed upon in 160-acre tracts. This being the case, a reduction of each of such entries to one half their present area will be ordered—an action which will make available for future settlement an additional number of entries equal to those already taken up.

Contracts for the construction of schedules 1 and 2 of main supply canal were awarded in April, 1905, and work on them is progressing steadily. On October 26 bids were opened at Belle Fourche, S. Dak., for the construction of the dam and distributing canals of the system. On November 2 the Secretary of the Interior awarded a contract for the work to Orman & Crook, of Pueblo, Colo.

It is expected that the south side canal, which will furnish water to irrigate about 20,000 acres of land, can be constructed in time to deliver some water to this area in 1906. Application should be filed with the local land office at Rapid City, S. Dak., where maps showing the location of the entries will be available for inspection. General information regarding the lands and crops can be had from the president of the Belle Fourche Water Users' Association, Belle Fourche, S. Dak.

UTAH: STRAWBERRY VALLEY PROJECT.

This project provides for the irrigation of about 50,000 acres of land in central Utah, situated from 5 to 15 miles south of Provo and on the eastern shore of Utah Lake. The water supply will be received from a storage reservoir to be built on Strawberry River, about 30 miles to the east of the irrigable area. By means of a tunnel 4 miles long the stored waters will be carried under the divide and emptied into Spanish Fork, from which a canal from 18 to 20 miles long will convey it to the irrigable area. The irrigable lands have a mean elevation of 4,500 feet. Detailed information regarding the lands to be benefited and other facts of interest bearing upon local conditions in the Strawberry Valley may be had upon application to the president of the Strawberry Valley Water Users' Association, Spanish Fork, Utah.

WASHINGTON: OKANOGAN PROJECT.

This project is designed to supply water to 8,650 acres of land in Okanogan Valley, in northern Washington. The water supply is estimated to be sufficient for the proper irrigation of 10,000 acres, 1,350 of which are now supplied. The farm unit has not been definitely decided, but a soil survey is being made, and it is believed that on account of the possibilities for high development in this section the area allowed each settler will be restricted to 40 acres. Lumber for building purposes and fuel supplies is practically unlimited. The lands are tributary to the Great Northern Railroad.

WASHINGTON: YAKIMA VALLEY.

The Yakima Valley contains an irrigable area of approximately 500,000 acres; with storage it is estimated the water supply is sufficient for 340,000 acres. In addition to this acreage there are 100,000 acres in the Yakima Indian Reservation, which can be brought under canals at a moderate cost, but for which there is no late summer flow in the river. The development of a comprehensive system of irrigation in Yakima Valley can be accomplished by the successive construction of several units of a general project, the work being gradually extended to embrace the entire irrigable area.

The Tieton division, which is an integer of the great work projected in the Yakima Valley, embraces an area of about 24,000 acres west of and near the city of North Yakima. The water supply will be from Tieton River, supplemented by waters stored in Bumping Lake.

The Sunnyside division of the Yakima project contemplates the purchase, enlargement, and extension of the Sunnyside canal system now in operation, and in connection therewith the construction of suitable storage works at the upper Yakima Lakes. The Government holds an option on the property of the Washington Irrigation Company. The canal and lateral system contemplated as the first section of the work will irrigate about 40,000 acres of land. Before construction is begun there must be an adjustment of conflicting claims of those who are appropriating water from Yakima River and its tributaries; also a settlement of the suits now pending between the appropriators and the Government in behalf of the Indian reservation, and the satisfactory determination of questions presented by the proposed contract to purchase the Sunnyside Canal. Sufficient acreage must be pledged to secure the return to the reclamation fund of the cost of construction. All of the lands in these projects are tributary to the Northern Pacific Railway.

WYOMING: SHOSHONE PROJECT.

This project, as developed to date, contemplates the diversion of a portion of the waters of Shoshone River, and the construction of an impounding dam at the head of the canyon through which the river flows. The reservoir thus created will have a storage capacity of 420,000 acre-feet. When the project is completed it will be possible to reclaim about 175,000 acres of irrigable public lands. A portion of this area, 122,000 acres in extent, is located on the left, or north, side of the river, and 53,000 acres on the right, or south, side, the whole being about 75 miles east of Yellowstone National Park, Wyoming.

The soil is productive, and hay, wheat, oats, barley, and the hardier vegetables can be produced abundantly with an ample supply of water. The lands are tributary to lines of the Chicago, Burlington and Quincy Railway. At the proper time, when the construction of the project is approaching completion, they will be thrown open to homestead entry by bona fide settlers under the homestead laws and terms of the reclamation act. Persons are strongly advised against filing entries prematurely, as the area to be benefited is now arid and incapable of cultivation. It is estimated that water may be delivered by the spring of 1908.

Contracts for construction work have been awarded as follows: On September 18, 1905, to Prendergast & Clarkson, Chicago, Ill., for Shoshone dam and auxiliary works; on September 27, 1905, to Charles Spear, Billings, Mont., for Corbett tunnel and auxiliary works. Construction work is well under way on outlet tunnel, temporary diversion works at the dam, and the Corbett tunnel. It is expected that at an early date proposals will be requested for the construction of a diversion dam across Shoshone River and for the first 9 miles of the main canal.

THE LARGE DAM AT ROOSEVELT, ARIZ.

Mr. DICK. The only project within Arizona contemplates the construction of a large storage dam at Roosevelt, 270 feet high, which will regulate the supply of water for about 160,000 acres of land in the vicinity of Phoenix. This dam can also be utilized to increase the water supply in the Salt River Valley by means of pumping from underground sources. This work has been in process since 1904. There are no public lands available under this project for homestead entry, the entire area having already been reduced to private ownership.

THREE PROJECTS UNDER CONSTRUCTION IN NEW MEXICO.

Three projects are under construction in New Mexico. A dam is being constructed to divert the Hondo River, a tributary of the Pecos, which will make possible the reclamation of about 10,000 acres in the vicinity of Roswell. The completion of this project is expected this year. The land to be irrigated by this project is also under private ownership. Storage reservoirs are under construction on the Pecos River in Chaves County, and the extension of canals previously constructed by private enterprises will irrigate about 15,000 acres of land. Private individuals had made an outlay of more than a million dollars on this project, but a flood in the fall of 1904 washed

out a part of the dam and the owners were unable to go on with the work. The Government was appealed to, and in order that property valued at not less than $2,000,000 might be saved from absolute loss the United States is now carrying on the work. All of the land to be irrigated by this project is, however, under private ownership.

A storage dam is proposed for the Rio Grande River opposite Engle, to make a reservoir 175 feet deep at its lower end, 40 miles long, with a storage capacity of 2,000,000 acre-feet, which will, it is believed, irrigate 180,000 acres of land lying in New Mexico, Texas, and Mexico.

About 18,000 acres of irrigated land near Carlsbad, N. Mex., have been without water since the flood of 1904 carried away the dam and other works. The ensuing drought killed many shade and fruit trees and resulted in very great financial loss, threatening the extinction of between two and three million dollars' worth of property.

NEVADA HAS MORE IRRIGATED ACRES THAN BOTH TERRITORIES.

There were 3,867 irrigated farms in Arizona in 1902. It is possible there are 4,000 now, as is claimed. There were in 1902 247,220 acres irrigated. The number in New Mexico was about the same, and Nevada had more than both put together. Taking out the irrigated land in Arizona, which is in Indian reservations, it is not likely that the balance is much greater now than when the census was last taken, when it stood at 185,000 acres.

THESE STORAGE DAMS NEEDED TO IRRIGATE LAND UNDER CULTIVATION.

The only storage dam now contemplated in Arizona will not add to the number of acres under irrigation, for all the water it can store and supply will be needed to adequately irrigate the acres already under cultivation, or which have been prepared for cultivation. There will be little inducement to much immigration into Arizona, because all the land which can be irrigated has already been taken up, and the only farms to be obtained are by subdivision of farms already under cultivation. There are no broad acres in Arizona adequately supplied with water which are to-day open to homesteaders. The roseate optimism which sees a million acres under cultivation in Arizona in a few years and a population of a million souls has its appropriate place only in the literature of land boomers and real estate speculators, but will not bear close scrutiny or fair mathematical application.

THE TIDE OF AMERICAN MIGRATION SWEEPS TO THE NORTHWEST.

The present trend of the American pioneer is across the Canadian line into the fertile and unoccupied fields of the Canadian northwest. The freezing and inhospitable climate of the extreme north even now has, and will continue to have, greater inducements for the American farmer than the arid sands lying under the semitropical skies of Arizona, where the thermometer frequently stands for hours at over 100°, and where the thirsty sands swallow up the largest floods in a very short time. Admit a possibility of 1,000,000 irrigated acres in Arizona and divide that acreage into 40-acre tracts and allow four persons to each farmer's family, and the result is only 100,000 people.[a] This result is based on the theory that land reclaimed by the Reclamation Survey will be so productive it will lead to intensive farming and small farms. The history of irrigation in Nevada negatives this theory, for the irrigated farms there average 252 acres. It is true they are much smaller in Arizona, but even there they are twice as large at present as in New Mexico.[b]

ARIZONA CLOSELY RESEMBLES NEVADA.

The State which most resembles Arizona in topography, in soil, in resources, in possibilities and probabilities is Nevada. We are glad Nevada is in the Union. She has ever been represented in this Chamber by distinguished statesmen. She is now rapidly growing in population, and recent marvelous discoveries of gold there give promise of a return of her former prosperity. Nevada is, however, without doubt much the richer of the two in mineral wealth. She has twice as much land under cultivation by irrigation. She has all the advantages Arizona enjoys, and more, and promises greater development, and yet she is the only State in the Union with which Arizona can to-day be fairly compared.

NEARLY ALL ARIZONA'S TIMBER IS GOVERNMENT RESERVE.

The industries of Arizona are mining, agriculture, and stock raising, and are of importance in the order named. The lumber interest is considerable, but 95 per cent of the timber land is included in Government reservations. It stands third in point of copper production of the mining districts of the United States and fourth in the whole world.[c]

[a] Water Supply and Irrigation Paper No. 2, p. 94.
[b] Census Bulletin No. 16, p. 12.
[c] Governor of Arizona's Report, 1905, p. 32.

UNCERTAINTY OF THE MINING INTEREST.

Nothing, however, is more uncertain than the mining interest. That has been the experience in Arizona and it has been the experience elsewhere. The State of Nevada made multimillionaires out of its early mine operators, and the State gave promise of containing a large population. In time, however, the principal mines gave out and the population dwindled, and Nevada had fewer people at the last census than it had thirty years before.

HER GOLD AND SILVER OUTPUT HAS STEADILY DECREASED.

Arizona has suffered these very vicissitudes in its mineral production. In 1882 the value of gold and silver mined in the Territory was $8,565,000. For the next ten years the annual output dwindled steadily until it had decreased to $2,550,952. Since then the output has gradually increased. In 1903 it reached the figure of $6,186,634 and in 1904 fell to $4,935,478, an amount three and a half million dollars less than the output of 1882.

THE DECAY OF TOMBSTONE.

In the testimony taken before the Senate Committee on Territories in 1902 it appeared that very few of the mines around Tucson were then in operation, because of the fall in the price of copper and the cost of freight. The famous Silver King mine, which is said to have produced nine million of bullion, was not worked then on account of the low price of silver. Tombstone, as has been said, was then a small village, having dropped from 12,000 people to as many hundred.[a] It had once been a great mining camp, but the ores became exhausted or it was unprofitable to work them, and decay followed.

ARIZONA'S GOLD AND SILVER OUTPUT.

The total value of the gold and silver production of Arizona from 1885 to 1904 was:

1885	$4,711,000
1886	4,510,000
1887	4,709,297
1888	3,871,000
1889	2,839,393
1890	2,292,929
1891	2,888,535
1892	2,572,255
1893	4,979,852
1894	3,981,370
1895	3,241,290
1896	5,077,573
1897	5,791,932
1898	5,370,064
1899	4,006,750
1900	6,936,610
1901	5,770,440
1902	5,725,143
1903	6,186,634
1904	4,935,478

Production of gold and silver by calendar years from 1880 to 1904.

[From data supplied by the Director of the Mint, Treasury Department.]

Year.	Total.	Arizona.		New Mexico.	
		Gold.	Silver.[a]	Gold.	Silver.
1880	$2,400,000	$400,000	$2,000,000	$130,000	$125,000
1881	3,300,000	1,000,000	2,000,000	180,000	225,000
1882	8,565,000	1,065,000	6,500,000	150,000	1,250,000
1883	6,150,000	950,000	5,200,000	280,000	2,720,000
1884	5,430,000	950,000	4,500,000	300,000	3,180,000
1885	4,600,000	800,000	3,900,000	300,000	3,400,000
1886	4,500,000	1,100,000	3,400,000	400,000	2,500,000
1887	4,600,000	800,000	3,800,000	500,000	2,500,000
1888	3,871,000	871,000	3,000,000	600,000	1,200,000
1889	2,839,393	900,000	1,939,393	1,000,000	1,400,000
1890	2,292,929	1,000,000	1,292,929	850,000	1,450,000
1891	2,888,535	975,000	1,913,535	900,000	1,788,151
1892	2,572,255	1,050,000	1,522,255	950,000	1,391,250
1893	4,979,852	1,184,300	3,795,552	913,100	597,959
1894	3,981,370	1,784,175	1,485,254	565,731	817,368
1895	3,241,290	1,965,300	1,275,990	497,200	803,130
1896	5,077,573	2,601,300	2,473,273	475,800	809,227
1897	5,791,932	2,585,300	2,806,632	556,300	626,595
1898	5,370,064	2,465,300	2,504,764	550,000	549,883
1899	4,006,750	2,566,100	2,040,650	581,100	650,731
1900	8,936,570	4,193,400	3,872,970	832,200	561,519
1901	7,719,254	4,083,000	3,030,254	688,400	725,454
1902	8,046,813	4,112,300	3,034,513	551,100	760,127
1903	8,730,881	4,257,600	4,379,281	244,600	955,647
1904	6,801,000	3,543,300	3,547,700	281,900	277,900

[a] The coining value, which is over double the commercial value.

Production of gold and silver in Arizona, 1885–1888.

[From the reports of the Director of the Mint for each year.]

Year.	Gold.	Silver.	Total.
1885	$886,000	$3,825,000	$4,711,000
1886	1,110,000	3,400,000	4,510,000
1887	833,131	3,876,166	4,709,297
1888	871,000	3,000,000	3,871,000

[a] Senate Document No. 36, pp. 136, 172.

OFFICIAL ADMISSION OF THE SPECULATIVE CHARACTER OF MINING.

The governor of Arizona, in his last report, says (page 7):

A persistent and successful effort is being made to take mining in Arizona out of the category of purely speculative—"gambling"—pursuits.

This statement practically admits all that can be said of the uncertainties of the mining interests in the Territory.

FLUCTUATIONS IN PRICE OF COPPER.

Probably no member of this body has had more experience with mines and mining than the Senator from Montana, and he testified last month before the House Committee on Territories that there is no way to determine actually the real value of a mine until you get the ore out and realize on its value, for, he says, what seems to be a valuable mine to-day may to-morrow disappear entirely, and what seems to be a most promising vein, and which has been worked with great profit, may pinch out within a few feet and become worthless.[a] The fluctuation of values is another element which operates against the value of copper mines. Copper brings 18 cents now, but within a few years past it has been as low as 8 cents. As the Senator from Montana well says, a mine might promise to continue a most valuable property and yet might be dug out entirely in three weeks. The experience of the past should caution us against granting statehood to a Territory whose principal industry is mining. While New Mexico is not as great a mining camp as Arizona, and the annual mineral production there does not now exceed $3,000,000, there is every reason to believe that, as the governor of New Mexico says in his last report, sooner or later New Mexico must become as great a producer of mineral wealth as the Commonwealths similar in geological, mineralogical, and topographic features—Colorado, Arizona, and Mexico—on its immediate borders.

AGRICULTURE THE BEST FOUNDATION FOR GROWTH.

In New Mexico agriculture still leads in the value of its annual products. Statistics show that 41 per cent of the people engaged in gainful occupations are following agricultural pursuits. Colorado, which has dazzled the world with the richness of its gold and silver mines, was long regarded of little value except as a mining camp, but notwithstanding the magnificent mineral production of that State, the annual production of its mines does not equal the annual product of its farms. The gold production in Colorado last year represented $29,000,000, but the corn, hay, potatoes, and other products were worth more than forty millions. Silver reached a high value last year, and the output of that precious metal from the mines of Colorado aggregated $11,000,000.

COLORADO A GREATER FARMING THAN MINING STATE.

The orchards and the sugar-beet patches of Colorado did better than this by one and one-half million dollars. The $5,000,000 worth of lead marketed did not exceed the value of the lambs shipped from that State, so that while the whole value of the mineral output of the State was $43,000,000, the farms were worth much more, for they produced an output which was worth $70,000,000.

Agriculture is the only durable basis of a great State, and agriculture depends on water, which in Arizona is so scarce that it can only fertilize a very small proportionate amount of the land.

NO MANUFACTURING COMPARATIVELY IN ARIZONA.

Witnesses from Arizona admit that the manufacturing interests of the Territory are yet to be developed, and it is plain to anyone who investigates the subject that the future of manufacturing is very uncertain. The Federal statistics of manufactures for the year 1900 show capital invested in Arizona at $10,157,408, in New Mexico $2,638,786, while the value of the output in Arizona was $21,315,198 and in New Mexico $5,605,795. While the manufacturing output of Arizona seems a splendid figure, yet it is but a trifle, for even the District of Columbia, where there is practically no manufacturing, returned an output valued at $47,667,622.[b]

The latest report of Bradstreet's Commercial Agency gives the number of business houses in Arizona at 1,765, in New Mexico 1,795, total number 3,560; in Indian Territory 6,942, in Oklahoma 10,142, making a total for the new State of Oklahoma of 17,054—a figure that exceeds even the number of busines houses in the State of Arkansas, where the figure is 14,438.

NO RACIAL DIFFERENCES AS ALLEGED.

Strenuous objection is made against joint statehood with New Mexico because of alleged racial differences. The inhabitants of New Mexico are referred to as an entirely different people. They are called foreigners, Spaniards, Mexicans, and even by the opprobrious epithet of "Greasers." It is charged that nearly one-half the people of New Mexico are Mexicans, who to an overwhelming extent do not understand or speak the English language. The aspirations, ambitions, and interests of these people are said to differ from those of Arizona. One witness, a professor, said that—

To force Arizona into a union with New Mexico is to do a great wrong to the people of the former Territory, who in racial antecedents, religious preferences, and industrial interests are wholly unlike the inhabitants of New Mexico.[a]

One witness patronizingly declares that the people of New Mexico are good people, but "they are not like our people." It is charged that in New Mexico an interpreter is present practically all the time in the courts and frequently in the schoolroom for the purpose of carrying on conversation and taking procedure.[b]

Another witness says that more than a majority of the population of New Mexico is Mexican without question, and declares from being present at a half dozen sessions of the legislature at Santa Fe that a majority of the members were Mexican, and in every case, whenever there is a legislature held, it is necessary to have a Spanish interpreter to interpret the remarks from Spanish into English and from English into Spanish.[c]

It is declared that the union of these two Territories will make an unfit and even an unholy alliance, and will cause the Americans of Arizona to be subject to Greaser or Mexican domination.

ANGLO-SAXON VERSUS LATIN.

Another witness, a reverend gentleman, declares that the Latin race predominates in New Mexico and the Anglo-Saxon in Arizona. Even he, however, is compelled to bear witness that the New Mexicans of Spanish descent are an exceedingly conservative people, if they do prefer to live according to old-time traditions. He admits that they are quiet, orderly, inclined to obey the laws; that they follow instead of trying to lead, and have been used by both political parties instead of attempting to dominate in conventions. Most of them, he says, are Roman Catholics, a quiet, orderly, law-abiding people, not difficult to govern and not difficult to handle.[d]

FOUR-FIFTHS OF NEW MEXICANS SPEAK ENGLISH.

These aspersions against the native-born citizens of New Mexico who are of Spanish descent are based partly upon prejudice and partly upon ignorance. These unfriendly estimates given by zealous advocates of single statehood for Arizona greatly overstate the proportion of New Mexicans of Spanish descent. Mr. Rodey, late Territorial Delegate, and who is as familiar with the situation as any living man, declares that not more than two-fifths of the inhabitants of New Mexico are of Spanish descent, and of that number at least half speak English.[e]

NEW MEXICANS OF SPANISH DESCENT MAKE GOOD CITIZENS.

The governor of New Mexico, in his last annual report to the Secretary of the Interior, dated September 15, 1905, estimates the population of the Territory on July 1, last, at 300,000, of which number he says 158,000 come from other States and Territories or are descendants of such, 125,000 are of Spanish or Mexican descent, and 13,000 are Indians. While his estimate of the total population is undoubtedly high, he practically agrees with Mr. Rodey as to the proportion of the different elements of the population of that Territory. This two-fifths element of Spanish descent has lived under the American flag for sixty years, a period covering practically two generations, and all of them, except a comparatively small per cent, were born within the Territory after it was incorporated into the Territory of the United States. These Americans of Spanish descent are very superior in character to the average of the people living south of the Rio Grande, except probably not to exceed twenty to thirty thousand people who are almost entirely devoted to sheep herding, and these are a good, honest, pastoral people, vastly superior to much of the immigration that is daily pouring onto our shores through the gates of Ellis Island. Since the Territory passed from Mexico to the United States their numbers have been added to very little by immigration from the south.[f]

NEW MEXICO TAKING ON NEW LIFE.

New Mexico has taken on new life and is becoming as aggressive and up-to-date as the rest of the United States. The larger towns have electric-light plants; there are two electric street railroad systems; all the larger towns have water works; two cities have free mail delivery; there are three rural mail routes; good roads are being built; beautiful homes are being

[a] Hearing before House Committee on the Territories, 1906, p. 110.
[b] Statistical Abstract, 1904, p. 531.

[a] Hearing before House Committee on the Territories, 1906, p. 78.
[b] Hearing before House Committee on the Territories, 1906, p. 5.
[c] Hearing before House Committee on the Territories, 1906, p. 29.
[d] Hearing before House Committee on the Territories, 1906, p. 71.
[e] Hearing before House Committee on the Territories, 1906, p. 133.
[f] Hearing before House Committee on the Territories, 1906, p. 152.

constructed. On every hand is evidence of prosperity, of civic spirit, and public and private progress.

HIGH CHARACTER AND STERLING WORTH OF NEW MEXICANS.

Every person who has appeared before either committee of Congress investigating this subject, and who has testified on this particular point, bears testimony to the high character and sterling worth of this element in the population of New Mexico. They are, beyond question, as good citizens as can be found elsewhere in the United States.

Col. Ira M. Bond testifies as follows:[a]

I say they are quiet, orderly, and, as a rule, more honest in proportion than the common class of people or the lower class of people in any State of the Union. We have no strikes out there or anything of that kind. The people are very industrious, and they have been so for three hundred years. They have been taking care of themselves, and not only have they been supporting themselves, but they have supported the Army of the United States through contracts.

ALWAYS READY TO FIGHT FOR THE FLAG.

Major Llewellyn, an officer in the President's regiment during the war with Spain, pays this tribute to them:[b]

The Mexican people of that Territory, gentlemen, are sound on all of these great propositions that touch the hearts of the American people and in which we are all interested. There is not a more patriotic, there is not a truer, there is not a more loyal people in the world. I have lived among them for twenty-one years. My neighbors are Mexicans. It can be said about them—I say it to them myself—that if there is any fault to be found with them, it is that they are not a progressive people. But they have been a balance wheel in our legislature. The only two counties in the Territory where they voted a bonded indebtedness, which hangs upon our necks to-day, are counties that are controlled by Americans. That was done before this Harrison Act, or the Springer Act, whichever you choose to call it, was passed, which stopped it.

There has not been a time since New Mexico was part of the United States when our people have failed to respond to a single call on the part of the National Government. During the war of the rebellion, while it may have passed from the minds of many people, there were two considerable battles fought in the Territory of New Mexico. General Sibley invaded New Mexico from the south, coming up the Rio Grande. At Val Verde there was a desperate battle fought. The Union forces were defeated, and General Sibley passed on up the Rio Grande. He met his defeat up at a place called "Glorieta," in Santa Fe County.

The question is, Who defeated him? Was it the troops sent from Ohio, Illinois, or Kentucky. No; it was the native troops of the Territory of New Mexico. Many of them gave up their lives in defense of their country there, and are buried there to-day.

In our war for the liberation of Cuba these Americans of Spanish descent were as zealous to enlist under the Stars and Stripes as the citizens of any other part of the country or of any other strain of descent. They are peaceable, orderly, law-abiding citizens; they have shown their willingness to die for their country; they are certainly worthy of enjoying the full benefits of American citizenship.

ALL THE PEOPLE BECOMING FULLY AMERICANIZED.

It is stated that every Spanish newspaper published in the Territory carries the headline:

It is the duty of every father to see that his children learn the language of the country, and that is English.

Many of the leading citizens of New Mexico are of mixed Spanish and American blood. Hundreds of such intermarriages have taken place, and nobody considers it in a disparaging way any more than thousands of unions which daily take place in this country between other Americans of different nationalities.[c]

MANY OF THE PEOPLE SPEAK ENGLISH AND SPANISH.

Mr. Rodey further declared that no county in the Territory is Spanish-speaking, in the usual sense, because, while many people speak Spanish, they also speak English, and while their language in their own hamlets would be Spanish, they are familiar with the English tongue. Recent railroad construction has brought during the past few years a large influx of English-speaking people. Of all the population of the Territory, he believes three-fourths, and perhaps even more, can speak English.

Another witness declared that 75 per cent of the Mexican people talk English, but they will not talk it unless they have to, preferring Spanish in their own family circle and among themselves, which results in confining the common use of English to the younger element. These are found in large numbers in every county, town, and village. They learn the English language very rapidly; in fact, the school attendance in the Mexican precincts of Albuquerque is better than in the American precincts. This witness adds significantly that the native Mexicans had been practically free from vice until dominated by worthless Americans coming in with railroad construction.[d]

THE RISING GENERATION ALL SPEAK ENGLISH.

Another witness, an American of Spanish descent, said that about 80 per cent of the rising generation speak and write English. They have not, however, had until recently the excellent school facilities they now possess, and on account of the conservatism of the older natives and the difficulty of communication and the sparsely settled country opportunities and incentive to learn English have not been plentiful until recently. It is quite probable that among the older natives of the Territory of Mexican descent the majority do not speak English. The same condition, however, exists now in New Mexico that is found in every other part of this great country, where persons of foreign descent congregate, in the universal acquisition by the rising generation of the English tongue.[a]

NEW MEXICANS FAITHFUL AND TRUSTWORTHY.

While illiteracy is a condition to be anxiously avoided and should be reduced to the minimum, yet it is neither a vice nor a crime, and is often accompanied by the possession of the most sterling virtues. It is the universal experience that New Mexicans of Mexican descent are honest, conservative, and patriotic. They are quiet and peaceable; they are faithful workers and true to their word; they are trustworthy in every sense, possess a high sense of integrity, and pay their debts. It is said that most of the merchants there would rather trust a Mexican than an American.[b]

ARIZONA'S SPLENDID SCHOOL SYSTEM.

The people of Arizona take just pride in their school system, which is admittedly one of the best in the country. One witness calls attention to the wonderful increase in school population, teachers' salaries, and school property in that Territory from 1894 to 1904. He says:

In 1894 our school population was, as I have said, 15,383; in June, 1904, the school children numbered 27,395, an increase of nearly 100 per cent. The teachers in 1894 were 293 in number; in 1904 they had increased until there were 550. The salaries paid in 1894 were $138,546; in 1904 the salaries paid school-teachers amounted to $258,469. The school expenses in 1894 were $176,039; in 1904 they were $394,392. The value of school property in 1894 was $401,896; in 1904 it has increased to $883,479. In every line, very nearly, an increase of 100 per cent.

ENGLISH COMPULSORY IN NEW MEXICAN SCHOOLS.

The Arizona Teachers' Association, by resolution duly adopted, has declared joint statehood would disrupt the foundations of the entire educational structure of that Territory and would be inimical to the public schools as well as to every other interest of their people. Major Llewellyn is again a competent witness as to school conditions in New Mexico. He says, with just emphasis, speaking of the school system of New Mexico:[c]

I want to tell you it is the pride of our Territory, and the pride of our people. We have the most advanced and most progressive school laws of any State or Territory in the United States. We have absolutely compulsory education. * * * The teaching of the English language in the public schools of the Territory of New Mexico is compulsory, and the teaching of Spanish is not permitted and is not taught in a single public school of the Territory of New Mexico. That law was passed by the Mexican people of the Territory of New Mexico.

Teachers of the third grade of New Mexico employed in the interior country schools must, under their statute, possess a knowledge of both English and Spanish, and all are required to pass an examination in the English language.

COMPARATIVE SCHOOL STATISTICS FOR 1903.

The latest official figures, the report of the Commissioner of Education for 1903, shows the following comparison:

School enrollment, Arizona, 20,608; New Mexico, 37,972.

Average daily attendance, Arizona, 12,125; New Mexico, 26,065.

Average duration of school days, Arizona, 128; New Mexico, 88.

Total number of teachers, Arizona, 474; New Mexico, 793.

Total expenditure, Arizona, $397,972; New Mexico, $360,531.

Public high schools, Arizona, 4; New Mexico, 9; their teachers, Arizona, 14; New Mexico, 31; students, Arizona, 236; New Mexico, 526.

While Arizona spends more money for school purposes and has more school days, the percentage of attendance to enrollment is much higher in New Mexico than in Arizona.

THE UNITED STATES HAS NEGLECTED EDUCATION IN NEW MEXICO.

The superintendent of public instruction in the Territory claims that New Mexico directly taxes her people more per capita for the establishment and maintenance of public schools than four-fifths of the older States of the Union. Had the United States taken as much interest, he says, to educate the Spanish-speaking people in New Mexico as it has to educate the natives of Porto Rico and the Philippines, New Mexico would to-day rank with the most enlightened communities of the United States. In fact, more attention has been paid to the education of blanket Indians than to the Americans of Spanish descent in New Mexico.

ALBUQUERQUE.

Albuquerque has five magnificent brick schoolhouses, costing thirty to forty thousand dollars each, besides half a dozen other

[a] Senate Document No. 36, p. 368.
[b] Senate Document No. 36, p. 350.
[c] Hearing before House Committee on the Territories, 1906, p. 155.
[d] Senate Document No. 36, p. 93.

[a] Senate Document No. 36, p. 101.
[b] Senate Document No. 36, p. 63.
[c] Senate Document No. 36, p. 18.

institutions of learning and a university enrolling 1,250 pupils. It is strictly an American city, with seven to eight thousand people. They have waterworks, electric-light and gas plants; they have a sewer system and fire department, railroad shops, mills and factories, and good stores, and the city is the center of a large wool and mining district.

Albuquerque schools are as good as schools throughout the country east or west. Many Mexicans living in the surrounding country are anxious to send their children there, and the knowledge of English is growing rapidly. Mexicans, as a rule, wish to have their children learn the English language, even if they can not speak it themselves.

NEW MEXICAN SCHOOL SYSTEM COMPARATIVELY MODERN.

It is true that the New Mexicans have been somewhat backward in public education. The public school system there dates only from 1889, and while the older class of New Mexicans of Spanish descent are largely illiterate because of lack of school facilities, the schools there now are as good as anywhere and the younger generation is learning English.

MR. RODEY'S TESTIMONY.

Mr. Rodey said, in his testimony before the House committee:

Now, you have heard a good deal in the arguments here about a school system, and I want to say that Arizona is not one bit superior to New Mexico in that respect. We have a school system second to none, and a system in our cities equal to that in Boston. We have a University of New Mexico, two great normal schools, the school of mines, a military institute, and a half a dozen other sorts of institutions and schools, and splendid public common schools in every city, town, and village in the Territory, besides the mission and denominational schools. We have splendid schoolhouses, and we spend more than $1,000,000 a year in one way and another for their support. We have a few communities in the outlying districts where the educational system is not what it ought to be, where they have not got as good schools as they ought to have. In my town you will find a school system that Massachusetts could well be proud of, and it amuses me to hear the people from Arizona brag of their superiority. We have just as good a school system as they have in Arizona and better in some parts of our Territory. We have $2,250,000 worth of school buildings alone, with 350,000 people raising nearly $1,000,000 a year for their support. What do you think of that?

ARIZONA IS MEETING SOME OF THE VERY SAME PROBLEMS.

The governor of Arizona, in his last annual report, speaks of the educational situation in the Territory and the problems which confront them. The compulsory-education law is obeyed, he says, almost without exception by American parents; but, notwithstanding the law, it appears the Mexican children are growing up in ignorance. They cling persistently to the Spanish tongue, though the children have a smattering of English and can speak it when it is absolutely necessary. He declares that the race has great possibilities, that educated citizens of Mexican descent are prominent in business and the professions and are a credit to the Territory.

GOVERNOR OF ARIZONA ADMITS NO NEED TO FEAR THE NEW MEXICANS.

He declares that the uneducated citizens of Mexican birth or descent look upon Americans as a numerically predominate race, aggressive, pushing, and superior, and many of them feel a timidity in the presence of Anglo-Saxons and prefer to live by themselves and follow their own customs. In view of this testimony of Arizona's governor, how insincere is the alleged fear of the Spanish-Americans of New Mexico.

THE BUGABOO OF MEXICAN DOMINATION.

Yet some of the bitterest opposition on the part of Arizona to joint statehood with New Mexico is the alleged fear of being Mexicanized, as they call it, by the more numerous population of the latter Territory. What they complain of especially is the presence on juries of Mexicans who can not speak English and require an interpreter. One witness even goes further and fears that the population of New Mexico, being controlling, might make the Spanish language the court language of the whole of the new State. Such an extreme view, of course, is absolutely ridiculous, for these same witnesses holding these extreme views can not explain why if the foreign element predominates in New Mexico they speak the English tongue and compel English to be taught in their schools. Another witness says that they desire in Arizona to carry on their procedure in their courts in the English language, and do not wish to be compelled to have upon their juries people who do not speak or understand English. He says, "We derive our procedure from the common law, while New Mexico conducts her legal affairs under the civil law, which is in existence there to-day." This sounds like an echo of the objection raised thirty years ago, that Colorado would be a Mexican State, while, as a matter of fact, there is not a State in the Union to-day which is more truly American in all the elements which go to make up a great Commonwealth than is Colorado. We are proud of her broad plains, of her magnificent mountain ranges, and her health-giving climate. Her mineral production has been the wonder of the world, and her representatives in this body, from the time of her admission to the present hour, would reflect luster upon any State. The fear of Mexican domination is an utterly groundless one. The Americans in New Mexico of Anglo-Saxon and of Spanish descent get along splendidly together.

JURIES IN ARIZONA WILL REMAIN ENGLISH SPEAKING AS BEFORE.

There has been absolutely no race legislation, and no repressive or unjust laws have been passed directed against any element of its population. One would think from reading some of the testimony of these unduly agitated people from Arizona that the immediate and direct result of joint statehood will be a tremendous influx into the western part of the new State of Americans from New Mexico who can not speak English and who will insist upon the right to sit upon their juries. There is no statute in New Mexico which confers the right to sit on juries to people who can not speak English, but in some counties where a majority of the people have been Spanish speaking they have furnished jurors mainly, it appears, because they enjoy the occupation and because the English-speaking Americans are too busily engaged in private matters to have any desire to act in such capacity. Not over 5 per cent, it is said, of the population of Arizona are unable to speak or read English, and not over 6 per cent, it is said, of the native whites of all races are illiterate. If this bill becomes a law, the courts in the western end of the State will continue as now to have only English-speaking jurors, and those counties in New Mexico where the people of Spanish descent predominate can continue, as now, to employ them upon juries and make use of interpreters where it is necessary for the administration of justice. There seems to be no complaint from New Mexico about the character of their juries. Witness after witness testified to the splendid character of these jurors of Spanish descent. A lawyer of experience testified that he never knew a fairer jury than one made up of these people, and he does not believe a better class of jurors could be found.

JUSTICE ADMINISTERED SATISFACTORILY IN NEW MEXICO.

There is ample testimony that the administration of justice in New Mexico compares favorably with the adminstration of justice in other States and Territories. These native people stand for law and order, for good government and good citizenship.

One of the judges of the Territory declares that no court ever held by him had administered justice more satisfactorily than some held by him where the services of an interpreter had to be freely used. Statistics show that there are many States in which the proportion of foreign-born, non-English-speaking people is much larger than in New Mexico. There are members of this Congress who address their constituents in French, German, Norwegian, and other languages. There are cities in this Union containing districts where more people speak a foreign language than the number of inhabitants of New Mexico, who can speak no other tongue but Spanish.

INTERPRETERS USED VERY LITTLE NOW IN NEW MEXICO.

The use of interpreters in the New Mexican legislature was once necessary, but that condition has long since passed away. The present Territorial Delegate from New Mexico, Mr. ANDREWS, says there are twelve counties in New Mexico that are American by a good majority; five so-called native counties, where Spanish-speaking people predominate, and five that are divided. He agrees with Mr. RODEY that 50 per cent of the poulation are of Spanish descent and 50 per cent pure American. Four-fifths of the natives, he says, speak English. He has traveled all through the Territory and very seldom met a native who could not talk English. He was in the council three years ago, the last but one, and there were five natives to seven Americans. The house had eleven or twelve natives to twenty Americans. The legislature, he declared, would average three or four Americans more than natives, as a rule. He himself has been in the Territory for twelve years and all the legislatures that have met in that period have had a majority in the lower house of so-called Americans. He does not know of a member who sat in a legislature that he had anything to do with who could not speak English. He adds his testimony to sustain the fact that they are competent legislators and most excellent citizens. The counties bodering on Texas are inhabited almost entirely by whites who have moved over from that State.[a]

THEIR LEGISLATIVE ASSEMBLIES MADE UP OF ENGLISH-SPEAKING CITIZENS.

Mr. RODEY says that three years ago he wrote a Senator here that there had been little or no need of an interpreter in the legislative assemblies in New Mexico for ten years past, as every member of both houses understood and spoke English reasonably well. There will be no need of an interpreter, he

[a] Hearing before House Committee on the Territories, 1906, p. 96.

said, in the coming legislative assembly, which is the one which met last. He gave the political complexion of that body, stating that the upper branch was unanimously Republican and all scholars of a high order, and that the house was composed of twenty-one Republicans and three Democrats, every one of whom spoke English. He stated further that the use of interpreters is generally decreasing, and that while the office exists in many counties and is filled in some political conventions, yet there is little or no absolute use for it, but the nominations are frequently made as a compliment to some prominent citizen to whom it is desired to give some recognition.[a]

ALL COURT RECORDS KEPT IN ENGLISH.

Mr. Rodey has been in the Territory since 1881, and is a lawyer by profession. He says he has never heard of but one instance where a jury called for an interpreter, although they are still in use to some extent in eight or nine counties. All the court records are kept in English, although it appears that there are some justices of the peace who keep their records in Spanish. They attend to the litigation between the Spanish-speaking natives, and it is only natural that the records should be kept in the same tongue that is used by the parties to such petty litigation as comes before a justice's court.

THE LEGAL CODES IN THE TWO TERRITORIES MUCH ALIKE.

The charge that in New Mexico the civil law controls instead of the common law, which prevails in Arizona, is entirely unwarranted. The Code of New Mexico is much like the Code of California, New York, and Texas.[b] The code of practice is modeled upon the same codes as is the Code of Arizona. The statutes of New Mexico make a body of as good legislation as the legislation enacted for Arizona. There is some little difference between the laws of the two Territories, owing to some different local conditions, but this difference amounts to very little. This is no place to make a comparison between the common law and the civil law, but it is only necessary to say that the civil law was a polished and finished product, while the common law was still in a rude and barbarous condition, and that a very large number of the best features of the common law are derived from the system of law which was the greatest gift Rome gave to the world. The law of irrigation is found laid down in one of the pandects of Justinian, and was a well-settled practice before common law had its birth. If a larger element of the civil law has crept into the statutes of New Mexico than into the statutes of Arizona, it is no proof of an inferior legal advancement.

EACH TERRITORY CAN RETAIN ITS LOCAL STATUTES.

As far as the local statutes of the two Territories are concerned, it has been well said that there is no reason why they should not be continued in existence until the legislature of the new State shall have ample time to consider the needs of the new Commonwealth and decide upon the best code of laws to be adopted.

THE UNITED STATES SUPREME COURT SUSTAINS THIS VIEW.

If it were true, as is not the case, that these two Territories have different codes of law, the one legal system based upon the common law and the other based upon the civil law, it does not follow that either Territory must be required to give up its own peculiar system. Both can be maintained and can exist side by side in the new State. There is no question about this proposition, for it has the inferential support of the Supreme Court itself. In Missouri *v.* Lewis (101 U. S., 22) the court, speaking through Mr. Justice Bradley, said:

> There is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York City and the surrounding counties and the common law and its methods of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its doing so. * * * If diversities of laws and judicial proceedings may exist in the several States without violating the equality clause in the fourteenth amendment, there is no solid reason why there may not be such diversities in different parts of the same State. * * * If a Mexican State should be acquired by treaty and added to an adjoining State or part of a State in the United States and the two should be erected into a new State, it can not be doubted that such new State might allow the Mexican laws and judicature to continue unchanged in the one portion and the common law and its corresponding judicature in the other portion.

ANGLO-SAXON AMERICANS NATURALLY LEAD IN POLITICS.

As to the native New Mexicans being clannish or domineering or disposed to impose the civil law or the Spanish language or any other Latin institutions upon their Anglo-Saxon neighbors, it appears from the testimony that whenever the "Americans," so-called, have one-third of the voting population of any of the counties they have been able to control the politics of that county, simply because the native American takes naturally to politics and is a born political organizer and leader, and they have no trouble in electing English-speaking Americans to the offices and controlling the administration of county and municipal affairs.[a]

MOST STATES HAVE CONTRIBUTED EQUALLY TO THESE TERRITORIES.

An analysis of the origin of immigration into these Territories shows how foolish are the fears imagined by the people of Arizona. The native white population of native parentage in Arizona by the last Federal census was 44,830, of whom 12,427 were born in the Territory. The corresponding numbers for New Mexico are 149,029 and 119,529, leaving comparatively the same number in both Territories who came into them from other States. The following States contributed persons to Arizona and New Mexico, respectively, as follows:

Number of persons contributed to Arizona and New Mexico by different States.

State.	Arizona.	New Mexico.
Alabama	408	305
Arkansas	770	745
California	3,005	909
Colorado	507	2,131
Connecticut	104	76
Delaware	19	16
District of Columbia	40	27
Florida	47	32
Georgia	352	291
Idaho	141	31
Illinois	1,953	1,747
Indiana	1,078	912
Indian Territory	113	256
Iowa	1,111	984
Kansas	1,106	1,559
Kentucky	927	754
Louisiana	192	216
Maine	406	156
Maryland	156	111
Massachusetts	311	225
Michigan	558	303
Minnesota	257	123
Mississippi	420	371
Missouri	2,636	2,870
Montana	57	20
Nebraska	257	236
Nevada	197	19
New Hampshire	87	74
New Jersey	176	93
New York	1,352	986
North Carolina	186	172
North Dakota	13	9
Ohio	1,567	1,319
Oklahoma	96	129
Oregon	315	71
Pennsylvania	1,081	1,050
Rhode Island	32	32
South Carolina	74	98
South Dakota	41	33
Tennessee	661	764
Texas	3,743	7,479
Utah	1,900	588
Vermont	152	117
Virginia	439	377
Washington	168	39
West Virginia	136	144
Wisconsin	417	260
Wyoming	96	27
Scattering	320	325
Americans born abroad	177	139

THE SAME IS TRUE AS TO FOREIGN COUNTRIES.

English-Canadians in Arizona, 1,116; New Mexico, 680. English born in Arizona, 1,561; New Mexico, 998. French born: Arizona, 253; New Mexico, 298. German born: Arizona, 1,245; New Mexico, 1,360. Irish born: Arizona, 1,159; New Mexico, 693. Italian born: Arizona, 639; New Mexico, 661. Mexican born: Arizona, 14,172; New Mexico, 6,649. Scotch born: Arizona, 399; New Mexico, 427. Swedes: Arizona, 342; New Mexico, 244. Total foreign born: Arizona, 21,233; New Mexico, 13,625.

Total illiterates: Arizona, 27,307; New Mexico, 46,971.

NO RACIAL LINES WILL BE DRAWN.

Some Arizona people tell us they fear they will be swamped and overwhelmed, their most sacred interests utterly ruined, and their future blasted by the hostile union against them of the Americans in New Mexico of Anglo-Saxon descent and those of Spanish blood. Who are the Americans of New Mexico of Anglo-Saxon descent who will combine against their brothers in Arizona? We well know that racial antagonisms are strong and that racial ties make the warmest bonds of union. The sons of Alabama in Arizona equal the sons of Alabama in New Mexico. Will these brothers wrong each other? The Arkansans in Arizona and New Mexico are about equal. Will these in New Mexico combine with aliens in blood to the prejudice of

[a] Hearing before House Committee on the Territories, 1906, p. 179.
[b] Hearing before House Committee on the Territories, 1906, pp. 47, 161, 165.

[a] Hearing before House Committee on the Territories, 1906, pp. 68, 73.

the sons of their own mother State? The same figures hold true as to Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, New York, Ohio, Pennsylvania, Tennessee, Virginia, and I might enumerate other States which have contributed practically equal numbers of their sons to help build up these new Territories. These men, coming from the South, and the East, and the North, and the Northwest, are as closely united to-day in blood and sympathy and aspirations as before they left the boundaries of their native States. They are Americans! It is utterly preposterous to claim that the native-born Americans of pure American strain will combine with any foreign strain to the injury of the brothers of their own flesh and blood.

The number of United States pensioners June 30, 1904, in New Mexico was 1,970; in Arizona, 757. These recipients of a grateful nation's bounty are men who marched together under their country's flag to fight the battles of the nation or are their widows and orphans. Who believes that they will be arrayed against each other in the new State to the injury of the best interests of the people of the present Territory of Arizona?

The same may be said of the citizens of foreign birth in these two Territories. They seem to have proved about equally attractive to immigration. The citizens of French birth in Arizona about equal those of French birth in New Mexico. The same is true of the German born, of the Irish born, the Italian, the Scotch, and the Swedes.

The number of those of Latin descent who might be expected to coalesce with the Spanish descended citizens of New Mexico, with whom they are more closely allied by race, is so insignificant as to amount to nothing.

THE TWO TERRITORIES ABOUT EQUALLY ATTRACTIVE TO IMMIGRATION.

As a matter of fact, these two Territories have proved, as was said before, about equally attractive to Americans and foreign-born citizens, looking for new homes. Subtract from the foreign born in Arizona the large number of her citizens born in old Mexico and the numbers for Arizona and New Mexico are about the same. There are many more Texans in New Mexico than in Arizona. The same is true of Colorado, but Utah and California and Nevada, which bound Arizona on the north and west, have gone in much larger numbers into that Territory.

THE RACE ARGUMENT IS BASED ON PREJUDICE OR IGNORANCE.

The entire argument, or rather the attempted argument, made in behalf of Arizona, that she will be affected most detrimentally in all her interests by so-called Mexican domination, is based upon prejudice or ignorance, and is absolutely without foundation.

THE NEW MEXICANS ALWAYS LOYAL TO THE UNION.

Many witnesses agree that from two-fifths to one-half the population of New Mexico are of Spanish descent, but one-half of them speak English and they are all respectable, law-abiding, industrious people, and most excellent citizens. This so-called "foreign element" in the population of New Mexico can not prove dangerous to the so-called "purer strain" of Americans who inhabit Arizona. If racial antagonisms are to appear after the union, then the Americans of New Mexico and the Americans of Arizona will naturally combine against the people of Spanish extraction in New Mexico, and will be able to outvote them two to one. There is no reason, however, why there should be any fear felt of the Spanish-speaking people of New Mexico. They were loyal to the Union during the war between the States, furnishing 6,500 soldiers to the Federal side, and at least 1,000 of them enlisted and served their country in the war with Spain. They are patriotic citizens, true to the Union, and furnish an element of our population of which no citizen of the country need be ashamed.

THERE IS HARMONY IN RELIGIOUS BELIEFS.

There is harmony in their religious beliefs. The New Mexicans are largely Catholics. A prominent citizen of Arizona, in his testimony before the Senate committee, declared one-half the population of that Territory, or 70,000, were church members, of which number 40,000 were Catholics. (S. Doc. No. 16, p. 132.)

THE ALLEGED GREAT DISTANCES TO BE TRAVELED.

Further strenuous objection to the jointure is made because of the great distance which it is contended will have to be traveled in order to go to and from the capital of the new State, which the bill fixes at Santa Fe, in New Mexico, until 1915. It may thereafter be permanently fixed by a vote of the electors of the new State. The committee examined this question and found the position not well taken. The State will be in form rectangular and much more compact than are the present States of Texas, California, and Montana, and when the question of distance is examined it is found that at the present time there are portions of each of the Territories of New Mexico and Arizona quite as inaccessible with reference to the Territorial capitals as will be the center of population in Arizona to the center of population in New Mexico under this bill.

OTHER STATE CAPITALS MORE REMOTE TO SOME CITIZENS.

The distances to be traveled in the new State of Arizona are less than in some other States of the Union. From Prescott or Phoenix to Santa Fe is about 420 miles. From Sacramento, the capital of California, to the southernmost city in that State is considerably over 500 miles, while from Austin, the capital of Texas, to El Paso, at the extreme west of that State, the distance is 580 miles, and from Austin to the north line of the same State is 540 miles. Portions of the southwest corner of the State of Colorado are much more distant in hours of railroad travel from Denver than is Phoenix from Santa Fe. The western portion of Nebraska is quite as distant from Lincoln, the capital of that State, as is Phoenix from Santa Fe. The same can be said of portions of Montana with reference to Helena, the capital of that State, and that portion of the State of Idaho bordering upon Canada at the north is much more inconveniently situated as to matter of distance from Boise, the capital of that State, than is Phoenix from Santa Fe. In fact, it was stated before the committee in the House that the people of Arizona have ceased to urge this distance question as a serious objection to the jointure because these comparisons show that the position is not well taken. With modern facilities for travel and the railroads that now exist in New Mexico and Arizona and the postal facilities that are extended over the two Territories, it is quite as easy to communicate from one portion of either Territory to the other as it was fifty years ago to communicate from one portion to the other of the smallest New England State.

An objection urged against the jointure is that the Territories are divided by the Continental Divide, which was alleged to be a natural barrier of such character as to render joining the two Territories under a single government very inconvenient.

The fact is that the Continental Divide is entirely in New Mexico, east of the boundary line between New Mexico and Arizona, and varies in distance from the boundary line from more than 100 miles down to about 30 miles.[a]

The general elevation of New Mexico, except small areas in the extreme southern part, is 4,000 feet or more above the sea. Within the Territory the mountains lose the characteristics of the Continental Divide and become a series of detached masses, which sink into rolling formations and spread out into mesas and tablelands. The Continental Divide here is a low hump with approaches 150 miles wide on each side; the apex in the pass, or low pass, being all the way from 4,000 to 7,500 feet above sea level. It is crossed at the present time with four railroad lines, with others in course of construction. The center of New Mexico averages about 1 mile high, so that this additional elevation near the Territorial line is approached so gradually as not to impede travel to any great extent. There are two or three divides east of the Continental Divide and west of it within these Territories that are greater obstacles to travel and railroad building than the Continental Divide itself. The Santa Fe railroad is spending a large amount of money and has almost completed what is known as the "Belen Cut-off," which is a piece of railroad 250 miles long, running from Belen, N. Mex., on to the Texas line and avoids two of the worst divides—the Glorietta Mountains and the Raton Mountains. The Flagstaff and the Bill Williams divides west of the Continental Divide, are both more of an inconvenience to travel than is the Continental Divide itself. The railroads now crossing the Territorial line are the Phelps-Dodge line, which skims along the extreme south line of New Mexico from El Paso westward, to the Bixby, Douglass, and Canenea copper country. Next is the Southern Pacific, which crosses some 75 or 100 miles farther north at Steins Pass. Next is the Lodsby and Clifton, which crosses the Territorial line at an elevation of 5,500 feet, some 30 miles north of Steins Pass. Next is the Santa Fe Pacific, which is now the west end of the Santa Fe system and it crosses the Continental Divide at an elevation of 7,200 feet, and the Territorial line west of Fort Wingate at a somewhat less elevation. Other lines are projected but none of them at present cross the boundary line.

THE TAX RATE.

It is admitted that property in these two Territories is assessed for taxation at a very low rate. A prominent Arizona witness complained of New Mexico for not levying just and fair taxes, because he said the property in that Territory is assessed at less than 15 per cent of its value.[b] If this is a crime, then Arizona is in no position to find fault with her sister

[a] Hearing before House Committee on the Territories, 1906, p. 161.
[b] Hearing before House Committee on the Territories, 1906, p. 125.

Territory. Much of the railroad mileage of Arizona is exempt from taxation; the object of that exemption is declared to be the encouragement of the development of the country. The mines are not assessed at fair valuation for fear it will prevent capital coming in to develop other mines.

LOW TAXES LEVIED IN ORDER TO ATTRACT CAPITAL.

Taxes in the Territory are admittedly low, but witnesses declare that if they add any more to the assessed value of their property, it is going to drive away capital from the Territory into some other Territory where it is better treated.[a] The assessed valuation of property in Arizona has been raised the past few years so that it now exceeds the assessors' valuation of property in New Mexico. The total valuation for taxation is actually lower to-day in New Mexico than it has been in the past, although the wealth has steadily increased. There is every reason to believe that elective officers, directly responsible to the people, will change this condition of affairs for the better.

RAILROAD INTERESTS OPPOSE JOINT STATEHOOD.

If there are any interests in Arizona and New Mexico which are enjoying special privileges by reason of their low taxation, it is natural to look for these interests in the ranks of those who oppose a statehood bill. One of the transcontinental lines extending across the State a distance of nearly 400 miles pays to the Territory $175 per mile in lieu of all other taxes. This annual payment per mile represents a 2 per cent tax rate upon a valuation of $5,833.33 per mile. This same railroad, when it crosses the boundary line into California, is taxed at the rate of $14,000 per mile, and another railroad, which is assessed for taxation in New Mexico at about $7,000 per mile, when it crosses the line from New Mexico into Texas is taxed by that State at $17,000 per mile. More than that, a census bulletin says that these railroads have a commercial value of $39,000 per mile.

RAILROADS AND MINES GROSSLY UNDERVALUED FOR TAXATION.

A similar undervaluation exists in the case of mining properties. The governor of Arizona, in his annual report, says it is conceded by estimates made by the most conservative experts that the mines of that Territory have not been assessed in the aggregate at 5 per cent of their value. The actual value of the railroads in Arizona, as going concerns, is estimated to be about $68,000,000. They are assessed for taxation at about six millions, or about 9 per cent. In the Territory of New Mexico the figures are eighty-six millions and eight millions, showing the value for taxation is, in both Territories, about 9 per cent of the actual value. This proportion between the actual value and the tax value in the case of Arizona mining properties is even more disproportionate. One mine whose annual output is said to be $3,000,000 is assessed for taxation at less than $1,000,000. The great lumber interests in these Territories are opposed to joint statehood, and it is charged that their properties are grossly undervalued for purposes of taxation. The stock raisers, whose cattle graze unchecked over the wide public domain of these two Territories, are naturally opposed to the bill, because it would put a stop to their free use of the public domain.

THE CONTINENTAL DIVIDE LITTLE HIGHER THAN ITS APPROACHES.

The so-called "Continental Divide" is an elevated table-land which is approached from the east by such gradual and easy ascent that it is hardly noticeable. At all points it is many miles east of the boundary line between the two Territories. The river systems, which have made parts of Arizona blossom and produce and grow rich, and but for which life in that Territory would be impossible, take their rise in New Mexico or are fed by tributaries from that Territory. The Gila River, which furnishes the largest quantity of water for Arizona, drains 14,000 square miles in the Territory of New Mexico, an area much larger than the States of Maryland and Rhode Island combined. The two Territories, therefore, are bound together with the strongest of all bonds, the streams of life-giving water.[b]

MAY ONE STATE IMPOUND THE WATERS OF AN INTERSTATE RIVER?

The question is now pending in the Supreme Court, but has not yet been settled, as to the right of one State to impound the waters of a river flowing through its boundaries into another State. New Mexico, because of its Territorial condition, has been at the mercy of the State of Colorado, which has constructed dams impounding the waters of the Rio Grande.

THE GILA RIVER A STRONG ARGUMENT FOR JOINT STATEHOOD.

The Geological Survey has noted that one of the obstacles to the storage of water on the Gila River is that that river rises and 125 miles of its course are in New Mexico, and irrigation projects intended for Arizona might be imperiled by the storage of the water of that river within the limits of New Mexico. What stronger argument or what better reasons could be presented for the union of these two Territories into one State?[a]

Make these two Territories one State and no such complication will arise, because the entire length of the Gila River, from its source in the mountains of New Mexico to where it joins the waters of the Colorado River, will be within the confines of one State.

The Great Designer of the universe, instead of contriving to separate these two Territories, may rather be said to have intended to unite them by placing the headwaters of the Gila River in one Territory and its main channel in the other. The Gila River is the very lifeblood of Arizona, and the two Territories should be united so no conflict of jurisdiction may arise over it.

MOUNTAINS NOT NATURAL DIVIDING LINES.

Mountains have never been used as the dividing line of American States. The Green Mountains divide Vermont, the Alleghenies bisect Pennsylvania, the Rockies lie like a shadow across Colorado, Wyoming, and Montana, and the Sierras form the backbone of California.

Whoever urged that these States should be divided by the mountains which raise their heads within their boundaries? It is urged as an objection to uniting these two Territories that the waters of one drain into the Pacific and of the other into the Atlantic. Such an objection is purely sentimental. Watersheds are not natural boundary lines any more than mountain ranges. The streams of Ohio flow in opposite directions—some of them to the north and empty down the St. Lawrence River to the Atlantic, and others to the south to the Gulf of Mexico.

THE REQUEST OF ARIZONA TO BE LET ALONE.

We have heard in the hearings before committees of Congress on this question that all Arizona desires is to be left alone. They do not ask, they say, to be admitted to statehood now, but they ask to be permitted to work out their own salvation. Congress can not, with justice to the Union and the Territories themselves, leave the question of statehood alone, as far as it applies to these Territories.

THE TERRITORIAL CONDITION SHOULD COME TO AN END.

Arizona has had over forty years of organized Territorial government in which to work out its destiny and fit itself for statehood. It has failed completely to qualify itself for admission to the family of States as a single State. The most reliable estimates of the population of Arizona to-day do not indicate a population of American citizens much more than one-half the ratio required for representation in the House of Representatives. The excuse is made on behalf of Arizona that her progress has been retarded by her Territorial condition, and it is said that that condition means lack of stability of legislation, because of the veto Congress has over all legislative acts of Territorial legislatures—a veto which it very rarely exercises—and the indisposition of capital to seek investment in a Territory. They tell us that the Territorial condition keeps out money and keeps out immigration. The marvelous growth of Oklahoma since it was first opened to settlement seventeen years ago is the best and the unanswerable argument to this claim. The Territorial condition was no bar to the marvelous development of Oklahoma. It is doubtful if that Territory would have grown more in population and wealth and in all the things that go to make up a great State had it enjoyed the full rights of statehood. A constant tide of immigration westward, which has marked the history of this country since colonial days, has been affected little, if any, by forms of government. Where the natural conditions invited immigration there it went, whether the new country was a Territory or was one of the States of the Union.

JOINT STATEHOOD THE ONLY SOLUTION FOR ARIZONA.

It is said that stocks and bonds issued under a Territorial government will not bring as high prices as when issued under State government. Oklahoma, however, sells its bonds under the most favorable conditions. It could scarcely do better after being admitted to statehood. Admitting, however, that the Territorial condition does prevent the largest possible growth, it is time that condition should cease. If territoryhood is intolerable it should be succeeded by statehood. If the Territory has not yet qualified itself for statehood, and Arizona does not claim it has, the time has come, after forty years of unsuccessful striving, to make some other disposition.

ARIZONA AND NEW MEXICO HAVE NEARLY EVERYTHING IN COMMON.

These two Territories are located in the same latitude and longitude; they were for a number of years part of the same

[a] Hearing before House Committee on the Territories, 1906, p. 109.
[b] Water Supply and Irrigation Paper No. 2, p. 16.

[a] Water Supply and Irrigation Paper No. 33, p. 94.

Territory; they were both acquired from Mexico, partly as a result of the Mexican war and partly as a result of the Gadsden purchase; their industries are much the same; their development and progress have been much alike. There are many States already in this Union which have a greater mixture of nationalities than will be the case in the new States proposed by this bill. Such differences of nationality have heretofore been found to be a source of strength rather than a source of weakness, and there can be no reasonable question that this will be the result in the union of these two Territories. Nor is it a question alone of what the people of Arizona want, but quite as much what the people of the entire United States want. The people of the forty-five States of the Union have as much interest in the organization of new States as have the inhabitants of these Territories which it is proposed to take in as States. We make bold to say that the eighty or more millions of people within the Union have the absolute right to say whether or not new members shall be taken into the sisterhood of States. We say further that no action of any preceding Congress can bind the judgment or authority of this Congress as to what is the best action to be taken on this proposition. The people of Arizona have no more inherent right to be taken into the Union as a single State than have the people of New Mexico or the people of the Indian Territory or of Oklahoma.

THIS IS A QUESTION FOR THE UNION NOT THE TERRITORIES TO DECIDE.

The Senator from Alabama [Mr. MORGAN] laid down this principle in his remarks made in this body on the statehood bill a year ago. I can not hope to state the principle more convincingly than he did when he said:

> The admission of a State into the Union is intended for the benefit of all of the people of the United States rather than for the benefit of the inhabitants of an area or territory that is included in the limits of such a State.

If the question of joint statehood is left to a majority vote of either Territory then one more than half the voting population of Arizona might defeat the project, against the unanimous vote of the people of New Mexico and the preponderating sentiment of the country, which we believe opposes single statehood for these two Territories—a proceeding wholly without precedent since the formation of the Union.

CENTER OF POLITICAL POWER SHOULD BE NEAR THE CENTER OF POPULATION.

By the census of 1900 the population west of the Mississippi River was 20,888,342, while the population east of the Mississippi River was 55,906,273. We do not believe the child is yet born who will see the center of population cross the Mississippi River. We do not say that the question of maintaining any equilibrium should be considered in passing upon this bill, but if the question of equilibrium is permissible and there is any equilibrium which should be preserved, it is certainly that of people and not of area.

THE CLAIM OF THE INDIAN TERRITORY FOR SEPARATE STATEHOOD.

The almost unanimous sentiment in favor of creating a single State of Oklahoma and the Indian Territory must not close our eyes to the fact that over 50,000 people in the Indian Territory voted last year to adopt a constitution for a separate State, and these people elected a Delegate to Congress who is asking for admission to Congress. Among the claims contained in the memorial presented by those representing the bill to make the Indian Territory a separate State is the claim that the United States has, by its legislative and administrative acts, pledged separate statehood to the Indian Territory.

The Commission to the Five Civilized Tribes, created by act of Congress March 3, 1893, and known as "The Dawes Commission," which was appointed with a view to terminating the tribal condition in the Territory and allotting the lands in severalty to the various members of the Indian tribes, operated under a statute which contained a provision looking to statehood. The Commission was to treat with the various Indian nations and tribes "with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union, which shall embrace the lands within the said Indian Territory."

THE IMPLIED PROMISE IN THE CURTIS ACT.

The Curtis Act, passed June 28, 1898, contained the following paragraph with reference to the continuance of the tribal form of government:

> This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State of the Union.

The various treaties made with the different tribes of Indians by which they were removed to the Indian Territory provided that they should not, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

ARIZONA HAS NO STRONGER CLAIM FOR SEPARATE STATEHOOD.

All guaranties and promises made by these treaties have been repeated time and time again by Federal legislation and new treaties. The agreements made with the various Indian tribes by the Dawes Commission all seemed to contemplate that the territory occupied by the Five Civilized Tribes should, in the course of time, be admitted to the Union as a State. The same arguments made by representatives from Arizona against being joined in statehood with New Mexico are set forth with nearly, if not even greater, force by these petitioners representing the proposed State of Sequoyah.

EDUCATIONAL ENDOWMENT FOR THE STATE OF ARIZONA.

Now, as to the blessings which come from this bill, your committee is of the opinion that this enabling act is a very beneficial one for the new State. It grants four sections of land per township to the common schools and makes specific donations to public buildings and educational institutions. The entire land grant to the new State, including that already granted to New Mexico, is somewhere between twenty and twenty-four millions of acres. The bill also grants to the new State as an inviolate common school fund, the interest only to be used for the maintenance of the schools, of $5,000,000. While the quantity of land thus given is large, its quality is not to be compared with that given to the new State of greater Oklahoma, and is not of great value in that it is doubtful if the entire grant is worth more than half as much as the much smaller quantity of land given to Oklahoma. It has been calculated, however, that the rentals from these lands and the interest on this money, together with such portion of licenses and fines and other revenues as the new State may find it convenient to turn into the school fund will bring in at least a million and a half dollars per annum to the new State, and, as it will have but about 105,000 children at the start to attend its schools, the committee feels safe in saying that it will not be necessary to levy any school tax at all in the new jurisdiction. It is considered that this will be a blessing which the inhabitants will fully appreciate. It is also considered that the expense of maintaining one State government instead of two State governments, which would have to be maintained had separate statehood been conceded to these Territories, will be much less proportionately and that the new State government can be maintained at about one and one-third times the cost which either one of the governments could be maintained for separately.

A VERY LOW STATE TAX POSSIBLE.

It has been suggested that perhaps the entire State government could be maintained by the levy of a moderate franchise tax upon all the corporations in the new State, and that it certainly could be maintained if to this should be added a portion of the licenses, fines, and revenues from other sources, so that the suggestion which is made by the people from both New Mexico and Arizona that taxes could be limited in the new State constitution to one-half of 1 per cent on the assessed valuation is perhaps not a wild prediction. It is said that in the combined Territories there is at the present time property subject to taxation amounting to at least $700,000,000. One-half of 1 per cent levied upon this would raise ample revenue for the support of the new State government. It has been ascertained that each of the Territories for one reason and another have been accustomed to return but about one-tenth to one-eighth of the actual property they possess for purposes of taxation, the result being that the tax rate in each Territory is extremely high, and thus keeps out capital and retards progress.

On the whole, it will thus be seen that the blessings to come to the people of these two Territories from this jointure far outweigh the objections that have been urged to it.

JOINTURE FAIR TO THE NATION AND FAIR TO THE TERRITORIES.

Your committee is of the opinion that the jointure is fair to the rest of the nation and fair to the people of these Territories.

There is no prospect that these Territories will increase in population as fast as the older and more populous States, or that Arizona will, within any reasonable period, have a population sufficient to justify her admission as a separate State. The question of the admission of these Territories has taken up much time in both Houses of Congress and full and fair hearings have been given. The matter should be disposed of now and finally, and be settled in the best interests of the entire Union.

OPPOSITION WILL GROW LESS IN TIME.

Two or three years ago the union of Oklahoma and the Indian Territory was more bitterly opposed than is now the union of Arizona and New Mexico. The opposition was even more

general, for very considerable influences in both opposed the union of these two Territories. More careful consideration of the question has greatly modified, if not completely removed, this opposition, and public opinion very generally approves the proposed new State of Oklahoma. It is almost universally recognized that the best interests of Oklahoma and the Indian Territory require their merger and their admission as one State.

We believe that equally strong reasons urge the union of New Mexico and Arizona, and that the opposition to their merger will in brief time melt away as completely as has the opposition to consolidating the two other Territories.

THE TERRITORIAL CONDITION SHOULD END.

It is claimed by some of the witnesses from Arizona that Arizona would prefer to retain the Territorial form, absolutely, indefinitely, forever, rather than to be joined with New Mexico. It is said that nature abhors a vacuum. A Territory within the interior limits of the United States is like a vacuum, a condition which is at variance with our whole theory of government, and one which should be brought to an end as soon as possible. It was never the intention of the founders of our Government that any portion of the United States should forever remain a Territory. If, then, there is an organized Territory which, after fair opportunity, has not yet fitted itself for statehood, Congress should, in its wisdom, make some other provision therefor. We believe that the best interests of all concerned demand the passage of this bill.

ARIZONA AND NEW MEXICO CAN LIVE IN HARMONY.

The committee does not for one instant credit the assertion that these two Territories have so little in common, differ so in race, government, ideas, and political ambition, that they can not unite harmoniously under one government and become reconciled each to the other. We deny that they are separated by any political, natural, racial, or religious barriers.

DIFFERENCE OF RACIAL ORIGIN NO BAR TO HARMONY.

Arizona has more citizens of foreign birth than has New Mexico. Arizona at the last census contained twice as many Mexicans as did New Mexico. We resent the idea that these American citizens of Spanish descent, who have lived under our flag in New Mexico for sixty years, are any less patriotic, any less devoted to our flag and our institutions, or are less worthy of citizenship than millions of foreigners who have come to us within the past sixty years and have freely amalgamated with our citizenship and to-day constitute some of the most substantial, prosperous, and patriotic of our citizens. If, however, as charged, there is a predominating alien element in New Mexico, that is all the more reason why the so-called "purer American strain" of Arizona should be united to it, in order that there may be an element in the new State which will Americanize the whole mass.

CONGRESS DECLARED IT MIGHT CHANGE ARIZONA'S BOUNDARIES.

The fact that so many acts of Congress organizing Territorial forms of government express the right of Congress to alter the boundaries thereof and divide the Territory or attach any portion of said Territory to any other State or Territory does not add one iota to the absolute power of Congress to do what seemed best when such Territories were admitted as States. Even if such an expression did not appear in so many words in the act providing a Territorial form of government for Arizona, that was not an abdication by Congress of any of its power in the matter, was no guaranty of future action, was no pledge, either legal or moral, in the least binding upon its successors. Congress, however, expressly declared it might change the boundaries. We propose to alter the boundaries of Arizona to take in the entire Territory of New Mexico, and thereby exercise the power expressly set forth in the Territorial act which divided these Territories in 1863. Even though no such reservation had been set forth in that act, Congress can not be indicted for breach of faith or moral turpitude every time it changes its policy. Congress has changed its policy in a hundred matters and many hundred times. It changed its policy as to slavery, it has changed its policy on the tariff time and time again, it has changed its policy on the question of finance and questions of banking—on hundreds of important questions it has had a different policy for different generations and under differing conditions. The question for this Congress to decide is what disposition can be made of this question which is for the best interests of the entire Union.

THIS CONGRESS HAS ABSOLUTE POWER TO DECIDE THE QUESTION.

The provisions of the ordinance of 1787 were never extended to this Territory. The obligations entered into by this country with France under the Louisiana Purchase did not extend to this Territory. The only obligation, contract or otherwise, which does apply, is that already referred to, contained in the treaty with Mexico of 1848, and the extension of these provisions to the Gadsden purchase. These instruments provide that the people whose allegiance was thereby transferred to the United States shall "be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution." The entire disposition of that question is thus placed where the Constitution says it shall be placed, in the discretion of Congress, and this Congress or any other Congress which shall finally pass upon the question has full power to control the matter, unhindered by any expression or resolution or action of any preceding Congress.

MEN, NOT ACRES, CONSTITUTE A STATE.

In that immortal poem, which has stirred the souls of so many listeners, and which has been recited by nearly every schoolboy, the question is asked, "What constitutes a state?" and the answer is, "Men." That has been the rule—if there has been any rule—since our Constitution was adopted. The first standard—if standard it can be called—was that established in the ordinance of 1787, fixing the population required for admission at 60,000. That was twice the Congressional ratio under the first apportionment, and while the first States organized out of the great Northwest Territory were admitted with less than 60,000 people, there was not one of them which did not possess more people than the Congressional ratio, or approximately as many. As the population of the country has increased and the Congressional ratio has grown, so has the standard of admission to the Union kept pace steadily with both. My colleague, in his able address delivered in this body three years ago on the statehood bill, quoted from a report made to the Senate February 18, 1858, by the Senator from Illinois, Stephen A. Douglas. It is so pertinent to this occasion that I take the liberty of quoting it again:

STEPHEN A. DOUGLASS ON THE REQUISITES FOR ADMISSION TO THE UNION.

While the Constitution of the United States does not, in terms, prescribe the number of inhabitants requisite to form a State of the Union, yet, in view of the fact that representation in the House of Representatives is to be in the ratio of Federal population, and that each State, no matter how small its population, is to be allowed one Representative, it is apparent that the rule most consistent with fairness and justice toward the other States and in harmony with the general principles of the Federal Constitution is that which, according to the ratio of population for the time being, is sufficient for a Representative in Congress. A reference to the debates which have occurred in all the cases touching the sufficiency of population in the admission of a State will show that the discussion has always proceeded on the supposition that the rule I have indicated was the true one; and the effort has been, on the one side, to prove that the proposed State had sufficient population, and on the other, that it had not the requisite numbers to entitle it to admission in substantial compliance with that rule. (Page 55, minority report by Mr. Douglas, February 18, 1858, Senate reports, first session Thirty-fifth Congress.)

That, we maintain, has been the rule and is the true rule, and the few departures therefrom only emphasize the excellence of that rule and the necessity of adhering strictly to it. The same principle was laid down by Benjamin Harrison when a member of this body in the debate over the admission of Oregon. He said:

BENJAMIN HARRISON SET FORTH THE SAME RULE.

It is worthy of remark here that in this debate it was conceded on both sides that the possession of a population equal to the ratio of representation in the House of Representatives was all that could be demanded of a Territory applying for admission.

The experience, however, of Utah, which was not admitted until it had a population of over 200,000, shows that Congress has, in that instance at least, demanded something else than mere population.

NATURE HAS LIMITED THE POSSIBILITIES OF IRRIGATION.

Opposition to the admission of New Mexico and Arizona to separate statehood is based upon the official records as to the resources of those Territories and upon the conservative estimates of experts as to the probabilities of their future development. In a report from the Director of the United States Geological Survey, read in this Chamber a year ago, Mr. Walcott made a recapitulation of the possible acreage which might be reclaimed for irrigation in New Mexico and Arizona, from which it appeared that it might be possible, in the next decade or generation, to bring under irrigation 750,000 acres, and the conclusion he reached was that it was only reasonable to expect that there will be opportunities afforded to furnish homes for a million white inhabitants.

PROMISES OF TWENTY YEARS AGO STILL UNREALIZED.

Nearly twenty years ago in the Annual Report of the Governor of New Mexico for 1887, Governor Ross claimed that at least one-half the area of New Mexico is susceptible of a high state of cultivation and successful farming. Notwithstanding that nearly two decades have passed since that statement, very few more acres of land are irrigated in New Mexico to-day than then, and the Director of the Reclamation Service tells us that

the probable limit of cultivated area in these two Territories is 1 per cent of their area.

MOST OF THIS LAND WORTHLESS FOR NATION BUILDING.

It is not area that fits for statehood. Alaska has more square miles than the entire Mexican acquisition, it has belonged to us nearly forty years and has not yet received even a Territorial form of government. So these two Territories along the Mexican boundary line possess a vast area, but they include much land, even a great preponderance of land, that is worthless for purposes of nation building.

Life in Arizona is practically dependent on the water courses, and they are few. Vegetation exists only where there is irrigation, and cattle can not graze more than 5 miles away from water. The cultivated and inhabited areas must continue to be narrow ribbons of life scattered here and there over broad and arid deserts, where no life exists and can not be maintained because of lack of water. The cultivated portions of Arizona must continue to be so small in comparison to the entire area of the Territory as to be almost inappreciable.

JOINT STATEHOOD DOES FULL JUSTICE TO THESE TERRITORIES.

In view of all these facts, in view of the known and limited water supply, which rigorously limits cultivation and marks absolute boundaries to future development, the committee feels that it has done full justice to the people of these Territories by providing for joint statehood.

THEIR POPULATION SMALLER, RELATIVELY, THAN THAT OF MOST NEW STATES.

An estimate made by the Senator from Vermont in his speech in this Chamber three years ago on the omnibus statehood bill shows conclusively that the population of Arizona and New Mexico to-day bears a much smaller proportion to the total population of the United States than did the population of most other Territories at the date of their admission. It is not enough to say that Arizona has to-day more people than Nevada or Wyoming or Idaho at the date of their admission. The population of the whole country has grown remarkably all these decades, and while the growth of these two Territories in the last decade was greater than the total growth of the nation at large, they have failed utterly to keep up with the growth of the nation, they have fallen behind in the race, and it has not been on account of contested and overlapping Spanish land grants, it has not been caused by bloodthirsty and marauding Indians—it has been because these two Territories are under a semitropical sky and because nature has denied them the blessings it has bestowed so freely upon more favored spots of the country.

THIS NOT A SECTIONAL OR PARTISAN QUESTION.

This is not a sectional question, and it should not be a partisan one. There is no desire on the part of any member of this committee to humiliate or degrade the people of Arizona; there is no desire to deprive that section of our great country of its just influence in both Houses of Congress, but we do insist that a new State admitted into equal fellowship in the Union of States should bear some proper proportion to the population and wealth and resources of the other States; that the center of political power of this country should remain somewhere within reasonable distance of the center of population and the probable center of population for all future time. If mistakes have been made in the past, we should see to it that no mistake is made now.

NEW STATES SHOULD APPROACH THE AVERAGE OF THE OLD STATES.

Considering not the present conditions alone, but looking to the future and its prospective development, the country has a right to demand that new States should not be hopelessly below the average of the other States in the Union.

ONCE UNITED THESE TWO TERRITORIES WOULD NEVER DIVIDE.

We believe further that if the new State of Arizona is admitted, as was Texas, with permission to divide, that privilege would never be exercised or availed of.

THE BEST INTERESTS OF THE WHOLE UNION DEMAND JOINT STATEHOOD.

Oklahoma will make a grand State. It is on a par with the average of the States already in the Union. Why take in two other States which, separately, would be mere striplings compared to her? Why not have two States as strong as we can make them? In both cases we only propose to reunite what was once one. The best interests of the whole Union, justice to the 80,000,000 people living east of the west line of Kansas, justice to the people of these Territories, require that one strong State be made out of the remainder of our Mexican acquisition.

OKLAHOMA WILL RANK WITH THE FIRST HALF OF THE STATES.

This bill, then, proposes to admit as one State the Territory of Oklahoma and the Indian Territory, with an area approximating the area of the States around it, except Texas to the south, neither so small as the smallest west of the Mississippi nor so large as the largest, and with a population of a million and a half of souls, or about the average of the forty-five States. When Oklahoma takes its place in the Union and is placed in the column according to population, wealth, and resources, there will be more States below it than above it, and, by reason of its magnificent agricultural resources, its mineral wealth, developed and undeveloped, its stone, oil, and gas, and other wealth producers, the new State is bound to pass even other States which now outrank it.

HER ADMISSION A STRONG ARGUMENT AGAINST SEPARATE STATEHOOD FOR ARIZONA.

Had the policy been followed in this case which has formerly been followed by Congress, these Territories would have been admitted as separate States. Each Territory is larger than are ten of the present States. Each has a much larger population than was required of any State on its admission to the Union. All the precedents favor admitting them as two States. By reason, however, of the tribal state still existing among some of the Indians, and which will not terminate until next month, the Indian Territory was not prepared for admission as a State. In the meantime public sentiment has been crystallizing and taking definite shape in the conclusion that these two Territories should be admitted as one State.

TIME WILL JUSTIFY THE PASSAGE OF THIS BILL.

There is a general feeling that Congress has, at some time in the past, been hasty in conferring statehood where the recipient was not then and has not since equalled to or approached anywhere near the other States in population. While, by all standards heretofore applied, Oklahoma has for many years past been qualified for admission to the Union, there has been a growing feeling that it should not be taken in until the Indian Territory was ready also to be admitted, and that they should be taken in as one State instead of two. Oklahoma was carved out of the original Indian Territory. It is proposed by this act simply to reunite what was once undivided. When the suggestion was first made it met with little favor in either Territory. Probably the overwhelming preponderance of sentiment in both was strongly opposed to such union. It was but natural that this feeling should exist. Both Territories are populated by active, nervous, ambitious, enterprising Americans, with as large a proportion as exists in any State of men anxious and qualified for political honors. In both Territories are bustling, thriving, booming towns qualified and anxious to be the sites of State capitals and of the numerous State institutions which American States possess. To unite these two Territories into one State meant to reduce by one-half the possibility of each citizen for the gratification of his political ambitions and to reduce by one-half the possibilities of these towns to secure the public buildings or institutions they longed for. It was natural, therefore, that the proposition of joint statehood for these two Territories should at first be looked at unfavorably. As time has gone on, however, and the force of public sentiment throughout the country has made itself felt, this opposition has died down, the advantage of having one strong, big, powerful State has impressed itself upon the people of these two Territories, and it is admitted on all hands that the people of both Territories support this measure and desire the creation of the great State of Oklahoma.

JOINT STATEHOOD IS BEST FOR THE INDIANS.

The passage of the provisions in this bill relating to Oklahoma and the Indian Territory will bring disappointment to some persons. Congress at one time passed legislation which contemplated maintaining the Indians as a separate entity within the nation, having in view organizing them into a separate and distinct State. It is now apparent to all, however, that the higher destiny of the Indian and his greatest progress lies in a breaking up of the tribal relations and making him a citizen of the United States. The white man has been invited into the Indian Territory, or has gone in there without invitation, until to-day the Indians of pure blood constitute but a small fraction of the total population.

It is the duty of Congress to dispose of this question according to its best lights, in view of present conditions, and for the best interests of the entire country. Having regard for all these considerations, and after careful consideration of all the facts and circumstances, it is the practically unanimous sentiment that these two Territories should be admitted as one State.

THERE ARE THE SAME REASONS FOR JOINT STATEHOOD IN BOTH CASES.

The bill also proposes to make one State out of the two Territories of Arizona and New Mexico. Most of the reasons which approve the consolidation of the two Territories into the new State of Oklahoma approve also the consolidation of these two Territories. They have the same history. Both were acquired from Mexico, both were originally settled by Spanish people,

both lie for the most part under a semitropical sky and are well within the arid region. They were both originally part of the same Territory of New Mexico, and this bill proposes simply to reunite them. In both agriculture can only be carried on in the main by irrigation, and the agricultural problems of the two Territories are practically the same.

THE SAME TREATMENT SHOULD BE GIVEN BOTH.

If, in accordance with dictates of public opinion, two Territories are to be united to form the new State of Oklahoma, with a million and a half of people, it would be the height of incongruity to admit these two Territories separately. While the combined area of these two Territories will be very large, within 30,000 square miles as large as the imperial State of Texas, yet if you take into consideration the vast areas in both Territories which, by reason of their aridness, through lack of water and the impossibility of ever securing the water necessary to cultivate them, will not be inhabited, the remaining area which can be utilized for cultivation and to sustain human life will not constitute a State which will be disproportionately large.

ARIZONA RANKS VERY LOW AGRICULTURALLY.

Agriculturally considered Arizona to-day ranks with the smallest States of the Union. It is estimated by the United States Geological Survey that by making use of all the water possible to be utilized in these two Territories scarcely over 1 per cent of their immense area can be turned to agricultural profit.

ARIZONA GIVES NO PROMISE OF GREAT INCREASE OF POPULATION.

Since the time the thirteen original colonies organized themselves into the United States of America it has been the rule, with very few exceptions, to admit no new State whose population did not equal or give every promise that it would equal at the next census the ratio fixed by the House of Representatives which determined its membership. The Territory of New Mexico at the last census had a population which approximated the present Congressional ratio, while Arizona contained only about one-half that number, not counting Indians not taxed. While both Territories showed a much higher ratio of growth in the last decade than prevailed in the nation at large, because of the development of agriculture by irrigation, the limit of acres which can be farmed by systems of irrigation now in existence has been reached and even exceeded, so that there is not enough water now available to irrigate all the acres which have been improved, and the acreage can not be increased until immense dams have been constructed to conserve the enormous volume of water which goes to waste in times of flood. The future increase of population in these two Territories depends upon the development of irrigation, which will be at great expense and will require many years to complete.

NO LEGAL OR MORAL OBJECTIONS TO THE UNION.

There are no legal or moral objections to uniting these two Territories. The right to change the boundaries of Arizona when it was taken in as a State was expressly declared in the Territorial act. Congress has frequently changed the boundaries of Territories when admitting them into the Union. Its power in that respect is absolute. No breach of faith can be charged in the action contemplated in this bill.

NO PHYSICAL, ETHNOLOGICAL, OR ECONOMICAL OBJECTION.

No physical, ethnological, industrial, or economical objection can be justly raised against the union of these two Territories.

The so-called "Continental Divide" is no mountain barrier, but a table-land not much higher than the rest of the land in New Mexico. It is pierced several places by railroad lines, and there are other elevations of land within both Territories which present even greater obstacles to railroad construction.

The racial differences between the people of these two Territories are not greater than are found in many States in the Union. The percentage of foreign-born citizens in Arizona is double the percentage in New Mexico, and while New Mexico has a much larger admixture of natives who are of Spanish descent, in the majority these so-called "Mexicans" speak the English language, their children are learning it, and with the advent of railroads and capital these Americans of the Latin race are rapidly becoming Americanized in every sense of the word and are entering upon a new period of development. Their legal codes are taken from the same source and there is no greater difference between the laws of Arizona and the laws of New Mexico than exists in the case of many other States in the Union which lie side by side. In both Territories English is the only language taught in the public schools, and in both attendance is compulsory. These Americans of Spanish descent are patriotic, peaceable, law-abiding citizens; they have gotten along most excellently with their neighbors in New Mexico, and there is no reason to believe that their presence will prove any disturbance whatever in the new State of Arizona. In fact, if any racial lines will be drawn in the new State, which I do not believe possible, it will not be the Americans of Arizona who will suffer any thereby.

ARIZONA CAN WORK OUT ITS DESTINY BEST AS A STATE.

While distances in the new State will be large, they will not be greater than the distances which have to be traveled in some of the other States of this Union, and no greater, considering the present facilities for transportation, than existed in all parts of the country only a few decades ago. In short, we feel confident that the people of the new State of Arizona will get along together just as harmoniously and just as happily as do the mixed strains of blood which exist side by side in so many other States in our country. Arizona does not claim to be entitled to statehood—does not ask it—its advocates simply ask to be given time to work out their destiny as they foresee it and to prepare themselves for statehood.

NATURE HAS NOT BEEN SO LAVISH HERE AS ELSEWHERE.

It is for Congress to say when the Territorial condition shall end. The Territorial state does not confer all the rights of citizenship. It presents some obstacles to the largest development of natural resources, though the experience of Oklahoma and many other Territories proves that the obstacle is far from insuperable, that population and capital and construction of all kinds will swarm where the natural conditions prove inviting regardless of forms of government. All the best interests of the Union, the best interests of the people in a Territory, require that the Territorial condition shall not be prolonged indefinitely. The framers of the Constitution and the statesmen who first faced the problems of government within the Union never intended that a Territory should remain a Territory for a prolonged period of time. It was simply a preparatory state, an expedient which it was expected would be short lived, nor has a long period been required to fit our Territories for statehood. So prolific has nature been, so lavish in bestowing her bounties on the American continent that Territories have soon acquired a population which justified, in the main, admitting them to statehood, and the average period of existence as a Territory has been comparatively brief. New Mexico and Arizona have proved the exception to this rule. Nature did not pour out her bounties so profusely there as elsewhere in the United States. Nature there is not so inviting as elsewhere within the Union. The Stars and Stripes have floated sixty years over nearly all of this area; for nearly that period of time New Mexico has had a Territorial form of government. Arizona has enjoyed a separate existence as a Territory for forty-three years, and still is not prepared to join the Union as an equal partner in its burdens and responsibilities. How many years would elapse before Arizona would have a population approximating the Congressional ratio is uncertain. That time may never be reached.

ARIZONA'S OPPOSITION TO JOINT STATEHOOD WILL RAPIDLY DECREASE.

The new precedent established by the creation of the great State of Oklahoma makes it impossible to be consistent and at the same time admit Arizona to statehood. The Territorial condition, however, is an incumbrance and a hindrance. There is only one course left to follow, and that is to unite the two Territories as is proposed in this bill. It is natural that this proposition should meet with opposition, but the opposition is no stronger than was the opposition at first to the union of Oklahoma and the Indian Territory. A year ago the people of New Mexico were as strong in their opposition. To-day they are perfectly willing to accept statehood upon the conditions herein laid down. While there is still vigorous opposition in Arizona to the proposition, it is considerably less than it was a year ago, and will grow less in time. If this bill is not passed by this session, I believe the next session of Congress will see a very much larger percentage of the people of Arizona favoring this bill than is now the case. If these two Territories are taken into the Union as a new State, present differences will soon disappear, all classes of people and all interests will soon take a just pride in the new State, and even if permission were inserted in the act to divide into two States in the future, under certain conditions as to population, there is no more probability that the new State of Arizona would be divided into two States than that Texas will take advantage of her right to be split up into five States.

THIS BILL WILL COMPLETE THE MAP OF THE UNITED STATES.

This bill, then, proposes to make two great States out of the four Territories remaining. It proposes to complete the map of the United States by making every citizen within its broad domain eligible to all the rights, privileges, and opportunities of every other citizen; it proposes to add the last stars which any man within the sound of my voice will see placed upon the

field of blue of our national emblem. In the best interests of the people of the entire Union, in the best interests of the people of these Territories, this bill is presented with the firm belief that it should pass and become a law.

THE PROMISE OF STATEHOOD SHOULD NOW BE KEPT.

We believe that the promise of statehood made to the people of these two Territories nearly sixty years ago should now be kept. The Territorial condition is temporary and should be terminated at the earliest practicable moment. We believe that every acre of this broad country, stretching from the Atlantic to the Pacific, and extending from Mexico to Canada, should be on an equal footing and enjoy equal opportunities under the law. We believe no discrimination should be made against the citizens of any section or corner of this broad area. We believe the time has come when every square mile of this territory should enjoy the privileges of statehood and be represented in this body. The time has come to settle, and to settle forever, the status of these Territories and of their inhabitants. Arizona has not qualified itself for statehood, and the only alternative is to join it to New Mexico. Arizona has not now the population which entitles it to admission, and it is doubtful if it ever will. It would be at least unfair, if not injurious, to the interests of the Union and to the interests of the people of these United States to admit the present Territory of Arizona on an equal footing with the other States.

ARIZONA AND NEW MEXICO ALIKE IN MOST THINGS.

These four Territories are all that remains of that immense section of land in the southwestern part of the United States not yet admitted to statehood. The four Territories are bounded on the north by the same parallel of latitude and they stretch in unbroken line from Arkansas to California. Arizona and New Mexico were formerly part of Spain's domain in the New World, and both belonged to Mexico at the time she gained her independence. They were part of the same territory until 1863, when the present division was made. They have the same climate, their grazing interests are similar, agriculture in both depends on irrigation, in both are the same natural difficulties, the same problems to meet. Arizona has greater mineral wealth, but New Mexico is richer in coal deposits. They lie side by side for a distance of 390 miles, a greater distance than the width of either Territory.

THE PRESENT DIVIDING LINE WILL SOON BE FORGOTTEN.

If I were a citizen of Arizona, as I am a citizen of Ohio, and had I the confidence in the future of that Territory as have those who have come from Arizona to Washington to oppose this bill, I would support the bill most heartily, believing that by the next census—or, at the latest, by the census taken after that—Arizona will have a larger population than New Mexico, and all fear of domination by the so-called "foreign element" of that Territory will have passed utterly away. There is absolutely no danger of that to-day. The fear is groundless. Before that time comes—and it may come as soon as the most ardent well-wishers of Arizona predict—the old boundary line will be only a memory. Every citizen of the new State of Arizona will be proud of its vastness, and in all that broad domain every citizen will be working shoulder to shoulder to advance its interests and to increase its wealth, its influence, and its power, and all will bless the day which saw this bill made into law.

APPENDIX.

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JOHN GIBBON.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 690) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army.

Mr. NELSON. Before that bill is taken up, I ask unanimous consent that the statehood bill be temporarily laid aside, so that it may remain the unfinished business.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota [Mr. NELSON]? The Chair hears none, and it is so ordered.

The Senator from Massachusetts [Mr. LODGE] asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 690) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the President, in his discretion and upon such examination as he may prescribe, to appoint John Gibbon, late captain and assistant quartermaster, United States Volunteers, to the grade of captain and quartermaster, United States Army, to fill the first or any subsequent vacancy in that grade in the Quartermaster's Department occurring after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF GEN. JAMES MILLER AT PETERBORO, N. H.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 38) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H. It is a bill that passed the Senate during the last Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $5,000 for the erection of a statue, in bronze or granite, to the memory of Gen. James Miller, the hero of Lundys Lane, at Peterboro, N. H.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS RED LAKE RIVER, MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River, in Red Lake County, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants consent to William J. Murphy, his successors and assigns, to build a dam across the Red Lake River at or near the junction of the Black River, so called, with Red Lake River, in Red Lake County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of and the utilization of the power thereby developed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW CORDELL, OKLA.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 1695) legalizing the removal of the county seat of Washita County, Okla.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. LONG. I ask for the substitution of the House bill, which, after passing the House, came to the Senate and was referred to the Committee on Territories.

The VICE-PRESIDENT. The Senator from Kansas asks that the Committee on Territories be discharged from the further consideration of the bill (H. R. 7139) legalizing the removal of the county seat of Washita County, Okla., and that the bill be substituted for Senate bill 1695. Is there objection? The Chair hears none, and it is so ordered. The bill will be read for the information of the Senate.

The Secretary read the bill (H. R. 7139) legalizing the removal of the county seat of Washita County, Okla., and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It ratifies and confirms the action of the majority of the electors of Washita County, Okla., as determined by an election held on the 7th day of August, 1900, for the purpose of removing the county seat of that county from the town of Cloud Chief to the town of New Cordell, and declares the county seat of the county to be at the town of New Cordell.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Without objection, Senate bill No. 1695 will be indefinitely postponed.

MONUMENTAL COLUMN AT PRINCETON, N. J.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor. A similar bill has passed the Senate many times before.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. KEAN. I shall move to strike out the preamble.

Mr. GALLINGER. The Senator from New Jersey proposes to move to strike out the preamble. That will necessitate a change in line 5, by striking out the word "said" and inserting "the Princeton Battle Monument Association."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 5, after the word "by," strike out the words "said association" and insert the words "the Princeton Battle Monument Association;" so that the bill will read:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Princeton Battle Monument Association under the direction of the Secretary of War, to aid in erecting and completing, on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until the Princeton Battle Monument Association shall have raised an additional sum of $30,000, to be expended in the erection of said monument and in the purchase and improvement of the site: *And provided further*, That the design for said monument shall be approved by the Secretary of War.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. Without objection, the preamble will be stricken out.

MISSOURI RIVER DAM.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 4130) to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "them," to insert "and approved by the Secretary of War;" and in line 10, after the word "power," to strike out "irrigation;" so as to read:

That the consent of the Government is hereby given to the Capital City Improvement Company, of Helena, Mont., its successors or assigns, to construct across the Missouri River, at some point between the south line of township 12 north, range 2 west, and the north line of township 14 north, range 3 west, Montana meridian, to be determined by them and approved by the Secretary of War, a dam, canal, and appurtenances thereof, for water power and other purposes, and in connection therewith a foot bridge, or bridges, for public use.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 1, after the words "public use," to strike out:

Said dam shall be constructed under the supervision and control of the Secretary of War, and before the same shall be commenced the plans and specifications shall be approved by the Secretary of War. The dam shall be furnished with a suitable boom and log sluice, and the company, or its successors and assigns, shall execute to the United States, with sureties approved by the Secretary of War, a bond in such sum as the Secretary may determine, conditioned to indemnify the United States against all claims for damages for overflow or otherwise caused by the construction of said dam.

And to insert the following proviso:

Provided, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction, and when so approved no change shall be made in said plans without the prior approval of the Chief of Engineers and the Secretary of War: *Provided further*, That whenever required to do so by the Secretary of War the said company shall construct and maintain in connection with said dam a suitable boom and log sluice; that suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained in said dam by said corporation, its successors and assigns; and shall obtain and convey to the United States, whenever requested to do so by the Secretary of War, clear title to such land as in his judgment may be required for constructions and approaches to said dam for transferring boats and freight around the same, and shall grant to the United States a free use of water power for operating such construction work; and to insure compliance with these conditions the said company shall execute and deliver to the Secretary of War a proper bond in such amount as may be fixed by him: *And provided further*, That the said company shall be liable for any damage to private property resulting from the construction and operation of said dam and appurtenant works, either by overflow or otherwise, and proceedings to recover compensation for such damage may be instituted either in the State or Federal courts.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 2, as follows:

SEC. 2. That the United States shall be secured a free right of way for constructions and approaches to said dam for transferring boats and freight around the same, and a free use of water power for operating such construction works.

And to insert in lieu thereof the following as section 2:

SEC. 2. That this act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within three years from the date of approval hereof.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, after the word "reserved," to strike out: "And the rights and privileges hereby granted to said Capital City Improvement Company shall expire at the end of fifty years from and after the approval of this act;" so as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT EVANSTON, WYO.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 4294) to increase the limit of cost of the post-office and court house at Evanston, Wyo.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost of the United States post-office and court-house at Evanston, Wyo., from $179,000 to $181,000, the increase to be employed for the completion of the interior of the building in substituting a marble wainscot for the wainscot now required by the contract for the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANUFACTURE OF POWDER.

Mr. DANIEL. Mr. President, I desire to ask unanimous consent for the publication in the RECORD of an open letter, a copy of which I have in my hand, from Mr. Robert S. Waddell, of Peoria, Ill., addressed to the President and to the committees on appropriations of Congress. It is a remarkably well-written letter. It calls attention to the fact that the manufacture of powder in this country is in the hands of a trust, and to the high price which we are constrained on that account to pay for any powder used in the military or naval service. It is an open secret that the Government is not itself prepared for the manufacture of powder, and if were plunged into war to-morrow there might be great difficulty to command the necessary munitions of war for defense. The letter is well written, and, I think, will tend to excite public attention to a condition which ought to be remedied.

The VICE-PRESIDENT. The Senator from Virginia asks

that the letter of Robert S. Waddell, of Peoria, Ill., be printed in the RECORD. Is there objection?

Mr. ALDRICH. I do not object to its being printed as a document, but I do not think it ought to be printed in the RECORD. I think papers of that kind should not be printed in the RECORD.

The VICE-PRESIDENT. There is objection to printing the paper in the RECORD.

Mr. DANIEL. I will say, Mr. President, hoping that the Senator may withdraw his objection, it is a matter the public discussion of which can not be avoided. It is idle to suppose that everyone does not know a general condition that has attracted the attention of the press and that has been published in some measure all over the United States. This letter has been sent, I expect, to the chairman of the Committee on Appropriations, but it has also been sent to Senators through the mails, and it is a matter of which some general circulation has already taken place.

I would not ask to have the letter published if I did not think it calls attention to facts which ought to be brought to the minds of the legislators of this country in a way to arouse them to the importance of putting the country in a state of proper defense. That is the only motive which inspires me, seeing to it that the manufacture of the necessaries of life to a country are not wholly controlled by a trust. It is shown in this letter that different powder manufactories have been bought up and are to-day controlled by a trust. The price of powder is four times what it costs, it is asserted in the letter.

Of course, I have no scientific knowledge on this subject. I take things as they come to me, as most of us must, but the questions raised in the letter will be raised publicly upon this floor, and they are bound to be raised publicly. I hope the Senator will withdraw his objection. It will take less space to publish it in the RECORD than it will to occupy the time of the Senate in making an address to it on this subject.

Mr. ALDRICH. In view of the statement of the Senator I withdraw my objection, although I think it is a bad practice to publish matters of this kind in the RECORD.

Mr. DANIEL. It may be a bad practice in some cases, but I do not think it is a bad practice in this case.

Mr. ALDRICH. I withdraw the objection on account of the statement made by the Senator from Virginia.

The VICE-PRESIDENT. There being no objection, the letter will be published in the RECORD.

The letter referred to is as follows:

GREATEST GRAFT OF ALL—AN OPEN LETTER.

To the President and Appropriations Committees of Congress,
Washington, D. C.:

This country, through the wisdom of Congress, has expended hundreds of millions of dollars in building a Navy and constructing fortifications for the defense of the Republic in times of peril. Many more millions have been expended in guns and ordnance for the use of the Navy and Army, for without these our ships and forts would be worthless. You are about to appropriate additional millions of dollars for ships, guns, men, and munitions of war. Without powder to hurl the shot and shells our Navy would be "as idle as a painted ship upon a painted ocean."

Yet this great country is wholly dependent in times of peace and war on one gigantic trust that has an absolute and exclusive monopoly for the manufacture of all the powder that the Government requires for offensive and defensive use. When you know beyond a doubt that the Du Pont trust is owned and controlled by men who daily, continually, and openly defy and break the laws of the States and nation, how much faith can be placed in their loyalty and patriotism in times of emergency and national distress?

The Du Pont Powder trust owns and controls the Laflin & Rand, International, and California powder companies. They all bid separately the same price for ordnance smokeless powder, 70 cents per pound, the United States Government to furnish the alcohol, which costs approximately 5 cents per pound. This powder is made by the "powder trust" under inspection of Army and Navy officers stationed at the plants and who know it is composed of cotton saturated in nitric and sulphuric acids, then washed, forming gun cotton that costs from 20 to 22 cents per pound. The gun cotton is then gelatinized, and when completed, with all salaries and expenses added, costs 30 to 35 cents per pound. The Navy and War Departments pay the Du Pont trust 70 cents a pound for all the Government consumes.

For several years the Departments paid the powder pool (Du Pont and Laflin & Rand) 88 and 90 cents per pound. Then the International plant was built, and competition reduced the price to the present basis, when the Du Pont trust obtained control of the International product.

The capacity of the several plants is about as follows: Du Pont, 7,000 pounds daily; 2,100,000 pounds yearly. Laflin & Rand, 7,000 pounds daily; 2,100,000 pounds yearly. International, 6,000 pounds daily; 1,800,000 pounds yearly. California, 4,000 pounds daily; 1,200,000 pounds yearly.

The three eastern seaboard plants are in almost constant operation. Estimating the consumption of the Government at the capacity of the plants, say 7,200,000 pounds per year, the net profits of the Du Pont trust are $2,520,000 a year.

The United States Government can build and equip four better plants than the "trust" owns at a cost not exceeding $250,000 each, pay for these plants out of the profits extorted from the people in a single year, and have more than a million dollars left in the Treasury that would under present conditions be paid to further enrich the "trust." The Navy and Army can detail scores of men, graduates of the academies, who are more competent to direct the making of the powder than those who supply it.

To the query, "If the profits are so large, why do not capitalists invest and compete?"

They know the conditions and methods of the powder trust; that the United States Government is hopelessly at the mercy of this monster, which recently swelled its capital from two millions to fifty millions, on paper. These capitalists know the competition they would offer would prove futile, and in declining assign reasons that are good, but are not complimentary to our Government.

The independent manufacturers of blasting powder and dynamite are defending their right to exist against the unfair, destructive, grafting practices of the Du Pont trust with its rule or ruin policy. These manufacturers, holding charters from many States permitting them to conduct business, and their employees and friends have read the honest and highly commendable public utterances of the President demanding fair dealing for all the people, and they know that the United States Government is furnishing the powder trust the money that is being used to destroy all competitors of the "trust" throughout the country.

These independent manufacturers know that the Du Pont trust is one of the founders and a party to the international agreement between itself and European dynamite manufacturers, fixing prices and dividing the markets of the world. They also understand the influence of this gigantic organization on the construction of the Panama Canal. It discounts Colonel Sellers's eyewater, for there is no lacking ingredient.

The executive and judicial departments are making heroic but vain efforts to enforce the antitrust laws, and the legislative branch is approving such action, or these laws would be repealed. To continue present conditions will stultify the Government.

If required, we will furnish detailed proofs of all these statements and abundant evidence of more than I have mentioned.

Knowing that the Du Pont trust has an absolute, exclusive monopoly of all the resources of national defense and is levying extortions amounting to millions of dollars yearly on the taxpayers of the country, can the representatives of the people in Congress afford to appropriate money to perpetuate these conditions or the President approve such expenditures?

Congress appropriates and the War and Navy Departments expend the funds contributed by the whole people. The Departments are hopelessly in the clutches of the Du Pont trust, and the responsibility for this condition rests on Congress and the President.

I submit that the United States Government should not be particeps criminis in this exclusive monopoly of the "trust;" that the appropriation should be for powder factories that will produce supplies for the Army and Navy wholly independent of unlawful combinations. Any other course would be dangerous and a menace to the public welfare.

Whatever might at one time have been said favorable to support of individual manufacturers, this sentiment vanished with the "passing" of the individual and the advent of the "trust." When any combination of millionaires flagrantly defies the law, creates an exclusive monopoly, corners the market against the United States Government on the one article without the use of which the Army and Navy would be useless, levies an extortionate price in times of peace, who could advocate such a cause? When the call comes to the patriots of the land to offer their lives at $13 per month to defend the flag, who can name the price at which the Du Pont trust will offer its products?

In times of peace this "trust" has prepared for war. It has cornered the market against the Government. With this knowledge will Congress take any chances?

Should appropriations be made for purchase of powder from the "trust" and no provision be made to free the country from its clutches it would be appropriate for the great Atlantic Squadron, the pride of the nation, to assemble off Barnegat and join the forts in a salute across the mud flats of Jersey, half for the honor of the old flag and the other half for the profit of their dictator, the Du Pont trust.

Perhaps it might be well to pull down "Old Glory" and hoist the royal purple standard of the "trust," so long as the country may remain under its absolute dominion. While the heads of the people are bowed in humiliation before this unlawful monopoly, I would suggest another salute across the Atlantic in honor of the modern sentiment, slightly paraphrased: "Millions of dollars for tribute to the Du Pont powder trust, but not a single dollar for defense."

Respectfully,

ROBT. S. WADDELL.

PEORIA, ILL., *February 22, 1906.*

REGULATION OF RAILROAD RATES.

Mr. DOLLIVER. Mr. President, I desire to give notice that on Thursday next, March 1, immediately after the conclusion of the routine morning business, I shall ask the indulgence of the Senate to speak upon House bill 12987, now on the Calendar of the Senate.

The VICE-PRESIDENT. The notice will be entered.

ORDER OF BUSINESS.

Mr. McCUMBER. I was going to move that the Senate proceed to the consideration of executive business, but I understand there are some Senators who desire to call up bills.

Mr. SCOTT. I hope the Senator will permit me to call up a bill.

Mr. BAILEY. I have a public-building bill on the Calendar which I desire to have passed.

Mr. McCUMBER. I will withhold the motion for the present.

MONUMENT AT POINT PLEASANT, W. VA.

Mr. SCOTT. I ask for the present consideration of the bill (S. 111) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $10,000, to be expended under the direction of the Secretary of War, to aid in the erection and

completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774, but no part of the appropriation shall be expended until the site and plans for the monument or memorial shall be approved by the Secretary of War and the grounds on which the monument or memorial is to be located shall be dedicated to the use of the public and provision be made for opening and maintaining an open highway thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MOSCOW, IDAHO.

Mr. HEYBURN. I ask for the present consideration of the bill (S. 580) to establish a Government building at the town of Moscow, Idaho.

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Moscow and State of Idaho, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisements for the opening of said proposals.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Moscow, in the State of Idaho."

PUBLIC BUILDING AT BAKER CITY, OREG.

Mr. FULTON. I ask unanimous consent to have considered at this time the bill (S. 1792) to provide for the erection of a public building at Baker City, in the State of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 11, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site now owned by the United States at Baker City, Oreg., a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in Baker City, State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches not to exceed the sum of $75,000, a site having been heretofore selected for such building and ground purchased upon which to erect the same.

The amendment was agreed to.

The next amendment was to add, at the end of the bill, the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CARTHAGE, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 1694) for the erection of a public building at Carthage, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The amendments were, on page 1, line 12, after the word "dollars," to strike out "nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury;" in line 6, page 3, after the word "building," to insert "which does not furnish sufficient accommodation for the transaction of public business;" and on page 3, line 9, after the word "Treasury," to insert "or;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fireproof vaults, for the use and accommodation of the post-office and for other Government uses, at Carthage, Mo. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; and no site purchased nor plan of said building which does not furnish sufficient accommodation for the transaction of public business shall be approved by the Secretary of the Treasury or involving an expenditure exceeding the sum of $100,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PROVO, UTAH.

Mr. SMOOT. I ask unanimous consent for the consideration of the bill (S. 1878) to provide for the purchase of a site and the erection of a public building thereon in the city of Provo, State of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 11, before the word "thousand," to strike out "seventy-five" and insert "sixty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fireproof vaults and suitable fixtures, for the use and accommodation of the United States post-office, and other Government offices in the city of Provo, State of Utah. The site and building thereon, when completed upon plans and specifications to be made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $60,000.

The amendment was agreed to.

The next amendment was, on page 2, line 4, before the word "thousand," to strike out "seventy-five" and insert "sixty;" so as to read:

No purchase of site nor plan for said building shall be approved by the Secretary of the Treasury if the same involve an expenditure exceeding the sum of $60,000 for site and building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREENVILLE, TEX.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (S. 338) to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The amendments were, on page 1, line 12, before the word "thousand," to strike out "eighty" and insert "seventy;" and on page 2, to strike out all of line 16, down to and including line 12 on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusions in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation

of the United States post-office and other Government offices, in the city of Greenville and State of Texas, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed site.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALIFORNIA STREET, IN THE CITY OF WASHINGTON.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I ask the Senator from New Jersey to withhold the motion for a moment.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. KEAN. Certainly.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (H. R. 12614) to change the name of a portion of T street to California street.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that from and after the passage of the act the thoroughfare extending from Columbia road west to Massachusetts avenue extended, formerly named "California avenue," and now designated as "T street," shall be known and designated as "California street."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING.

Mr. DILLINGHAM. I ask the Senate to proceed to the consideration of the bill (H. R. 13538) to incorporate the Carnegie Foundation for the Advancement of Teaching.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Vermont to a notice left with the Secretary by the Senator from Nevada [Mr. NEWLANDS], announcing his desire to be in the Senate when the bill is under consideration.

Mr. DILLINGHAM. Very well; I am perfectly willing to defer its consideration. The Senator from Nevada is in favor of the bill.

PUBLIC BUILDING AT ALTON, ILL.

Mr. HOPKINS. I ask for the present consideration of the bill (S. 3294) to provide for the erection of a public building at Alton, Ill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 11, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post-office and other offices of the Government at Alton, Ill., the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $75,000. The said building shall be unexposed to danger from fire by an open space of at least 40 feet on all sides, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 27, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1906.

CONSUL.

Harry L. Paddock, of California, to be consul of the United States at Amoy, China, vice George E. Anderson, appointed consul-general at Rio de Janeiro, Brazil.

SECOND SECRETARY OF EMBASSY.

Lewis Einstein, of New York, now third secretary of the embassy at London, to be second secretary of the legation of the United States at Constantinople, Turkey, vice U. Grant Smith, appointed third secretary of the embassy at London.

THIRD SECRETARY OF EMBASSY.

Joseph C. Grew, of Massachusetts, to be third secretary of the embassy of the United States at Mexico, Mexico, vice Philip M. Hoefele, resigned.

MARSHAL.

John Frank Mayes, of Arkansas, to be United States marshal for the western district of Arkansas, in the place of Solomon F. Stahl, whose term expires on March 4, 1906.

CHIEF JUSTICE OF ARIZONA SUPREME COURT.

Edward Kent, of Colorado, to be chief justice of the supreme court of the Territory of Arizona. A reappointment, his term expiring March 20, 1906.

ASSOCIATE JUSTICE OF ARIZONA SUPREME COURT.

Richard E. Sloan, of Arizona, to be associate justice of the supreme court of the Territory of Arizona. A reappointment, his term expiring March 11, 1906.

REGISTER OF LAND OFFICE.

C. M. Cade, of Shawnee, Okla., to be register of the land office at Guthrie, Okla., vice John J. Boles, whose term will expire March 8, 1906.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Capt. Percy E. Trippe, Twelfth Cavalry, to be major from February 21, 1906, vice Hammond, Third Cavalry, deceased.

First Lieut. Robert C. Foy, First Cavalry, to be captain from February 21, 1906, vice Watson, Tenth Cavalry, retired from active service.

First Lieut. Llewellyn W. Oliver, Eighth Cavalry, to be captain from February 21, 1906, vice Trippe, Twelfth Cavalry, promoted.

Second Lieut. John Symington, Eleventh Cavalry, to be first lieutenant from February 21, 1906, vice Foy, First Cavalry, promoted.

Second Lieut. Walter H. Smith, Thirteenth Cavalry, to be first lieutenant from February 21, 1906, vice Oliver, Eighth Cavalry, promoted.

Artillery Corps.

Maj. William P. Duvall, Artillery Corps, to be lieutenant-colonel from February 24, 1906, vice Lundeen, detailed as inspector-general.

Capt. Stephen M. Foote, Artillery Corps, to be major from February 24, 1906, vice Duvall, promoted.

POSTMASTERS.

CALIFORNIA.

David W. Morris to be postmaster at Modesto, in the county of Stanislaus and State of California, in place of David W. Morris. Incumbent's commission expires March 21, 1906.

CONNECTICUT.

William Caruthers to be postmaster at Norwich, in the county of New London and State of Connecticut, in place of William Caruthers. Incumbent's commission expires March 14, 1906.

GEORGIA.

Edwin F. Blodgett to be postmaster at Atlanta, in the county of Fulton and State of Georgia, in place of Edwin F. Blodgett. Incumbent's commission expires March 13, 1906.

W. J. Lewis to be postmaster at Dawson, in the county of Terrell and State of Georgia, in place of Jacob M. Alexander. Incumbent's commission expires March 27, 1906.

INDIANA.

David P. Burton to be postmaster at Gosport, in the county of Owen and State of Indiana. Office became Presidential January 1, 1906.

KANSAS.

John B. Kennedy to be postmaster at Troy, in the county of Doniphan and State of Kansas, in place of John B. Kennedy. Incumbent's commission expired January 16, 1906.

Daniel Stough to be postmaster at Sedan, in the county of Chautauqua and State of Kansas, in place of Adrian Reynolds. Incumbent's commission expires February 28, 1906.

KENTUCKY.

John W. Berryman to be postmaster at Versailles, in the county of Woodford and State of Kentucky, in place of John W. Berryman. Incumbent's commission expired January 13, 1906.

Andrew W. Darling to be postmaster at Carrollton, in the county of Carroll and State of Kentucky, in place of Andrew W. Darling. Incumbent's commission expired January 13, 1906.

MICHIGAN.

Frank J. Battersbee to be postmaster at Croswell, in the county of Sanilac and State of Michigan, in place of Frank J. Battersbee. Incumbent's commission expired January 20, 1906.

Isaac Foster to be postmaster at Gladwin, in the county of Gladwin and State of Michigan, in place of Isaac Foster. Incumbent's commission expires March 5, 1906.

Allen C. Wright to be postmaster at Pellston, in the county of Emmet and State of Michigan. Office became Presidential July 1, 1905.

MINNESOTA.

Edwin Mattson to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota, in place of William M. James. Incumbent's commission expired January 20, 1906.

MISSOURI.

W. P. Brown to be postmaster at Princeton, in the county of Mercer and State of Missouri, in place of Lewis W. Brannon. Incumbent's commission expires March 14, 1906.

Thomas Curry to be postmaster at Oregon, in the county of Holt and State of Missouri, in place of Thomas Curry. Incumbent's commission expires March 14, 1906.

George L. Miller to be postmaster at King City, in the county of Gentry and State of Missouri, in place of Joseph H. Handel. Incumbent's commission expires March 1, 1906.

NEBRASKA.

Clark Robinson to be postmaster at Fairmont, in the county of Fillmore and State of Nebraska, in place of George W. Jackson. Incumbent's commission expires March 14, 1906.

NEVADA.

Charles A. Beemer to be postmaster at Sparks, in the county of Washoe and State of Nevada. Office became Presidential January 1, 1906.

NEW HAMPSHIRE.

J. P. Wellman to be postmaster at Keene, in the county of Cheshire and State of New Hampshire, in place of J. P. Wellman. Incumbent's commission expires March 24, 1906.

NEW JERSEY.

Louis Sabow to be postmaster at Chrome, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1906.

NEW YORK.

Robert Titus Coan to be postmaster at Albion, in the county of Orleans and State of New York, in place of Robert Titus Coan. Incumbent's commission expires March 14, 1906.

Evert B. Du Bois to be postmaster at Wallkill, in the county of Ulster and State of New York. Office became Presidential January 1, 1906.

Augustus T. England to be postmaster at Afton, in the county of Chenango and State of New York, in place of Augustus T. England. Incumbent's commission expires March 14, 1906.

Melvin J. Esmay to be postmaster at Schenevus, in the county of Otsego and State of New York, in place of Melvin J. Esmay. Incumbent's commission expires March 14, 1906.

Matthew G. Frawley to be postmaster at Baldwinsville, in the county of Onondaga and State of New York, in place of Matthew G. Frawley. Incumbent's commission expires March 14, 1906.

Frank W. Hallock to be postmaster at Millbrook, in the county of Dutchess and State of New York, in place of Frank W. Hallock. Incumbent's commission expires March 14, 1906.

Montressor Van Auken to be postmaster at Cobleskill, in the county of Schoharie and State of New York, in place of Edwin B. Hard, resigned.

James H. Roberts to be postmaster at Binghamton, in the county of Broome and State of New York, in place of James H. Roberts. Incumbent's commission expires February 28, 1906.

Nathan Van Wagenen to be postmaster at New Platz, in the county of Ulster and State of New York., in place of Nathan Van Wagenen. Incumbent's commission expired February 10, 1906.

NORTH CAROLINA.

D. C. Pearson to be postmaster at Morganton, in the county of Burke and State of North Carolina, in place of John M. Mull. Incumbent's commission expires March 24, 1906.

OHIO.

Frank A. Knapp to be postmaster at Bellevue, in the county of Huron and State of Ohio, in place of Frank A. Knapp. Incumbent's commission expires March 13, 1906.

Samuel E. Nimmons to be postmaster at Plymouth, in the county of Richland and State of Ohio, in place of Samuel E. Nimmons. Incumbent's commission expires March 1, 1906.

Adelbert E. Shattuck to be postmaster at Wellston, in the county of Jackson and State of Ohio, in place of Hugh Barnhill. Incumbent's commission expires March 13, 1906.

John B. Strobel to be postmaster at Ironton, in the county of Lawrence and State of Ohio, in place of John B. Strobel. Incumbent's commission expired February 13, 1906.

PENNSYLVANIA.

William E. Brown to be postmaster at Linesville, in the county of Crawford and State of Pennsylvania, in place of William E. Brown. Incumbent's commission expires March 31, 1906.

Harry A. Buttorff to be postmaster at Mount Holly Springs, in the county of Cumberland and State of Pennsylvania. Office became Presidential October 1, 1905.

W. K. Galbraith to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania, in place of W. K. Galbraith. Incumbent's commission expires March 5, 1906.

Solomon S. Ketcham to be postmaster at Overbrook, in the county of Montgomery and State of Pennsylvania, in place of Solomon S. Ketcham. Incumbent's commission expires March 31, 1906.

SOUTH DAKOTA.

John G. Ropes to be postmaster at Groton, in the county of Brown and State of South Dakota, in place of Calvin K. Neff. Incumbent's commission expires March 15, 1906.

TEXAS.

Berry McGee to be postmaster at Italy, in the county of Ellis and State of Texas, in place of Berry McGee. Incumbent's commission expires March 4, 1906.

UTAH.

Arthur L. Thomas to be postmaster at Salt Lake City, in the county of Salt Lake and State of Utah, in place of Arthur L. Thomas. Incumbent's commission expired February 7, 1906.

Alexander Clohan to be postmaster at Martinsburg, in the county of Berkeley and State of West Virginia, in place of Alexander Clohan. Incumbent's commission expires March 4, 1906.

WISCONSIN.

D. C. Beebe to be postmaster at Sparta, in the county of Monroe and State of Wisconsin, in place of Lewis S. Fisher. Incumbent's commission expires March 5, 1906.

William F. Bishop to be postmaster at Peshtigo, in the county of Marinette and State of Wisconsin, in place of William F. Bishop. Incumbent's commission expired January 20, 1906.

WITHDRAWAL.

Executive nomination withdrawn February 26, 1906.

E. A. Smith to be postmaster at Wayne, in the State of Michigan.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1906.

EXAMINER IN CHIEF, PATENT OFFICE.

John M. Coit, of South Carolina, to be an examiner in chief in the Patent Office.

PROMOTIONS IN THE ARMY.

Signal Corps.

Lieut. Col. Richard E. Thompson, Signal Corps, to be colonel from February 10, 1906.

Maj. William A. Glassford, Signal Corps, to be lieutenant-colonel from February 10, 1906.

Capt. Charles McK. Saltzman, Signal Corps, to be major from February 10, 1906.

Artillery Corps.

Maj. Alexander B. Dyer, Artillery Corps, to be lieutenant-colonel from February 16, 1906.

Capt. Charles H. Hunter, Artillery Corps, to be major from February 16, 1906.

First Lieut. John W. Gulick, Artillery Corps, to be captain from February 16, 1906.

Second Lieut. William Tidball, Artillery Corps, to be first lieutenant from February 16, 1906.

Infantry Arm.

Lieut. Col. Alfred Reynolds, United States Infantry (detailed Inspector-General), to be colonel from February 17, 1906.

Maj. William P. Evans, United States Infantry, unassigned, to be lieutenant-colonel from February 17, 1906.

Capt. Richard R. Steedman, Eleventh Infantry, to be major from February 17, 1906.

POSTMASTERS.

IOWA.

Roger W. Hilleary to be postmaster at New London, in the county of Henry and State of Iowa.

NEBRASKA.

Griffith J. Thomas to be postmaster at Harvard, in the county of Clay and State of Nebraska.

NEW YORK.

James H. Jennings to be postmaster at Candor, in the county of Tioga and State of New York.

TENNESSEE.

Blanton W. Burford to be postmaster at Lebanon, in the county of Wilson and State of Tennessee.

John L. Sinclair to be postmaster at Dyersburg, in the county of Dyer and State of Tennessee.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 26, 1906.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that Thou hast made us immortal souls, and "may we not forget that we are pilgrims and sojourners here, as all our fathers before us were." Help us, we beseech Thee, to set our affections on the things above, so that when the ties of love and affection are broken by death we may not despair, but put our trust in Thee, the living God, who doeth all things well.

The sad tidings of the passing on of one who served faithfully for many years upon the floor of this House, wrought mightily in the committee room, and was at last elevated to the Speakership, where he served for four years with justice and equity to all, touches our hearts profoundly, for many of us knew him intimately and loved him. We thank Thee for his life and for what he did, and may we strive to emulate all that was purest and best in his nature. Be very near, O God, our Father, to the stricken wife and children, and comfort their mourning hearts by the blessed thought that he has only gone before them to some fairer clime to prepare a place for them that they may stay in his presence forever. Hear us in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 2897) granting an increase of pension to Rufus G. Childress.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 32) instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time.

R. G. CHILDRESS.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 344.

Resolved, That the Senate be requested to return to the House the bill of the House (H. R. 2697) granting an increase of pension to R. G. Childress, said bill having been incorrectly reported and engrossed as H. R. 2897.

The resolution was agreed to.

THE AMERICAN CROSS OF HONOR.

Mr. MORRELL. Mr. Speaker, this being District day, I desire to call up the bill (S. 3945) to incorporate the American Cross of Honor within the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That H. A. George, of Charlottesville, Va.; Richard Stocking, of Trenton, N. J.; John J. Delaney, of New York City, N. Y.; Andrew M. Taylor, of Rondout, N. Y.; Eugene Longstreet, of Brielle, N. J., and Thomas H. Herndon, of Washington, D. C., their associates and successors, are hereby created a body politic and corporate within the District of Columbia, by the name of The American Cross of Honor, for the purpose of bringing into closer relations of fraternal fellowship the said body, and to cause to be perpetuated the memory of the gallant and heroic deeds of those persons upon whom the United States Government has bestowed the life-saving medal of honor.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to inquire what this is.

Mr. MORRELL. The object of the bill is to incorporate these men upon whom medals of honor have been bestowed by the Government as life savers and allow them to incorporate in the District of Columbia.

Mr. CLARK of Missouri. I believe I will object to it.

The SPEAKER. It is not subject to objection. This is District day, and the bill is up for consideration.

Mr. MORRELL. Let me say to the gentleman from Missouri that this bill has been approved by the Commissioners of the District of Columbia and has been passed by the Senate.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question. As I understand it, these are people who have had certain medals conferred upon them?

Mr. MORRELL. That is the object of the bill.

Mr. WILLIAMS. And now they want to be incorporated by the Congress of the United States?

Mr. MORRELL. Yes.

Mr. WILLIAMS. Why can not they be incorporated under the general laws of the District of Columbia? Why should we stamp this charter as of national importance?

Mr. MORRELL. In answer to the gentleman from Mississippi, I will say that Mr. WILEY, the gentleman who made the report of the bill, is not present in the House. I am simply reading from the report that was made by the gentleman from New Jersey. I have here the letter from the president of the Board of Commissioners of the District of Columbia, who approved of this bill. I would like to say also that the House passed this same bill at the last Congress.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to know what the bill is for, and why they call upon the Federal Government instead of incorporating under the local law?

Mr. MORRELL. I would like to have the bill again read, Mr. Speaker.

The SPEAKER. Without objection, the Clerk will again report the bill.

The Clerk again read the bill.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Pennsylvania if it is not entirely competent for these people to incorporate under the general laws of the District of Columbia?

Mr. MORRELL. I think not.

Mr. TAWNEY. Why is it necessary for the Congress of the United States to authorize the incorporation of this organization and of every society that comes along that is not of a national character?

Mr. MORRELL. I do not think that this society or organization can be incorporated under the general incorporation laws of the District. I do not think the law is broad enough to cover this.

Mr. TAWNEY. There is a general incorporation law for the District of Columbia that covers every organization, is there not?

Mr. MORRELL. I may be mistaken—I do not like to differ with the gentleman from Minnesota—but my impression is that is the reason why this bill was introduced—that they could not incorporate under the general law of the District of Columbia without having a large number of the incorporators residents of the District. This bill has already passed the Senate, and passed the House last year.

Mr. TAWNEY. Mr. Speaker, I would say to the gentleman that the Masons, the Odd Fellows, the Knights of Pythias, and other fraternal organizations are all incorporated under the laws of the District of Columbia—the general incorporation act—and I desire to state further that it is hardly fair to the House for the gentleman to come in here and say that it is his impression that such and such things can not be done, and that there is necessity for this or for the doing of this in this manner. The House is entitled to know exactly what the general incorporation law of the District is.

Mr. STEPHENS of Texas. Mr. Speaker, I call for order. It is impossible to hear what is going on.

The SPEAKER. The House will be in order.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question. Now, it may be possible that this question has been asked before. If so, he could not hear it. I would like to inquire of the gentleman from Pennsylvania what the reason is that these people do not go down town and incorporate in the District of Columbia under the general incorporation act?

Mr. MORRELL. Mr. Speaker, in answer, first, to the gentleman from Minnesota [Mr. TAWNEY], I would like to say that the Masonic fraternities are incorporated by special act of

Congress, and in answer to the gentleman from Missouri [Mr. CLARK] I would say that the general incorporation act is not broad enough to cover an incorporation of the kind proposed in the bill.

Mr. CLARK of Missouri. Mr. Speaker, if that is so, what is the reason we do not amend the general incorporation act, instead of bringing these things in here constantly? I have been trying to get rid of the superfluous work of this House, and now we are going to have another superfluous class.

Mr. MORRELL. Mr. Speaker, in reply to the gentleman, I will say that for the present I will withdraw this bill, in view of the prospect of an amendment such as he suggests to the general incorporation act to cover this and similar cases, and I shall be very glad if he will draw such an amendment.

The SPEAKER. The gentleman withdraws the bill.

EASTERN STAR HOME.

Mr. MORRELL. Mr. Speaker, I call up the bill (H. R. 13842) to amend an act entitled "An act to incorporate the Eastern Star Home for the District of Columbia," approved March 10, 1902, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of incorporation passed by Congress, entitled "An act to incorporate the Eastern Star Home of the District of Columbia," approved March 10, 1902, be, and the same is hereby, amended as follows: After the first word in the name or title, "The," there be added the words "Masonic and," so that the title or name or title will read, "An act to incorporate The Masonic and Eastern Star Home of the District of Columbia," and that the same two words be added in the name or title of said home in the first section of said act.

SEC. 2. That the board of corporators shall add annually to their number three members of the Grand Lodge of Free and Accepted Masons of the District of Columbia, whenever they are chosen by that body for that purpose, and also shall add annually any one member from such of the subordinate lodges of said grand lodge as may choose a member for that purpose, and said board when so organized shall have, use, and exercise all the powers, rights, and privileges of the board as first constituted, and as may be incident to said corporation.

SEC. 3. That the word "majority" be stricken out and the word "third" inserted in section 4 of said act, so that it will read "A third of the directors shall constitute a quorum for the transaction of business."

Mr. MORRELL. Mr. Speaker, I now yield such time as the gentleman may wish to the gentleman from Tennessee, Mr. SIMS, who made the report on this bill.

Mr. SIMS. Mr. Speaker, this bill, as its reading showed, if anybody either listened or heard, is to amend an existing act of Congress so as to simply add the words "Masonic and," after the word "the" and before the word "Eastern." My understanding is that the Eastern Star Home is a Masonic institution. This bill was presented by the Masons. Unfortunately, I am not a member of that honorable body and I can not explain technically all these things.

Mr. TAWNEY. Mr. Speaker, I would like to ask the gentleman from Tennessee a question. The Eastern Star is under the jurisdiction of the Masonic organization?

Mr. SIMS. Yes; as I understand it.

Mr. TAWNEY. It is under the jurisdiction of the Masonic order?

Mr. SIMS. Yes.

Mr. TAWNEY. And the present act incorporating this organization in this city does not admit of the use of the word "Masonic" Star?

Mr. SIMS. Yes.

Mr. TAWNEY. And it is proposed to amend that act so as to admit the organization of the Eastern Star as part of the Masonic order originally provided for in the act of incorporation.

Mr. SIMS. As I understand it, that is correct. Now, Mr. Speaker, the gentleman from Minnesota [Mr. TAWNEY] has explained the matter, but I desire to submit a few observations.

Mr. WANGER. Mr. Speaker, what evidence has the gentleman from Tennessee [Mr. SIMS] that the order of the Eastern Star is a part of the Masonic fraternity? [Laughter.]

Mr. SIMS. Mr. Speaker, there is so much disorder that I can not understand or hear what the gentleman says, but I will read from the report.

Mr. MANN. Mr. Speaker, before the gentleman proceeds with his argument, will he not inform us what the bill does?

Mr. SIMS. That is exactly what I am going to do, but I thought the gentleman from Minnesota [Mr. TAWNEY] had stated that sufficiently.

Mr. MANN. I listened to what the gentleman from Minnesota stated and what the gentleman from Tennessee stated, and the two statements did not seem to jibe.

Mr. CLARK of Missouri. Oh, the difference is that the Minnesota man is a Mason and the Tennessee man is not.

Mr. SIMS. Mr. Speaker, I read from the bill:

That the act of incorporation passed by Congress, entitled "An act to incorporate The Eastern Star Home of the District of Columbia," approved March 10, 1902, be, and the same is hereby, amended as follows: After the first word in the name or title, "The," there be added the words "Masonic and," so that the title or name or title will read, "An act to incorporate The Masonic and Eastern Star Home of the District of Columbia," and that the same two words be added in the name or title of said home in the first section of said act.

Mr. MANN. Is this a home?

Mr. SIMS. That is what it is called.

Mr. MANN. Incorporated already under a special act of Congress?

Mr. SIMS. Yes.

Mr. MANN. So that the gentleman from Minnesota [Mr. TAWNEY] was mistaken entirely in his question when he asked if this were not in order to permit the Eastern Star to be incorporated under an act to incorporate Masonic bodies.

Mr. SIMS. I did not so understand the gentleman from Minnesota.

Mr. MANN. That is the question he asked. The Eastern Star is already incorporated, as I understand.

Mr. SIMS. I did not so understand the gentleman from Minnesota. This act is amendatory of existing law.

Mr. MANN. This act adds words to show the Eastern Star is connected in the same way with the Masonic body with which the gentleman from Tennessee and myself are unfortunately not well acquainted.

Mr. SIMS. The report says:

The necessity for the proposed legislation is that the Grand Lodge Free and Accepted Masons of the District of Columbia had not given its consent to the use of the word "Masonic" at the time of the original incorporation, nor had it agreed to take any part in said home. The said grand lodge has since voted unanimously that the word "Masonic" may now be used in connection with the home, and that it will participate with the Eastern Star in its management. It is therefore necessary that the act approved March 10, 1902, be amended as prescribed in the bill herewith reported.

Mr. Speaker, it is noticeable that on each District day some gentleman arises on the floor of this House quaking and trembling for fear some great outrage is going to be perpetrated upon the country by the District Committee. Maybe his fears are well grounded upon his conception and estimate of the District Committee.

Mr. MANN. And experience.

Mr. SIMS. I want to say, Mr. Speaker, that a gentleman who never served upon this committee has no conception of the arduous duties imposed upon a member of this committee. Remember the government of the District of Columbia is unique. It is not like that of any State; it is not like that of any city in the Union. In many respects it is not like the Federal Government. We have here under the flag a government that is neither republican in form or in fact. We have here a government by commission. Every man in the District of Columbia, whatever may be his wealth or intelligence or other qualifications, is absolutely disfranchised. We have a government here where every citizen is a suppliant and no man a freeman. Congress established this miserable form of government and imposed duties upon the District Committee almost impossible to discharge, growing more arduous all the time, and this bill illustrates the whole method. Congress has to sit down and consider the propriety of adding two words to a local district corporation.

Mr. MANN. Will the gentleman permit a question?

Mr. SIMS. I will be glad to do so.

Mr. MANN. Is there not a law for incorporating in the District of Columbia under which this Eastern Star could incorporate under the general law if it chose to do so?

Mr. SIMS. It was incorporated by special act of Congress.

Mr. MANN. I understand; but is there not a general law under which it can incorporate if it chooses to do so?

Mr. SIMS. I understand not.

Mr. MANN. If that be the case, if there be no general law under which incorporations can be obtained by charitable enterprises in the District of Columbia, I think the District Committee is subject to severe criticism.

Mr. SIMS. No doubt the gentleman thinks so, as he often participates in that kind of performance, and no doubt patriotically from his standpoint. That is one reason why I am making the remarks I am. Here we have a unique government, more monarchical and despotic in form than any city in Europe.

Mr. TAWNEY. Will the gentleman from Tennessee permit an interruption?

Mr. SIMS. Certainly.

Mr. TAWNEY. I desire to say in answer to the gentleman from Illinois, in order that this may be clearly understood, this order was incorporated and at that time the Masonic order had not given its consent to the use of the word "Masonic," and since then it has rescinded that action and has passed a resolution authorizing the use of that name, and it is proposed to

amend the act in conformity with the consent of the order thus given.

Mr. SIMS. Mr. Speaker, I will have to ask that I go on with the trend of my remarks before so many interruptions are made. I want to say that it is impossible, almost, for the District Committee to do the duty it should do to the District government of Washington and do any other duty. Now, think of how Members come here as the Representatives of their Congressional districts, interested, first, in great national policies about which parties express themselves in national platforms; interested next in such legislation as applies locally to their districts.

Mr. WILLIAMS. Mr. Speaker, I dislike very much to interrupt the gentleman from Tennessee [Mr. SIMS], but will he explain to me and to the House just why and in how far the purposes sought to be accomplished by this incorporation could not be accomplished under the general law of the District? He said a moment ago that he understood that they could not get the charter to accomplish this purpose. Now, if I understand it, there is a very broad general law here for the incorporation of charitable associations and benevolent associations, and all that. In how far does it fall short of what these people wish to accomplish?

Mr. SIMS. Mr. Speaker, in reply to the gentleman from Mississippi I wish to say this, that this bill was brought to our committee and its passage asked by the parties interested; and it was stated to me by a former Member of this Congress, the Hon. James D. Richardson, that this was their only opportunity, and I took his word for it as being worth more than mine, and without investigating or looking into it any further. As the Eastern Star was incorporated by special act of Congress, its charter could not be amended under the provisions of the general law, or so it was represented to me.

But I want to get back to the point I was discussing. I desire to say that this city is growing, is increasing in importance all the time, and it is absolutely necessary in a commission-run city, where there is not an officer in it from the highest to the lowest who is elected or responsible to anybody but the appointing power, that the people come continually and ask Congress to do for them what they ought to do for themselves.

Mr. GAINES of Tennessee. Mr. Speaker, I want to ask my colleague a question.

Mr. SIMS. Certainly.

Mr. GAINES of Tennessee. The gentleman says this is an unrepublican form of government here, because the people have no right to vote; that the people are mere petitioners. Has the committee considered a bill, and, if they have, why do they not report a bill, to remove that trouble, and give these people a right to vote?

Mr. SIMS. I was going to discuss that matter, but I want to try to take it up in some order.

Mr. GAINES of Tennessee. Did we not give the people here the right to vote once, and did they not come and ask Congress to take that privilege away from them? I am told that is a fact.

Mr. SIMS. Now, Mr. Speaker, I want to proceed in order. I want to say first to this House that the present form of government is neither republican in fact nor form. I have just stated that Members are elected here first upon national policies, and, second, interests by which their districts are affected. Take a gentleman of this House and put him on the District Committee—one who has never been brought in contact with this city or its government—and he is up against what he knows nothing at all about. And in order to make a good member of that committee—and when I say good I mean in the sense of being useful—he has got to abandon everything else and give it his entire time and attention, and possibly after the second or third term that he has served on that committee, when he becomes sufficiently familiar with the duties to be worth something, he is retired from Congress and a new man is put into his place. Now, this city will no doubt be some day a city of some 500,000 inhabitants or more, and under our present form of government they must come to Congress for every little thing—and this bill is an illustration of it. Everybody is disfranchised. The model city of America, which should be a model of its institutions as well as merely physical appearances, is governed more despotically and with less of self-government than the smallest town in any of the States.

This kind of thing is going to get worse. Year in and year out the business of the District is going to increase until it will be physically and mentally impossible for any committee to transact all the business necessary. On account of the uniqueness of the government, on account of being similar to no other, Members of the House who do not study it and know but little about it are continually asking questions upon the floor of the House on account of their lack of knowledge which implies a criticism of members of the committee.

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. SIMS. Certainly.

Mr. FITZGERALD. The gentleman has spoken of the amount of business pending before that committee. Can he state upon what theory the committee devoted its time to the consideration and report of the bill incorporating the American Institute for Drug Proving, if under the District laws it can be incorporated?

Mr. SIMS. Mr. Speaker, I decline to answer that question simply for the reason I want to talk upon the line I have mapped out and I do not propose to be diverted to a proposition that is not before the House. The bill may shortly come before the House, and then the gentleman can properly ask his question.

Mr. FITZGERALD. The gentleman has been speaking about the troubles of this committee and their inability to do anything except to attend to matters of the District government, yet they prepared and reported a bill, somewhat elaborate, to incorporate the American Institute for Drug Proving. Now, if that is a proper thing to be done anywhere, why do not the gentlemen say that it should be done under the general incorporation law of the District?

Mr. SIMS. I acknowledge my gratitude again to my esteemed friend and party associate, who has again given us another lecture, which, no doubt, he thinks we deserve.

Mr. ADAMSON. As I understand the gentleman from Tennessee, the practical result aimed at in this bill is to correct the incorporation act of the Eastern Star.

Mr. SIMS. To amend the act.

Mr. ADAMSON. To amend it; that is the result of it. I may not have understood your answers to other gentlemen. Can not that be accomplished in the District of Columbia with the provisions already made by act of Congress for the chartering of that institution?

Mr. SIMS. Those interested in the bill say that it can not be. I do not state it of my own knowledge.

Now, Mr. Speaker, I want to talk along the line that I have indicated. If any gentleman wants to ask me a question pertinent to the discussion, I will be glad to answer if I can.

We have here a Board of Commissioners—three mayors—one of them an Army officer. I want to say that I have no criticism to make of these three Commissioners. If they were not in office and I knew them as I do, and I should be asked who I would recommend for appointment, I would state these three gentlemen. But the difficulty inheres in the system of government. Under the Constitution, of course, Congress has jurisdiction of this District; but that is no reason why there should be no form of self-government. Appoint a commissioner or a governor, or whatever you want to call him, by the President, subject to confirmation by the Senate, but in so far as local municipal matters are concerned why not leave it to a council elected by the votes of the people in this District who are interested in all these matters? The District debt, as I am informed, is about $12,000,000 or more, which has been largely created through street-extension improvements. Remember there is not a dollar of indebtedness in this city that has been made by the votes of the people who live here. The taxpayers have absolutely no representation. But in 1878 Congress undertook to pay one-half of all the expenses of this District, even of the principal and interest of this indebtedness.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question on that point?

Mr. SIMS. Certainly.

Mr. CRUMPACKER. Has the gentleman taken any pains to inform himself with respect to the sentiment of the people of the District on the subject of self-government?

Mr. SIMS. I have to some extent.

Mr. CRUMPACKER. I quite agree with the criticism the gentleman makes with respect to the lack of self-government here. It seems to me that the people of the District of Columbia ought to be as able to take care of their own municipal affairs as the people of any city in the country would be, particularly when they have before them constantly the exalted example of statesmanship of the House and Senate. [Laughter.]

Mr. SIMS. I assure the gentleman that in my intercourse with the people here I have not heard a single citizen of the District of Columbia express himself who does not feel that the present form of government is a denial of liberty. Here is a debt piled up on these people that they did not make. Taxes are levied without their consent; but I want to say that I think they are the lowest-taxed people of any city that I know of, and I propose at some time in the near future to dwell on that more

at length. But Congress, on account of this city being the seat of government of the United States, the capital city, has undertaken out of a spirit of generosity, because it occupied large spaces with its parks and public buildings, to pay one-half of the expenses of the District government. It might have been wise at one time, and it might be wise now, provided this city never expands; but I ask you as practical men, how does it conduce to the interest of the Government of the United States to pay taxes to build up Anacostia, Bennings race track, Chevy Chase, or Tennallytown?

Mr. CRUMPACKER. If the Government should reduce the percentage which it pays of the municipal exepenses it would probably promote a stronger sentiment in the District in favor of local self-government, would it not?

Mr. SIMS. No doubt of it.

Mr. CRUMPACKER. Does not the gentleman believe that we pay, perhaps, a little more than our pro rata equitable share of the expenses of the District government?

Mr. SIMS. I have no doubt of it.

Mr. CRUMPACKER. And is not that a reason why there is no stronger sentiment or demand for local self-government?

Mr. SIMS. I have no doubt of that, especially among the wealthy classes of the District, and, as I stated, perhaps it was wise at the time the arrangement was entered into for the United States Government to pay one-half, but I am now showing to you that the city is growing and building up very much. And, as I have said, what interest has the United States Government as a capital; how does it assist you in performing your duties here; how does it assist the President and his Cabinet officers and the Supreme Court for this Government to pay out money for the improvement of Anacostia, Bennings, Chevy Chase, and Tennallytown, and I do not know how many more just such places? But yet we are doing it.

But this payment by the Government of the United States must keep increasing as the city increases and as expenses increase. The bonded debt of the city is only about $12,000,000, yet the current expenses of the District government are ten or twelve million dollars, and the Government of the United States pays one-half of that. It will no doubt reach a point some time when the expenses of the District of Columbia will be $20,000,000 a year, and the Government will be paying one-half of that. Can it possibly, directly or indirectly, be of any benefit to this Government's Capitol to have a great city surrounding it? Why not have every city where there is a State capitol receive the same assistance? Why not have the State pay one-half the municipal expenses of the city in which the State capitol is located? Why not have the counties pay one-half the expenses of the town in which the county court-house and government is located? Yet that is what we are doing here.

Well, I know there is one bugaboo that has been held up in the past, that if we give the franchise to the citizens of the District of Columbia a large vote will be admitted that is unprepared by education and intelligence to vote properly on the questions as to what a great capital wants and needs. It is unnecessary for me to refer to that. It is a tender subject, but we have to stand it in our cities down South as best we can. Why not let the capital of the nation wrestle with that problem? Why not have local self-government here and let Congress provide entirely for the expense of maintaining the public buildings and the public parks, like the Mall, within the city limits? But why should your constituents be taxed to build a great avenue like Sixteenth street out 6 miles to the boundary? Why do we here, in the face of all the world, proclaim ourselves to be the model Government of the earth, a republican Government, where every man is a free man and no man is governed against his will, maintain in this city a form of despotism than which there is no worse anywhere that I know anything about in any enlightened country? Whether it has worked well or worked badly, it is not American, it is not republican, it is not democratic. I am talking in rather a random way, but I am studying this subject with a view to bringing to this House a proposition to establish local self-government in this District. It is not inconsistent with the jurisdiction of the United States Government to retain the powers necessary to be exercised due to the fact that this is the national capital.

In order to do this, I for one am perfectly willing that the United States Government should assume and pay the present District bonded indebtedness. There are ten or twelve million dollars bonds, but it will not be long until this Government, year in and year out, will appropriate a sum as its share of the expense of running the government of the District of Columbia equal to the entire funded or bonded indebtedness. When they want a little street opened, let them go to their own local government, let them elect their own council, let them have full charge of all municipal matters and feel its responsibilities, and pay the taxes. Then you will have free men exercising the duties and functions of free men; and if it is not in all respects as imperial and grandiloquent and beautiful as it is now, under its present autocratic control, we will have a model for all the world of a republican city in the capital of the great Republic of the nation. Our institutions will be benefited and beautified, whether our boulevards here look as grand as they now do or not. Why, no time will elapse hardly before you will be called upon to make an appropriation for a street out west to a great educational institution that the United States Government does not need and never can, and yet you are talking all the time about making this a model city, and one of the effects of the model is that we have a government here that did not tax personal property at all until recently, but was the resort of tax dodging millionaires that had grown wealthy in the States in which they lived by reason of the privileges they had in their own States and then moved to Washington and brought their stocks and bonds, and thus escaping the burden of government, the duties of citizenship at home, and we impose practically nothing upon them here.

Parties have actually come before the committee openly advocating that there should be no tax on personal property; that it might be an attraction to the millionaires whose property consisted of bonds and mortgages to come here and build magnificent homes, and who would rush around in the sight of we Democrats and Republicans in all the glory that any lord of Europe possibly could. And yet, gentlemen, you sit here year in and year out and permit these things to continue, and criticise the District Committee. I tell you, gentlemen, the District Committee has almost an impossible task before it. I am bringing these thoughts to your mind that you may think about it and that we may adopt some other form of government that will be more republican and more democratic; that will represent the free institutions and the free spirit of our people, and that will relieve Congress of duties that it ought never to have been called upon to perform; that in the end will relieve the taxpayers of the United States of the burden they ought not to bear, and which will not increase the burden of the people of this city beyond that of other cities, so far as taxation goes. I have studied this matter, and I call upon the Members of this House to do likewise. I would not have gone into this subject in this general way had it not been for the criticisms on the bill—all of which may be just. We can not stop to investigate and get to the bottom of every proposition to see whether the supreme court of the District of Columbia or the court of appeals have decided this way or that way; as to whether a charter might be granted under local laws or not. We took the words of those who ought to know. It furnishes you with an example of what we are called upon to do, and without any change in our city government, what you will be called upon to do forever in an increasing ratio.

As far as this bill is concerned, I see no harm in it. The organization already exists. The charter is granted, and it is simply to amend and give it the additional name of Masonic with that of Eastern Star.

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. SIMS. Certainly.

Mr. GAINES of Tennessee. The gentleman has given a fine diagnosis of the very sick condition of the District of Columbia. Has the gentleman got a bill, or is the committee going to report a bill, prescribing any cure for the disease? Why doesn't the committee bring in some sort of a cure for it? The gentleman is a good lawyer and he is a member of the committee. About six years ago I was talking with one of the leading bankers of this city, when the gentleman from Missouri [Mr. CLARK] introduced a bill proposing to give the people of the District the right to vote. This banker jumped on me and said, "For God's sake, don't give us the right to vote; the niggers ran away with us when he had it, and we had to come to you and ask you to take it away from us." [Laughter.] I will give the gentleman the name of the banker if he wants it.

Mr. SIMS. Oh, I don't want it. I am surprised that my colleague from the Hermitage should ever be turned away from a Democratic thought by the reply of a banker. [Laughter.] Why does not my friend from Tennessee, my colleague, go into the study of this thing, as I have?

Mr. GAINES of Tennessee. If the gentleman will draw a bill I will vote for it.

Mr. SIMS. I do not know that I could draw a satisfactory bill.

Mr. GAINES of Tennessee. I will help you make one.

Mr. SIMS. All right. Now I feel safe. [Laughter.]

Mr. GAINES of Tennessee. If Members would consult me a little oftener than they do, they would all be more safe. [Laughter.]

Mr. SIMS. No, Mr. Speaker, there is no bill before the House. I confess in my modesty, which you all know is proverbial, that I hesitate to put in form such a bill, but, of course, with the aid of my colleague, I might be able to do it. I am going to introduce a resolution into this House to ask the Speaker to appoint a special committee to consider this question and report a bill that will bring about local self-government in which the people have a right to vote upon all matters affecting their local interests.

Mr. SHACKLEFORD. Will the gentleman yield to me?

Mr. SIMS. Certainly.

Mr. SHACKLEFORD. Mr. Speaker, I desire to call the gentleman's attention to the fact that there is no necessity for the proposed legislation, for the reason that incorporation can be had under the law as it is now written. And if he will allow me to inject into the midst of his remarks a little parenthesis, I would say that his complaint that we are called on here to consider the matters in detail, which ought to be left to the general law, is the fault of our own committee and not the fault of Congress. Everybody who wants a little more glory than the rest of the people, who is not content to get a charter from a State, who is not content to get a charter from the District of Columbia under the general law, comes here asking some special privilege in the way of a special charter, so that they may outshine other corporations of the country. You have had the same thing in the Educational Committee, and the same thing in several other committees. I would like now to read a provision of the District Code, and I will ask the gentleman to pay attention to this law as I read it as it now stands:

Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the promotion of the arts, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

First. The name or title by which such society shall be known in law.

Second. The term for which it is organized, which may be perpetual.

Third. The particular business and objects of the society.

Fourth. The number of its trustees, directors, or managers for the first year of its existence.

Upon filing their certificates the persons who shall have signed and acknowledged the same, and their associates and successors, shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate, and other real and personal property the clear annual income from which shall not exceed in value $25,000: *Provided, however*, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.

Now, I would like the gentleman from Tennessee [Mr. SIMS] or the gentleman from Pennsylvania [Mr. MORRELL] to point out in what particular this law is deficient, so that that organization may not be incorporated under the general law of the District of Columbia as it is now written. Mr. Speaker, it can be, it ought to be, all of these incorporations ought to be according to the general law, and these special privileges in the way of special charters we ought to set our faces against now and forever, one and all.

Mr. SIMS. Mr. Speaker, I desire to answer the question that was asked with all due respect, and to say that this incorporation was by special act of Congress, and therefore we do not think that they can be incorporated under the general law. This only amends the special act. It is not an original charter. If the organization had been incorporated under the general law, perhaps what the gentleman said would be applicable. As suggested to me by the gentleman from New York [Mr. FITZGERALD], I would state that you can not amend an act of Congress by a certificate in the way that is required under the general law.

Mr. MORRELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

NATIONAL SOCIETY SONS OF AMERICAN REVOLUTION.

Mr. MORRELL. Mr. Speaker, I call up the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Francis Henry Appleton, of Massachusetts; Lucius P. Deming, of Connecticut; William Seward Webb, of Vermont; Horace Porter, of New York; Joseph C. Breckenridge, of Washington, D. C.; Franklin Murphy, of New Jersey; Walter S. Logan, of New York; Edwin Warfield, of Maryland; Edwin S. Greeley, of Connecticut; James D. Hancock, of Pennsylvania; Morris B. Beardsley, of Connecticut; John C. Lewis, of Kentucky; Henry Stockbridge, of Maryland; Nelson A. McClary, of Illinois; A. Howard Clark, of Washington, D. C.; Isaac W. Birdseye, of Connecticut; William K. Wickes, of New York; J. W. Atwood, of Ohio; J. W. Whiting, of Alabama; Ricardo E. Miner, of Arizona; Joseph M. Hill, of Arkansas; Alexander G. Eells, of California; Clarkson N. Guyer, of Colorado; Jonathan Trumbull, of Connecticut; Thomas F. Bayard, of Delaware; William H. Bayly, of Washington, D. C.; William S. Keyser, of Florida; Charles M. Cook, of Hawaii; Inman H. Fowler, of Indiana; Eugene Secor, of Iowa; John M. Meade, of Kansas; Peter F. Pescud, of Louisiana; Waldo Pettengill, of Maine; James D. Iglehart, of Maryland; Moses G. Parker, of Massachusetts; Rufus W. Clark, of Michigan; James C. Haynes, of Minnesota; Ashley Cabell, of Missouri; Ogden A. Southmayd, of Montana; Amos Field, of Nebraska; Daniel C. Roberts, of New Hampshire; J. Franklin Fort, of New Jersey; William A. Marble, of New York; Isaac F. Mack, of Ohio; Henry H. Edwards, of Oklahoma; Thomas M. Anderson, of Oregon; William L. Jones, of Pennsylvania; John E. Studley, of Rhode Island; Theodore G. Carter, of South Dakota; J. A. Cartwright, of Tennessee; I. M. Standifer, of Texas; Fred A. Hale, of Utah; Henry D. Holton, of Vermont; Lunsford L. Lewis, of Virginia; Cornelius H. Hanford, of Washington; J. Franklin Pierce, of Wisconsin; Truman G. Avery, of New York; William W. J. Warren, of New York; Henry V. A. Joslin, of Rhode Island; John Paul Earnest, of Washington, D. C., and all such other persons as may from time to time be associated with them, and their successors, are hereby constituted a body corporate and politic, to be located in the city of Washington, in the District of Columbia, by the name of The National Society of the Sons of the American Revolution.

SEC. 2. That the purposes and objects of said corporation are declared to be patriotic, historical, and educational, and shall include those intended or designed to perpetuate the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people; to unite and promote fellowship among their descendants; to inspire them and the community at large with a more profound reverence for the principles of the Government founded by our forefathers; to encourage historical research in relation to the American Revolution; to acquire and preserve the records of the individual services of the patriots of the war, as well as documents, relics, and landmarks; to mark the scenes of the Revolution by appropriate memorials; to celebrate the anniversaries of the prominent events of the war and of the Revolutionary period; to foster true patriotism; to maintain and extend the institutions of American freedom, and to carry out the purposes expressed in the preamble to the Constitution of our country and the injunctions of Washington in his farewell address to the American people.

SEC. 3. That said corporation shall have power to receive, purchase, hold, sell, and convey real and personal estate, so far only as may be necessary or convenient for its lawful purposes, to an amount not exceeding at any one time in the aggregate $500,000; to sue and be sued, complain and defend in any court; to adopt a common seal, and to alter the same at pleasure; to make and adopt a constitution, by-laws, rules, and regulations for admission, government, suspension, and expulsion of its members, and from time to alter and repeal such constitution, by-laws, rules, and regulations, and to adopt others in their places; to provide for the election of its officers and to define their duties; to provide for State societies or chapters with rules for their conduct, and to regulate and provide for the management, safe-keeping, and protection of its property and funds: *Provided always*, That such constitution, by-laws, rules, and regulations be not inconsistent with the laws of the United States or any of the States thereof.

SEC. 4. That the property and affairs of said corporation shall be managed by not more than sixty nor less than forty trustees, who shall be elected annually at such time as shall be fixed in the by-laws, and at least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted to this society at least thirty days before the annual meeting, in accordance with general provisions regulating such nominations as may be adopted by this society.

SEC. 5. That the first meeting of this corporation shall be held on a call issued by any fifteen of the above-named incorporators by a written notice signed by them, stating the time and place of meeting, addressed to each of the corporators personally named herein and deposited in the post office at least five days before the day of meeting.

SEC. 6. That this charter shall take effect upon its being accepted by a majority vote of the corporators named herein who shall be present at said meeting, or at any other meeting specially called for that purpose; and notice of such acceptance shall be given by said corporation by causing a certificate to that effect signed by its president and secretary to be filed in the office of the Secretary of State.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SHACKLEFORD. Mr. Speaker, on that bill I raise the question of consideration.

The SPEAKER. The gentleman from Missouri raises the question of consideration upon the bill, and the question is, Will the House consider the bill?

Mr. HILL of Connecticut. Mr. Speaker, a parliamentary inquiry. Is that motion debatable?

The SPEAKER. Not at all. The question is, Will the House consider the bill?

The question was taken; and on a division, demanded by Mr. MORRELL, there were—ayes 85, noes 36.

Mr. SHACKLEFORD. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Missouri demands tellers. As many as are in favor of ordering tellers will rise and remain standing until counted. [After counting.] Twenty-six gentlemen have arisen, not a sufficient number, and tellers are refused.

So the House determined to consider the bill.

Mr. MORRELL. Mr. Speaker, I yield ten minutes to the gentleman from New York, Mr. OLCOTT, who made the report upon the bill.

Mr. OLCOTT. Mr. Speaker, this is a bill for the incorporation of the National Society of the Sons of the American Revolution. The reason why it is necessary to get a special charter from Congress is because the incorporation laws of the District of Columbia require one-half of the members of the board to be residents of the District. In view of the fact that societies of kindred nature and similar name exist in nearly all of the States of the Union, it is advisable to have a sufficiently large board of directors and a sufficiently general representation so that the society will be in fact what this bill makes it in name—a national society.

The bill has the entire approval of the Commissioners of the District of Columbia, and I ask for its passage. I yield back the balance of my time to the gentleman from Pennsylvania.

Mr. MORRELL. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, here we are asked to give a national charter without any consideration scarcely of this House to a proposed corporation. As I have just shown, it may be incorporated under the general law prevailing in this District now, provided three of them are residents of the District. That same company may be incorporated under the State laws of any of the States of this Union, and there is no necessity why it should have a national charter. If such incorporation were asked for under the laws of my State, the judge of the circuit court would appoint some person to investigate it, to see whether it complied with the law, and see whether its purposes were such as they claimed to be, to report back to the court before it could get its charter; but here, in the twinkling of an eye, you are passing these incorporations, one after another, as they seek to have it done, without any consideration, without any knowledge as to whether they are properly limited as they should be. And for what purpose? Will the gentleman tell me why this particular corporation should have more dignity than another? Why should this corporation come to Congress for its charter when it can go to any of the States of this Union?

Mr. OLCOTT. I will answer briefly; because they can not get a charter from any one of the States sufficiently broad to make the society national in its character, and because it is desired to have directors who are residents of the several States of the Union. It is impossible to do that in the District of Columbia on account of the provisions of the incorporation laws. This difficulty is also found in the laws of most of the States.

Mr. SHACKLEFORD. Yes, Mr. Speaker; it is the beginning of a flood of bills which are to come in here asking incorporation of companies that will make them bigger than all of the States. It is the thin edge of a wedge that is to be driven into our corporation laws of the country. There is in the land a disposition to have incorporations that shall not be subject to State control, a system of corporations that shall not be subject to State taxation, a system of corporations that shall be above and beyond the sovereignty of the States of this Union. There is no evil, perhaps, in this particular corporation, but here everybody is citing something as a precedent, and when any corporation comes and asks for a charter this will be cited as a precedent why the other should be granted. One other proposition. The corporation laws should be uniform. Corporation charters ought to be uniform. Here we come in and incorporate companies not according to a general standard established by the wisdom of this House, but according to the predilection of the people who come and ask for the charter. They are not uniform in their provisions. They are not uniform in their scope. As I said a moment ago, they are above and beyond the power of the State, beyond the powers and control of the State, beyond the power of the State to tax them, and while this one is possibly one that ought not to be taxed perhaps the very next corporation might represent something that ought to be taxed and we put them beyond the control of those who ought to control them. I am opposed tooth and nail to going into the incorporation business by individual acts of Congress, and I believe we ought to require these corporations, like all others, to go to some existing law and take out this incorporation according to some general standard that prevails in this country.

Mr. OLCOTT. Allow me to say one thing in reply to the gentleman from Missouri, and that is that a sister society, the Daughters of the American Revolution, has already been incorporated and was incorporated here, and mainly for the reason this one is sought to be incorporated—that it would make it more national in character.

Mr. SHACKLEFORD. Does not the gentleman think that is the very foundation of the argument I made a while ago, because if you admit one you say you must admit the other, and when these two are incorporated, why, you can cite that as a reason why the next twenty ought to be incorporated, and when they are incorporated that will be cited as to why the next ten million ought to be incorporated? And the States would be ignored, and the general laws of this District will be ignored.

Mr. MORRELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. KAHN rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KAHN. A parliamentary inquiry. When will it be in order to offer an amendment?

The SPEAKER. Now.

Mr. KAHN. I then offer an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

On page 2, line 24, after the word "Columbia," insert the following: "A. S. Hubbard, of California."

Mr. MORRELL. Mr. Speaker, I accept the amendment.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the passage of the bill as amended.

The question was taken; and the Chair announced that the noes seem to have it.

Mr. SHACKLEFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri [Mr. SHACKLEFORD] demands the yeas and nays.

Mr. SHACKLEFORD. Mr. Speaker, I withdraw my request for the yeas and nays.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the bill as amended was ordered to be engrossed and read a third time, was accordingly read a third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

METROPOLITAN POLICE.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 14813.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the provision of the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," for the relief, during widowhood, of dependent mothers of unmarried deceased members of said Metropolitan police force and of unmarried deceased members of the fire department of said District, shall include such mothers of any such deceased members of said police force and of said fire department who have died from injury or disease prior to March 1, 1905.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Before this is done so rapidly, let me ask the gentleman from Pennsylvania if he would mind having the report read?

Mr. MORRELL. No.

The SPEAKER. The Clerk will read the report.

The report (by Mr. BABCOCK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 14813) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," report the same back to the House with the recommendation that it do pass.

By the provisions of the act approved March 1, 1905 (Public, No. 120), the Commissioners were authorized to grant pensions to dependent mothers of unmarried members of the Metropolitan police or of the fire department whose deaths resulted from injury or disease, such pension to be paid only during widowhood of the dependent mothers. The purpose of the proposed legislation is to provide pensions for dependent mothers of firemen whose deaths occurred before the passage of the act of March 1, 1905, and to make the payment of the pensions begin from the date of the enactment of the bill, so that the relief will not be retroactive.

Your committee is informed that there are four cases to which provisions of this proposed legislation will apply, all being mothers of deceased firemen and in necessitous circumstances. Inasmuch as the fund out of which these pensions is paid is made up almost entirely from payments made monthly by each member of these two organizations (the deficit, if any, being derived from receipts from fines in the police court and from revenues from dog licenses), the United States Government therefore bears no proportion of the money so expended. Your committee believes that the proposed legislation is just, as it simply places four dependent mothers whose sons died prior to March 1, 1905, on the same basis as dependent mothers who have lost their sons since that date and who are now receiving a pension under the provisions of the act of March 1, 1905.

This measure was prepared by the Commissioners of the District of

Columbia, who urge its enactment into law, as will be seen by the following communication:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 12, 1906.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," and to recommend its early enactment.

The object of this bill is to provide for dependent mothers of firemen whose deaths occurred before the passage of the act of March 1, 1905, therein mentioned, and to make the payment of the pensions begin from the date of the enactment of the bill, so that the relief will not be retroactive.

Very respectfully, HENRY B. F. MACFARLAND.
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on District of Columbia,
House of Representatives.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, was accordingly read a third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANACOSTIA FLATS.

Mr. MORRELL. Mr. Speaker, I desire to call up House concurrent resolution No. 21.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to submit to Congress a report upon the improvement of the so-called "flats of the Anacostia River" from its mouth to the District line, with recommendations and estimates of cost.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. MANN. Mr. Speaker, I wish to ask the gentleman in charge of the District business [Mr. MORRELL] if this takes the place of the Senate bill which was recently before the House?

Mr. MORRELL. Yes.

The question was taken, and the concurrent resolution was agreed to.

Mr. MORRELL. Mr. Speaker, I desire to have withdrawn the bill S. No. 71 on the same subject that is now on the Calendar.

The SPEAKER. What disposition does the gentleman desire to be made of it?

Mr. MORRELL. That it be laid on the table.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORRELL] asks unanimous consent to lay Senate bill No. 71 on the table. Is there objection?

There was no objection.

ABANDONMENT AND NEGLECT OF WIFE AND CHILDREN.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 14545.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Be it enacted, etc., That any person in the District of Columbia who shall, without just cause, desert or willfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any person who shall, without lawful excuse, desert or willfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of 16 years in destitute or necessitous circumstances, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment in the workhouse of the District of Columbia at hard labor for not more than twelve months, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect.

If the court be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife, or to the guardian or custodian of the minor child or children.

SEC. 2. That no other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under this act any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent and compellable witnesses to testify to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child, or children in destitute or necessitous circumstances, or of neglect to furnish such wife, child, or children necessary and proper food, clothing, or shelter is prima facie evidence that such desertion or neglect is willful.

SEC. 3. That it shall be the duty of the superintendent in charge of the workhouse of the District of Columbia in which any person is confined on account of a sentence under this law to pay over to the wife, or to the guardian or custodian of his or her minor child or children, or to an organization or individual approved by the court as trustee, at the end of each week, for the support of such wife, child, or children, a sum equal to 50 cents for each day's hard labor performed by said person so confined.

The amendments recommended by the committee were read, as follows:

Page 1, line 4, strike out the word "just" and insert the word "reasonable."

Page 1, line 7, strike out the word "lawful" and insert the word "reasonable."

Page 4, line 2, insert a comma after the word "pay" and also insert the words "out of any funds available."

Mr. MORRELL. Mr. Speaker, I desire to yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD], who made the report on this bill, to withdraw certain amendments that were made with the consent of the committee.

Mr. SHACKLEFORD. Mr. Speaker, in line 4, on page 1, withdraw the amendment and substitute "reasonable" for the word "just." There will be no amendment in that line then.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out "just" and insert "reasonable."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was disagreed to.

Mr. SHACKLEFORD. Also, in line 7 there is an amendment, to insert "reasonable" for the word "lawful." I move to amend the amendment by substituting the word "just" for the word "reasonable."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 amend the amendment by striking out "reasonable" and inserting "just."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FITZGERALD. I would like to ask the gentleman what he is trying to do now?

Mr. SHACKLEFORD. I am trying to substitute the word "just" in place of the word "reasonable."

Mr. FITZGERALD. I wish to inquire whether the gentleman does not think the word "just," or "just excuse," should be eliminated entirely?

Mr. SHACKLEFORD. I think not.

Mr. FITZGERALD. What excuse will any man give for deserting or willfully neglecting and refusing to provide for the support and maintenance of his minor children under the age of 16 years in destitute circumstances that would be just? What would be a just excuse?

Mr. SHACKLEFORD. Suppose there should be circumstances where he had not the custody of the children, and there was a judgment awarded against him for the support of the children. Suppose the wife should not use the money for that purpose? Having been required to provide for them by a judgment of the court, would not that be a reasonable excuse?

Mr. FITZGERALD. They provide in the judgment of the court to pay the money to some other person.

Mr. SHACKLEFORD. That would be a just excuse nevertheless.

Mr. FITZGERALD. It would not be any excuse for neglecting to provide for the minor children in destitute circumstances. I will ask the gentleman to yield to me a moment to move an amendment to strike out all of this qualifying language, so that the bill shall read:

Or any person who shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of 16 years in destitute or necessitous circumstances.

Mr. SHACKLEFORD. I will say to the gentleman that it was that way upon the bill as it was first written.

Mr. FITZGERALD. As the bill was first written it read, "Without lawful excuse." As the committee reports it it reads, "Without reasonable excuse." And now the committee amend it by making it "just excuse."

Mr. SHACKLEFORD. That is right.

Mr. FITZGERALD. And in this very peculiar condition of mind the committee is getting into I would like to eliminate all excuse.

Mr. SHACKLEFORD. The gentleman would like to eliminate the committee?

Mr. FITZGERALD. It might be advisable in this condition.

Mr. SHACKLEFORD. I quite understand from the gentleman's standpoint it might be. But it seems to me that the word "just" ought to be acceptable.

Mr. FITZGERALD. I desire to ask the gentleman to state what would be a just excuse for a man to willfully neglect to provide for his minor children under 16 years of age in destitute circumstances?

Mr. SHACKLEFORD. I have stated one before, and I do not care to argue the matter.

Mr. FITZGERALD. You have already modified the provision.

Mr. SHACKLEFORD. Let it go that way. Suppose a man were confined in the hospital himself sick, and had no money?

Mr. MORRELL. I call for a vote on the amendment to the amendment.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amended.

Mr. FITZGERALD. I ask the gentleman to yield to me for the purpose of offering an amendment.

The SPEAKER. Does the gentleman yield?

Mr. MORRELL. I will for the purpose of offering an amendment.

Mr. FITZGERALD. In line 7 I move to strike out the words "just excuse." I wish the gentleman would give me two minutes.

The Clerk read as follows:

In line 7 strike out the words "just excuse."

Mr. FITZGERALD. Will the gentleman yield to me two minutes?

Mr. MORRELL. I will yield three minutes to the gentleman.

Mr. FITZGERALD. Two minutes is all I asked.

Mr. Speaker, this bill provides, as it has been amended by the committee, "that any person who shall without just excuse desert and willfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of 16 years in destitute or necessitous circumstances, shall be deemed guilty of a misdemeanor." If the amendment that has just been offered be adopted, it will make the penalty attach to any person who deserts or who willfully neglects to provide for these infant children. It seems to me that when provision is made under the words "willfully refuse to provide for children under these circumstances," it is very unwise to make any qualification as to the act. Anybody who willfully refuses to provide for his children under these circumstances, in my opinion, should not be permitted to attempt to persuade anybody that there was a just excuse. Now, the gentleman has said that it would not be willful because the man was sick. The term "willful" is recognized and has a well-defined meaning in law, and there is no necessity for offering any qualification of that term.

The SPEAKER. The question will be first taken on the committee amendment as amended, and then afterwards on the amendment offered by the gentleman from New York.

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

In line 7 strike out the words "without just excuse."

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. Without objection, the other amendments of the committee will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. MORRELL. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD on the subject of taxation in the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. MORRELL. There are no other bills that the District Committee desires to call up for consideration at this time.

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY.

The SPEAKER. The regular order of business is the call of committees, and the pending question is the vote on the question of consideration of the bill H. R. 14396, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal Company, to define the powers thereof, and to facilitate interstate commerce.

The SPEAKER. The yeas and nays are ordered upon the bill. As many as are in favor of considering the bill will, when their names are called, answer "yea," those opposed "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 187, nays 67, answered "present" 12, not voting 117, as follows:

YEAS—187.

Acheson	Deemer	Hughes	Needham
Adams, Pa.	Dixon, Mont.	Hull	Norris
Alexander	Dovener	Humphrey, Wash.	Olcott
Allen, Me.	Draper	Humphreys, Miss.	Olmsted
Ames	Dresser	Jones, Wash.	Padgett
Bankhead	Dunwell	Kahn	Palmer
Barchfeld	Edwards	Keifer	Parker
Bartholdt	Ellis	Kennedy, Ohio	Parsons
Bede	Esch	Ketcham	Patterson, Pa.
Beidler	Fassett	Kiepper	Payne
Bennet, N. Y.	Flack	Kline	Perkins
Birdsall	Fletcher	Knapp	Ransdell, La.
Bishop	Fordney	Knopf	Reeder
Bonynge	Foster, Vt.	Knowland	Rhodes
Boutell	Fowler	Lacey	Richardson, Ky.
Bowie	French	Lafean	Rives
Brick	Fuller	Landis, Chas. B.	Roberts
Brooks, Colo.	Garber	Lawrence	Shartel
Broussard	Gardner, Mich.	Le Fevre	Sibley
Brownlow	Gardner, N. J.	Lilley, Conn.	Smith, Cal.
Buckman	Gilbert, Ind.	Lilley, Pa.	Smith, Iowa
Burke, Pa.	Gillett, Cal.	Littauer	Smith, Wm. Alden
Burleigh	Glass	Littlefield	Smith, Pa.
Burton, Del.	Goebel	Loud	Smyser
Burton, Ohio	Graff	Loudenslager	Southwick
Butler, Pa.	Greene	Lovering	Sperry
Calderhead	Gronna	McCarthy	Stafford
Campbell, Ohio	Grosvenor	McCleary, Minn.	Stanley
Capron	Gudger	McCreary, Pa.	Steenerson
Chaney	Hale	McDermott	Stevens, Minn.
Cole	Hamilton	McGavin	Sulloway
Conner	Haskins	McKinney	Tawney
Cooper, Pa.	Haugen	McLachlan	Taylor, Ala.
Cooper, Wis.	Hayes	McMorran	Tirrell
Cousins	Hedge	Macon	Underwood
Crumpacker	Henry, Conn.	Mahon	Volstead
Currier	Hepburn	Mann	Vreeland
Curtis	Hermann	Marshall	Wachter
Cushman	Higgins	Martin	Waldo
Dale	Hill, Conn.	Maynard	Wanger
Dalzell	Hinshaw	Meyer	Watkins
Darragh	Hoar	Miller	Webber
Davey, La.	Hogg	Moon, Pa.	Weeks
Davidson	Holliday	Morrell	Wiley, N. J.
Davis, Minn.	Howell, Utah	Mouser	Wilson
Dawes	Hubbard	Mudd	Wood, N. J.
Dawson	Huff	Murdock	

NAYS—67.

Adamson	Fitzgerald	Kelliher	Robinson, Ark.
Bartlett	Flood	Kitchin, Claude	Russell
Beall, Tex.	Floyd	Lamb	Ryan
Bell, Ga.	Garner	Lester	Sheppard
Bowers	Garrett	Lever	Sims
Brantley	Gillespie	Lewis	Slayden
Broocks, Tex.	Granger	Lloyd	Smith, Tex.
Burleson	Griggs	McLain	Spight
Butler, Tenn.	Hardwick	Moon, Tenn.	Stephens, Tex.
Byrd	Heflin	Moore	Sullivan, Mass.
Clark, Mo.	Henry, Tex.	Murphy	Towne
Clayton	Hill, Miss.	Page	Trimble
Davis, W. Va.	Howard	Patterson, N. C.	Tyndall
Dixon, Ind.	Hunt	Pou	Wallace
Ellerbe	James	Randell, Tex.	Weisse
Field	Johnson	Rhinock	Williams
Finley	Jones, Va.	Rixey	

ANSWERED "PRESENT"—12.

Aiken	Driscoll	Jenkins	Shackleford
Burgess	Gaines, Tenn.	McNary	Sherley
Candler	Gregg	Powers	Thomas, Ohio

NOT VOTING—117.

Adams, Wis.	Burke, S. Dak.	Dwight	Hearst
Allen, N. J.	Burnett	Foss	Hitt
Andrus	Calder	Foster, Ind.	Hopkins
Babcock	Campbell, Kans.	Fulkerson	Houston
Bannon	Cassel	Gaines, W. Va.	Howell, N. J.
Bates	Chapman	Gardner, Mass.	Kennedy, Nebr.
Bennett, Ky.	Clark, Fla.	Gilbert, Ky.	Kinkaid
Bingham	Cockran	Gill	Kitchin, Wm. W.
Blackburn	Cocks	Gillett, Mass.	Lamar
Bowersock	Cromer	Goldfogle	Landis, Frederick
Bradley	De Armond	Goulden	Law
Brown	Denby	Graham	Lee
Brundidge	Dickson, Ill.	Hay	Legare

Lindsay	Pearre	Slemp	Van Duzer
Little	Pollard	Small	Van Winkle
Livingston	Prince	Smith, Ill.	Wadsworth
Longworth	Pujo	Smith, Ky.	Watson
Lorimer	Rainey	Smith, Md.	Webb
McCall	Reid	Smith, Samuel W.	Weems
McKinlay, Cal.	Reynolds	Snapp	Welborn
McKinley, Ill.	Richardson, Ala.	Southall	Wharton
Madden	Robertson, La.	Southard	Wiley, Ala.
Michalek	Rodenberg	Sparkman	Williamson
Minor	Rucker	Sterling	Wood, Mo.
Mondell	Ruppert	Sullivan, N. Y.	Woodyard
Nevin	Samuel	Sulzer	Young
Otjen	Schneebell	Talbott	Zenor
Overstreet	Scott	Taylor, Ohio	
Patterson, S. C.	Scroggy	Thomas, N. C.	
Patterson, Tenn.	Sherman	Townsend	

So the House determined to consider the bill.

The Clerk announced the following pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RUPPERT.

Until March 6:

Mr. CHAPMAN with Mr. HOPKINS.

Until further notice:

Mr. MCKINLEY of Illinois with Mr. LEGARE.

Mr. POWERS with Mr. PUJO.

Mr. BINGHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. ZENOR.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. HITT with Mr. LITTLE.

Mr. WATSON with Mr. SHERLEY.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. DICKSON of Illinois with Mr. RAINEY.

Mr. LONGWORTH with Mr. AIKEN.

Mr. DWIGHT with Mr. LEE.

Mr. RODENBERG with Mr. REID.

For this day:

Mr. THOMAS of Ohio with Mr. THOMAS of North Carolina.

Mr. CALDER with Mr. WILLIAM W. KITCHIN.

Mr. MADDEN with Mr. SULLIVAN of New York.

Mr. STERLING with Mr. BURGESS.

Mr. CAMPBELL of Kansas with Mr. GAINES of Tennessee.

Mr. LAFEAN with Mr. SULZER.

Mr. FOSS with Mr. GREGG.

Mr. TAYLOR of Ohio with Mr. CANDLER

Mr. BOWERSOCK with Mr. MCNARY.

Mr. GRAHAM with Mr. GILL.

Mr. ANDREWS with Mr. CLARK of Florida.

Mr. BABCOCK with Mr. LINDSAY.

Mr. BURKE of South Dakota with Mr. BURNETT.

Mr. BANNON with Mr. GOLDFOGLE.

Mr. BATES with Mr. GILBERT of Kentucky.

Mr. BROWN with Mr. HAY.

Mr. CASSELL with Mr. COCKRAN.

Mr. DENBY with Mr. HOUSTON.

Mr. GAINES of West Virginia with Mr. HEARST.

Mr. GARDNER of Massachusetts with Mr. LAMAR.

Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.

Mr. HOWELL of New Jersey with Mr. PATTERSON of South Carolina.

Mr. JENKINS with Mr. DE ARMOND.

Mr. MONDELL with Mr. RICHARDSON of Alabama.

Mr. KINKAID with Mr. RUCKER.

Mr. LAW with Mr. WILEY of Alabama.

Mr. OVERSTREET with Mr. SMITH of Kentucky.

Mr. PEARRE with Mr. TALBOTT.

Mr. SCOTT with Mr. SHACKLEFORD.

Mr. SAMUEL W. SMITH with Mr. WOOD of Missouri

Mr. SNAPP with Mr. SOUTHALL.

Mr. TOWNSEND with Mr. SPARKMAN.

Mr. VAN WINKLE with Mr. WEBB.

Mr. REYNOLDS with Mr. SMITH of Kentucky.

Mr. WHARTON with Mr. SMALL.

The result of the vote was announced as above recorded.

Mr. DAVIDSON. Mr. Speaker, the provisions of this bill were read to the House a few days ago. Before discussing the sections, permit me to direct attention for a moment to the location where it is proposed to construct the canal.

Mr. WILLIAMS. Mr. Speaker, if the gentleman will allow me, can not we make some arrangement about the division of time for debate?

Mr. DAVIDSON. How much time does the gentleman want on that side?

Mr. WILLIAMS. I think an hour on each side would be about right.

Mr. DAVIDSON. That would be agreeable to us.

Mr. WILLIAMS. Then I will submit that the gentleman ask unanimous consent for two hours' debate, one hour in favor of the bill, to be controlled by the gentleman from Wisconsin, and one half to be controlled by me in opposition to it.

Mr. DAVIDSON. Mr. Speaker, I will ask unanimous consent that the suggestion of the gentleman from Mississippi be agreed to—that debate be limited to two hours, one hour on each side, one hour to be controlled by the gentleman from Mississippi [Mr. WILLIAMS] and the other hour by myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIDSON. Mr. Speaker, the provisions of this bill were read to the House a few days ago. Before discussing those provisions permit me to direct attention to the purpose of this measure and what will be accomplished if the project is carried through. Separating the Great Lakes and the Ohio River is a portage of about 100 miles width. The Great Lakes system, with its connecting waterways—the St. Lawrence and Erie Canal—to the Atlantic, offers facilities to the commerce of all the northern tier of States. The Ohio and Mississippi River system, with their tributaries, offer the same advantages to the great central and southern sections of our country. If these two great waterway systems can be brought together, it will form one system of over 15,000 miles of navigable waterway and make possible the interchange of commerce produced by twenty-four States of the Union, at a cost for transportation of less than one-sixth of what it now costs to move the same products by rail.

Across this portage ten lines of railroad now annually carry a commerce of 50,000,000 tons. The great bulk of that commerce consists of iron ore, coke, and coal. The iron ore comes from the mines of Minnesota, Wisconsin, and Michigan by water to Lake Erie ports, and there transferred to the rail and brought thence to the furnaces of that great manufacturing district of which Pittsburg is the center.

The ore is there converted into the various merchantable products of iron, and these are again sent out through all sections of the country wherever iron is used in the construction of buildings, bridges, or any other industry into which iron enters, as well as the finished product of the thousand and one articles used on the farms and in the homes of our country.

Every saving made, therefore, on the cost of transporting the ore or the finished product is a benefit to the people.

The great bulk of the coal and coke produced in that great manufacturing district of Pittsburg crosses this portage and goes to the Northwest. All the various industries using either of these articles receive their supply from this section, and any movement by which the cost of transporting coal and coke is cheapened benefits the consumers of that article. The consumers are not those alone who live at the ports on the Great Lakes, but include those living far in the interior—Minnesota, the Dakotas, Nebraska, and Kansas.

This 50,000,000 tons of commerce is now carried by the railroads at an average cost of 7½ mills per ton per mile. The ten roads now operating across this portage are not sufficient to handle this traffic at all seasons of the year. For months at a time there is a congestion of freight in this district, the railroads not being able to handle it, which results in a loss not only to those operating the industries, but to the labor employed therein. Some of these railroads are owned by the same combinations of capital that own not only the furnaces and mines of the Pennsylvania district, but the ore mines of the Northwest, and the ships which transport the ore from the Lake Superior ports to the Lake Erie ports. It is apparent, therefore, on the face of it, that whenever there is a congestion of freight, whenever the output exceeds the capacity of the roads to transport, the independent operator, whether in coal, coke, or iron ore, is at a decided disadvantage. An open waterway to be used on equal terms alike by each and all would be of very great benefit, especially in such emergencies.

The transportation charged on iron ore from Duluth to Ashtabula by water, a distance of 1,000 miles, is eight-tenths of 1 mill per ton per mile. The cost of carrying coal the same distance by the Lakes is three-tenths of 1 mill per ton per mile. The cost of carrying coal to New Orleans from the Pittsburg district by water is six-tenths of 1 mill per ton per mile.

The cost of transporting commerce through the Erie Canal will be, according to the estimate of Colonel Symonds, when the canal is completed to a depth of 12 feet, fifty-two one-hundredths of 1 mill per ton per mile. This shows how remarkably cheap commerce can be carried by water.

The railroad rate on coal and ore across this portage, a distance by rail of 135 miles, is 90 cents per ton, or about 6⅔ mills per ton per mile.

Mr. HINSHAW. Mr. Speaker, I would ask the gentleman

if he has at hand the comparative figures of carrying the freight on the Great Lakes and on the large canals like the Erie Canal?

Mr. DAVIDSON. I have not, except the reference I have just made.

Mr. HINSHAW. Nevertheless, the charge on the canals is much smaller than for a similar carriage by rail?

Mr. DAVIDSON. Yes.

Now, is it not possible to save to the consumers of this country the difference in the cost on transporting this 50,000,000 tons of commerce over this portage? If it is, why should there be objection to it? The gentleman from Mississippi [Mr. WILLIAMS] the other day said that we ought to have this canal, but it should be a governmental canal. I admit that if it were possible to have the Government undertake this work at once and finish it in a reasonable time I would gladly favor that proposition.

Gentlemen on this floor who have come before the Rivers and Harbors Committee year after year urging projects for development of rivers and harbors in their sections know that it is not an easy matter to secure favorable action on a project involving $35,000,000.

They are now pressing for recognition many meritorious projects. One is to deepen the Ohio River to a depth of 9 feet from Pittsburg to Cairo, a most worthy project, one strongly urged, and one that will be of very great benefit to all the industries along the Ohio and Mississippi rivers, and yet that has been delayed. The upper Mississippi River needs improvement, and this has long been urged. In the State of Texas there are many rivers which need improvement, and I might mention many others in different sections of the country.

The River and Harbor Committee has before it projects having the favorable indorsement of the Corps of Engineers and of the Secretary of War, which, if adopted, would require an expenditure of $450,000,000. We have taken on the project of building the Panama Canal, for which an expenditure of something like $200,000,000 will have to be made. This will be all the Government can undertake in the way of waterway improvements for many years.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. DAVIDSON. Yes.

Mr. SHERLEY. The gentleman is a member of the Committee on Rivers and Harbors?

Mr. DAVIDSON. Yes.

Mr. SHERLEY. Can he tell the House what prospect there is of having a river and harbor bill this session?

Mr. DAVIDSON. He can not.

Mr. SHERLEY. Can the gentleman tell the House what justification there is for the present policy of his party? You have expended four hundred millions, approximately, on the Navy in four years, and only about that amount of money in the entire history of the country has been expended on river and harbor improvements.

Mr. DAVIDSON. He can not without going into a lengthy discussion of the policy, and this he can not undertake at this time.

Mr. SHERLEY. The reason I ask the gentleman these questions is because he is urging that we should nationally incorporate a company for the building of canals, and he is urging that because the Government is not doing any rapid work on rivers and harbors. Is not the true remedy to bring in the right sort of a river and harbor bill? And I will guarantee, if it is brought in, that the Members on this side of the aisle will support the gentleman in that kind of legislation.

Mr. DAVIDSON. Yes; I think that would be a wise thing to do. In my judgment, no greater benefit can come to the country than the development of its waterways, and I desire to see this done as rapidly as possible.

Mr. SHERLEY. If the gentleman will permit another question. We always have an expression that everybody is in favor of it, but somehow or other you people who are charged with legislation every year refuse to do anything of that sort, and I would like to know when you are really going to begin?

Mr. DAVIDSON. Mr. Speaker, I would like to answer the gentleman, but he ought to remember that I am an "insurgent," and perhaps not in a position to give information on that question. [Laughter.]

Mr. SHERLEY. I congratulate the gentleman on his being one.

Mr. DAVIDSON. I might say to the gentleman that one very good reason why it perhaps is not advisable to report a river and harbor bill at this time is that of the money heretofore appropriated for such improvements something like $30,000,000 remains still unexpended, a sum sufficient to keep the Engineer Corps of the Army busy for the next year at least.

I believe the improvement of the waterways of the country is the best possible way to regulate the freight rates of the country. A waterway properly improved does more, in my judgment, to regulate the cost of transportation of the products of the country than any legislation that Congress or the States can enact.

Mr. WILLIAMS and Mr. COOPER of Wisconsin rose.

The SPEAKER. Does the gentleman yield?

Mr. DAVIDSON. I yield first to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman says that he believes the waterways are the best regulators of freight rates. Suppose this canal is turned over, as it could easily be done, to the Pennsylvania Railroad Company, how much would it regulate freight rates?

Mr. DAVIDSON. Mr. Speaker, if the Pennsylvania Railroad Company invested $35,000,000 in this canal it would have to do business in order to get something back as interest on its investment, and if the Pennsylvania Railroad Company built the canal I suppose it would build it for the purpose of carrying commerce, and to do that it would necessarily have to make rates sufficiently low to compete with the railroads, and thereby secure business sufficient to make a return on the money invested. I do not believe, however, that the Pennsylvania Railroad Company will ever get control of this project. I do know, as chairman of the committee before which this project has been pending during four Congresses, that the only opposition that has ever come to it has come from the railroads, and it has been reported to the House in spite of the opposition of the railroads. [Applause.]

Mr. WILLIAMS. Mr. Speaker, the gentleman has just referred to the importance of waterways as regulators of railway transportation rates. In connection with that I would like to ask the gentleman how they could regulate railway transportation rates without competing with railways?

Mr. DAVIDSON. It would be impossible, of course.

Mr. WILLIAMS. I would like to ask the gentleman how any canal company would compete or could compete with the railways unless it was to its interest to do it. Then I would like to ask him how this particular canal company could find it to its interest to enter into a fight to the death with the Pennsylvania Railroad Company?

Mr. DAVIDSON. It is beyond dispute that a waterway is the cheapest possible mode of transportation. That this canal, when constructed, can transport freight across that portage at a less rate than the railway company is transporting it there is no question. The canal company would compete with the railway cost not necessarily to the death, but in a legitimate manner for the business incident to that territory.

There are 50,000,000 tons of commerce crossing that portage annually. The great bulk of it is commerce that always seeks a waterway when possible. It is the heavy, bulky commerce which is not as profitable for a railroad to handle as is the higher class of freight.

All history bears out the assertion that wherever waterways have paralleled railroads the waterways have prospered, because they have carried the heavy, bulky commerce, while on the other hand the railroads have not suffered, because along the waterway, by reason of the fact that they could get the raw material cheaply transported, industries have sprung up, the raw material has been converted into finished products, and these have been carried by the railroads under the higher class and at a higher rate of freight.

The waterways of Germany, which have been developed to a remarkable degree by that country, carry the cheap, bulky products of freight. The railroads carry the finished products to the factories, and both the railroads and the waterways prosper.

The Erie Canal has made central New York a hive of manufacturing industries, and the New York Central Railroad, paralleling the canal, has benefited therefrom.

Mr. WILLIAMS. Will the gentleman pardon another question? Has not the condition of affairs which he describes always come from free waterways?

Mr. DAVIDSON. Not always.

Mr. WILLIAMS. Now, let me say to the gentleman, as far as I know every private canal company in America has been gobbled up by the railroads except the New York State system, and they have been made over by the State of New York at the expense of its own people. Now, let me ask the gentleman this question: Which will, in his opinion, cost the most money originally—to dig this canal or to build a single-track railroad alongside where the canal will be dug?

Mr. DAVIDSON. I submit to the gentleman I know nothing about the construction of railroads.

Mr. WILLIAMS. I submit to the gentleman that to dig the

canal will cost a great deal more than to build a single-track railroad. Now, then, if a private corporation owns the canals, it must earn a fairly remunerative rate to reimburse it for the interest on its plant and for the charge of maintenance; and the canal company, which under this bill is permitted to charge anything it pleases, subject to the review of the Interstate Commerce Commission just as railroads are, could, as far as the dividend upon the original plant is concerned, build the canal and charge an equal amount that any railroad charged, on the ground that it costs more to build a canal than it costs to build a railroad.

Mr. DAVIDSON. The original cost of the canal would exceed the cost of a railroad, but the amount of business it would do would be far in excess of that which a single-track railroad could do.

Mr. HINSHAW. The cost and expense of maintaining a canal would be much less, would it not, than the cost of maintaining a railroad, so that the dividend question is not the same as in the building of a railway?

Mr. DAVIDSON. That is true. There is no equipment to a canal except its locks and the machinery to operate them. The canal becomes an open waterway, and every man who owns a boat is permitted to operate thereon.

Let me come to the terms of the proposed bill. It gives to certain persons named authority to construct a canal from Lake Erie to the Ohio River. I want to say to the Members of the House that although this bill on the face of it presents no amendments as coming from the committee, the bill is, in fact, a committee bill—a substitute for No. 6003. The bill 6003 was considered by the committee at length, various amendments were made by the committee and many of them in opposition to the wishes of the incorporators. At the committee's request, the gentleman from Pennsylvania [Mr. DALZELL] reintroduced the bill, so that it comes before the House now in the form of H. R. 14396.

Now, in this bill are many provisions which were not contained in the original. This bill gives to the incorporators the same general power as is given to all corporations.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. DAVIDSON. Yes.

Mr. CRUMPACKER. I am in thorough sympathy with the purposes of this bill. I notice in the first section of the bill it confers upon the company unlimited power to buy and own and hold real estate. I do not believe it to be a wise policy to permit corporations generally to acquire and hold real estate as a matter of investment. I think in most States the power to own and hold real estate is limited to purposes that are reasonably necessary to carry out the object of the corporation. I believe there ought to be a limitation upon the power of this company to acquire and hold real estate. It is a corporation that is perpetual in its tenure, and it seems to me that the power to own real estate ought to be limited to the purposes that are reasonably necessary for the objects of its creation.

Mr. DAVIDSON. It will be noticed at the end of section 1 there is a provision covering that.

Mr. CRUMPACKER. That does not apply. I have read section 1 quite carefully, and I am satisfied they could acquire and own practically all of the good investment property in the city of Cleveland and in the city of Pittsburg, too, in so far as the power conferred upon it by this bill goes.

Mr. DAVIDSON. I do not think it could do that, and I do not think there would be any disposition to do it. Their power to own real estate must be such as will enable them to carry out the purpose for which the company is created.

The canal itself will extend for a distance of about 100 miles. Forty-six miles of this distance will be covered by canalizing the Beaver and Mahoning rivers, the Beaver River running into the Ohio River about 23 miles below or down the river from Pittsburg. The Ohio River will be made use of below Pittsburg to the mouth of the Beaver River, and the various other rivers running in there will be made use of in the same connection. The distance up those rivers is 46 miles.

Then we come to the summit level and Lake Erie section, a distance of 53 miles across the summit or table-lands and down to Lake Erie on the other side. The distance across the summit level will be 31 miles, and within that distance will be a lake or reservoir 8 miles in length.

Mr. McCLEARY of Minnesota. An artificial lake?

Mr. DAVIDSON. An artificial lake. The highest point above Lake Erie is 327 feet, and the highest point above the Ohio River is 321 feet. There will be thirty-three locks in all, each of a 20-foot lift, the length of the locks being 340 feet, the width between walls 45 feet, and a 12-foot depth over the miter sills. This will be the canal when constructed. The capital stock of the company has been limited to $300,000 of stock and $300,000 of bonds per mile. The restriction thereon is most severe. It is that the capital stock shall not exceed $300,000 for each mile of canal proposed to be constructed. The bonded and other indebtedness is not to exceed $300,000 per mile—

So that the sum total of stock issued and debt created shall not exceed $600,000 per mile of canal proposed to be constructed; and the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and fully paid in, in cash, and bona fide expended in the promotion, maintenance, and construction of the said canals and works, and in no event shall the stock issued and debt created be in larger amounts than may be necessary to construct, equip, maintain, and operate said canal and works.

Mr. SULLIVAN of Massachusetts rose.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Massachusetts?

Mr. DAVIDSON. Yes.

Mr. SULLIVAN of Massachusetts. The gentleman has said that the total capitalization in stocks and bonds is restricted in the bill to $600,000 per mile?

Mr. DAVIDSON. Yes, sir.

Mr. SULLIVAN of Massachusetts. I would like to ask if the committee has received any estimate of the cost of construction per mile or the average cost of construction on the whole 100 miles of the canal?

Mr. DAVIDSON. It is estimated the cost of construction will be between $35,000,000 and $40,000,000. Then there are additional works—docks, etc., to be constructed, land to be purchased for the watershed, to conserve the waters, to make reservoirs, and all that sort of thing. The original bill provided that they should have $500,000 stock and $500,000 bonds per mile, but we believed that $600,000 for the two were enough, and we have limited it to that amount.

Mr. SULLIVAN of Massachusetts. The estimated cost of construction will be about $400,000 per mile on the whole 100 miles, or $40,000,000 for the whole?

Mr. DAVIDSON. Yes.

Mr. SULLIVAN of Massachusetts. Was it the opinion of the committee that the other $20,000,000 authorized would be required for the additional equipment of the canal system?

Mr. DAVIDSON. Some of it, I would say to the gentleman, would be necessary; just how much we do not know. We thought it would be absolutely impossible for us, as a committee, to figure out exactly what it would cost. We could not tell, and we felt that the additional $20,000,000 was sufficient to cover all exigencies which might arise.

Mr. SULLIVAN of Massachusetts. How much leeway does the committee give to the company in the $20,000,000—five or ten millions or more, if necessary, or how much?

Mr. DAVIDSON. That was largely a question of individual judgment. We could not tell; it was absolutely impossible for the company to tell. This is the estimate as to about what the project will cost.

Mr. SULLIVAN of Massachusetts. Was the estimate made by engineers in the employ of those proposing to build this canal?

Mr. DAVIDSON. Yes, sir.

Mr. SULLIVAN of Massachusetts. Did the committee receive any estimates from any engineers of the Army or of the Navy or from any independent source?

Mr. DAVIDSON. Oh, no; except those employed by the State of Pennsylvania. Originally the legislature of the State of Pennsylvania appropriated $10,000 and that was spent in this survey. The estimates were made by their own engineers.

Mr. SULLIVAN of Massachusetts. I will ask the gentleman one further question. Is there any power reserved to any officer of the Government in this bill to prevent the capitalization up to the full extent of $60,000,000?

Mr. DAVIDSON. No; there is none.

Mr. SULLIVAN of Massachusetts. Does it not occur to the gentleman that it might be well to give some officer of the Government power to supervise the issue of stocks and bonds, so that the public, later on, in paying the rates, would know that they were reasonable rates upon the capital invested?

Mr. DAVIDSON. No; I do not think so. The Interstate Commerce Commission, through section 9 of this bill, is given absolute control over this canal company.

Mr. SULLIVAN of Massachusetts. So far as the rates are concerned?

Mr. DAVIDSON. Yes; and so far as their regulations, rules, or practices may affect interstate commerce. In passing upon the reasonableness of a rate or practice the Commission will have the power to inquire into the actual cost of the construction of the canal. To determine whether the tolls charged are reasonable or otherwise, the Commission must know how much

capital is actually invested in the enterprise, and their decision would be based on those facts regardless of the amount of stocks and bonds that might be outstanding. Under the limitations and restrictions imposed it will be noticed that the stock and bond issue can not exceed the amount actually paid in and necessarily used for the promoting, constructing, operating, and maintaining of the property.

Mr. SULLIVAN of Massachusetts. The Commission would be obliged to make that investigation if complaint was made against the tolls charged.

Mr. DAVIDSON. Yes.

Mr. SULLIVAN of Massachusetts. Can not we just as well allow the Secretary of War to supervise the issue of stocks and bonds invested, instead of compelling the Interstate Commerce Commission later, in deciding what a reasonable rate was, to determine how much cash had actually been invested?

Mr. DAVIDSON. We did not think so. We thought it was much better to leave it in this way, not dividing that power between any two Departments, but putting that power entirely in one Department of the Government. We do invest the Secretary of War with the power to supervise the plans, and we say that the work shall not be constructed until the plans have been approved. We put the company under the control of the Light-House Board, so far as lights and signals are concerned, and so forth.

Mr. COOPER of Pennsylvania. Will the gentleman allow me to suggest that this company has employed the ablest engineers that could be had anywhere in the country, and that the testimony shows they have already expended a hundred thousand dollars in engineering work for getting estimates?

Mr. DAVIDSON. Yes. Now, the gentleman from Mississippi [Mr. WILLIAMS], the other day, when this question was thrown into the House, touched upon the power that was given to the Commission under section 11 to alter highways, railroad bridges, and other property and works.

I submit, gentlemen, that that authority is absolutely necessary for this company in order that it may construct this great project. It is no greater authority than is given to a railroad company when it builds through your State or through mine. The right of eminent domain is given, and the right to alter highways goes with it. The right to absorb private property goes with it, and all those things which are absolutely necessary and which would be done if the Government built this canal. No private interest can suffer more by the construction of this canal by a corporation created under an act of Congress than if the improvement was made by the Government itself.

It is true that it may interfere with some railroad running up that valley. I have no doubt it will. That was the argument made before the committee during the last Congress at the hearing on this bill. Very strenuous objection was made to the bill because it would interfere with railroads that were now located across and along the Beaver River. There is that objection, but we believe that this great undertaking should not be handicapped, should not be stopped simply because a railroad has built its way across that river or up that valley. If the Government was to build it, it would remove that railroad to one side wherever it was necessary. Then why should not this corporation have the same right, a right absolutely essential, if the work is to be undertaken at all?

And remember that every provision in this bill which gives authority to interfere with property carries with it the remedy, the right for damages, and that right is to be enforced in the State courts in the local district where the property is situated. We do not take any man away from his home into a foreign district or into a Federal court to litigate the question of his damages. The only place where the power of the Federal court is invoked is in the case of the removal or the alteration of a railroad or bridge where there is no State law applicable to the proposition.

Mr. SHERLEY. Who is to determine whether there is any State law applicable thereto?

Mr. DAVIDSON. I suppose the court, just the same as the jurisdiction of the court on any question would be determined. If they brought their action in the wrong court, it would be thrown out upon the decision of the judge.

Now, we give them the power to control the flood waters of these streams, but we reserve the right to maintain the navigability of all these streams, and we especially provide that in using this water they shall not impair the navigability of any river or stream, or diminish at any time the water supply of any city, village, or municipality below the reasonable requirements of such city, village, or municipality, or in any manner pollute the same.

We have inserted in this bill a provision that the tolls shall be reasonable. We believed that that was a safe provision. We provide an absolute ironclad restriction against rebates of any kind, and we have included in the bill the same provision that was in the Hepburn railway rate bill which passed this House, that the rate shall not be changed except upon due notice; that there shall be no "midnight tariffs" put into effect; that a change shall not be made except upon thirty days' notice, except that in an emergency, upon application to and approval of the Interstate Commerce Commission, they may be made the same as provided in the Hepburn bill.

We give them six years in which to commence this work and fifteen years in which to complete it. We do not believe that is an unreasonable time. It is a large undertaking. It will take a large amount of capital. The proposition that we were discussing the other day on the floor and for which many gentlemen voted, to build a dam or two at Muscle Shoals for water-power purposes, gave the company two years in which to commence and five years in which to complete that work. The Keokuk dam privilege, that was given in the last Congress, provided five years in which to commence and ten in which to complete, so that the time given here is not unreasonable.

The corporation will be subject to the laws of the States in which it operates, the same as any other foreign corporation doing business in the State. Whatever the State laws are in Ohio or Pennsylvania with reference to taxing foreign corporations doing business in the State will apply to this. The tolls to be charged on commerce in the States is subject to the control of the State laws. All suits for damages are to be brought in the State courts. We provide that at the expiration of fifty years the Government may acquire this property and make it a free canal. That, I will say to the House, is a new provision. It was not in the bill when it was reported by this committee in the last Congress. They represent to us that it is absolutely necessary to have a time fixed before which the Government can not take it, except as a military necessity—which they can always do—in order to give a financial standing to the bonds and stock to be issued by the company. We believe that, all things considered, fifty years is not an unreasonable time. We believe they are entitled to this as long as it is open to commerce, as long as the rates are regulated by the Government and subject to the control of the Government. We do not believe in view of the other great waterways of the country which need appropriations from the Treasury that our country will be in a position where it will be able to take over this work inside of fifty years. Therefore we have inserted that provision.

Mr. LAWRENCE. Will the gentleman yield for an interruption?

Mr. DAVIDSON. Yes.

Mr. LAWRENCE. When the Government takes the canal over is there any provision for compensation which the Government shall pay when it takes charge of it?

Mr. DAVIDSON. The price is to be fixed by arbitrators, one to be chosen by the company, one by the Government, and those two to choose the third, and in considering the value of the property to be taken no valuation shall be given to the franchise or good will or the earning capacity. We believe that with that restriction the Government is perfectly protected.

Now, there is a provision to which I want to ask the attention of the House for a moment, because possibly there may be some Members who feel that the committee had not taken the right position on this question. We provide in section 18 that the canal and other works authorized shall be lawful military and post routes, which the United States may forever use for the transportation of mails, dispatches, troops, munitions of war, supplies, and public stores at fair and reasonable rates of compensation, not exceeding that paid by private parties for the same service.

Now, I will say to the House that the bill as presented to our committee proposed that the military supplies and mails, etc., should be carried for the Government at one-half of the rates charged private persons.

Now, I do not know what the views of other gentlemen may be, but our position, unanimous I believe in that committee, was that the Government should not be a party to the rebate system [applause]; that the Government ought to pay just the same, no more and no less, as an individual. I do not believe in coming here one day and passing a bill that makes it absolutely unlawful for anybody to accept rebates from railroads, and on the next incorporate a company and compel it to give rebates to the Government to the extent of 50 per cent of the charge. Therefore we say that the Government shall pay just the same as an individual—no more, no less.

Based on the charges made for tolls by the old Pittsburg and Lake Erie Canal Company, it has been assumed that charges

for tolls on this canal would not exceed 20 cents per ton. On the estimated business of 25,000,000 tons annually the receipts of the canal company would amount to $5,000,000. Deduct from this $1,000,000 estimated as the cost of maintenance and operation and you have left $4,000,000 as profit to the company, which is equal to a dividend of 10 per cent on a cost of $40,000,000, or 8 per cent on a cost of $50,000,000.

These figures are believed to be conservative, and show that the project is practicable from a financial point of view.

The cost of transporting the commerce through the canal would not exceed 20 cents per ton, making a total of 40 cents, against which the railways now charge 90 cents per ton.

It is believed that by the time this canal is completed and open for operation, and with the improvement of the Erie Canal to a depth of 12 feet, there will be developed a style of boat capable of operating successfully on the Great Lakes and drawing not to exceed 12 feet when loaded, so that it can operate through this canal and through the Erie Canal without transfer of cargo.

If this should prove true, there would be the additional saving to commerce of 15 cents a ton now paid for transfer and dock charges at Lake Erie ports, and in addition all boats operating on the Lakes and coming through to the Pittsburg district would receive their own fuel supply, a not inconsiderate factor in the cost of operating, at at least $1 per ton less than is now paid at Lake ports.

The benefit to commerce, therefore, from the construction of this canal will amount directly to a saving of from 50 cents to 65 cents per ton on all commerce carried across this portage, with the additional saving which will come to the entire country from having these two great waterway systems connected, thus forming a continuous waterway of 15,000 miles, with its corresponding effect upon all the railroad rates in conjunction therewith.

Mr. WILLIAMS. Will the gentleman yield?

Mr. DAVIDSON. For a question.

Mr. WILLIAMS. I would like to ask the gentleman if there is anything in the bill that restricts the company from charging over 20 cents a ton?

Mr. DAVIDSON. No; we left the whole question of rates to the regulation and control of the Interstate Commerce Commission, the same as the rates of a railroad or any other common carrier are now or may hereafter be left.

The provision to place this company under the control of the Interstate Commerce Commission has been very strongly opposed by the persons named in the bill as incorporators. They take the position that this company would not be a common carrier; that it would not engage in carrying commerce; that it would simply supply a waterway over which commerce would be carried by persons operating boats thereon; that the boats carry commerce, and that this company ought not to be subject to the control of the Interstate Commerce Commission.

We did not agree with their views on that proposition. We believe that the charge made for tolls by this canal company will be a charge on commerce; that it will be part of the cost of transporting commerce, and therefore it was eminently proper and right that such charges should be subject to review, and that power should be vested in somebody to control and regulate them.

We did not undertake to specify in just what way the Interstate Commerce Commission might have control over this corporation. In view of the legislation now demanded by the people and likely to be enacted by this Congress affecting railroads and their relations to the Interstate Commerce Commission, we believed it the better policy to recognize this canal company as a common carrier and invest the same power and control over it by the Interstate Commerce Commission as that Commission has or may at any time have over railroad corporations. By so doing whatever benefit comes to the people by reason of legislation which may be enacted to control and regulate railroads would also come to the people through application of the same legislation to this company.

The Committee on Railways and Canals has devoted much time to the consideration of this subject. The project is one of extreme importance. It will require the investment of a large amount of money. We have believed, on the one hand, this charter should grant sufficient powers and rights to enable those interested therein to carry out this great work. On the other hand, we have attempted to carefully safeguard and preserve the rights of individuals, of municipalities, and of public-service corporations. Some object to this measure because it grants a Federal charter.

Those interested maintain that considering the importance of the work and the amount involved it is decidedly to their advantage to have a Federal charter rather than to incorporate under the laws of either Ohio or Pennsylvania. Another reason for asking Congress for this favor is that the laws of neither of the States named makes provision for the merger or consolidation of canal companies. In the absence of such consolidation it would be necessary to have a separate corporation in each of the two States. The stocks and bonds issued by either of the corporations would only be secured by a part of the canal—that is, the portion lying in the State of that corporation. This not only would interfere materially with the control and management of the property, but make it absolutely impossible to find a market for the stock or bond issue. These are the reasons why Congress is asked to pass this bill. That it has the power to create such a corporation has been well settled by decisions of the Supreme Court, notably that of Luxton *v.* North River Bridge Company, in 153 United States, page 525.

The creation of this corporation imposes no burden on the public Treasury. It simply provides the machinery by which private capital may become invested in a work of great national importance and which in the end will be of great benefit to the people.

At this time when great aggregations of capital bid defiance to Federal control because they are creations of State legislation it seems to me as if this is a step in the right direction. I wish it were possible to compel every common carrier engaged in interstate-commerce business throughout the country to come to Congress for its authority to do business, not necessarily through the enactment of a private bill like this for each particular case, but under a general incorporation law, which law should provide in specific terms what the corporation could and what it could not do.

We have a national act for the incorporation of banks. Under it we have developed a splendid system of banking. A similar law for the creation of corporations doing an interstate-commerce business, either as common carriers, express companies, or insurance companies, could be made to safeguard and protect the people's interests to a much greater extent than is now possible.

In many of our States the main purpose seems to be to encourage the incorporation of companies simply for the fee which may be turned in to assist in maintaining the State government and without any regard to the interest of shareholders or the public generally.

In the absence, however, of a general law of the character I have described, I heartily favor the pending measure and trust it may have the support of this House.

I will yield five minutes to the gentleman from Louisiana [Mr. RANSDELL].

Mr. RANSDELL of Louisiana. Mr. Speaker, I would like to ask if it is not possible to have the time extended, for I can not discuss this matter in the short time I have.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that the time for debate be extended one hour, so that each side may have an hour and a half each instead of one hour.

Mr. DALZELL. Mr. Speaker, I think we better not do that. The bill has been pretty well discussed.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. SULLIVAN of Massachusetts. Mr. Speaker——

The SPEAKER. The gentleman from Louisiana [Mr. RANSDELL] is entitled to the floor.

Mr. SULLIVAN of Massachusetts. Will the gentleman yield for just a minute?

Mr. RANSDELL of Louisiana. Yes.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent that the time be extended forty minutes, twenty minutes on each side.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend the time for forty minutes, twenty minutes on each side. Is there objection?

Mr. DALZELL. Mr. Speaker, there is a reason why the House ought to adjourn to-day at an earlier hour than is customary, and this bill has stood in the way now of quite a number of others, and it ought to be disposed of. I will therefore have to object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. RANSDELL of Louisiana. Mr. Speaker, I am decidedly in favor of this bill, and while I dislike very much to disagree with the distinguished leader of the minority [Mr. WILLIAMS], I believe he was right when he said last Monday that this is purely a business question. These are his words:

> I hope that nobody will get it into his head that there is anything in the slightest degree of political or partisan character in this bill just because I who oppose it am the minority leader. I want every Republican in the House to look at it as it is, as a purely business matter.

I presume, sir, if he wishes every "Republican" to look at it as "a purely business matter," he does not object to me, as

a Democrat, looking at it as "a purely business matter," and, sir, looking at it from that point of view, I am compelled to favor this measure. I live on the banks of the Mississippi River, in that great southern section of the country where we have some waterway development already and where we wish to have a great deal more. I believe that there is no way to regulate freight rates in this country half as well as by water competition. The rate question is to-day the most important question before the American people, and if we had our waterways as fully developed as they should be developed, and as they can be developed, and as I hope some day they will be developed, we would not have very much need for railroad rate legislation. [Applause.]

It is for that reason that I strongly favor this bill. These people propose to give us a magnificent waterway 12 feet deep connecting Lake Erie with the Ohio River, with the Mississippi River, with New Orleans, with the Gulf of Mexico, and they propose to expend from thirty-five to forty millions of dollars to do it. While I would rather see the Government do it, I know, as a business proposition, it will be fifty or seventy-five years before the Government will ever do it. Therefore, as a business man, I say let us permit these people to expend these $35,000,000 for the purpose of constructing a waterway which all of us must admit will be very beneficial in regulating freight rates throughout this country.

There has been no greater regulator of freight rates than the Erie Canal, that canal which was constructed by the State of New York so wisely many years ago, and on which that State has expended some $56,000,000 and is now expending an additional $101,000,000 to further enlarge and improve it.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. RANSDELL of Louisiana. Yes.

Mr. WILLIAMS. Is not the Erie Canal a free canal?

Mr. RANSDELL of Louisiana. Yes; but it was not free until 1882, and it was built in 1817 to 1824. It had tolls on it all of those years, and in spite of the tolls the rates there were infinitely cheaper than ever they were by rail.

Mr. WILLIAMS. One other question: Even during the time when the Erie Canal was not a free canal, did it ever undertake to charge tolls to compensate for anything more than the charge of maintenance and equipment?

Mr. RANSDELL of Louisiana. I do not know that it did. I can not answer that question.

Mr. WILLIAMS. As a matter of fact, it did not.

Mr. RANSDELL of Louisiana. Whether it did or not, it was a wonderful regulator of freight rates. And if we allow this canal to be constructed it will be a great regulator of freight rates. There is no comparison between the cheapness of water and rail transportation. An enormous traffic is now carried by several railroads over the proposed route of this canal, between Ashtabula and other points on Lake Erie and the Pittsburg district—probably 50,000,000 tons a year—and the charge is 6 to 7 mills per ton per mile. The water rate from Duluth to Ashtabula is three-tenths of 1 mill per ton per mile on coal and eight-tenths of 1 mill on iron ore, so that while it costs 80 cents for every ton of ore conveyed by water from Duluth to Ashtabula, a distance of 1,000 miles, it costs to carry that same ton of ore by rail from Ashtabula to Pittsburg—135 miles—about 90 cents per ton. In other words, it costs 10 cents per ton more to go 135 miles by rail than 1,000 miles by water. These are actual figures, and plainly show that it costs fully seven times as much to move iron ore by land as by water in that locality. On coal the disproportion is much greater, for the water rate is only 35 cents per ton to Duluth, or less by 55 cents per ton to go a thousand miles on the water than 135 miles by rail. On this commodity—coal—the rail rate per mile is just twenty times as high as the water rate. Hence it would appear that if the canal is constructed there would be such a great reduction in freight rates on both coal and iron, these two items of such tremendous importance to every citizen of this Union, that the benefit resulting from this canal would be incalculable. It is estimated that in a short while the freight carried through it would amount to 25,000,000 tons a year, and that after making full allowance for tolls and all expenses of every character the saving per ton would be at least 65 cents, or some $16,250,000 a year, which would go into the pockets of the American people in reduced prices on coal and iron. In addition there would be a similar reduction in all freights by rail.

Now, if these figures are correct, and after a very careful investigation I am convinced that they are, there can be no doubt in my opinion that it is good business policy for us to permit the construction of this canal. The objectors say that it should be built by the Government and not by a private corporation. I would indeed be pleased to see the Government construct it, but again we are confronted by the business proposition alluded to by my friend Mr. WILLIAMS. The Government has innumerable natural canals or rivers in every part of the Union, all of which have more or less commerce on them, and most of which are clamoring vociferously for large governmental expenditure. It will be many years before it is possible to improve the natural waterways already in existence, and in my judgment they present the first and most important claim upon our attention. The projects before the Rivers and Harbors Committee, which have received the approval of the Engineer Department and are now awaiting Congressional appropriation, amount to over $300,000,000. Many other important projects are being surveyed and investigated and talked about.

I wish to tell you just a little about the prospective things of the section of the country that I come from. I live on the Father of Waters, and being the representative of the father I take in all his children when I discuss this problem. Just a little, then, about the Mississippi Valley. Why, sirs, there is the Ohio River, which has a project for 9 feet of water between Pittsburg and Cairo. And if I lived on that river I wish to say to you that not one inch less than 9 feet would satisfy me. At the head of that river stands the imperial city of Pittsburg. Did you ever think of the commerce of the Pittsburg district? I visited that city last year and was absolutely staggered by it. We know things in this life by comparison. The commerce of the Pittsburg district is over 100,000,000 tons per annum. The water commerce of London is a little over 17,500,000 tons. The commerce of our metropolis, New York, is something like 17,398,000 tons. That of Antwerp is 16,721,000 tons. That of Hamburg is 15,853,000 tons. That of Hongkong is 14,724,000 tons. And that of the magnificent city of Liverpool 13,157,000. And Pittsburg, mind you, is only one of a number of fine cities on the Ohio River. That is why those people have there a $60,000,000 project.

Then there is the project which Mr. LORIMER and Mr. RAINEY, of Illinois, have been advocating so vigorously—14 feet of water from Chicago to the Gulf. My friends, can you conceive the magnitude of that project? A mighty stream running north and south through the very heart of our continent, wedding together the cool waters of the Lakes and the warm currents of the sunny Gulf; that stream which would place the cities of the mighty Mississippi on the shores of the Huron, the Erie, the Superior, and the Michigan, and that would put Buffalo, Cleveland, Detroit, Duluth, Milwaukee, and Chicago on the Gulf of Mexico. That project will cost probably $100,000,000. It is certainly most worthy, and some day it is going to come.

Then our friends up in Nebraska and Missouri, although they have been keeping a little quiet of late, are going to be after the Rivers and Harbors Committee real soon with a project for protecting the banks of the great Missouri and giving 8 feet of water from Omaha to St. Louis—another $40,000,000 or $50,000,000. And the people of the upper Mississippi want 8 feet, very naturally, to St. Paul—another thirty or forty million dollars. And the Cumberland, the Tennessee, the Arkansas, the Ouachita, and the Red—all those great tributaries of the Mississippi—each calls for two or three or four or five million dollars. And they are all most worthy projects, which are coming some day. Moreover, we wish a few million dollars more for levees on the Mississippi River—about twenty millions. Now, put all these things together, and you will see that the really meritorious and worthy projects which are on the Mississippi River call for more than $300,000,000. I speak of these things, being familiar with them; but I know, from being a member of the Committee on Rivers and Harbors for a number of years, that there are a great many most worthy projects along the Atlantic coast and the Gulf coast and the Lake regions and the Pacific slope and the vast interior river systems of the country. So that while $300,000,000 now stare us in the face, when we attempt to develop our waterways as they should be developed we will have more than three times $300,000,000 of projects.

Let me ask Mr. WILLIAMS, then, how he proposes to provide for all of these waterways under the present system of river and harbor legislation? For the past ten years the annual appropriations for rivers and harbors averaged $19,251,000—an amount actually less than 3 per cent of the total average annual appropriations for all purposes of government. It costs a considerable sum per year to maintain existing projects, and at the rate of $19,250,000 a year you can readily see that it will take a great many years to complete the projects now in hand without making any allowances at all for new ones. If I could be assured of a change in this policy, and that the annual appropriations would equal $50,000,000 instead of $19,250,000, I might be willing for the Government to undertake this canal and not grant the charter to a private company; but when confronted

with the stern facts of the actual situation, I am convinced that it will be long years before any start whatsoever could be made on it by the Government, and that in the meantime, if we do not grant this charter, the people will be deprived of the great benefits resulting from the canal. For many reasons it would be better for the Government to own it, but as it is entirely impracticable for Congress to make the necessary appropriations within a reasonable time, I contend that it is far better to grant this charter and let it be built by private persons. Under the terms of the bill the Government can take ownership of the canal at the end of fifty years, and if it be constructed now by a corporation, I feel sure the citizens of the country will have an advantage of fifty years' use of it, for it will certainly be that long before the Government would construct it of its own motion.

I can not see the evils in this matter which many complain of. There are several precedents for such legislation in the Pacific railroads and the North River Bridge over the Hudson River. This canal proposition is sui generis; there is nothing like it in the Union that I know of. It proposes to connect the waters of Lake Erie with those of the Ohio River by a waterway 12 feet deep, passing through the States of Ohio and Pennsylvania. It would be controlled by the Interstate Commerce Commission, just as railroads are controlled, and would have no greater rights and immunities than the great Pacific railroads, chartered by the Government. The excuse for granting charters to those roads was the great public need thereof. Not only were charters granted to them, but immense bodies of land were donated in order to help their construction. No donation or grant is made to this canal, except the mere right to construct, and while under its power of eminent domain it can take such property as it needs for the canal bed, etc., full compensation must be made therefor.

The same governmental need which warranted charters to the Pacific roads and the North River Bridge Company exists in this case. This is in no sense of the term a local project, for it connects the entire lake system with the Mississippi Valley and the Gulf of Mexico. It would prove a freight regulator as far-reaching in its effects as the Erie Canal. By means of it boats could load anywhere on the Mississippi River or its tributaries; then pass through this canal, Lake Erie, the Erie Canal, and the Hudson River to the city of New York and points along the Atlantic coast, and vice versa. Coal and the innumerable products of the Pittsburg district—100,000,000 tons a year—which now go very largely to the Atlantic by a rail route across the mountains could be conveyed by an all-water route through this canal at a very great saving of cost to the consumer. The people of New Orleans now receive coal from Pittsburg, a distance of 2,000 miles, at a cost of six-tenths of one mill per ton per mile. Why should not the people of the Atlantic coast receive it at the same rate, over a much shorter distance, via this canal? If so, the saving in price to them would be incalculable.

New Orleans and Louisiana should feel the deepest interest in this canal. So should every dweller of the Mississippi and its valley. New Orleans is the entrepôt, the harbor, the ocean inlet and outlet for the commerce of 15,000 miles of navigable waters. Complete this canal and that mileage will be nearly doubled, and that commerce more than doubled. I can not understand how a man from the valley can oppose it.

Mr. Speaker, the rate question is to-day perhaps the most important one before the American people, and in my humble opinion, as above stated, there is no regulator of freights comparable to water competition. Wherever we have good waterways alongside of railroads there the freights are cheap. The people do not complain and there is no demand for the railroad rate bill. It is true, sir, that we can not have these competing waterways in every part of the nation, but it is also true that in three-fourths of our country there are rivers which might be improved at a reasonable cost, and which, if so improved, would be great carriers of freight and marvelous regulators of rates.

From a careful study of the subject I am convinced, sir, that the cost of freight by water does not exceed one-sixth of its cost by rail under favorable conditions. In other words, that the cost by rail is fully six times as great as that by water. Mr. E. R. Condor, an eminent English authority, estimates that rail transportation in England costs at least three and one-half times as much as transportation by canal, and in his calculation interest on the cost of the canal is included.

In France and Germany for many years there has been a very great development of waterways. All of their rivers have been deepened and improved and connecting canals have been constructed in many places. It is said that freight can be conveyed by water from practically every part of France and Germany to every other part. Let me quote from a recent excellent work on Modern Germany, published in 1905, by Mr. O. Eltzbacher. On page 231 et seq. he says:

> Recognizing the importance of cheap transport and of an alternative transport system which would bring with it wholesome competition, Germany has steadily extended, enlarged, and improved her natural and artificial waterways, and keeps on extending and improving them year by year; and if a man would devote some years solely to the study of the German waterways and make the necessary but very extensive and exceedingly laborious calculations, he would probably be able to prove that Germany's industrial success is due chiefly to cheap transport, and especially to the wise development of her waterways.
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> Everywhere in Germany water transport is being developed with the utmost vigor and energy. On all the rivers and all the canals commercial and industrial activity is marvelously developing, and the development of water transport is becoming almost a sport, if not a passion, with the German business community.
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> If it were not for the existence of the German waterways the German industries would certainly not be in the flourishing condition in which they are now. When ice closes the German rivers and canals the export and import trades are at once very seriously affected, and if the German waterways should be blocked for a whole year, the whole of Germany would probably be ruined, for Germany can not live without her waterways. Certain valuable products and by-products of the German mines and iron works, and the more bulky products of the chemical industries of Germany can, according to Major Kurs, who is a leading authority on inland navigation in Germany, only be sold in Germany and abroad owing to the cheapness of transport by water, and in many cases the profit is cut so fine that an increase of the freight charges by about one-fiftieth of a penny per ton per mile would inevitably kill important industries which, it seems, are at present killing the industries of countries competing with Germany. Thus Germany's industrial success is no doubt due to a very large extent, to the immense assistance which she receives from her waterways.

In my opinion, sir, we could well emulate the French and Germans in this wise policy, and I sincerely hope we will do so.

Mr. Speaker, the policy of Congress toward waterway improvement has been miserly in the extreme. During recent times river and harbor bills have been passed every three years instead of annually, as other great appropriation bills, and for the past ten years have averaged only $19,251,000 a year, as compared with $6,668,000 a year for fortifications; $24,870,000 a year for executive, legislative, and judicial expense; $66,958,000 a year for the Navy; $69,704,000 a year for the Army; $127,603,000 a year for the Post-Office; $143,242,000 a year for pensions.

In addition there is the further sum of $1,375,000 a year as a permanent annual appropriation for operating and care of certain canals and rivers.

The total appropriations for all purposes of government for the past ten years have averaged $711,930,000 a year, and of this sum less than 3 per cent has been expended on river and harbor improvements. Is this not a pitiful showing, considering the great importance of the subject? We receive practically all our revenues from commercial transactions, and yet to develop our remarkable commerce, which makes us the wonder of the world and which gives every year a balance of trade in our favor of half a billion dollars, we receive only this small sum, a fraction over $20,000,000—less than 3 per cent of the whole—for improving transportation throughout the length and breadth of our great country. Is this fair, Mr. Speaker? Is it treating our navigation interests right? You give to war and pensions—the reward of war—over $286,000,000 a year; over 40 per cent of our total appropriations; and for improving our waterways only a little over $20,000,000 a year—less than 3 per cent. Think of this, my countrymen, and let your voice be heard in loud and strong tones demanding a change. Do not be bashful, but ask what you need and must have. Insist that river and harbor bills be placed on a par with other great bills and adopted annually. Insist that instead of twenty they carry at least fifty millions a year.

Mr. Speaker, I do not believe your party is giving to our waterways that "square deal" which is so dear to our President, Mr. Roosevelt; and if your policy is not changed materially you will hear from the American people in tones you can never misunderstand.

I am happy to say, sir, that my party is committed to a broad and liberal policy in this respect. The national Democratic platform of 1904 says:

> We favor liberal appropriations for the improvement of the waterways of the country. * * * We oppose the Republican policy of starving home development in order to feed the greed for conquest and the appetite for national prestige and display of strength.

Let us follow that platform. Let us have a river and harbor bill every year, and let it carry at least $50,000,000 a year. If we do that, our waterways will soon be in a higher state of development than those of our German and French neighbors, and the rate question will be forgotten. [Loud applause.]

Mr. DAVIDSON. Will the gentleman from Mississippi use some of his time?

Mr. WILLIAMS. Mr. Speaker, I yield twenty minutes, or such portion of that time as he may desire, to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, it is true that the Democratic party inserted in its platform the section read by the gentleman from Louisiana [Mr. RANSDELL], but it did not insert in its platform a provision to turn over the toll-making and rate-fixing power of the Government to private corporations created by Congress. He is willing to wave aside fundamental principles, the traditions of our Government, and the Constitution of the United States to construct this canal, because, he says, it is a good business proposition. Mr. Speaker, I am not willing to go that far. I rise not for the purpose of opposing the construction of this important canal, but for the purpose of opposing the granting of a charter by Congress for that purpose. This bill is no less than a monstrous proposition. It goes further than Congress has ever gone in granting charters to corporations. In its first section it grants certain powers and then all other powers granted to corporations in the United States. The power to construct not only a canal, but to construct a railway, to run a bank, to buy land, to borrow and loan money, to erect elevators, factories, and warehouses, to run a wholesale business—any power that is given to corporations in the United States in any State of this Union. The first section of the bill is as broad as language can make it, and there is nothing in it limiting the power of this corporation. Let us see how far Congress can go in granting charters to corporations. In the early days of our Government there was an act of Congress authorizing the charter of a United States bank. This was done in aid of executing the fiscal affairs of the Government.

Again, in 1862 the Government of the United States chartered a railway corporation to construct a railway across the continent to the Pacific Ocean. In the very caption of that bill you find language denoting that the railway is to be constructed for the purpose of a post-road and post-route and as a military highway necessary for the purposes of the Government. Here we are confronted with a proposition not to establish a post-road, not to establish a United States bank to aid in executing the fiscal affairs of the Government, but with the broad proposition to create a private corporation to regulate the interstate commerce of this country. The Supreme Court has never yet gone to the extent of recognizing such power. It has never gone beyond the declaration that Congress has the power to create such a corporation as is "necessary and proper" in executing some power expressly granted by the Constitution. Where is the necessity for incorporating this canal company to execute some power expressly granted? Mr. Speaker, the question of authorizing Congress to charter corporations arose in the Constitutional Convention. That power was proposed as a part of the Constitution, and the delegates to the Constitutional Convention voted it down. Let me read my authority for the declaration. Judge Story on the Constitution thus presents the point:

> Thus it was proposed in the convention to give a general power "to grant charters of incorporation," to "grant charters of incorporation in cases where the public good may require them and the authority of a single State may be incompetent," and "to grant letters of incorporation for canals."

A power proposed identical with the one in this case. This proposition made in the Constitutional Convention was rejected by the delegates, and they refused to confer the identical power which we are undertaking to exercise here to-day upon the Government of the United States. It has never been insisted upon before. No judge on the Supreme Bench has ever suggested going to such length as granting charters to private corporations for the mere purpose of giving them corporate life. Again, Judge Story says:

> In the convention two propositions were made and referred to a committee at the same time with the propositions already stated respecting granting of charters—"to dispose of the unappropriated lands of the United States" and "to institute temporary governments for new States arising therein." Both these propositions shared the same fate as those respecting charters of incorporation.

So, Mr. Speaker, it was proposed by the framers of the Constitution to give such power to Congress, and the delegates refused to confer it upon the National Government.

Here in the face of that fact we are to-day conferring upon these individuals the very powers that were refused to be given to Congress when the Constitution was framed.

Mr. GAINES of Tennessee. Mr. Speaker, I want to ask my friend a question.

Mr. HENRY of Texas. Yes; I yield just for a moment.

Mr. GAINES of Tennessee. Was that question voted down after the convention had framed the commerce clause of the Constitution?

Mr. HENRY of Texas. I have not investigated that point, but it was voted down promptly when it was proposed.

Mr. GAINES of Tennessee. I am familiar with that proposition, but with the other I am not. Now, will the gentleman tell me the difference between the Government building a railroad and building a canal, and then answer this question? I notice that the gentleman calls this a private corporation.

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. No; it is not private in the sense that it is a mercantile firm. It is to be controlled as to rates by the Interstate Commerce Commission. It is to make certain tolls and is to be supervised by this Commission. Does not that make it, in one sense, a public corporation?

Mr. HENRY of Texas. It is a private corporation, because powers are conferred upon certain individuals, not only to construct this canal, but to do a mercantile business or any other business they see proper.

Mr. GAINES of Tennessee. I want to get the gentleman's definition of what a private corporation is and what a public corporation is.

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. The gentleman says that this is a private corporation?

Mr. HENRY of Texas. This is a private corporation, because these individuals, after they incorporate and begin the work, must operate it, and have the right as private incorporators to sell this canal, and there is no restriction. A city municipality is an example of a public corporation.

Mr. GAINES of Tennessee. Is it not public to the extent that the Government would have the right to control the tolls and the public use it?

Mr. HENRY of Texas. It would be endowed with certain public uses. But I say there is nothing in it anywhere limiting the tolls that shall be charged by this company.

Mr. GAINES of Tennessee. Is it not as public as a railroad?

Mr. HENRY of Texas. As public as a railroad? Yes; but the railroads incorporated by the Government were private corporations in a strictly legal sense.

Mr. GAINES of Tennessee. Yes. Is not this canal to be as public as a railroad?

Mr. HENRY of Texas. I think not. Because it has many powers conferred upon it not conferred upon a railroad.

Mr. GAINES of Tennessee. Is it not to be a public thoroughfare, and is it not to be controlled by the Government? I do not want to interrupt the gentleman, but I wanted to get his idea in regard to this.

Mr. HENRY of Texas. It is a public carrier, and I maintain that under its terms it will not be subject to the control of the Government as the gentleman thinks.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes; for a question.

Mr. OLMSTED. I want to ask the gentleman if the Texas and Pacific Railroad, by which his own State was developed, was not chartered by act of Congress?

Mr. HENRY of Texas. It certainly was.

Mr. OLMSTED. Does the gentleman maintain that it was unconstitutional?

Mr. HENRY of Texas. I do not say that it was, because it was a military highway, post-road, and post route, and put upon those grounds.

Mr. OLMSTED. Section 18 of this bill makes this canal a military and post route just as much as the Texas and Pacific Railway was.

Mr. HENRY of Texas. I understand it makes it a military highway and post route, but many other powers are conferred upon it that were not conferred upon the Texas and Pacific Railway, and have never been conferred upon corporations by Congress.

Mr. OLMSTED. But the Government is not giving any land for the construction of this canal, as it did for the Texas and Pacific Railway.

Mr. HENRY of Texas. The State of Texas also gave a lot of land for that project. But that does not affect the constitutionality, wisdom, or policy of the act.

Mr. SHERLEY. I would suggest to the gentleman that we hope if this bill becomes a law we will not have the scandal that grew out of some of the Pacific railroads.

Mr. DAVIDSON. Is the gentleman familiar with the decision in the North River Bridge Company case, where it is expressly held that Congress had a right to grant a right of this kind?

Mr. HENRY of Texas. I have that case before me, reported in 153 United States, and the only thing that it decides is that Congress has the power to grant to a corporation the right to construct a bridge across a navigable stream incidental to the interstate-commerce clause of the Constitution, and that is the only power that it bases the decision upon. That is the only authority the gentleman can find for this bill; and it does not justify him in the contention that this act is constitutional.

The decision referred to only confirmed the power of Congress to authorize the construction of a bridge across a navigable river, and went not a whit further.

The bill goes far beyond that. That act authorized the construction of a bridge across North River from New Jersey to New York, and that is all there was to it.

Mr. DAVIDSON. Was not that an act granting the construction in the interest of interstate commerce of a bridge extending from one State to another, and does not this waterway extend from one State to another, and would it not necessarily, therefore, be in the interest of interstate commerce?

Mr. HENRY of Texas. Yes; that case was put upon such ground as I said. Now, let me show you what this bill contains. Let me call the attention of gentlemen to provisions of this act, as I fear that many have not read it. It expressly authorizes this corporation not only to cross the navigable streams, but to march across State lines, go into States, and to dry up the waterways, the domestic waterways that are not navigable streams, drain the lakes and bays in these two States, and to appropriate them, and to destroy the brooks and ponds in either of the States mentioned. Section 11 reads as follows:

SEC. 11. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals and other works of the company hereby authorized, and it shall have the authority to alter any and all highways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals and other works of the company, and whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other works can not agree as to the character—

Then they can proceed to condemn any land or property. Reading on from section 11 into section 12 we find:

SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may obtain, take, and use for the construction and operation of the said canal from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs—

It ought to have included standpipes and hydrants. They are the only receptacles of water left out—

and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals and works hereby authorized.

Why, Mr. Speaker, heretofore, whenever Congress has gone into a State and purchased real estate for any purpose for a custom-house building or for a public building of any sort, we have been required to do it with the permission of the State; and the legislature of the State has been called upon to give jurisdiction over that territory and authority for the sale of the land. Yet under this bill this corporation is authorized to proceed within the limits of the State and take the streams and the lakes and the waterways, real estate wherever it chooses, and appropriate it to its own use without even asking the State for permission.

Mr. MACON. Will the gentleman allow me to ask him a question?

Mr. HENRY of Texas. Certainly.

Mr. MACON. Are either of the States through which this canal is to be cut objecting to this proposition?

Mr. HENRY of Texas. I do not know whether they object to it or not. I say that the thing to do is to send this corporation to the legislatures of these States and let us see whether they object to it by their act of granting or not granting this charter.

Mr. MACON. Are not the Representatives of those States upon this floor voicing the wishes of the affected States upon that question?

Mr. HENRY of Texas. They voice the sentiment of their Congressional districts, but they do not voice the sentiment of the legislative action of those States, and it can not be done in this way. Heretofore, whenever permission of a State has been required for an act of this sort, the corporations have been required to go to the legislature and get the solemn enactment of that body.

Mr. MACON. Mr. Speaker, I have not heard a single Representative of the State of Ohio or the State of Pennsylvania, the two States through which the canal is to be cut, objecting to the passage of this bill.

Mr. HENRY of Texas. I will suggest to the gentleman that this is a matter for the legislatures of the States to determine.

Mr. MACON. Does the gentleman think, with the great number of Representatives from Pennsylvania and Ohio, they would remain silent and not object if against their will a proposition of this character was being attempted to be put through their State?

Mr. HENRY of Texas. The trouble with a great many gentlemen from those States is that they do not object to this high protective tariff and other kindred evils like that, and if the gentleman is going to follow them I suggest that he follow them in those matters.

Mr. MACON. Mr. Speaker, that affects the citizens of the United States. This particular project does not affect anybody except the citizens of the States through which this canal will run, unless it benefits the people elsewhere by giving them cheaper transportation.

Mr. HENRY of Texas. This affects all the people of the United States, for when you overturn the traditions of the Government and the fundamental laws of the land you do injury to every citizen in this broad Republic.

Mr. MACON. Is this enactment against the law of the land or the Constitution of the United States?

Mr. HENRY of Texas. I should like to ask the gentleman a question. Does he think that the turning over of the river-and-harbor functions of this Government to this corporation is a local question or a national question?

Mr. MACON. I wish they would turn it over to the State of Arkansas. I think it could handle it with a great deal of satisfaction and with much benefit to the people that honor it with their citizenship.

Mr. HENRY of Texas. But I apprehend that the gentleman would desire them to turn over a lot of money in addition to the power.

Mr. MACON. Of course, because we should like to see the development of rivers and canals to open up a waterway leading from the Great Lakes to the Gulf of Mexico, because it would give better and cheaper transportation. I do not see how anybody can object to anything like that.

Mr. HENRY of Texas. I suppose, then, the gentleman would turn over the Mississippi River and all the other arteries of commerce to a corporation, even if it cut through the Constitution of the United States?

Mr. MACON. No, sir; I just asked the gentleman if this was a violation of the Constitution. If it is a violation of the Constitution, then the courts will certainly call a halt upon it.

Mr. HENRY of Texas. Mr. Speaker, I decline to yield further. I think I have made it clear to almost everyone else around me that it does violate the Constitution of the United States, and if the gentleman will take the pains to read my speech to-morrow I think he will agree with me then.

Mr. MACON. Then no harm will come from it, because if what the gentleman says is true the canal can not be built.

Mr. HENRY of Texas. With all due respect to the gentleman, that point is almost absurd.

Mr. MACON. In the gentleman's estimation, but I do not think it is in the estimation of the courts or to intelligent gentlemen upon this floor.

Mr. HENRY of Texas. The point really seems too plain to me for argument.

Mr. GAINES of Tennessee. I have here Story on the Constitution. I want to hear the gentleman from Texas on this law point and on that section of the bill. Now, here is what Judge Story says:

Congress may therefore authorize the making of a canal as an incident to the power to regulate commerce, where such canal may facilitate the intercourse between State and State.

That is from the same book which the gentleman read from a few moments ago.

Mr. HENRY of Texas. Yes; but does it say that Congress may organize a corporation like this?

Mr. GAINES of Tennessee. May authorize it.

Mr. HENRY of Texas. May authorize a canal—yes, it can do that.

Mr. GAINES of Tennessee. We have built public roads—the Cumberland road—and we have built military roads, and we have built a great many governmental things. The regulation of Federal commerce is a great Federal function, and it can be done by building canals, improving rivers, and so forth. Now, the gentleman is a good lawyer, and hence I am asking him this question: Where does he get the law to deny the power of Congress to issue this charter to build this canal to facilitate commerce between the Lakes and the Ohio River?

Mr. HENRY of Texas. If the gentleman will be patient and listen to me, I think I will demonstrate that to him, because I think he is a good lawyer. We are in this bill exercising the broad power of creating corporations regardless of carrying out any provision of the Constitution, express or implied.

In the case of McCulloch against Maryland, in a luminous opinion, Chief Justice Marshall clearly lays down that the power of establishing a corporation is not a distinct and substantive power, but only the means of carrying into effect other powers which are substantive, whenever it becomes an appropriate means of exercising any of the powers given by the Constitution that may be exercised by the Government. Whenever it be-

comes an appropriate means of exercising any power of the Government then the authority may be exercised, and only then. The court has never gone further. Now, let me ask the gentleman this question: Where is the construction of this canal or the organization of this corporation an appropriate means of exercising any power of government?

Mr. GAINES of Tennessee. I will answer the gentleman the best I can. The Federal Government can build this canal, and we are building one in Panama now. And instead of the Federal Government undertaking to take the people's money and build it—a canal—in this case we give the right to certain individuals, and incorporate those individuals under a certain chartered name, and these private parties take their money and build it. We simply delegate the Federal authority to do what the Government itself can do.

Mr. HENRY of Texas. If you put it upon that ground, under the power of interstate commerce, that Congress ought to take charge of this canal and build it and appropriate the money, I agree that we have a warrant to do it, and I do not know but what I would vote for that sort of a measure; but I am standing here to-day declaiming against creating a corporation and endowing them with the power of fixing tolls and controlling the commerce of this country and against abdicating the functions of this Government in that regard, when it is not necessary and proper as a means of exercising some function of government. We are embarking in the corporation-creating business.

Mr. GAINES of Tennessee. Do not we do that in the case of railroads and are we not trying to regulate those railroads now? Here is a canal built for the same purpose as the railroads, which the Federal Commission can fix rates for by this bill.

Mr. HENRY of Texas. Yes; and we have been struggling for years to regulate the railroads and we have failed, and that is one of the reasons why I say this bill should not be passed. However, the railroad corporations were not created as a means of executing in interstate-commerce clause, but as post routes and military necessities.

Mr. GAINES of Tennessee. But are we to lose the benefit of this canal simply because we have not been able up to this time to regulate the railroads? Are we going to lose the benefit of the canal because it might get into the hands of bad men?

Mr. HENRY of Texas. We will deny it under the powers given in this bill. Let the States authorize it; Congress should remain out of the corporation business. Let me touch on a few more features of the bill, and I shall have to decline to yield further.

The language creating this corporation confers tremendous powers upon private individuals, and yet there is not one word of limitation in it prohibiting them from selling the canal and all their rights and franchises to one of the great railways of this country this very afternoon or to-morrow or any other time. There is no restriction upon it. They can begin their work; they can organize after so much money has been paid in, and then they can transfer this canal to any railroad corporation in the country or they can build it and then close it, not even being required to operate it.

There is nothing in it to prevent the canal company from selling its property and franchises to a parallel and competing company if they desire. The chief objection I have to it is that it turns over this great power of interstate commerce to a corporation as an agent of the Government, and authorizes that corporation to regulate interstate commerce without fixing any limitation upon the charges, except those that are fixed by the corporation itself. It farms out governmental functions that should be left with Congress and preserved to the people.

To demonstrate that read the language of the bill as contained in section 17. Some gentleman has said that this corporation is restricted to "reasonable charges" for carrying commerce over its bosom. I deny emphatically, and say that it is not restricted to "reasonable charges" except in so far as it shall say itself that those charges are reasonable. Here is the language of section 17:

> That the said company may demand, take, and recover for its own proper use, for all persons and things of whatsoever description transported upon the said canals and works, or in vessels and craft using the same, such reasonable charges or tolls as may by its by-laws be determined.

"Such reasonable charges or tolls as may be determined by such corporation;" not reasonable charges and tolls as prescribed by the State legislature, as prescribed by Congress, but such reasonable charges as the corporation itself shall fix and determine shall be charged on the canal under its by-laws.

Mr. PALMER. Will the gentleman allow me?

Mr. HENRY of Texas. A question.

Mr. PALMER. If the charges are reasonable, what difference does it make whether they are fixed by the company or by the United States or the State legislature?

Mr. HENRY of Texas. The language does not presuppose that they will be reasonable, but says that if the company shall designate them to be reasonable they shall be accepted as reasonable.

Mr. PALMER. Does the gentleman think that would be conclusive—because the company fixed it?

Mr. HENRY of Texas. As far as the power of Congress or the legislature is concerned, they might fix an unreasonable charge and call it reasonable under their by-laws, and there would be no power to reach them in the Government—State or Federal.

Mr. PALMER. Is not the Interstate Commerce Commission authorized to supervise the reasonableness of the charge?

Mr. HENRY of Texas. I say not. I have read that language, and it simply places the canal in general language under the Interstate Commerce Commission, but does not authorize that body to fix the charges on the canal. This very section here would control and leave it absolutely with the corporation itself to say what charges are reasonable.

Mr. PALMER. For what purpose is it put under the control of the Interstate Commerce Commission, if not to fix the reasonableness of the charge?

Mr. HENRY of Texas. Oh, for various purposes—to make reports, to publish rates, and a number of things of that sort. This bill authorizes them to "change" their rates, not to raise them or to lower them, but to "change" them, and all in the world the Interstate Commerce Commission can do is to waive the thirty days' time when they want to "change" the rates.

Mr. BOWIE. Will the gentleman allow me a question?

Mr. HENRY of Texas. Yes.

Mr. BOWIE. Can not the bill be amended so as to meet the objection stated by the gentleman from Texas?

Mr. HENRY of Texas. About the only way it could be amended would be to send it to the State legislature and let them authorize the incorporation of this company. Congress ought not to go into the business of granting charters to such corporations as this. We have never done it except in the two notable instances of the creation of the Bank of the United States and the great military highways and post routes that have crossed this country from one ocean to the other. We have never gone one step beyond that in granting the authority of the Government.

No, this bill can not be amended so as to commend itself to me; it can not be so amended as to commend itself to any Democrat or any gentleman who still believes in the efficiency of the Constitution, who believes in the traditions of our fathers, and in adhering to what was enacted in the Constitutional Convention on this identical question. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I appreciate the fact that this bill is reported by the Committee on Railways and Canals, and I especially appreciate the feelings of my valued friend, the chairman, concerning it, but I am free to say that I can not vote for this measure as it now stands. It must be amended, very thoroughly amended, before I would feel justified in giving it my vote.

I call the attention of the House to the language of the first section, defining the powers of the proposed corporation. Under this section this corporation is granted power not only to dig and operate a canal, but also to engage in any other business. Nowhere is there any requirement that the land or other property it may acquire shall be only such as may be necessary for constructing and operating a canal. It can—

> make and use a common seal, receive and acquire, by purchase or otherwise, real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America.

Thus far this section gives the proposed corporation full power to engage in any sort of business—merchandising, mining, or manufacturing—and the remaining words of the section do not diminish this power, the remaining words being simply "and especially full powers to carry out the purposes of this act."

In addition to the power given by the first section of the bill, the second section gives the corporation the power also of eminent domain, so that this corporation, under the language of these two sections, would have the right not only to construct the canal, but also to build elevators, warehouses, or any other structures and to engage in any business in which it may please to engage. This view is strengthened by a reading of section 13. In that section it is provided that—

> The said company may construct, maintain, acquire, operate, and lease, or otherwise dispose of the terminals, docks, harbors, piers,

wharves, elevators, warehouses and appurtenances, and telegraph and telephone lines along the said canals that may be necessary or useful in the construction, operation, and the maintenance thereof, etc.

The elevators, warehouses, etc., need not be "necessary;" it is sufficient if they be simply "useful."

The company may also—

develop, acquire, use, and dispose of any motive power whatsoever in connection with or as part of the works herein authorized.

Mr. HINSHAW. Mr. Speaker, would not that be confined under the terms of the act to all the appurtenances necessary in the carrying on of the canal work, and disposal of any of those things would be wholly that which they had acquired in connection with the work itself?

Mr. COOPER of Wisconsin. Mr. Speaker, I do not know of any statute of the United States or of any provision of the Constitution of the United States which would put an implied construction upon the general language of the first section so as to limit the proposed corporation in its purchases and use of land and other property to the purposes for which the corporation is to be organized, to wit, the construction and maintenance of a canal. The first section allows them to engage in any business that they please.

Section 14 provides that—

The said company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road—

What beach road is this? Does not the legislature of Ohio or the legislature of Pennsylvania know better what beach road is to be interfered with here than we do, who know absolutely nothing about the physical characteristics of the territory in question? The company may also take, use, occupy, and hold so much of the—

lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds on or at which the said canals may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, or other works of the company, etc.

Under this clause they can take all of the available harbor lands on Lake Erie, which the canal "starts from," and also all the available lands at the other end where it "terminates." They can take all harbor facilities, erect elevators and warehouses, buildings, or "other works"—do as they please. "Or other works of the company." What are the "other works" of this supposed canal company to be?

Mr. Speaker, notwithstanding what has been said here about the bill giving power to the Interstate Commerce Commission to fix rates and charges on the proposed canal, it is my judgment that the bill does not confer authority upon any tribunal to regulate the rates and fares on interstate traffic. Section 17 provides that the company may demand and collect reasonable charges without discrimination between shippers, and then contains this proviso:

Provided, That the Interstate Commerce Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified [which in this section is thirty days] or modify the foregoing requirements in respect to publishing and posting of such schedules.

This section 17 is the particular and only section of the bill which relates specifically to charges and fares, and the proviso simply empowers the Interstate Commerce Commission to modify the foregoing requirements, but only "in respect to publishing and posting of schedules." Nowhere does this section expressly or impliedly confer authority upon the Commission to fix rates on the canal.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I yield the gentleman two minutes more.

Mr. COOPER of Wisconsin. Mr. Speaker, section 9 provides that the said company shall be subject to the control of the Interstate Commerce Commission "the same as if it was a railroad corporation and shall make such sworn statements and reports as may be required by the said Commission." Well, to-day the law is that the Interstate Commerce Commission can not control rates or railroads. Are we to guess that the law is to be changed? We are guessing or propose to guess by this bill that another law will hereafter be enacted which will confer jurisdiction on the Interstate Commerce Commission to regulate rates on railroads, and that then the Commission will thereby have power also to fix rates on this canal. Saying that the "company" shall be subject to the control of the Interstate Commerce Commission, and that it shall make such "sworn statements and reports as may be required by the Commission," is not saying that the Commission shall have authority to regulate rates and charges. Taking the two sections together as they now stand there is no power whatever proposed to be given to the Interstate Commerce Commission to regulate the rates and fares upon this canal. [Applause.]

Mr. WILLIAMS. Mr. Speaker, how much time has each side left?

The SPEAKER. Twenty-three minutes.

Mr. WILLIAMS. How much has the other side?

The SPEAKER. Twelve minutes.

Mr. WILLIAMS. Could not the gentleman from Pennsylvania [Mr. DALZELL] occupy part of the time now and close the case for the affirmative?

Mr. DAVIDSON. I think we are entitled to close.

Mr. DALZELL. I think the gentleman from Mississippi must be joking.

Mr. WILLIAMS. I think it a case of both "closing and disclosing." I want the case for the affirmative disclosed if possible. Mr. Speaker, the other day I spent some time trying to the best of my ability to disclose the remarkable powers furnished by this charter to this corporation. I shall not dwell upon that subject any more. I shall devote myself now to the fundamental principles involved in this sort of legislation. My friend the gentleman from Louisiana [Mr. RANSDELL] a moment ago quoted me as having said that this measure was a nonpartisan question, and it is a nonpartisan question. I am not appealing to a single man on this side of this Chamber to vote for or against this bill because of political reasons. I have been trying to appeal to Members on the other side of the Chamber to vote upon this bill for nonpolitical reasons. I did try to get them to forget that the humble individual who happened to oppose this bill happened at the same time to be the leader of the minority in this House. I would scorn to put this bill upon the footing of a partisan or political question. It amounts to something higher than that. It amounts to a question of an attack upon the fundamental principles of right government, and it ought to surpass all partisanship in the world.

The gentleman from Wisconsin [Mr. DAVIDSON], who is always clear and always courteous, has shown in his usual manner the importance of this scheme. Its very importance rings an accusation against the bill damning in its character. It is so important that it is a national and governmental affair, and is not an affair to be carried out by a private corporation for its own profit. Why, Mr. Speaker, on this side of the Chamber this morning a friend of mine said: "John, what is your opposition to this bill? They are going to do it for nothing. It is not going to cost the Government of the United States a cent." Oh, my friends, whenever Pittsburg does anything for nothing let me know and let me know all about it right early in the morning. [Laughter.] And whenever a private corporation organizes itself with immense capital and wants to do something for nothing I want to ask the question, first, "Will it cost the Government anything?" That is a little bit of a question, and after I get through with that I want to ask, "Will it cost the people anything?" And that is a great big question. I dare say there is not a man on either side of this Chamber fool enough to think there can be organized in the district of my friend [Mr. DALZELL] of Pennsylvania a corporation to carry on a canal or other business for purely philanthropic and altruistic purposes, especially if it be the business of digging a canal to compete with a railroad ready and able to buy the canal out. I dare say there is not a man on this floor who does not know at the bottom of his heart that if this charter was put up for sale to-day it would be worth four or five million dollars in the market to the men who are going to undertake the project, whether for the purpose of digging a canal and working it and charging tolls upon it at the highest possible legal rate, or for the purpose of leasing the canal afterwards to a railroad or for the purpose of selling the canal afterwards to the Pennsylvania, the Baltimore and Ohio, or any of the other cognate railroads that are interested in transportation down that valley. So that the very reason I am opposed to the bill is the immense importance of the canal both to the lower Mississippi Valley and the upper lakes of the country. It is so important that it ought to be executed by the Government.

Gentlemen must not forget that in the early history of this country we went both as State governments and as a National Government into the canal-building business, and gentlemen must not forget there is not a single solitary one of those private or company canals left to-day that is not under railroad ownership.

Not one. The Chesapeake and Ohio has gone. The old Delaware Canal has gone. There is only one left that is not under railroad ownership and that is the Erie Canal system in the State of New York, and the only reason why it is left is because the people of the State of New York chose rather to make it free and to pay out of the State treasury every dollar for its construction without charging back to commerce or the people one cent of dividend or interest on the original cost. And even in the early history of the Erie Canal they charged no more than was necessary for maintenance and equipment. Now they charge nothing at all. The people of New York have taxed